



Business Paper Ordinary Meeting

Venue: **Administrative Headquarters
Civic Place
Katoomba**

Meeting: **7.30pm 30 January, 2018**



ORDINARY MEETING

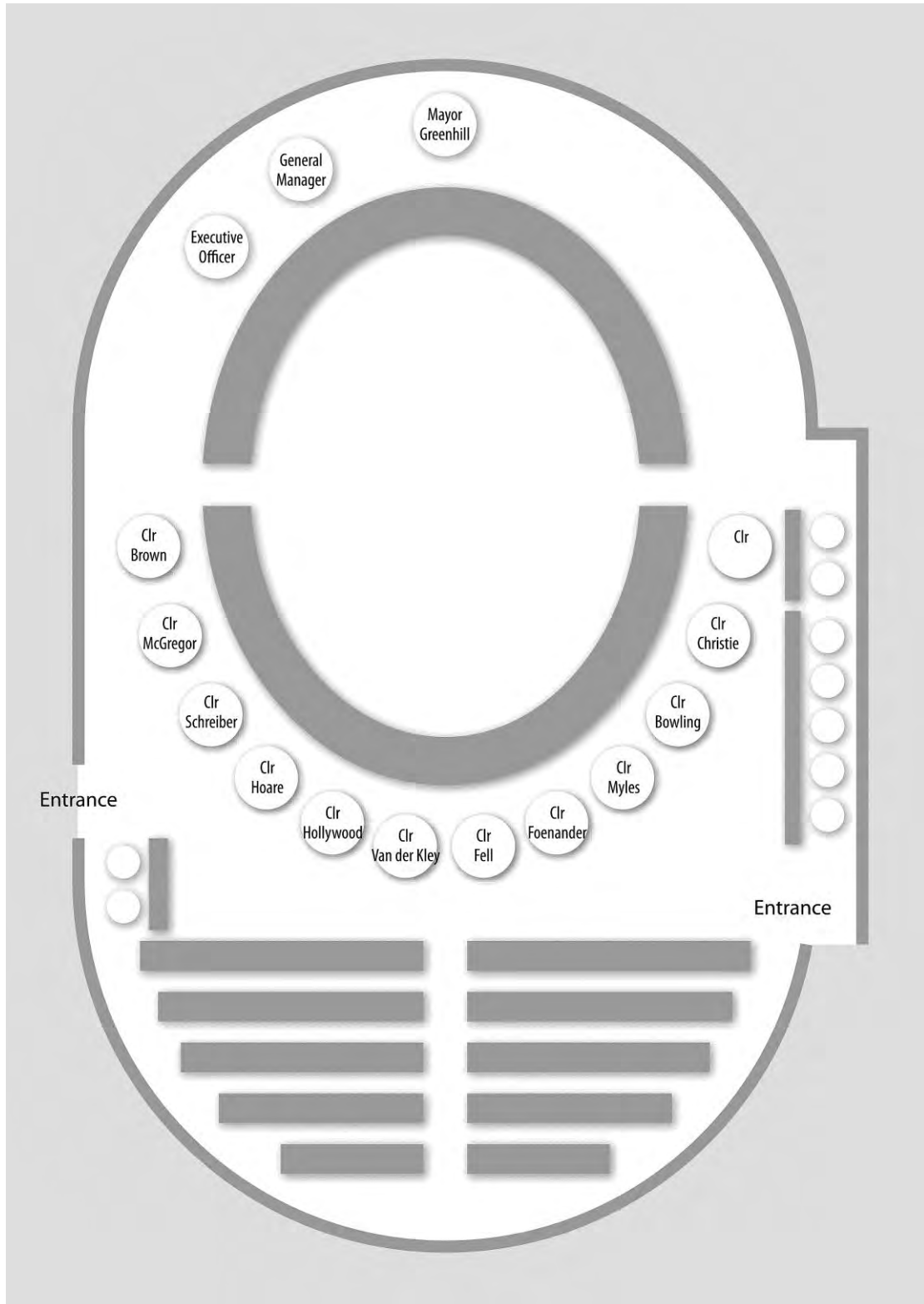
30 JANUARY 2018

AGENDA

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THE COUNCIL MEETING

Blue Mountains City Council meetings are conducted in accordance with Council's adopted Code of Meeting Practice. This Code is available via the Council website, from Council offices and in Council meetings.

<http://www.bmcc.nsw.gov.au/yourcouncil/councilmeetings>

Councillor Seating Map

While the Councillor and Senior Staff seating map indicates the seating arrangement in most Council meetings, occasionally the seating may change based on the change to the venue or content experts.

Business Papers and Minutes

Before each Council meeting, a Business Paper is prepared detailing the items that are to be presented to the Council meeting. Readers should be aware that the Recommendations and Notices of Motion as set out in the Council Business Paper are simply proposals to the Council for its consideration.

The Council may adopt these proposals, amend the proposals, determine a completely different course of action, or it may decline to pursue any course of action. The decision of the Council becomes a resolution of the Council and is recorded in the Council Minutes. Readers are referred to this separate document.

The Council Business Paper and the Council Minutes are linked by the common Item Numbers and Titles. Minutes from the meeting are confirmed at the following meeting, until then they are presented as draft unconfirmed minutes.

To Register to Speak at a Council Meeting

Members of the public are welcome to address the Council on any items of business in the Business Paper other than:

- Unconfirmed Minutes;
- Minutes by the Mayor;
- Rescission Motions;
- Councillor Reports;
- Questions with Notice;
- Responses to Questions without Notice;
- Responses to Questions with Notice;
- Notices of Motion (including Rescission Motions)
- the Précis of Correspondence; and
- Matters of Urgency.

To address the meeting a speaker's registration form must be completed at the speaker's registration desk on the night of the Council meeting. To pre-register, the speaker's registration form must be emailed no later than 4pm on the day of the meeting to council@bmcc.nsw.gov.au.

DEVELOPMENT APPLICATIONS – MATTERS FOR CONSIDERATION

When determining a development application the Council is required to take certain matters into consideration. These must be relevant to the development application under consideration. These considerations are detailed under s. 79C (1) (Matters for consideration – general) of the Environmental Planning and Assessment Act 1979 and are reproduced below:

79C Evaluation

(1) Matters for consideration—general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

(a) the provisions of:

- (i) any environmental planning instrument, and
- (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
- (iii) any development control plan, and
- (iii) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and
- (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
- (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),

that apply to the land to which the development application relates,

- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- (c) the suitability of the site for the development,
- (d) any submissions made in accordance with this Act or the regulations,
- (e) the public interest.

REPORTS BY GENERAL MANAGER

ITEM NO: 1

SUBJECT: ADDRESSING ASBESTOS MANAGEMENT AND OTHER IDENTIFIED
CHALLENGES: ORGANISATIONAL PERFORMANCE REVIEW AND
IMPROVEMENT PLAN 2018

FILE NO: F11240 - 18/4128

Delivery Program Link

Principal Activity: Civic Leadership

Service: Corporate Planning and Reporting

Recommendations:

1. *That the Council approves the recruitment of a Chief Safety Officer position on a two year term contract basis, to coordinate the Council's asbestos management response and the implementation of a quality 'whole of organisation' safety management system;*
 2. *That in line with the existing BMCC Safety Improvement Project, the Council commits the organisation to implementing the AS/NZS 4801 (or any revision to that standard that results from it being superseded by ISO 45001) Safety Management System over the next two years;*
 3. *That the Council continues to strengthen its overall asbestos management skills, capabilities and performance, through staff training, use of external expertise as required and ongoing resourcing and skilling-up of staff working in the Asbestos Management Taskforce;*
 4. *That the Council endorses implementation of an organisational performance review in 2018, led by the General Manager, in close collaboration with staff, councillors, unions and other key stakeholders, to inform development of a Blue Mountains City Council improvement strategy and action plan;*
 5. *That the Council endorses in principle the proposed general approach to the organisational performance review including:*
 - a. *A staged process over a period of 4-6 months focusing on:*
 - i. *Where are we now as an organisation? An initial scoping stage to hear from all staff and other key stakeholders to identify key performance issues and current state of the organisation;*
 - ii. *Where do we want to be? A strategising stage confirming key improvement areas and setting strategic direction for the future in consultation with staff and key stakeholders; and*
 - iii. *How will we get there? An action plan development stage.*
 - b. *A consultative process with all staff and key stakeholders including Councillors, the community, unions and the Office of Local Government;*
 - c. *Targeted use of external expertise, as identified by the General Manager as being required, to support implementation of the review in its different stages; and*
 - d. *Use of the Local Government Business Excellence Framework or a similar framework for reviewing and benchmarking performance of the organisation in key areas;*
 6. *That the Council notes the proposed participation of Councillors and the BMCC Management Team in a series of strategic workshops, commencing in March 2018, to provide input into the review relative to each of its stages;*
-

Report by General Manager**Reason for report**

At the Extraordinary Meeting held on 11 January 2018 the Council resolved (in part) the following recommendation;

“3. That the Council receives a report from the General Manager, at the next Ordinary Council Meeting, on proposed action to ensure the Council is well-positioned to respond to the outcomes of the asbestos management investigations and to other associated organisational matters that have been identified over the last few months, including workplace culture and safety, people management practices, working relations and business processes between different parts of the organisation.”

[Minute No. 3]

This report responds to this resolution through recommending a range of actions to ensure the Council is well positioned to not only respond to the Performance Improvement Order, but also address other identified organisational issues requiring action. These actions include a sustained and targeted response to strengthening asbestos management and safety as well as implementation of a “whole of Council” operational performance review and improvement plan in 2018.

Background**Summary of Current Challenges**

Over the past few months the Council has faced significant challenges and intense media, political, regulatory and community scrutiny, arising from serious allegations related to the organisation’s management of asbestos, and to a range of other matters including workplace safety and culture, staff recruitment practices and working relations between different parts of the organisation.

The Council has acted swiftly to address allegations related to asbestos management and staff recruitment practices, through initiating two independent investigations that are currently underway. In addition, the Council has worked cooperatively with the Office of Local Government and with SafeWork NSW and the Environmental Protection Authority on site specific asbestos management investigations.

Asbestos Management Action

As detailed in the Council’s submission to the Minister of Local Government, since 2012 the Council has been actively working on improving its asbestos management, including significant diversion of resources to address the management of asbestos on public and private property, arising from the impact of the October 2013 bushfires. Between 2014 to 2016 work occurred on the Council’s asbestos management registers and on the auditing of council facilities.

More recently, from May 2017 the Council significantly increased resourcing for asbestos management leading to a step change in Council’s approach to managing asbestos. This included establishment of an asbestos management staff working group, review of Asbestos Registers, engagement of Centium in May 2017 to assist the Council in developing its Asbestos Management Plan and establishment of an Asbestos Management Project Team in June 2017, to oversee completion of the Asbestos document suite - comprising of the Asbestos Management Policy, Asbestos Management Plan and required Safe Operating Procedures.

Other action taken by the Council since November 2017 to address required asbestos management has included:

- Engagement of a temporary Chief Safety Officer for a three month period with extensive expertise in asbestos management and workplace safety systems to lead improvement in asbestos and safety management;
- Engagement of other required expertise in asbestos and hazardous material management, to support testing and remediation of sites;
- Establishment of an Asbestos Management Taskforce in November 2017 including an Asbestos Response Team and an Asbestos Project Team;
- Implementation by the Council of an extensive asbestos management site assessment and remediation program across the City focusing on priority identified sites.
- Reallocation of 2017-2018 Asset Works Program funding totaling \$528,200 to make funding available to better and more effectively deal with asbestos and hazardous materials management;
- Allocation by the Mayor and General Manager, under delegated authority in January 2018, of Waste Reserve funds for the required remediation of the Katoomba Waste Management Facility and of Debt Reduction and Risk Reserve funds for the remediation of the Lawson stockpile site.
- Implementation of an extensive staff training program on the Council's Asbestos Management Plan and Safe Operating Procedures and implementation of a series of Tool Box Talks to all Council staff on asbestos management.
- Ongoing work to embed the Asbestos Management Plan and its Safe Operating procedures into normal business practice.

Notice of Intent to Issue Performance Improvement Order

In December 2017 the Minister for Local Government issued a Notice of Intent to suspend the Council as a result of concerns over its asbestos management performance. Following a comprehensive submission from the Council, this notice was subsequently changed to a Notice of Intent to issue the Council with a Performance Improvement Order. The Council's response to this Notice was considered and endorsed at an Extraordinary Meeting held on 11 January 2018 for forwarding to the Minister by 19 January 2018.

The key actions required to improve performance of the Council, as outlined in the notified Performance Improvement Order include:

1. *Council identifies and implements measures that strengthen reporting to the governing body which enables Council to give leadership on implementing all recommendations arising from the independent investigations initiated by Council by resolution on 14 November 2017 and the investigations being undertaken by SafeWork and the EPA.*
2. *Following consideration of the recommendations from the investigations, Council develops improvement plans which include appropriate milestones. In doing so council:*
 - a. *Utilise the services of an appropriately qualified consultant to assist the Council in assessing the adequacy or otherwise of the existing system of internal control and reporting to the governing body.*
 - b. *Provides all necessary resources to ensure the improvement plans are fully implemented.*
 - c. *Require for the next 12 months the General Manager to report in writing to the monthly meeting of Council on progress against the improvement plans*
 - d. *Engage accredited experts to provide training to the governing body on its obligations under work health and safety, and environmental protection legislation.*
3. *Council ensures that there is an adequate mechanism in place which requires the General Manager to take action so that all concerns and incidences of possible*

contravention of relevant Work Health and Safety, and environmental protection legislation are reported immediately to the relevant regulatory agencies.

- 4. The improvement plans must be acceptable to SafeWork NSW and the EPA.*
- 5. Council liaises with SafeWork NSW as to whether or not it would be appropriate in the circumstances for Council to give an "Enforceable Undertaking" regulating Council's ongoing management of asbestos.*
- 6. Councillors undertake training on their role and responsibilities as members of the governing body.*

Report

To ensure the Council is well-positioned to respond to the outcomes of the asbestos management investigations, and of the Performance Improvement Order, it is recommended that the Council takes action in a number of areas, as detailed below.

1. Chief Safety Officer to support asbestos management response as well as implementation of BMCC Safety Management System

In December 2017 a Chief Safety Officer (CSO) was engaged under emergency provisions, on a temporary three month basis, with the primary purpose of:

- a. Leading the organisation's Asbestos Management Improvement Project including establishment and management of the Asbestos Response Team and the implementation of the Asbestos Management Plan.
- b. Coordinating the organisation's response to any Improvement Notices, and to the SafeWork NSW and independent investigation underway.
- c. Working with the organisation's Asbestos Response Group, Project Team, Safety Offices and licensed asbestos contractors to affect timely, compliant and effective response to asbestos incidents.

Reporting to the General Manager, the CSO position has proven to be very effective in leading and strengthening the Council's asbestos management response. The role has taken responsibility for liaising with SafeWork NSW, on required works to address improvement notices. It has also taken responsibility for the establishment of the Asbestos Response Team (ART) and is working to integrate existing safety capability into the overall asbestos management approach. Current work focus also includes embedding the Council's Asbestos Management Plan and Safe Working Procedures into normal everyday business.

The contract of the Chief Safety Officer is due to expire in March 2018. Given this, and to position the Council to successfully implement improvement plans arising from asbestos management investigations, it is recommended that the Council recruit a Chief Safety Officer, on a two year term contract basis, to:

- continue the important work of leading and coordinating the Council's asbestos management response; and
- to oversee and drive implementation of a quality 'whole of organisation' Safety Management System.

2. Whole of Organisation Safety Management System

Asbestos management should form part of overall safety management and safe work practices within the organisation. In support of this, this report recommends the Council commits to implementing the internationally recognized AS/NZS 4801 Safety Management System (soon to be superseded by ISO 45001), over the next two years.

AS/NZS 4801 is the Australian and New Zealand Standard for safety management. Updated in 2001, AS/NZS is an internationally recognized benchmark for assessing Occupational Health and Safety across management systems within organisations, including local

government. In essence, it involves developing a Safety Management System comprised of hazard registers and safe work method statements covering key work activities, developing required policies, procedures, forms and checklists to guide staff through their WHS obligations and provide a means for safety information to be recorded and checked as part of a review and audit process. Once developed, the Safety Management System can then be externally audited on a regular basis for compliance and accreditation with AS/NZS 4801.

The responsibility of management for workplace health and safety has increased with the introduction of the NSW Work Health and Safety Act in 2011. This new legislation has made it increasingly important for organisations, including BMCC, to implement a structured safety management system to ensure compliance with all necessary obligations.

The potential benefits of achieving AS/NZS 4801 certification include encouraging a culture of safety in the workplace, reducing workplace injuries, illness and incidents due to increased control, enhancing the safety of the organisation and demonstrating strong commitment to ongoing improvement of safety performance.

Since 2012 BMCC has been focused on improving its workplace safety and, as shown in the summary of key safety work undertaken to date detailed below, has implemented a range of significant safety initiatives that position the Council to align with AS/NZS 4801.

Summary of key Safety initiatives implemented by the Council since 2012 supporting alignment with AS/NZS 4801

- In April 2012 the Council engaged Willis Australia Ltd to perform a gap analysis on the Council's then occupational health and safety standards against the new WHS Act enacted on 1 January 2012. SafeWork was provided with this analysis which demonstrated compliance for 2012-2013 and the Council's commitment to new legislative obligations.
- This report also identified "Management of Asbestos" as a high risk and recommended that an asbestos survey be conducted of BMCC buildings to inform update of the Asbestos Management Register and the development of the Asset Management Plan.
- Work commenced in 2013 on a survey of Council buildings for Asbestos Containing Materials - AirSafe, an accredited asbestos specialist, was engaged to conduct the review which resulted in Audit Reports on individual buildings informing the Council's Corporate Asbestos Register in March and December 2014 and November 2015.
- In 2015 the Council commissioned an independent review of safety management in Council. Willis Australia was engaged to conduct a review of the Council's Safety Management System from August to October 2015 – this review assessed maturity of the system and established a roadmap for improvement of the existing system towards alignment with the AS/NZS 4801 internationally recognized safety system standard.
- In May 2016 the Council initiated a Safety Improvement Project in recognition of the need to strengthen and realign the existing safety system with the WHS Act.
- In August 2016 the Council established its Peak Safety Steering Group (PSSG) as the principle internal committee for the governance of safety at BMCC with a focus on achieving the broad vision of "Work Safe, Home Safe." The reinvigoration of 'across the organisation' safety consultation included establishment of three staff safety committees and training of additional Health & Safety Representatives and the formalization of safety incident reporting.
- In 2016-2017 Stage One of the Safety Management Improvement Project was implemented involving the revision and creation of a range of safety policy and procedure documentation that form the foundation of the Council's integrated Safety Management System. Sixty-one new pieces of safety related documentation were completed supporting alignment with AS/NZS 4801 and the WHS Act and Regulations.

- In 2017-2018 Stage Two of the Safety Management Improvement Project commenced and is still underway. This stage aims to introduce an integrated WHS/Risk Management incident reporting system and corrective/preventative action management, audit and inspection, hazard data base and injury management. This will facilitate the integration of the Asbestos Management Plan into the overall Safety Management System. This is important because it will make safety management measurable to AS/NZS 4801, more reliable and systematic, leading to a marked reduction in compliance failure, injury rates and a positive safety culture.

3. Organisational Performance Review and Improvement Plan

Over the past few months a number of other organisational issues and allegations have been raised by external media, by the United Services Union on behalf of staff they represent and by staff generally in meetings with the General Manager. These issues range from the need to improve workplace culture, workplace safety and people management practices, to the poor state of working relations and business processes between some parts of the organisation.

However, it is important to note that while there may be issues requiring further investigation, attention and improvement, the Council can be very proud of its record of achievement, as detailed in its 2016-2017 and other Annual Reports. From leading the October 2013 bushfire recovery, to achieving a 'Fit for the Future' result for the Council in 2015 (one of only seven in the Sydney region), managing over \$1Billion worth of built infrastructure supporting the delivery of an extensive range of quality services, with consistent high satisfaction results from Council Community Surveys on the overall performance of the Council and the customer service provided by staff.

Blue Mountains City Council performs well given the sheer size of the Blue Mountains Local Government Area, its rugged geography and dispersed settlement pattern, the challenges increasingly being imposed on local amenity, services and infrastructure from a now estimated 4 million tourists visiting each year, the responsibilities associated with managing the impact of development on our surrounding World Heritage listed environment, the challenges of managing over \$1 billion worth of ageing built infrastructure and over 10,000 hectares of natural assets supporting priceless biodiversity and eco services.

The issues before the Council however, require attention and action and provide an opportunity to review and further strengthen the performance of the organisation – to implement a health check that can guide the development of an organisational strategy and improvement action plan.

The asbestos management challenge in particular, has highlighted the need to improve work relations and integration between different parts of the Council to support the effective management of built infrastructure and waste resource facilities. The fact that some Council services (e.g. buildings and parks) are split between two or more Directorates has been noted by many staff as a key challenge impacting adversely on asset management and service delivery. Similarly, the legacy of the organisation having been restructured "in somewhat piecemeal ways" over the last 10 to 15 years, has also been highlighted as contributing to some of the current identified cultural and work relation issues.

In addition, consideration also needs to be given to the Council's work place strategy, communications, information management and the business processes and systems underpinning core service delivery.

Overall approach to Organisational Performance Review

To address all of the above it is proposed that an Organisational Performance Review be implemented in the first half of 2018 to ensure the Council is well-positioned to effectively

respond to the outcomes of the asbestos management investigations and to review and address other issues and matters identified.

Key objectives for such a review would be to develop a shared vision and action plan for improving organisational performance and strengthening capability to anticipate and respond to known and emergent challenges and opportunities. Ensuring the organisation has the appropriate structure and business processes and systems will also be an important outcome.

It is proposed that the review is undertaken over a 4-6 month period commencing in February 2018, and using a staged and collaborative approach, that includes engagement with key stakeholders. There would be a range of opportunities for consultation and input from key stakeholders – including all staff, Councillors, community the office of Local Government, unions and other key agencies - through meetings, workshops, a survey/ submission process, focus groups and the like.

Councillors and the BMCC Management Team could participate in a series of strategic workshops, commencing in March 2018, to provide input into the review and relative to each of its stages.

Key stages of the review could include:

- i) *Where are we now as an organisation?* An initial scoping stage to hear from all staff, and other key stakeholders, to identify key performance issues and the current state of the organisation including existing strengths to be built upon and areas requiring improvement;
- ii) *Where do we want to be?* A stage identifying what kind of organisation we want to be – confirming key improvement areas and setting strategic direction for the future in collaboration with staff and key stakeholders; *How will we get there?* Development of a prioritized improvement action plan to get us where we want to be; and
- iii) *How will we know we are there?* Implementation of the improvement action plan and reporting back to staff and the community on our performance and progress.

It is envisaged that the implementation of the review, beginning with the initial development of methodology and scoping stage, would be supported by external expertise with proven experience and capability in conducting such reviews. A Request for Quotation procurement process would be implemented by the General Manager in February 2018 to engage required external expertise.

The methodology for the review will need to include consideration of current 4 year strategic priorities, as well as use of a recognized framework such as the ABEF or the Capability Review Model, to benchmark and assess the performance of the organisation in key areas and underpin the broad-scale and long term change required.

Australian Business Excellence Framework

The Australian Business Excellence Framework (ABEF) is a nationally recognised leadership and management system that describes the elements essential to organisations sustaining high levels of performance and is used to assess and improve organisational performance. It includes a system of self-assessment to ensure improvement of a Council is targeted and enhanced. The framework has been designed to enable Councils (and other organisations) to use the guidance contained within it to determine how the Council can best pursue improvement, recognising the unique nature of each organisation. It focuses on seven key areas including:

- Leadership
- Customers and Stakeholders
- Strategy and Planning
- People

- Information and knowledge
- Process Management, Improvement and innovation
- Results and Sustainable Performance

Capability Review Model

Another framework the review might consider is the Capability Review Model which assesses organisational performance and capability in regards to the three pillars of leadership, strategy and delivery. It considers how an organisation aligns its processes, systems and the expertise of its people to deliver on its objectives. The review process involves the collection of evidence and the assessment of evidence against key elements of the model to identify the organisation's strengths and areas for improvement. The Capability Review Model has been used by Local Government and the Federal Government as a way of ensuring organisation's are on track to meet future needs. The model used for Capability Reviews creates a common framework and language within and across agencies, supporting a collaborative approach to identifying and implementing solutions to improve capability.

Opportunity to review the Council's existing 4 year strategic priorities

The proposed Organisational Performance Review also provides an opportunity to consider the Council's current 4 year strategic priorities (2017-2021). The current priorities are listed below and include, within Priority 4, a focus on strategically reviewing Council service provision:

- Priority 1:* Improve our approach to asset management to support delivery of the Council's commitments to Fit for the Future targets, the State Government's expectations for councils and support value for money services to the community.
- Priority 2:* Deliver the Council's Fit for the Future targets – maintaining the Best Value Decision Making Framework to maximise outcomes for the community from Special Rate Variation income.
- Priority 3:* Complete a strategic review of services to inform future decision making and priorities.
- Priority 4:* Increase focus and priority on Business Improvement and Innovation to improve effectiveness and efficiency.
- Priority 5:* Position the Council to be proactive in communicating and engaging with the community on the business of the Council.
- Priority 6:* Develop a strategic approach to tourism and the visitor economy that also addresses the increased visitation, local community and funding options.

Sustainability Assessment

Effects	Positive	Negative
Environmental	The recommendations of the report if implemented have the potential to contribute to improved environmental outcomes for the City.	Nil
Social	The recommendations of the report if implemented have the potential to contribute to improved social and community outcomes for the the City.	Nil
Economic	The recommendations of the report if implemented have the potential to contribute to improved economic outcomes for the City.	Nil
Governance	The recommendations of the report if implemented have the potential to contribute to improved governance outcomes for the organisation and the City.	Nil

Financial implications for the Council

It is envisaged that the engagement of external expertise to support asbestos management improvement plan implementation, will result in additional expenditure not currently budgeted for. The amount of required expenditure is not known, however, will be reported to Council.

The proposed organisational performance review will require engagement of targeted external expertise to support implementation of the review and development of the improvement strategy and action plan. It is envisaged that this will be funded from existing 2017-2018 budget available for organisational development and review.

To address required asbestos management improvement action and to implement the proposed organisational review, some adjustment to current work plans will also be required to free up resources and redirect energy to these priority action areas.

Legal and risk management issues for the Council

Implementation of the recommendations of this report will contribute to the effective management of asbestos and safety and support the Council in meeting statutory Work Health and Safety legislation.

External consultation

There has been no external consultation in the preparation of this report. The proposed Organisational Performance Review will provide an opportunity to integrated the results of past community engagement processes including community input obtained as part of the recent update of the Community Strategic Plan 2035, from recently exhibited strategic plans and strategies for the City and also from past Council Community Surveys. The next Council Community Survey to assess community satisfaction and views on Council performance and service delivery is due to be implemented in the first half of 2018 and this survey will provide an opportunity to obtain community input into the review.

Conclusion

The Council is committed to improving its asbestos management and ensuring the safety of its workforce and operations. The recruitment of a Chief Safety Officer position on a two year term contract basis, will provide required expertise to oversee and drive the Council's asbestos management response as well as the implementation of a quality 'whole of organisation' safety management system.

Positioning the Council to respond to the outcomes of the asbestos management investigations will require an ongoing commitment to strengthening the Council's overall asbestos management skills, capabilities and performance, through staff training, use of external expertise as required and ongoing resourcing.

For the Council to deliver on its commitment to being Fit for the Future, it needs to continue on the path of financial sustainability and be a well-functioning organisation. The organisation now needs to direct significant energy toward internal improvement and to "working on the business" to ensure we are best positioned to meet future challenges and opportunities.

Council's recent asbestos management challenges, and other issues identified as requiring attention, provide an opportunity to implement a collaborative organisational performance review with staff and other key stakeholders. Such a review has the potential to refresh and reinvigorate the organisation, so that it is better positioned to serve the community and the City into the future.

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OFFICERS REPORTS

ITEM NO: 2

SUBJECT: PERFORMANCE OF INVESTMENTS FOR DECEMBER 2017

FILE NO: F11178 - 18/5194

Delivery Program Link

Principal Activity: Civic Leadership

Service: Finance Management

Recommendations:

That the Council notes the performance of invested monies for December 2017, including:

- That as at 31 December 2017 funds held in investment total \$38.1 million; and*
 - The enclosed certificate of the Responsible Accounting Officer.*
-

Report by Acting Group Director Integrated Planning and Finance:**Reason for report**

This report on the performance of invested monies for December 2017 is submitted for the purpose of financial accountability and to satisfy the investment reporting requirements of the Local Government (General) Regulation 2005 (clause 212), the Local Government Act 1993 (Section 625) and the BMCC Investment Policy.

The report certifies that the Council's investments comply with the forms of investment made by order of the Minister under section 625(2) of the Local Government Act 1993. The current Ministerial Order was issued under Council Circular 11-01 on 17 February 2011.

Council Investment Portfolio Analysis (refer Table 1)

At the 17 October 2017 meeting, the Council adopted a revised Investment Policy (Minute No. 240). The revised policy allows Council to diversify the investment portfolio, in accordance with the policy, by giving preference to Environmentally and Socially Responsible Institutions, where:

- The investment is compliant with legislation and the Investment Policy; and
- The rate of return is equal to comparable risk-based investments on offer to Council at the time of investment.

During December, in alignment with Council's adopted Investment Policy, Council invested \$1.5M in Me Bank which is a "Green Bank". Green Banks avoid investment in industries that negatively affect the environment.

The investment portfolio currently complies with the Investment Policy limits:

- Credit rating – the majority of the portfolio is with AA- rated institutions (see Table 1 below); and
- Term to maturity – currently 100% of the portfolio is <1 year (policy maximum is 100%).

(Table 1)

Maximum Thresholds		
Credit Rating	% of Portfolio	% at 31 December 2017
AAA	Maximum 100%	0%
AA	Maximum 100%	90%
A	Maximum 30%	0%
BBB	Maximum 10%	10%
Unrated	Maximum 0%	0%

The schedule of the Council's investments for December 2017 is provided at Table 2. Funds held in investments of \$38.1 million, have increased by \$1.4 million compared with the previous month, as was projected. Historically at this time of year, cash inflows from rates and other sources are higher whilst cash outflows are stable.

(Table 2) SCHEDULE OF INVESTED MONIES FOR DECEMBER 2017

Institution & Fund	Maturity Date	Current Rating	Rate	Funds Held - Valuations	Funds Held - Valuations Previous Month	Change From Previous Month	Comment
At Call & Term Deposits:-							
NAB Professional Funds	at call	n/a	1.71%	3,089,588	3,185,601	-96,013	Cashflow transfers
ANZ	13/01/2018	AA-	2.50%	4,500,000	4,500,000	0	No movement
CBA	15/12/2017	AA-	2.67%	0	3,000,000	-3,000,000	Cashflow transfers
CBA	28/02/2018	AA-	2.55%	5,000,000	5,000,000	0	No movement
CBA	27/04/2018	AA-	2.51%	4,000,000	4,000,000	0	No movement
CBA	28/06/2018	AA-	2.55%	3,000,000	3,000,000	0	No movement
National Aust. Bank	15/06/2018	AA-	2.55%	2,000,000	2,000,000	0	No movement
National Aust. Bank	17/05/2018	AA-	2.51%	5,500,000	5,500,000	0	No movement
National Aust. Bank	22/03/2018	AA-	2.50%	3,500,000	3,500,000	0	No movement
Bank of Qld	13/07/2018	BBB	2.60%	2,000,000	2,000,000	0	No movement
Bankwest	5/01/2018	AA-	2.50%	1,000,000	1,000,000	0	No movement
Me	1/06/2018	BBB	2.60%	1,500,000		1,500,000	New investment-Green Bank
Suncorp	5/07/2018	A	2.61%	3,000,000		3,000,000	New investment
Macquarie Cash	at acil	A	1.40%		21,145	-21,145	CLOSED
Totals				38,089,588	36,706,746	1,382,842	

Notes:

Balances as at 31 December 2017.

Interest Income (refer Table 3)

Actual interest income to 31 December 2017 is \$511,312 which is \$66,312 more than the year-to-date budget.

The Bank Bill Swap Rate (BBSW) is the benchmark rate for interest rates. The Investment Strategy target rate of return is 40% above the BBSW. Interest returns are summarised as follows:

(Table 3)

Interest Income Accrued - Budget vs. Actual

	Actual	Budget	Variation
Income to 31 December 2017	511,312	445,000	66,312
Estimate for remainder of year	378,688	445,000	-66,312

Total for 2017/2018	890,000	890,000	0
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90 Day Bank Bill Swap Rate	1.70%
Target Rate of Return: BBSW +40%	2.38%
Average Investment Rate of Return for December 2017	2.54%

Investment Categories (refer Table 4)

91.89% of the Council's investments are held in term deposits with major banks and 8.11% is held in the Cash at Call Account to manage day to day expenditure requirements. The performance target is to hold a minimum of 85% of total funds in approved investments.

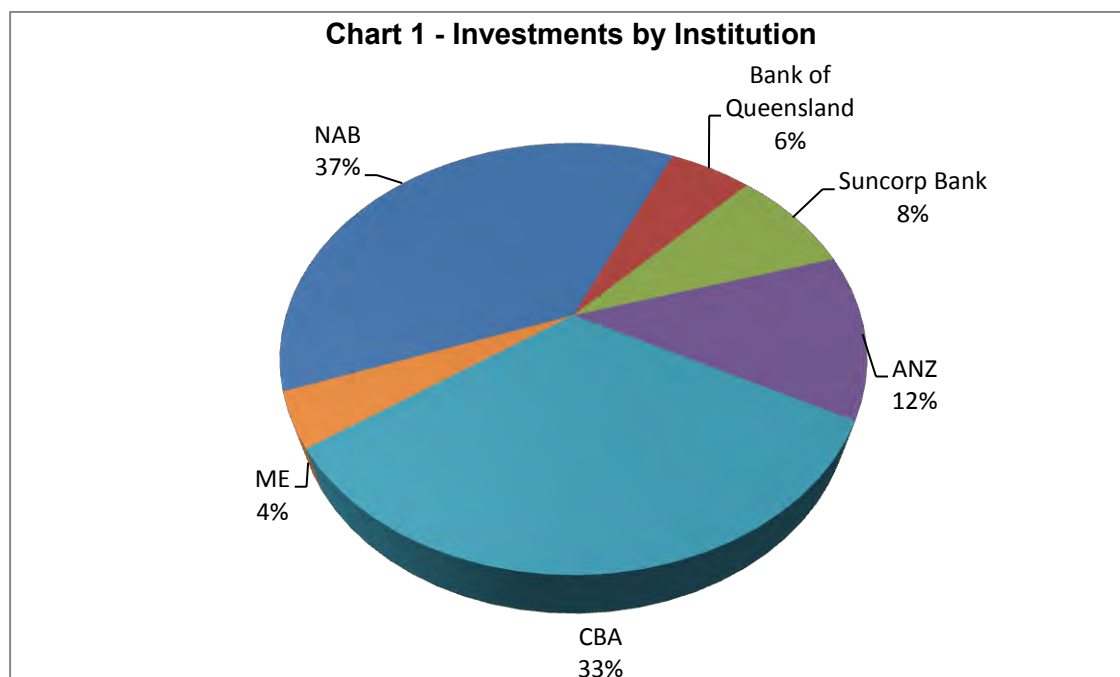
(Table 4)

Investment Categories

Cash at Call	8.11%
Term Deposits	91.89%

Investments by Institution (refer Chart 1)

Council's investment portfolio, summarised by financial institution, is shown in Chart 1 below. The Council's Investment Policy places a 45% limit on investments in any one financial institution as a measure to manage risk. The portfolio is spread amongst 7 institutions, with investments held with ME, Suncorp, CBA, NAB, ANZ, Bank of Queensland and Bankwest (a subsidiary of CBA).



Sustainability Assessment

Effects	Positive	Negative
Environmental	Nil	Nil
Social	Nil	Nil
Economic	Nil	Nil
Governance	Investments are compliant with the Council's Investment Policy, the Local Government Regulations and other financial reporting requirements.	Nil

Financial implications for the Council

Adoption of the recommendations in the report fulfills the Council's financial reporting requirements. The revenue performance and security (risk management) of the investment portfolio can have a significant bearing on the Council's current budgeting processes and long term financial planning.

The Council manages all its investments in compliance with the Ministerial Investment Order, Local Government legislation and the Council's Investment Policy. The principal objective is the preservation of capital, liquidity and the return on investment with consideration given to prudent investment principles.

Legal and risk management issues for the Council

Nil

External consultation

Nil

Conclusion

The Schedule of Invested Monies Report for December 2017 is submitted to comply with the Local Government (General) Regulation 2005 (clause 212) and the Local Government Act 1993 (Section 625).

Significantly the Council has a healthy balance of \$38.1M invested which underpins and supports the Council's financial sustainability. The \$38.1M in investments, as at 31 December 2017, are placed in term deposits and in at call accounts, majority with the major banks and their subsidiaries. These investments are projected to earn the Council \$890,000 in 2017/2018 and contribute to the Council's revenue to fund services. The majority of these investment funds are restricted for specific purposes to fund known future expenditure and cover identified risks.

Certification of the Responsible Accounting Officer

I hereby certify that the investments listed in the report have been made in accordance with Section 625 of the Local Government Act 1993, clause 212 of the Local Government (General) Regulation 2005 and Council's Investments Policy.



Hailie Ryzak

A/ Group Manager Integrated Planning and Finance (Responsible Accounting Officer)

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ITEM NO: 3**SUBJECT: SUBMISSIONS ON THE 2016/17 FINANCIAL STATEMENTS****FILE NO: F11178 - 18/5241****Delivery Program Link***Principal Activity:* Civic Leadership*Service:* Finance Management**Recommendations:**

- 1. That the Council notes the report on public submissions received with respect to the 2016/17 Financial Statements; and*
- 2. That the Council notes that no amendments are required to the Council's 2016/17 Financial Statements consequent of a review of the public submission by the Council's external auditors.*

Report by Acting Group Manager, Integrated Planning and Finance:**Reason for report**

Section 420 of the Local Government Act 1993 ("the Act") enables any person to make submissions in respect of the Council's audited financial reports or the Auditor's Report. One public submission was received and this report provides the information on the submission and Council Officers response.

Background

The Local Government Act 1993 ("the Act") requires under Section 420 that any person may make submissions in respect of the Council's audited financial reports or the Auditor's Report.

Such submissions must be in writing and lodged with the Council (BMCC) within 7 days after the public meeting at which the reports are presented. Copies of all submissions received must be referred to the Council's Auditor.

The Council may take such action as it considers appropriate with respect to any submissions, including the giving of notice to the Office of Local Government of any matter that appears to require amendment to the Council's financial reports.

The Council's external auditors have reviewed the one public submission received, and have informed the Council that they are of a view that the matters raised have no material impact on the audit opinion on the general purpose financial statements issued on 31 October 2017.

The submission and BMCC response are as follows:

Submission	BMCC Response
The BMCC depreciation expenses in past years have fluctuated by large amounts. The fluctuations have coincided with the special rate variation application to IPART	The financial statements of Blue Mountains City Council are prepared in accordance with Australian Accounting Standards and Australian Accounting Interpretations, the

Submission	BMCC Response
<p>and Fit for the Future assessment.</p> <p>Could the Auditor explain if the past and current depreciation accounting has been done to satisfactory conventional standards?</p>	<p>Local Government Act 1993 (NSW) and Regulations, and the Local Government Code of Accounting Practice and Financial Reporting.</p> <p>Each year the Financial Statements are audited and have received an unqualified audit opinion.</p> <p>Within available resources, BMCC is implementing a best practice Asset Management Improvement Program aimed at achieving optimal affordable service levels for the community and a satisfactory infrastructure renewal ratio as required for Fit for the Future assessment. Adjusting useful lives, to reflect forecast consumption of assets based on levels of service agreed with community, is best practice.</p> <p>As required under the Local Government Act 1993 Section 420 (3), a copy of the submission was referred to the auditor. The Audit Office of NSW response was they are of the view that the matters raised have no material impact on our audit opinion on the general purpose financial statements issued on 31 October 2017.</p>

Sustainability Assessment

Effects	Positive	Negative
Environmental	Nil	Nil
Social	Nil	Nil
Economic	Nil	Nil
Governance	Supports open and transparent accountability to the Community.	Nil

Financial implications for the Council

There are no financial implications for the Council in noting this report. The Council's external auditors have advised that the public submissions do not give cause to amend the Council's 2016/17 Financial Statements.

Legal and risk management issues for the Council

There are no legal or risk management issues related to this report.

External consultation

The Council issued a public notice which indicated the right of any person to lodge a submission on the 2016/17 Financial Statement. Submissions were required to be lodged with the Council in writing by Tuesday 21 November 2017.

Conclusion

The Council welcomes public interest in its Financial Statements. The Council's external auditors have reviewed the one public submission received with respect to the 2016/17 Financial Statements. The auditors have informed the Council that they are of the view that

the matters raised in the submission have no material impact on the audit opinion on the general purpose financial statements issued on 31 October 2017.

No amendments are required to the Council's 2016/17 Financial Statements.

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ITEM NO: 4

SUBJECT: SUBMISSION ON NSW LEGISLATIVE COUNCIL'S REGIONAL DEVELOPMENT AND A GLOBAL SYDNEY DISCUSSION PAPER

FILE NO: F11178 - 18/4802

Delivery Program Link

Principal Activity: Civic Leadership

Service: Governance and Risk

Recommendation:

That the Council endorses the attached submission to be sent to the NSW Legislative Council inquiry into regional development and a global Sydney in response to the November 2017 discussion paper.

Report by Director City & Community Outcomes:**Reason for report**

This report seeks the Council's endorsement for the attached submission on the discussion paper published in November 2017 by the NSW Legislative Council inquiry into regional development and a global Sydney. The closing date for feedback on the discussion paper is 12 February 2018.

Background

The NSW Parliament Legislative Council Standing Committee on State Development is inquiring into and reporting on how Sydney's growing prominence as a global city enhances regional development in NSW. The committee will report by 28 April 2018.

In May 2017, the Council prepared a submission to the Inquiry. This submission was consistent with the Council's submission on the draft West District Plan and with issues being raised as part of the Western Sydney City Deal.

At the Ordinary Meeting of the Council on 30 May 2017, it was resolved in part:

"1. That the Council endorses the attached submission to the NSW Legislative Council inquiry into regional development and a global Sydney;"

[Minute No. 153]

Since the establishment of the Inquiry in April 2017, the committee has sought evidence to inform the recommendations it will be making to government. It has received 37 submissions, conducted seven public hearings across the state and met with a number of regional businesses, councils and universities.

In November 2017, the Inquiry published a discussion paper which provides an overview of the key issues identified (based on the evidence received to date) to seek stakeholder views on various questions that have been developed in response to key issues.

The Council has prepared the attached submission in response to the discussion paper. This provides comment on the following issues:

- **Definition of regional New South Wales** - The Council is of the view that the Blue Mountains are a distinct part of metropolitan Sydney. As a city within a world heritage listed national park, the Blue Mountains has associated constraints such as environmental protection and bushfire risk that places significant restrictions on development in a way that is inconsistent with being part of metropolitan urban area of Sydney. The Council's submission on the draft Western City District Plan recommends that the Greater Sydney Commission introduce a classification for Blue Mountains that reflects its character, typical land use and settlement pattern.
- **The role of DestinationNSW** – The Council supports the stated goals of the Destination Networks. However, the Council recommends that a commitment is provided by DestinationNSW in terms of timings for these achieving goals and delivering their associated initiatives.
- **Economic contribution of tourism** – DestinationNSW reports show that visitation to the Blue Mountains has increased by more 50% in the last 5 years, and the region now attracts over 4 million visitors a year. This exceeds previously published forecasts. However, in order to leverage the economic value of tourism, investment in product and infrastructure is needed, and funding options need to be supported by the NSW government. Furthermore, unless substantial funding is received from other levels of government, local rate payers will continue their current subsidisation of visitor infrastructure.
- **The improvement of transport connections** – Given the increases in visitation and volumes of freight traffic, additional investment is required to improved transport connectivity, including road interchanges at Springwood and Katoomba, additional Western line train services, and an alternative to road freight on the Great Western highway.

Sustainability Assessment

Effects	Positive	Negative
Environmental	The draft submission raises the importance of protecting Blue Mountains natural areas from the impacts of a global Sydney, including road and rail development.	Nil
Social	The draft submission identifies opportunities from a global Sydney for the Blue Mountains to address social issues, including impacts of increasing visitation on residents.	Nil
Economic	The draft submission highlights the importance of tourism to the local economy, and the need for further investment in tourism infrastructure from the State.	Nil
Governance	Nil	Nil

Financial implications for the Council

There are no financial costs associated with this report.

Legal and risk management issues for the Council

There are no legal and risk management issues associated with this report.

External consultation

There has been no external consultation in preparing this report.

Conclusion

It is proposed the Council send the attached submission in response to the discussion paper published by the NSW Legislative Council inquiry into regional development and a global Sydney.

ATTACHMENTS/ENCLOSURES

1	BMCC Submission on Discussion Paper - Regional Development and a global Sydney	18/7469	Attachment
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Attachment 1 - BMCC Submission on Discussion Paper - Regional Development and a global Sydney**Regional Development and a global Sydney**

The Blue Mountains City Council (the Council) provides the following responses to the questions posed in on the discussion paper published by the NSW Legislative Council inquiry into regional development and a global Sydney.

Question 2

- a) How should the NSW Government define regional New South Wales?*
- b) Does the concept of three tiers of regions have merit?*

The Council is of the view that the Blue Mountains is not part of metropolitan Sydney.

As a city within a world heritage listed national park, the Blue Mountains has associated constraints such as environmental protection and bushfire risk that places significant restrictions on development in a way that is inconsistent with being part of metropolitan Sydney.

The draft Western City District Plan classifies the Blue Mountains Local Government Area (LGA) as a Metropolitan Rural Area (MRA). While Council supports the Blue Mountains LGA being outside the Urban Area, inclusion in the Metropolitan Rural Area does not reflect its character, typical land use or settlement pattern, and the descriptions, objectives and strategies for the MRA are not accurate or reflective of the Blue Mountains LGA.

Blue Mountains' World Heritage status, its remoteness, environment and topography, dispersed settlement and low population densities distinguish it from other LGAs in the Metropolitan Rural Area and Greater Sydney. Settlement in the Blue Mountains is typically urban surrounded by bushland, and comprises low-density residential neighbourhoods, developed around centres at train stations.

The Council has prepared a submission on the draft Western City District Plan recommending that the Greater Sydney Commission (GSC) introduce a classification for Blue Mountains that reflects its character, typical land use and settlement pattern. The Council also recommends that the GSC introduce a priority to protect and enhance buffers to the natural areas and enhance the contribution the natural areas make to the Blue Mountains, including liveability, nature-based and cultural tourism/recreation, drinking water catchments and quality, and biodiversity.

- Question 9 a) How can Destination NSW better assist Destination Networks and local stakeholders to work together to grow tourism in the regions?*
- b) What economic contribution do day visitors and overnight visitors make to regional economies?*

Blue Mountains is in the Sydney Surrounds North Destination Network – which includes Penrith, the Central Coast, Newcastle and the greater Hunter region (amongst others). The scale and breadth of this network will make it challenging for DestinationNSW to deliver projects that reflect shared interests and foster effective collaboration, particularly in reasonable timeframes.

The Council supports the following goals of the Destination Networks as outlined on page 7 of "Destination Networks - Driving Growth of the Visitor Economy in Regional NSW"¹:

- *Develop and implement the region's Destination Management Plan and Business Plan, in alignment with the NSW Destination Management Plan, and ensure alignment with local tourism and related plans*

¹ Available at <https://www.destinationnsw.com.au/our-industry/destination-networks>

- *Work with Local Government and industry on product development, including investment attraction.*
- *Work in collaboration with DNSW led marketing and communications activity for their 'hero' destinations, experiences, events and festivals and regional campaigns*
- *Work closely with the appointed DNSW Zone Manager Explore Industry Development initiatives (i.e. identify opportunities for growth) e.g. Conferencing, Field Study Tours, local industry education and training needs especially for small to medium sized tourism operators* *Oversee and/or prepare the DN's RVEF applications and provision of required KPI deliverables.*
- *Assist local industry to prepare RVEF applications and undertake initial assessments of the region's RVEF Contestable Fund applications, in collaboration with DNSW"*

However, the Council recommends that a recommitment is required from DestinationNSW in terms of timings for these goals and their associated deliverables. However, the Council recommends that a commitment is provided by DestinationNSW in terms of timings for these achieving goals and delivering their associated initiatives.

Question 9 b) What economic contribution do day visitors and overnight visitors make to regional economies?

DestinationNSW reports show that visitation to the Blue Mountains has increased by more 50% in the last 5 years, and the region now attracts over 4 million visitors a year. This exceeds previously published forecasts.

The effect of tourism on the Blue Mountains local economy is pronounced. Tourism currently accounts for 11.9% of all jobs in the City which equates to 2,127 full time equivalent jobs. This ranks it as second in terms of job creation (after health care and social assistance). Visitors to the City spend, on average, \$402 million annually. The total value added to the local economy by tourism is \$186 million.

However, in order to leverage the economic value of tourism, investment in product and infrastructure is needed, and funding options need to be supported by the NSW government.

Council has a significant role in supporting tourism. Many of the City's major attractions, surrounding and associated facilities are managed by or supported by Council or in villages. These are on the escarpment and are readily accessible to visitors including Echo Point, estimated to attract 2 million visitors each year.

Some of Council's infrastructure expenditure benefits both locals and visitors. However, unless substantial funding is received from other levels of government, local rate payers will continue their current subsidisation of visitor infrastructure. Furthermore, with the expected growth in tourism there may be insufficient funding available for required maintenance and renewal of visitor infrastructure such as carparks and toilets.

To date, the issues faced by the Council in funding visitor infrastructure and services (as highlighted in our previous submission to the inquiry) have not been adequately addressed in the Draft Western City District Plan or the emerging Western Sydney City Deals process.

Chapter 5: Connecting the regions to global Sydney

Question 27

- a) *What more can the NSW Government do to ensure road and rail freight corridors are made a priority to facilitate regional development and connections to Sydney?*

With increasing visitation and increased volumes of freight by road and by rail, congestion on key Blue Mountains roads – particularly the Great Western Highway (GWH) and Bells Line of Road – is set to rise. Traffic volumes on GWH have already increased from 27,000 in 2014 to 31,000 in 2016, and NSW volumes of coal and container trade are predicted to more than double by 2031.

The Council requests that infrastructure and funding options to address road congestion issues in the Blue Mountains are included in the Western City District Plan and planned Western City Deal initiatives. This includes targeting improved road access to Katoomba and Springwood, as congestion at these district centres frequently impacts the flow of traffic.

To cater to increased tourism numbers and take pressure off the road network and parking facilities, continuous improvement of the rail service to the Blue Mountains is also required and should be included in the District Plan. Improvements in commuter transport, including the frequency of trains, additional express trains at peak times and improved commuter parking areas are required.

Having a rail line linking directly to and from the Western Sydney airport is essential and The Council requests that a direct passenger rail line be provided between the Main Western line and the proposed Western Sydney Airport. Council further requests this rail link be completed by commencement of the operation of the proposed WSA.

Funding for improvements to the transport of freight via rail are also of particular concern as this removes heavy freight vehicles from the Great Western Highway and Bells Line of Road. Heavy vehicles using the Great Western Highway impact significantly on the amenity and environment on the Blue Mountains and its residents. The completion of the Maldon to Dombarton Railway Line would provide an additional link for the freighting of goods from Central Western NSW to Port Kembla. The completion of this project would enhance the freight rail network and combined with upgrades to the Main Western Line would reduce the number of heavy vehicles on the Great Western Highway.

Council also broadly supports State funded upgrades to existing transport and road infrastructure because such improvements would also benefit our own residents and town centres by making them more accessible and thereby stimulating greater levels of economic activity. However any such upgrades would need to be planned carefully, and in consultation with Council and the Blue Mountains community, and must consider the City's location within a World Heritage Area, the unique character of the towns within the Blue Mountains, and other environmental concerns such as impacts on water quality.

ITEM NO: 5

SUBJECT: COMMUNITY ASSISTANCE DONATIONS RECOMMENDATION BY
COUNCILLOR

FILE NO: F11178 - 18/16457

Delivery Program Link*Principal Activity:* Civic Leadership*Service:* Governance and Risk**Recommendation:**

That the Council endorses the following community assistance donations from the Councillor funds:

Organisation	Amount
<i>Blue Mountains People for Reconciliation and ANTAR</i>	<i>\$300.00</i>
<i>Blaxland Hockey Club</i>	<i>\$500.00</i>
<i>Katoomba Chambers of Commerce & Community</i>	<i>\$136.20</i>

Report by Acting Group Manager, People & System:**Reason for report**

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

Minor Local Projects

Recommending Councillor	Organisation	Purpose	Amount
Cr Fell	Blue Mountains People for Reconciliation and ANTAR	To assist with the costs of program expenses.	\$300.00
Cr Bowling	Blaxland Hockey Club	To assist with the costs of funding the recruitment of junior team.	\$500.00
Cr Brown	Katoomba Chambers of Commerce & Community	To assist with the costs of printing of Katoomba Care Day	\$136.20

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ITEM NO: 6

SUBJECT: 'PATHWAYS' THE BLUE MOUNTAINS CITY COUNCIL ABORIGINAL
ADVISORY COUNCIL STRATEGIC PLAN TO 2020

FILE NO: F05474 - 17/252733

Delivery Program Link

Principal Activity: Looking After People

Service: Community Development

Recommendations:

- 1. That the Council supports 'Pathways' the Aboriginal Advisory Council's (AAC) Strategic Plan to 2020, as detailed in Attachment 1;*
 - 2. That the Council commits to working with the AAC to achieve the actions and targets developed in 'Pathways' up to 2020;*
 - 3. That the Council receives an annual update in the form of a briefing on the achievements resulting from the delivery of 'Pathways';*
 - 4. That the Council receives a report at the end of the current AAC term, with an evaluation of the outcomes of 'Pathways', including recommendations on significant matters for consideration by a future AAC and Council; and*
 - 5. That the Council agrees to use the revised wording adopted by the AAC for the Council's Acknowledgment of Country for use in Civic functions, Council meetings and in all Council publications.*
-

Report by Director, City and Community Outcomes:**Reason for report**

In December 2016, the Council endorsed the final report of the Blue Mountains City Council Aboriginal Advisory Council Strategic Plan 2013-2016. Building on the success of that strategic plan, the AAC have developed a new plan which will guide key directions for the AAC and the Council up to 2020.

This report presents the draft strategic plan 'Pathways' as developed by the AAC for endorsement by the Council (Attachment 1).

Background

The need for the strategic plan to guide the activities of the AAC was identified in 2013. The need was based on the AAC's desire to have a clear, publicly available statement that set out key issues for the Aboriginal community and the role the AAC proposed to play in helping address them.

The resulting strategic plan, which concluded in 2016, was well received by the Aboriginal community.

‘Pathways’ the BMCC Aboriginal Advisory Council Strategic Plan to 2020

Throughout 2017, building on the success of the 2013-2016 plan, the AAC developed a revised and refreshed strategic plan. ‘Pathways’, the resulting draft BMCC Aboriginal Advisory Council Strategic Plan to 2020 has been developed and led by local Traditional Owner, as well as members of the broader Aboriginal community, and reflects the current national conversations and directions being explored within the Australian Aboriginal community.

The AAC ‘Pathways’ also responds to and supports the Sustainable Blue Mountains Together 2035, and addresses many of the key issues identified in the Aboriginal & Torres Strait Islander Community Engagement consultation report of 2016.

To ensure that the local Aboriginal community supported the direction being undertaken by the AAC, the draft ‘Pathways’ directions and proposed actions were presented by the AAC to the broader Aboriginal community at a meeting held in early November 2017, with an invitation to provide feedback and comment through to December.

At the conclusion of this period, no feedback or comment was received by the AAC or Council. This was taken as an indication that generally, the Aboriginal community supported the proposed directions set out in the plan.

Updated Acknowledgment of Country

To underpin and support the new directions set out in ‘Pathways’, an updated Acknowledgment of Country and Community was adopted by the AAC, as follows:

“The City of the Blue Mountains is located within the Country of the Darug and Gundungurra peoples. The BMCC Aboriginal Advisory Council (AAC) recognises that Darug and Gundungurra Traditional Owners have a continuous and deep connection to their Country and that this is of great cultural significance to Aboriginal people, both locally and in the region.

For Darug and Gundungurra People, Ngurra (Country) takes in everything within the physical, cultural and spiritual landscape - landforms, waters, air, trees, rocks, plants, animals, foods, medicines, minerals, stories and special places. It includes cultural practice, kinship, knowledge, songs, stories and art, as well as spiritual beings, and people: past, present and future.*

The AAC pays respect to Elders past and present while recognising the strength, capacity and resilience of past and present Aboriginal and Torres Strait Islander people in the Blue Mountains region.”

In the spirit of maintaining and asserting culture through language, the AAC used the shared Darug and Gundungurra word *Ngurra* (pronounced NGOO-rrah) to describe Country.

It is recommended that the Council endorses similar wording as adopted by the AAC for the Council’s Acknowledgment of Country used in Civic functions, Council meetings and in all Council publications.

AAC Vision Statement

Through the development of ‘Pathways’, the AAC has refreshed its vision and aspirations, focusing on the importance of *Ngurra* (Country), the connection held by Traditional Owners to this, and the significant cultural, social and economic benefits which can flow to the Traditional Owner and broader Aboriginal community from this approach.

The AAC have set the following vision for the committee and the Council which is:

"The Aboriginal Advisory Council works in partnership with the Council and other stakeholders in caring for the health, wellbeing and prosperity of our people and our Ngurra (Country) within the Blue Mountains LGA."

'Pathways' (Priority Directions)

The concept of 'Pathways' is an important Aboriginal cultural principle, which provides connectivity within *Ngurra* (Country) in a physical, social and spiritual sense. The use of 'Pathways' to achieve meaningful outcomes for Darug and Gundungurra Traditional Owners and the broader Aboriginal community is an important symbolic approach to give effect to deep and lasting change. It is envisaged that the 'Pathways' identified by the AAC will have a continuing and positive benefit to the Aboriginal and non-Aboriginal community within the Blue Mountains.

The following 'Pathways' will help guide the direction of the AAC and the Council to 2020:

- **Formal Recognition** – developing agreements for Traditional Owners to co-manage *Ngurra* (Country) and all that this includes within the Blue Mountains Local Government Area;
- **Dual Naming** – Building the cultural awareness in the City through place naming practices that include dual naming in Traditional Languages;
- **Living on *Ngurra* (Country)** - Realisation of the social, cultural and economic opportunities on *Ngurra* (Country) for Traditional Owners and other Aboriginal people, with a strong focus on younger people;
- **Honouring the Past & Responding to the Future** – Locally recognising and redressing the ongoing process of Colonisation while working with Traditional Owners to develop a shared direction for the future, which embraces the interests of all Aboriginal community members;
- **Addressing Disadvantage** - Addressing ongoing disadvantage in the Aboriginal community in Civic Leadership, employment, education and economic outcomes, affordability and importantly the health and wellbeing of the community;
- **Working within Legislation** - Achieving culturally responsive community outcomes, within a Local, State and Federal legislative structure which responds to opportunities for Traditional Owner recognition, inclusion and interests in *Ngurra* (Country).
- **Building Capacity** – Advocating for and assisting younger Traditional Owners and other Aboriginal young people to gain educational experience culturally, academically and economically to undertake leadership roles particularly in relation to opportunities that derive from *Ngurra* (Country).

Through these central 'Pathways', the AAC has developed actions that will work towards achieving meaningful change to benefit *Ngurra* (Country) and the Aboriginal community.

Relationships

It is acknowledged that to achieve these "Pathways", partnership and sharing between the AAC, the Aboriginal and non-Aboriginal community, and Council, is essential.

It is intended that through 'Pathways', the AAC will build on and strengthen its relationships with Darug and Gundungurra Traditional Owners, which is of particular importance when working on outcomes that relate to *Ngurra* (Country).

The AAC will also continue to deepen cultural links to the broader Aboriginal community to ensure that 'Pathways' and outcomes on Country are inclusive and acknowledge the diversity of the Blue Mountain Aboriginal community.

The AAC's relationships with government and non-government organisations, committees, networks and forums will be essential.

Monitoring and Evaluation

'Pathways' will be regularly monitored by the AAC and Council at each meeting. Evaluation of the success of the Pathways will be assessed by the outcomes achieved in delivering actions and targets.

Annual reviews will occur towards the end of each calendar year, with progress reported to the Council at the next appropriate Council meeting. A final report which will assess the overall 'Pathways' achievements will be reported to the Council in December 2020.

Sustainability Assessment

Effects	Positive	Negative
Environmental	<p>The AAC assists the Council with the development and enhancement of Co-Management agreements with Traditional Owners which will benefit Country.</p> <p>Darug and Gundungurra Traditional Owners are actively involved in the ongoing management of Country within the Blue Mountains LGA.</p> <p>The AAC advocates to other managers of Country the benefit of engaging Traditional Owners in the holistic management of Country.</p> <p>Parts of Country within the Blue Mountains LGA start to become known also by the traditional Darug and Gundungurra names.</p>	Nil
Social	<p>The ongoing impacts of colonisation on Darug, Gundungurra and other Aboriginal is formally acknowledged within the City and provides the basis for greater awareness of this profoundly significant matter.</p> <p>Significant events and celebrations for the Aboriginal and Torres Strait Islander community on Country continue to be profiled and supported by in the City.</p> <p>The role of Traditional Owners and Aboriginal culture is increasingly valued in City and is imbedded in all cultural responses delivered by the Council.</p> <p>The AAC and BMCC actively support the improved overall physical, cultural and spiritual wellbeing of Aboriginal and Torres Strait Islander people living in and or culturally connected to Country within the LGA.</p>	Nil

Effects	Positive	Negative
Economic	<p>Traditional Owners and other Aboriginal community are assisted in self determined economic development opportunities derived from Country.</p> <p>Traditional Owners are assisted in economic outcomes through the consideration of a range culturally based exemptions administered by the Council.</p> <p>Sound economic outcomes developed 'On-Country' assist with addressing intergenerational disadvantage within the Aboriginal community.</p> <p>There is growth in economic participation for Traditional Owners and other local Aboriginal people and increased capacity in Aboriginal owned and operated businesses.</p>	Nil
Governance	<p>Darug and Gundungurra Traditional Owners are acknowledged for their role in 'Speaking for Country' within the Blue Mountains LGA.</p> <p>The AAC continues to play an important role in providing advocacy and leadership for and on behalf of the Aboriginal community with Council and other stakeholders.</p> <p>'Pathways' provides a sound leadership approach that assists the AAC in advocating tangible outcomes for Traditional Owners and the Aboriginal community while continuing to build positive relationships with the Council and other government and non-government stakeholders.</p>	Nil

Financial implications for the Council

The cost of delivery of 'Pathways' will be met within the existing Council budget, or through external grant funding opportunities and external partnerships.

Legal and risk management issues for the Council

Nil

External consultation

'Pathways' was developed by the AAC, the broader Aboriginal community and the Council.

Consultation on the proposed 'Pathways' was also undertaken with the Aboriginal community through a meeting held in early November 2017. Traditional Owners and the local Aboriginal community were also provided an opportunity to provide feedback on the draft 'Pathways' directions and proposed actions, following on from the community meeting until early December 2017.

Conclusion

The initial strategic plan developed by the AAC provided a strong shared direction for the AAC and the Council, to deliver outcomes for the Aboriginal Community. Through the refreshed and updated AAC strategic direction, 'Pathways', it is envisaged that the AAC and the Council will continue to strengthen its relationship and deliver outcomes that have a deep and lasting positive effect for Traditional Owners and the broader Aboriginal community.

'Pathways' is an innovative approach to address significant matters in the City of the Blue Mountains, led by the AAC and the Council, for and on behalf of Traditional Owners and the

broader Aboriginal Community. It is recommended that the Council endorses 'Pathways', as the AAC's Strategic Plan to 2020.

ATTACHMENTS/ENCLOSURES

1	'Pathways' Draft BMCC Aboriginal Advisory Council Strategic Plan to 2020	17/263299	Attachment
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Attachment 1 - 'Pathways' Draft BMCC Aboriginal Advisory Council Strategic Plan to 2020

BMCC Aboriginal Advisory Council

'Pathways' to 2020

'PATHWAYS'
BMCC ABORIGINAL ADVISORY COUNCIL
STRATEGIC PLAN TO 2020
HPRM: F05474 - 17/263299

The City of the Blue Mountains is located within the Country of the Darug and Gundungurra peoples. The BMCC Aboriginal Advisory Council (AAC) recognises that Darug and Gundungurra Traditional Owners have a continuous and deep connection to their Country and that this is of great cultural significance to Aboriginal people, both locally and in the region.

For Darug and Gundungurra People, Ngurra (Country) takes in everything within the physical, cultural and spiritual landscape - landforms, waters, air, trees, rocks, plants, animals, foods, medicines, minerals, stories and special places. It includes cultural practice, kinship, knowledge, songs, stories and art, as well as spiritual beings, and people: past, present and future.*

The AAC pays respect to Elders past and present while recognising the strength, capacity and resilience of past and present Aboriginal and Torres Strait Islander people in the Blue Mountains region.

**This is the traditional term for Country and all it embodies, in both languages and is pronounced NGOO-rrah with the emphasis on the capitalised sound and the rr being rolled.*

PURPOSE OF THE AAC

The Aboriginal Advisory Council is a committee of the Council in accordance with the Local Government Act 1993.

The Aboriginal Advisory Council (AAC) was established to provide advice to the Council on matters that are significant to the Blue Mountains Aboriginal community. The Council will also seek advice from the AAC when there are matters important to the Council that may involve the Aboriginal community.

The AAC has been established to provide:

- An opportunity where Aboriginal peoples voices can be heard on issues relating to the Councils policies, plans and services and the Aboriginal communities needs and priorities;
- A robust communication mechanism, between the Council and the Aboriginal communities; and
- A meaningful engagement and relationship between the Council and the Aboriginal communities.

The AAC with other Committees and partnerships between the Aboriginal Community and Council, form an essential part of the Council's engagement with the Aboriginal Community to address local priorities.

OVERVIEW

The local Aboriginal community is made up of Darug and Gundungurra Traditional Owners as well as Aboriginal people whose origins come from throughout Australia. It is intended that Traditional Owners and other Aboriginal key community representatives should guide the direction of this strategy to achieve meaningful community outcomes.

Blue Mountains Aboriginal Community – Current view

- According to the 2011 Census, People that identify as Aboriginal and or Torres Strait Islander in the Blue Mountains have a population of approx. 1,324;
- No information is available on identifying how many Aboriginal people belong to Traditional Owner groups;

BMCC Aboriginal Advisory Council

'Pathways' to 2020

- There has been an increase of approx. 30% in the population since the 2006 Census which in turn had a 10% population increase from 2001, demonstrating a growing population;
- In 2011 51% of the Aboriginal Community in the Blue Mountains was under the age of 24;
- Overall Aboriginal People in the Blue Mountains still have lower educational outcomes, more than twice the unemployment rate of non-Aboriginal people, lower health outcomes, lower life expectancy and lower home ownership (a higher percentage of the Aboriginal population are in rental or public housing than non-Aboriginal people);
- Very few Aboriginal people speak an Aboriginal Australian Language fluently at home; and
- It is likely that very few to no Traditional Owners speak their language fluently or even partially.

The Council are currently part of an Indigenous Land Use Agreement with the Gundungurra People which considers Co-management of Country and Economic Opportunities. The Council also aspires to seek a similar relationship with the Darug People.

Local and national directions

- The Aboriginal and or Torres Strait Islander population is expected to continue increase in the next 10-20 years, in higher proportion than non-Aboriginal population as per past occurrences indicate;
- The Aboriginal population, is expected to only age slightly and overall the population and is expected to still be a young population as resulting from higher birth rates;
- If the gap in Aboriginal life expectancy aligns closer with non-Aboriginal people the population of older Aboriginal people in the community is expected to increase;
- Due to higher levels of disadvantage Traditional Owners and other Aboriginal people are finding it increasing difficult to afford to live in their Country;
- At a state and national level Aboriginal people are taking great lengths to remain on or are returning to their Traditional *Ngurra* (Country) and asserting their deep connections to that Country and their ongoing rights to live on their *Ngurra* (Country), the management of and speaking for their Country.

This strategic plan has been developed by the AAC and the Council as a working document to guide the direction of the AAC and to achieve a shared vision and outcomes to respond to key trends while also addressing, where possible, issues faced by the local Aboriginal Community.

STRATEGIC DIRECTION

Darug and Gundungurra People have traditional custodial responsibilities to care for their *Ngurra* (Country), to ensure that it continues in proper order and provides physical sustenance and spiritual nourishment to the people. It must also be acknowledged that the health and wellbeing, economic participation and cultural continuation of Traditional Owners is intrinsically connected to the continuing care and respect for Country.

As such, the interests, wishes and aspirations of the Darug and Gundungurra Traditional Owners should be critical and central to the strategic directions of the Council in the coming years.

Acknowledgment by the Council that Darug and Gundungurra People should be included and participate in the 'shaping of' the City of the Blue Mountains. It is fundamental that Traditional Owners can tell their continuing story of their Connection to and management of *Ngurra* (Country), and the responsibility of all residents to look after this place. Further to this, the Traditional Owners can also take the lead in ensuring that the needs identified for the broader Aboriginal community are addressed in the City.

The Council further acknowledges that this process should provide opportunities for Darug and Gundungurra people to refresh their traditional economy, prosperity and well-being, through "On Country" economic opportunities in the Blue Mountains.

BMCC Aboriginal Advisory Council

'Pathways' to 2020

Aboriginal Advisory Council Vision

"The Aboriginal Advisory Council works in partnership with the Council and other stakeholders in caring for the health, wellbeing and prosperity of our people and our Ngurra (Country) within the Blue Mountains LGA."

Local aspirations

- In response to growing trends nationally with Aboriginal communities asserting their right to and greater political authority over their *Ngurra (Country)* the Council through the support of the AAC has an opportunity to build on or enter into agreements with local Traditional Owners;
- Agreements should consider management of *Ngurra (Country)*, Traditional Owners right to live on and receive economic outcomes, in lieu of the loss of traditional economies from their *Ngurra (Country)*;
- The Blue Mountains has an opportunity through that process to redress the ongoing effects of Colonisation, what this means for Aboriginal and non-Aboriginal people while providing an opportunity for non-Aboriginal people to build a deeper respect for *Ngurra (Country)* and its Traditional Owners;
- The AAC and the Council can assist where possible agreements between Traditional Owner groups for the management of *Ngurra (Country)* and economic opportunities.
- It is envisioned that through real and meaningful connections to and outcomes on *Ngurra (Country)* the Council can assist the improved health and wellbeing of Traditional Owners and other Aboriginal people in the City; and
- There is an opportunity for the City to be responsive to and inclusive of the Traditional Languages of the Blue Mountains, particularly in place naming, thereby contributing to local linguistic maintenance and renewal.

'Pathways' (Priority Directions)

- **Formal Recognition** - Agreements for Traditional Owners to co-manage *Ngurra (Country)* and all that this includes within the Blue Mountains Local Government Area.
- **Dual Naming** - Build the cultural awareness in the City through place naming practices that include dual naming in Traditional Languages.
- **Living on *Ngurra (Country)*** - Realisation of the social, cultural and economic opportunities on *Ngurra (Country)* for Traditional Owners and other Aboriginal people, with a strong focus on younger people.
- **Honouring the Past & Responding to the Future** - Locally recognising and redressing the ongoing process of Colonisation while working with Traditional Owners to develop a shared direction for the future, which embraces the interests of all Aboriginal community members
- **Addressing Disadvantage** - Addressing ongoing disadvantage in the Aboriginal community in Civic Leadership, employment, education and economic outcomes, affordability and importantly the health and wellbeing of the community.
- **Working within Legislation** - Achieving culturally responsive community outcomes, within a Local, State and Federal legislative structure which responds to opportunities for Traditional Owner recognition, inclusion and interests in *Ngurra (Country)*.
- **Building Capacity** - Advocating for and assisting younger Traditional Owners and other Aboriginal young people to gain educational experience culturally, academically and economically to undertake leadership roles particularly in relation to opportunities that derive from *Ngurra (Country)*.

Relationships

The AAC will continue to build on its relationships with Darug and Gundungurra Traditional Owners to shape and deliver activities to achieve the identified actions. The AAC intends to work in partnership with the Elected Council and Council Officers to achieve outcomes that support the identified 'Pathways'.

BMCC Aboriginal Advisory Council**'Pathways' to 2020**

The AAC will also build on cultural links to the broader Aboriginal community as well as stakeholders including government and non-government organisations, committees, networks and forums to achieve actions that underpin the pathways through a holistic approach.

The AAC through relationships built with Traditional Owners and the Aboriginal community will continue to keep the community informed on the delivery of the actions that underpin the 'Pathways'.

EVALUATION

The AAC Strategic Plan 2017 – 2020 will be regularly monitored by the AAC and BMCC forming the basis of agenda items for the committee. Evaluation of the success of the Pathways outcomes will be assessed by the achievement of the underpinning actions and targets.

Annual reviews will occur towards the end of each calendar year and progress reported to the Council at the next appropriate Council meeting over the life of the strategy. A final report which will assess the overall achievements of the strategy will be reported to the Council in December 2020.

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Pathways (Priority Directions) – Delivery Plan

Pathway	Actions	Role of AAC	Targets (over life of plan)
Formal Recognition	Further develop and implement Connecting to Country programs and assist with Co-management agreements with Traditional Owners	Support	<ul style="list-style-type: none"> A program of Connecting to Country activities and events is delivered annually The AAC supports initiatives that enhance Co-management outcomes The AAC assist where appropriate in supporting a Co-management agreement between the Darug Community and BMCC
	Establish connections with Major land Managers in the LGA and champion the opportunity to build agreements with Traditional Owners	Advise	<ul style="list-style-type: none"> Work with the Council to identify major land managers in the LGA Through the AAC establish relationships with these land management representatives Advise and assist with recognition of Traditional Owners through formal arrangements, where appropriate
	Advocate and support Traditional Owner Community Leadership on Country - 'Speaking for Country'	Guide	<ul style="list-style-type: none"> Consider approaches to assist Traditional Owners to be further acknowledged as the appropriate members of the Aboriginal community 'who can speak for Country' and local cultural protocols Support Traditional Owner Elders to enhance cultural stability and guidance
Dual naming in Traditional Languages	In response to the BMCC Asset Naming Policy develop a processes for including Darug and Gundungurra Place names in the LGA	Guide	<ul style="list-style-type: none"> Develop a process to provide Darug and Gundungurra Language names for parts of Country in the LGA in accordance with the BMCC Asset Naming Policy 2017. This process should be responsive to opportunities for new names as well as including dual names for existing named assets. Develop and agree on the implementation of this process including how places are identified and named / dual named etc. Seek knowledge holders that can assist with Traditional languages to provide existing or potential names Ensure that the Traditional Owners communities are involved in the decision making on proposed names
	Provide advice on the development of interpretive material that provides understandings of continuing connections to Country and languages of Traditional Owners	Advise	<ul style="list-style-type: none"> Develop an approach that informs the Council of the method of inclusion of Traditional Owners stories and language in interpretive materials. Within this approach develop a process around identifying how Aboriginal connection to Country and culture is included and what interpretative information should be standard i.e. what is meant by Country etc.
Living on Ngurra (Country)	Develop and implement BMCC 'On-Country' economic development strategies for Traditional	Support	<ul style="list-style-type: none"> Support the development and implementation of an 'On-Country Economic Development Plan' for Traditional Owners

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'Pathways' to 2020

	Owners and in consideration of broader Aboriginal community inclusion.		<ul style="list-style-type: none"> Consider economic opportunities that are inclusive of Aboriginal people from other 'Countries' now living in the LGA
	Develop and advocate for Traditional Owners and the Aboriginal Community cultural exemptions for the Council to consider i.e. licences, charges etc.	Guide	<ul style="list-style-type: none"> Identify types of activities administered by BMCC where Traditional Owners feel cultural exemptions may be appropriate. Consider if there are exemptions which may also assist the broader Aboriginal community Develop position and process on exemptions and seek formal endorsement by the Council on exemptions and associated processes
	Engage with tertiary institutions to build innovative training and development programs for the Aboriginal community	Advise	<ul style="list-style-type: none"> Seek out and build relationships with tertiary educational institutions Establish partnership opportunities between the AAC and these institutions Consult with the Aboriginal communities about training needs Develop programs with institutions that meet training needs using innovative approaches
	Capacity building in Cultural Arts and Cultural product i.e. Tourism, artwork for sale etc.	Support	<ul style="list-style-type: none"> Work with BMCC Cultural facilities to develop programs and events Seek out and build relationships with prominent cultural facilities in the LGA Engage programs that assist the development or enhancement of Traditional Owner / Aboriginal groups and or business in cultural 'products'
	Undertake events and celebrations on Country for Traditional Owners and the broader Aboriginal and non-Aboriginal community	Guide	<ul style="list-style-type: none"> Consider how the AAC can support significant Aboriginal events including; <ul style="list-style-type: none"> NAIDOC Week; Significant calendar days; and Cultural and Community events
Honouring the Past & Responding to the Future	Develop a statement of recognition by the Council of Traditional Owners Connection to Country and acknowledge the real impact of colonisation for Aboriginal people locally	Guide	<ul style="list-style-type: none"> Develop a statement of recognition of the ongoing impacts of colonisation (invasion) of Darug and Gundungurra Country while including a commitment to address issues locally Undertake Aboriginal community consultation on the draft statement Seek adoption by the Council
	Develop and deliver a program that shares Aboriginal cultural perspectives and acknowledges the process of colonisation of Aboriginal people and Country	Support	<ul style="list-style-type: none"> Work with Traditional Owners and local Aboriginal groups to develop a cultural program which considers anti-racism awareness and concepts of social inclusion Build capacity within the Aboriginal community for Aboriginal people to be potential trainers Implement training program with interested local organisations

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Addressing Disadvantage & Building Capacity	Work with the Traditional Owners and the Aboriginal community to identify areas of disadvantage	Advise	<ul style="list-style-type: none"> Undertake investigation into statistical information regarding disadvantage in the Blue Mountains LGA, i.e. employment levels, tenancy types etc. Seek out qualitative information from Aboriginal community members and community stakeholders regarding areas of disadvantage
	Assist capacity building amongst Traditional Owners and the Aboriginal community to develop and implement innovative approaches to address disadvantage	Guide	<ul style="list-style-type: none"> Research approaches from other communities that have proven outcomes in addressing disadvantage Develop local responses that incorporate proven outcomes or new methods to address disadvantage
	Continue to support and work with external governance bodies that focus on key issues in the Aboriginal community such as health, housing, employment etc.	Advise	<ul style="list-style-type: none"> Through the AAC establish or continue relationships with key stakeholder groups that support key community issues Seek partnership approaches to develop and implement responses to addressing disadvantage. Advocate on issues as identified above with relevant stakeholders.
Working within Legislation	Investigate ways to achieve on-Country outcomes in Co-management and economic outcomes within existing local, state and federal legislation	Guide	<ul style="list-style-type: none"> Work with Traditional Owners to document aspirations for 'On-Country' outcomes including cultural continuation and culturally based economic outcomes. Identify how the development and implementation of these aspirations may be affected by local, state and commonwealth laws. Develop approaches that work within legislative frameworks to establish outcomes identified by Traditional Owners and assist with the implementation.

BMCC Aboriginal Advisory Council**'Pathways' to 2020****Bibliography**

BMCC Aboriginal Advisory Council Strategic Plan 2013 – 2016 TRIM: 13/188225

BMCC Connecting to Country Program 2016 TRIM: 16/157731

Gundungurra Indigenous Land Use Agreement 2014

The Gully Co-operative Management Agreement 2013 TRIM: 13/34791

BMCC Aboriginal Community Consultation Report 2016

BMCC Community Strategic Plan 2035

<https://www.bmcc.nsw.gov.au/yourcouncil/integratedplanningandreporting/communitystrategicplan/>

Tracking the Circle: A Report from the Blue Mountains Aboriginal Health Coalition 2015

www.nbmmml.com.au/Resources/Programs-Services/Aboriginal-Health/NBMML097C_GEN_00315-BM-Tracking-the-Circle-Report.aspx

Dual naming - supporting cultural recognition, Geographic Names Board of NSW

www.gnb.nsw.gov.au/data/assets/pdf_file/0004/58837/GNB_Dual_Naming.pdf

'The Benefits Associated with Caring for Country- Literature Review' 2011, Commonwealth Department of Sustainability, Environment, Water, Population and Communities

http://aiatsis.gov.au/sites/default/files/products/report_research_outputs/benefits-cfc.pdf

ITEM NO: 7

SUBJECT: DRAFT BLAXLAND TOWN CENTRE MASTERPLAN

FILE NO: F11178 - 17/256807

Delivery Program Link

Principal Activity: Using Land

Service: Town Centres

Recommendations:

1. *That the Council endorses the draft Blaxland Town Centre Masterplan, at Enclosure 1, to be placed on public exhibition for a period of 42 days;*
 2. *That the Council receives a report on the submissions received during the public exhibition together with any amendments to the Blaxland Town Centre Masterplan by July 2018; and*
 3. *That the Council delegates authority to the General Manager to make minor amendments to the draft Blaxland Town Centre Masterplan prior to the public exhibition period.*
-

Report by General Manager:**Reason for report**

This report presents the draft Blaxland Town Centre Masterplan (the Masterplan), at Enclosure 1, to the Council and seeks adoption for the purposes of public exhibition. Subject to adoption, the draft Masterplan will be placed on public exhibition over February and March 2018, inviting submissions from interested parties. The Masterplan has been developed with extensive community consultation and supports achievement of our Community Strategic Plan Objective of “*City planning drives the creation of vibrant and well-designed places and spaces for people to live, work and play.*”

Background

At the Ordinary Meeting of the Council on 14 October 2014 the Council endorsed a prioritised program to develop Masterplans for Blue Mountains towns. Blaxland was assessed as a relatively high priority town centre for a Masterplan, having the stated priority as:

“Focus will be upon an update of public domain and individual movement to improve amenity and access from both Highway and the rear to better utilise available open space, and to examine opportunities for further development within and adjoining the town centre (there are significant vacant and under-developed lands). Opportunities for improvements to car parking and for strengthening the linkages to the railway and also Community Centre will be examined.”

Masterplanning for Blaxland commenced in 2016 with regular briefings and status reports provided to the Council; most recently at the Ordinary Meeting of 17 October 2017 it was resolved:

- “1. *That the Council notes the contents of this report and that a third community workshop will be held in November 2017; and*
2. *That the Council receives a further report on the Draft Masterplan, prior to its’ public exhibition in January 2018.”*

[Minute No. 358]

This report summarises the work to date in developing the draft Masterplan, details the outcomes of the November 2017 community workshop and presents the draft Masterplan.

The Masterplan Process

Below is a summary of the stages, actions and outcomes of the Masterplan process to date. For reference, more detailed discussion was included in the October 2017 report.

STAGE	ACTIVITIES	OUTCOMES
Stage 1: Analysis and first community consultation <i>April – November 2016</i>	<ul style="list-style-type: none"> Commissioned background studies: retail trends, transport analysis (including traffic and parking audits) and an urban design analysis Community consultation on positive and negative aspects of the town and opportunities for improvements 	Major opportunities identified by the community included: <ul style="list-style-type: none"> Improve facilities and amenity in the town centre; Reduce dominance and impacts of GWH; Revitalise town square (Station Street Mall); Improve access and amenity to the town square, including pedestrian overpass; Upgrade and integrate community centre and parks; Improve traffic management at key intersections; and Address parking issues, in particular commuter parking and the IGA car park
Stage 2: Concept development and second community consultation <i>November 2016 – April 2017</i>	<ul style="list-style-type: none"> Concept design for specific sites in response to opportunities identified Community consultation on design concepts Analysis of consultation outcomes 	Key ideas from community consultation focused on improving amenity and access whilst creating a vibrant community-oriented town centre, sheltered from highway noise and with improved parking, informing the following concepts: <ul style="list-style-type: none"> A new central laneway/shared space – in between new development in Pilgrim Place and the rear of existing shops, provide a sheltered pedestrian centric street Redevelop public land (car park) in Pilgrim Place as mixed use development with shop top housing and basement parking; Improved public domain – revitalise Station Street mall to improve function, accessibility and appearance, relocate existing toilets; Community hub - investigate relocation of community facilities to within the town centre; Shopping and health precinct - focus in the current western precinct of the town; and Other short term measures to improve parking and the public domain.
Stage 3: Architectural Feasibility and	<ul style="list-style-type: none"> Architectural feasibility study of Pilgrim Place mixed use development 	<ul style="list-style-type: none"> Study indicates mixed use development is architecturally feasible on Pilgrim Place site. Concept provides adequate

STAGE	ACTIVITIES	OUTCOMES
third community consultation <i>April – November 2017</i>	<ul style="list-style-type: none"> Community consultation on Pilgrim Place and Station Street mall revitalisation proposals Analysis of consultation outcomes <input type="checkbox"/> Development of draft Masterplan 	<ul style="list-style-type: none"> floorspace for relocated community facility and two levels of basement parking. Proposal remains subject to economic feasibility and detail design. Station Street mall concept development provides revitalised, functional and flexible public space however is subject to removal of the Transport for NSW pedestrian ramp that would be replaced with a lift. Consultation indicates respondents largely support both key concepts.
Stage 4: Draft Masterplan and public exhibition <i>November 2017-May 2018</i>	<ul style="list-style-type: none"> Finalisation of draft Masterplan. Public exhibition seeking comment and submissions Analysis of submissions <input type="checkbox"/> Finalisation of Masterplan 	<ul style="list-style-type: none"> Commenced
Stage 5: Final Masterplan and implementation program <i>May 2018 onwards</i>	<ul style="list-style-type: none"> Submission of final Masterplan to the Council for adoption Development of a draft Planning Proposal Potential development of a draft Section 94 Contributions Plan Development of an implementation plan 	<ul style="list-style-type: none"> To be determined

Stage 4 is in progress (progression is subject to adopting this report); Stage 5 involves finalising the Masterplan and is likely to require development of a planning proposal to amend planning controls. Council will also investigate a town centre section 94 plan to fund public domain and parking works. An implementation plan will be prepared to implement recommendations along with assigning priorities and delivery mechanisms.

Consultation

The development of the draft Masterplan has been informed by a high level of engagement with community and stakeholders. Three drop-in community workshops were held and these allowed participants to review background information and comment on proposals. Children and young people participated creatively in the workshops. Participants were invited to provide feedback either on the day or through Council's Have Your Say website. Workshops were advertised in the Blue Mountains Gazette, through social media and leaflet drops/handouts in the town centre and railway station. Hard-copy material was also available at Blaxland Library.

Council officers have engaged and met with key property owners and business people to inform parties of the Masterplan process and opportunities. The most recent program of consultation focused on the concepts for Pilgrim Place mixed use development and Station Street Mall revitalisation.

To date, approximately 450 people have been actively involved in the process, either attending a workshop or completing a survey, as follows:

- Workshop 1 - 130 attendees
- Workshop 2 - 100 attendees
- Workshop 3 - 69 attendees
- Have Your say - 2,200 visitors to the site and 152 completed a survey
- 3 business briefings held
- Blaxland High School
- BMCC Youth Council
- Stakeholders consulted include Sydney Trains, Transport for New South Wales and Roads and Maritime Service

A detailed Community Consultation Report is available at Enclosure 2 to this report. Generally the community has proved to be very supportive of significant change in Blaxland Town Centre, with support for key concepts including improved amenity, strengthening the role of the town centre as a key commercial and service hub and increasing town centre housing, heights and density.

Draft Masterplan Content

The Masterplan process has included a review of the following:

- Community needs and aspirations – consultation and collaboration to develop objectives and concepts for physical form and intangible elements that make a vibrant town centre;
- Physical structure of the town centre – land use type and locations, built form, topography and context;
- Planning controls – existing planning instruments and planning documents that influence town form and function (statutory and non-statutory);
- Public infrastructure – provision, adequacy, capacity (immediate to long-term) and amenity;
- Transport facilities – road network, intersections, parking facilities, pedestrian accessibility and safety, cycle infrastructure and public transport usage; and
- Public domain – quantity, quality, usage, connections and maintenance

Vision and Strategy

In consultation with the community, the following draft vision has been prepared and included in the draft Masterplan:

Vibrant, distinctive and welcoming... Blaxland Town Centre retains and enhances its varied services, facilities and activities... providing a hub for the local community.

The principles developed with the community which underpin the Masterplan Strategy are to:

1. Enhance Blaxland's role as a service town of considerable convenience;
2. Enhance Blaxland's identity and visible character as a Blue Mountains village/town;
3. Add value to the town's function through town centre living, village atmosphere and improvements to amenity, encouraging people to linger;
4. Design the new Centre to promote a strong sense of community;
5. Enable the progress of the town centre as an employment hub;
6. Recognise and enhance the bushland setting of the town centre;
7. Improve pedestrian connectivity, traffic flow and parking.

Key sites and themes

The masterplan identifies a number of key areas:

A. IGA Car Park and Western End

There are opportunities to improve the amenity and function of both the Council-owned car park area and both frontages of the IGA complex. A range of recommendations for this location are provided including a review of existing parking, working with landowners to improve loading facilities and building presentation, and considering the potential for additional multi-deck parking in the medium-longer term (reducing parking need in Pilgrim Place – Key Site D).

B. State Government Infrastructure

The town centre is impacted by infrastructure owned and managed by State Government agencies, including the overflowing commuter car park and the highly intrusive pedestrian ramp which limits the potential of the mall as a general community space. Council has commenced discussions and lobbying to resolve these issues by:

- Increasing commuter parking,
- Replacement of the existing pedestrian ramp in Station Street with an elevator, and
- Re-alignment of the stairs to minimise footprint and visual impact on the Station Street pedestrian mall.

C. Station Street Pedestrian Mall & Key Pedestrian Links

The amenity, safety and function of the Station Street Mall is compromised by a number of factors that cannot easily be changed without amendments to its fundamental structure. The proposal includes installation of a level platform to the mall area, allowing higher functionality and activation particularly to the eastern side, new public domain and pedestrian facilities, and the relocation of the existing toilet block. Key pedestrian links, east to Pilgrim Place and west to the IGA southern façade require work, and in some cases widening to improve their legibility and function.

D. Pilgrim Place

The proposal to relocate community facilities into the town centre came from the community in the initial consultation workshop. The current community centre is located below Hope Street on a bushland site and has a number of significant constraints.

This proposal seeks to use the Council owned car parking (4500m²) east of Station Street, making the most of the topography to provide:

- All community services & facilities (including the library) relocated;
- Two levels of car parking partly underground (depending on feasibility), entry at grade from Hope Street (alternatively one level with parking provided elsewhere) in the town centre;
- Retail and commercial space;
- Shared laneway between old and new shopfronts; and
- Two levels of “Shop-top” housing.

Additional research will be required to test feasibility of this project, as the cost of excavating the car parking levels may need to be offset with additional commercial or residential levels, or by alternative funding options.

E. Pedestrian Network & Open Space

The existing pedestrian network through the town centre suffers from a number of inadequacies and the Masterplan proposes changes to improve legibility and access. Key pedestrian focus points are the Station Street pedestrian mall and a new shared central laneway frontage to the community facilities in Pilgrim Place.

F. Medium Density Housing Investigation Areas

While there has been some uptake of medium density housing in Blaxland, it is timely to investigate the zoning and building heights of land in and adjacent to the town centre to provide greater housing diversity. Only 8% of current housing stock represents housing types other than single dwellings, yet there is demand for a wider range of dwelling types- particularly to meet the needs of an ageing population. Between the 2011 and 2016 census periods, the proportion of the Blue Mountains population over 65 increased from 16% to 20%, and is forecast to continue to increase to 27%, over a quarter of the population, by 2036. To meet the needs of this population, as well as other households requiring smaller dwellings, a diverse range of well-designed housing types- close to shops, services and transport are required. The masterplan nominates the area around the town centre as a medium density housing investigation area, to be considered and further investigated during the preparation of BMCCs Local Housing Strategy. Any increase in housing diversity would need to be accompanied by requirements for high quality design.

G. Retail & Mixed Use Village

In the context of a town centre with little architectural merit or heritage significance, the Masterplan seeks to facilitate renewal of the built form. The proposed changes will require increases in allowable building height within the current retail precinct, allowing basement car parking and provision of shop top housing and floorspace suitable for the changing needs of local businesses. This will assist in generating a 'Village Atmosphere', a key desired outcome for the community, and will improve safety through providing 'eyes on the street' and more active streets, both day and night. Any additional density and height would be required to be of high quality design - ensuring the Masterplan vision for a vibrant and welcoming town is met. The Masterplan also proposes that to be permitted additional height, developers will be required to demonstrate substantive community benefits.

Key concepts

Building Heights & Community Benefit

Key to achieving the Pilgrim Place proposal and generating new mixed use developments are changes to the standards on building heights and floor space ratio (FSR). The Pilgrim Place concept shown in the Masterplan indicates a three storey building, up to a partially five storey levels (including two base levels partly below ground) building on Hope Street (around 12 - 15 metres in height from ground level). The two basement levels accommodate the car parking and would sit partly above the existing ground level on Hope Street.

For additional heights at the scale proposed, developers would need to demonstrate substantive community benefits. This may include dedication of land to enable the central shared laneway. Other benefits might include provision of a community centre. This requirement would be written into the planning controls.

Economic Strategy

The Masterplan envisages that Blaxland will play a stronger role in the local economy. The town will have a role in supporting existing and emerging industries in the Blue Mountains - services, creative industries, the arts, niche industries and start-ups, whilst enhancing its role as a convenient service centre.

A number of key strategies in the Masterplan will drive this economic growth:

- Town centre living
- Opportunities for new, redeveloped and enhanced retail space
- Opportunities for new commercial/office space
- A new community centre/ hub; and
- An arts and events strategy.

Traffic, Parking and Loading

While the current town centre parking has generally adequate numbers, any increase in retail, commercial or residential floorspace will require additional parking. This will be carefully considered in the planning proposal for Pilgrim Place. Any development will also be required to meet the development standards for parking numbers. Excavation of basements to accommodate parking may require greater building heights to make them feasible for development, and this balance will require further feasibility testing.

Increases in traffic due to intensification of land use in the town centre will require review of the intersections within the study area, with likely downgrading of the traffic function for View Street/GWH intersection (already identified as having a poor level of function) and Layton Avenue. Depending on a specialist impact review, these intersections may require modifications.

The Draft Citywide Parking Strategic Plan identifies the value of managing existing parking. A further review of time restricted spaces is recommended to ensure parking better aligns with demand.

Open Space

The dedicated open space within the town centre is small and fragmented, and the Masterplan has identified a number of opportunities:

- Review Outrim Park, with a view to identifying a better site to optimise its use.
- The key pedestrian links between the focus areas of Pilgrim Place, Station Street and the major pedestrian entry to the IGA shopping centre are currently narrow, illegible and badly in need of renewal. This requires further research and liaison with adjoining landowners, identifying mechanisms which would allow a significant widening.
- The importance of Hope Street as both a local road, but also for vehicular access to the current retail and future Pilgrim Place proposal indicates the need for a shared footpath (for pedestrian and cycle access) to the northern side of Hope Street.

Implementation

Masterplans are high level strategic documents with an extended life. As many of the outcomes are of substantial scale, involve other jurisdictions (Infrastructure for NSW and NSW Department of Planning & Environment) and provide market incentives for private development, the Masterplan is intended to guide forward planning for the next twenty years. An implementation plan will be prepared to direct planning over this period.

Further work required to implement the Masterplan will include:

- A planning proposal to amend Council's planning controls (LEP and DCP) to facilitate increased height and density.
- A Section 94 Contributions plan- due to the level of public domain works provided and the redevelopment potential of Blaxland, Council will be investigating a Section 94 plan specifically to fund works in the Blaxland Town Centre. This will help to fund the new central laneway, upgrade of the Mall Public Domain, the community centre and new public parking.

Draft Masterplan Public Exhibition

Public exhibition of the draft Masterplan is proposed for a 6 week period over February-March 2018. Exhibition material will be available on Council's Have Your Say website and at Blaxland Library. Officers will also investigate using vacant shops for display material during the exhibition period. Notification letters will be sent to relevant parties including state agencies, property and business owners. Additionally, social and traditional media will be employed to advertise the exhibition.

Council will separately seek to meet with Ms Trish Doyle MP, Member of Parliament for Blue Mountains and Ms Susan Templeman MP, Federal Member for Macquarie on the objectives of the Masterplan and inviting their comment and seeking their support in engaging state and federal agencies accordingly.

Sustainability Assessment

There are numerous impacts from projects that are implemented as a result of a Masterplan being adopted. Below is a high-level assessment that recognises key outcomes only.

Effects	Positive	Negative
Environmental	Increased shop-top housing in the town centre provides housing close to public transport, reducing the need for car use. Revitalising public spaces will incorporate Water Sensitive Urban Design and sustainable building principles.	Robust assessment and management of negative environmental impacts are required for new development.
Social	The provision of more affordable and accessible housing seeks to meet the diverse needs of the Blue Mountains community. It will guide the provision of new community facilities and services in the town centre.	New development can impact on social cohesion and construction, and whilst temporary can impact on existing communities.
Economic	Additional development and renewal of public spaces will stimulate private investment in the town centre. Any new town centre population will increase the demand for goods and services, providing economic benefits and increasing diversity.	There is a risk that additional floorspace capacity introduced to the town centre may result in higher vacancy rates. An appropriate mix of tenancies and uses will help mitigate this.
Governance	The Masterplan will inform Council's asset and service level planning and Council's four year delivery program for future delivery planning cycles. It will also improve public infrastructure.	Nil

Financial implications for the Council

There are minimal cost implications for this stage of the project. All costs incurred for advertising the exhibition can be accommodated within 2017-18 operational budgets.

Legal and risk management issues for the Council

There are no significant legal or risk management issues in adopting the recommendations in this report. This is a non-statutory exhibition and adheres to Council's Community Consultation Policy.

Conclusion

This report presents the draft Blaxland Town Centre Masterplan (the Masterplan), at Enclosure 1, to the Council and seeks adoption for the purposes of public exhibition.

The report outlines the process to date in developing the draft Masterplan including the community consultation program. The content of the draft Masterplan is outlined including the key sites and concepts supporting the proposals.

Subject to adoption, the draft Masterplan will be placed on public exhibition over February and March 2018, inviting submissions from interested parties. It is then proposed that the Council receive a report on the submissions received during the public exhibition together with any amendments to the Blaxland Town Centre Masterplan by July 2018.

ATTACHMENTS/ENCLOSURES

1	Blaxland Town Centre Masterplan	18/14362	Enclosure
2	Consultation Summary Report for Blaxland Town Centre Masterplan	18/495	Enclosure

* * * * *

ITEM NO: 8

SUBJECT: POST-EXHIBITION PLANNING PROPOSAL - 54 LUCHETTI AVENUE,
HAZELBROOK (AMENDMENT 8 TO LEP 2015)

FILE NO: F10396 - 17/237119

Delivery Program Link

Principal Activity: Using Land

Service: Land Use Management

Recommendations:

1. *That the Council notes the public exhibition was conducted in accordance with legislative requirements of the Gateway Determination (Attachment 1) and that one submission was received;*
 2. *That the Council adopts the updated draft Planning Proposal for 54 Luchetti Avenue, Hazelbrook (draft Amendment 8) to LEP 2015 (draft Planning Proposal) in Attachment 2;*
 3. *That the Council submits the draft Planning Proposal to the NSW Parliamentary Counsel's Office (PCO) to be made exercising the functions delegated in the Gateway Determination under section 59 of the Environmental Planning and Assessment Act 1979);*
 4. *That the Council delegates to the General Manager (or their nominee) the authority to make minor amendments to the draft Planning Proposal that may arise after the formal adoption of this planning proposal, subject to such amendments maintaining the policy intent of the draft Amendment; and*
 5. *That the Council receives a report on any changes made by PCO which change the policy intent of the draft Planning Proposal.*
-

Report by Director Development & Customer Service:**Reason for report**

This report responds to the following resolution from the Ordinary Meeting of the Council of 22 August 2017, where it was resolved (in part) the following in relation to Draft Amendment 8 to LEP 2015 (in relation to 54 Luchetti Avenue Hazelbrook):

- "7 That the Council receives a report, subject to the Gateway Determination, at the conclusion of the notification period to enable consideration of submissions made to Blue Mountains Local Environmental Plan 2015 Amendment 8."*

[Minute No. 271]

Background

Draft Amendment 8 to Blue Mountains Local Environmental Plan 2015 (LEP 2015) proposes to rezone part of land at 54 Luchetti Avenue, Hazelbrook (Lot 1 DP1958100) from E2 Environmental Conservation to E4 Environmental Living and to remove the associated Protected Area – Ecological Buffer Area from the site.

The Planning Proposal arose following a Land and Environment Court (LEC) Appeal against the refusal of a development application for a 1 into 17 lot subdivision at 54 Luchetti Avenue, Hazelbrook. A key contention of the case was whether the mapped scheduled community 5B-Blue Mountains Swamps or community 5A – Blue Mountains Heath and Scrub remained on the site. In summary, while it was agreed that the site at the time of the court case did contain a small area of scrub at the western end of the site, that scrub community was no longer typical (in its current form) of either scheduled community. It is also important to note that at the time the development application was being assessed, a portion of mapped vegetation community was cleared under the Rural Fire Service 10/50 Vegetation Clearing Code (10/50 Code), prior to the site investigations during the court case. Therefore, the area of mapped community remaining at the time of the court case was limited.

The NSW Land and Environment Court subsequently approved the application for subdivision. As the presence of scheduled vegetation was the rationale for the application of the E2 Environmental Conservation zone on the site, confirmation that the vegetation was no longer present, suggests that the application of this zone may no longer be appropriate.

A Planning Proposal for land at 54 Luchetti Avenue, Hazelbrook was subsequently lodged with Council on the 22 June 2017. This Planning Proposal seeks to amend LEP 2015 by rezoning, from E2 Environmental Conservation to E4 Environmental Living, on part of the subject site. The Proposal also seeks to remove the Protected Area – Ecological Buffer Area, which is associated with mapped scheduled vegetation. As a consequence of the proposal, 13 additional lots are directly impacted and were included as an Addendum to the Planning Proposal.

The Planning Proposal was presented to the Ordinary Meeting of the Council on 22 August 2017 where it was resolved in part:

- “2 That the Council refers the draft Planning Proposal and addendum for Local Environmental Plan Amendment 8 to the Greater Sydney Commission for Gateway Determination under s.56 of the Environmental Planning and Assessment Act 1979;
3. That the Council requests Written Authorisation to Exercise Delegation over the Planning Proposal in accordance with clause 23 of the Environmental Planning And Assessment Act 1979;
4. That the Council includes a request to the Department of Planning and Environment that the draft Planning Proposal be designated low impact;”

[Minute No. 271]

In accordance with Items 2 to 4 of Minute No. 271, the draft Planning Proposal and Addendum to Planning Proposal was submitted for Gateway Determination on 29 September 2017.

Gateway Determination

A Gateway Determination was issued by the Department as delegate of the Greater Sydney Commission (GSC) on 27 October 2017 (Attachment 1). This confirmed that under section 56(2) of the *Environmental Planning and Assessment Act* (EP&A Act), the proposed amendment to LEP 2015 should proceed, subject to the conditions of the Gateway Determination.

Each of these conditions, with associated comment, is addressed below.

1. *Prior to community consultation, Council is to amend the planning proposal by:*

- *Incorporating the 'Addendum to Planning Proposal to 54 Luchetti Avenue, Hazelbrook' with the planning proposal (prepared by Stimson & Baker Planning) so that the document is provided for exhibition purposes as one integrated document with Council's logo appended;*

Comment: The Planning Proposal was amended to incorporate the Addendum within the document.

- *Locating sections:1 (executive Summary); 2 (Introduction); and , 3 (The Subject Land) of the Stimson & Baker document within an appendix of the revised planning proposal;*

Comment: the Planning Proposal was amended to relocate sections 1, 2 and 3 into an appendix of the revised Planning Proposal.

- *Amending maps within the amalgamated planning proposal so these are enlarged to make these more legible and a north point is to be added to each;*

Comment: Maps embedded within the document were enlarged with a north point added to each.

- *Amending the appropriate sections, as follows:*

- *Clarify that the planning proposal does not require consideration under State Environmental Planning Policy No.44 – Koala habitat Protection (refer to p.21 of the Stimson & Baker document); and,*

Comment: Response to SEPP 44 was amended to advise that "the identified vegetation on the site does not include Koala feed tree species as identified in Schedule 2 of the SEPP and does not require consideration under SEPP 44."

- *Indicate that Council is satisfied that the provisions of State Environmental Planning Policy No. 55 Remediation of Land (refer to pp.21/22 of the Stimson & Baker document) do not apply.*

Comment: Response to SEPP 55 was amended to advise that Council is satisfied that the land is not contaminated and is suitable for consideration for rezoning.

2. *Community Consultation is required under sections 56(2)(c) and 57 of the Act as follows:*

- (a) *the planning proposal must be made publicly available for a minimum of 14 days; and*

Comment: The Planning Proposal, Gateway Determination and supporting documentation were publicly available for 34 days. The length of the community consultation period is addressed later in the report.

- (b) *the relevant planning authority must comply with the notice requirement for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A guide to preparing local environmental plans (Department of Planning and Environment 2016)*

Comment: The notice requirements and material made available for public exhibition comply with section 5.5.2 of "A guide to preparing local environmental plans" (Department of Planning and Environment 2016), by providing advice on the intended outcomes of the proposal; the land affected by the proposal; where and when the proposal can be inspected; how submissions may be lodged; last

date for submission and that Council will exercise delegation of the plan making functions.

3. *Consultation is required with the Office of Environment and Heritage under section 56(2)(d) of the Act.*

Comment: Consultation with State agencies and the general public was conducted in accordance with section 56(2)(d) of the Act. This is discussed in more detail below.

4. *Prior to community consultation, Council is to consult with the commissioner of the NSW Rural Fire Service to satisfy the requirement of S.117 direction 4.4 Planning for Bushfire Protection.*

Comment: The Rural Fire Service (RFS) was provided the amended planning proposal and supporting documentation on the 6 November 2017, four weeks prior to the commencement of public exhibition. Within this four week period, the RFS verbally responded, raising no issue with the proposal. This was confirmed in writing in the RFS response received on 11 December 2017.

5. *Each public authority is to be provided with a copy of the Planning Proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.*

Comment: The RFS and Office of Environment and Heritage (OEH) were provided with a copy of the amended Planning Proposal and supporting documentation and were given 28 days to comment.

6. *A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act.*

Comment: It is noted that a public hearing is not required under the Gateway Determination.

The Department also authorized Blue Mountains City Council to exercise delegation in relation to the Planning Proposal for draft Amendment 8 (54 Luchetti Avenue, Hazelbrook) to LEP 2015. The Department designation for this Planning Proposal is PP_2017_BLUEM_002_00.

Public Exhibition

The Gateway Determination required consultation with the Commissioner of NSW Rural Fire Service prior to a 14 day public exhibition period. Allowing for this timeframe, the exhibition period could not commence until 6 December 2017. This would have resulted in the 14 day exhibition period ending on 20 December 2017.

In addition to the exhibition requirements under the Gateway Determination, Council's Development Control Plan (DCP) Part H – Public Participation states that exhibition shall not commence or finish between 20 December and 5 January to make allowance for the holiday period. As a result, the draft Planning Proposal for this amendment was placed on public exhibition for 34 days from Wednesday 6 December 2017 to Monday 8 January 2018, with advertising in the local paper to notify the community.

Letters were sent to all adjoining property owners, consistent with those who were notified of the development application on the subject site (54 Luchetti Avenue, Hazelbrook), adjoining land and affected properties. A total of 137 letters were issued to property owners adjoining and within the vicinity of the subject site.

A hardcopy of the amended Planning Proposal and supporting documentation was available for viewing at the Springwood and Katoomba Council offices and at the Springwood, Lawson and Katoomba Libraries. Information about the public consultation and the proposed amendment was also available on the Have Your Say (HYS) page on the BMCC website.

Council officers were available to answer questions, Monday to Friday between 8:30am and 5pm.

General public

The HYS summary report at the conclusion of the public exhibition showed that:

- 23 people visited the site;
- 6 people downloaded a document from the site; and
- 0 persons lodged a submission form.

One (1) submission via direct email was received during public exhibition from an individual who requested an expansion of the Planning Proposal to include a rezoning of 61-71 Queens Road and 51-53 Queens Road, Lawson to allow subdivision opportunities

Both of the listed properties are included in Amendment 3 to LEP 2015 solely as a consequence of the proposed changes to 54 Luchetti Avenue. The proposed amendments applying to 61-71 Queens Road and 51-53 Queens Road, Lawson as follows:

- 61-71 Queens Road: Remove PA-ecological buffer area
- 51-53 Queens Road: Rezone that part of site currently zoned E2 to E4.
Apply a MLS 1200m² to that part of the site currently zoned E2.
Remove PA-ecological buffer area

The planning proposal, including the above amendments to the provisions for 61-71 Queens Road and 51-53 Queens Road, have been exhibited and is now in the final stages of the process as prescribed by the Department of Planning and Environment's "A guide to preparing local environmental plans".

The above request to modify further controls, other than those exhibited as part of Amendment 8 to LEP 2015, are outside the scope of this Planning Proposal for Amendment 8 to LEP 2015.

State Agencies

Rural Fire Services (RFS)

The RFS have advised in their letter received on the 11 December 2017 that they have no objection to the proposal subject to a requirement that the future subdivision of land complies with *Planning for Bush Fire Protection 2006*.

Office of Environment and Heritage (OEH)

The OEH have advised that they support the conclusion that vegetation on the site is unlikely to be an endangered ecological community.

Heritage Division of NSW

The Gateway Determination only required consultation with two state agencies, the NSW Rural Fire Services and the Office of Environment and Heritage, under conditions 3 and 4 of the Determination. However, when OEH were notified of the Planning Proposal they advised it was forwarded to the Heritage Division of NSW for comment who have advised they have no objection to the planning proposal.

Outcome of Public Exhibition

The only change to the exhibited Planning Proposal is to update the section on Community Consultation. As discussed above, one submission requested rezoning on adjoining properties, which is outside the scope of the current amendment. The updated draft Planning Proposal with this modification is recommended for adoption (Attachment 2).

Progress of Amendment 8 to LEP 2015

The Gateway Determination delegated the functions of the GSC to Council, for the making of this planning proposal under section 59 of the *Environmental Planning and Assessment Act 1979*. This means that Council will work directly with PCO to make this LEP amendment in accordance with the Department's 'A guide to preparing local environmental plans' and 'A guide to preparing planning proposals'.

Sustainability Assessment

Effects	Positive	Negative
Environmental	Allowing for appropriate review of the draft plan.	Nil
Social	Providing an opportunity for the public to review and comment on the proposed provisions.	Nil
Economic	The proposed rezoning will allow for consideration of the creation of additional lots on the site.	Nil
Governance	The public exhibition of draft Amendment 8 (54 Luchetti Avenue, Hazelbrook) to LEP 2015 was undertaken in accordance with the provisions of clause 57 of the <i>Environmental Planning and Assessment Act 1979</i> and ensures transparent community consultation.	Nil

Financial implications for the Council

All costs including staff time and resources required in the processing of these LEP amendments is accommodated within existing operational budgets.

Legal and risk management issues for the Council

There are no identified legal or risk management implications for the Council as a result of finalising this LEP amendment.

External consultation

As detailed in this report, community and State agency consultation was undertaken for this draft amendment in accordance with the Gateway Determination.

Conclusion

This report provides an update to the Council on the results of the public exhibition process undertaken for Amendment 8 (54 Luchetti Avenue, Hazelbrook) to LEP 2015. The report does not propose any change to the exhibited draft plan, apart from incorporating the general outcomes of community consultation. The Gateway Determination granted Council delegation for the functions of the Greater Sydney Commission for the making of this planning proposal under section 59 of the *Environmental Planning and Assessment Act 1979*.

It is recommended that Council adopt the updated draft Planning Proposal (Attachment 2) to proceed with the making of this amendment.

ATTACHMENTS/ENCLOSURES

1	Gateway Determination for Amendment 8 to LEP 2015 (54 Luchetti Ave, Hazelbrook)	17/220451	Attachment
2	Amended Planning proposal - post exhibition (Jan 2018)	18/7607	Enclosure

* * * * *

Attachment 1 - Gateway Determination for Amendment 8 to LEP 2015 (54 Luchetti Ave, Hazelbrook)

Your reference: 17/12672

Mr Robert Greenwood
General Manager
Blue Mountains City Council
Locked Bag 1005
Katoomba NSW 2780

Dear Mr Greenwood

Planning Proposal to amend Blue Mountains Local Environmental Plan 2015.

I am writing in response to Council's request for a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal (PP 2017 BLUEM 002 00) to rezone land at 54 Luchetti Avenue, Hazelbrook, from E2 to E4 zoned land, together with other land and associated mapping amendments.

As delegate of the Greater Sydney Commission, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed the planning proposal's inconsistencies with S117 directions 1.5 Rural Lands; 2.1 Environmental Protection Zones; and, 4.3 Flood Prone Land, are of minor significance. No further approval is required in relation to these directions. Council may, however, still need to obtain the agreement of the Secretary to comply with the requirements of S117 direction 4.4 Planning for Bushfire Protection. Should this prove necessary, Council is to ensure this occurs prior to the plan being made.

Plan making powers were delegated to Councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to

meet these commitments, the Greater Sydney Commission may take action under Section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Mr Philip Adams to assist you. Mr Adams can be contacted on (02) 8289 6224.

Yours sincerely



25/10/17
Catherine Van Laeren
Director, Sydney Region West
Planning Services

Encl: Gateway Determination
Written Authorisation to Exercise Delegation
Delegated Plan Making Reporting Template



Planning & Environment

Gateway Determination

Planning Proposal (Department Ref: PP_2017_BLUEM_002_00): to rezone land from E2 Environmental Conservation to E4 Environmental Living at 54 Luchetti Avenue, Hazelbrook, and other allotments, together with associated map amendments.

I, the Director, Sydney Region West, at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act, 1979* (the Act) that an amendment to the Blue Mountains Local Environmental Plan (LEP) 2015 to rezone land from E2 Environmental Conservation to E4 Environmental Living at 54 Luchetti Avenue, Hazelbrook and other allotments, together with associated map amendments, should proceed subject to the following conditions:

1. Prior to community consultation, Council is to amend the planning proposal by:
 - incorporating the 'Addendum to Planning Proposal to 54 Luchetti Avenue, Hazelbrook' with the planning proposal (prepared by Stimson & Baker Planning) so that the document is provided for exhibition purposes as one integrated document with Council's logo appended;
 - locating sections: 1 (Executive Summary); 2 (Introduction); and, 3 (The Subject Land) of the Stimson & Baker document within an appendix of the revised planning proposal;
 - amending maps within the amalgamated planning proposal so these are enlarged to make these more legible and a north point is to be added to each;
 - amending the appropriate sections, as follows:
 - clarify that the planning proposal does not require consideration under State Environmental Planning Policy No. 44 – Koala habitat Protection (refer to p.21 of the Stimson & Baker document); and,
 - indicate that Council is satisfied that the provisions of State Environmental Planning Policy No. 55 – Remediation of Land (refer to pp.21/22 of the Stimson & Baker document) do not apply.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **14 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).

PP_2017_BLUEM_002_00



3. Consultation is required with the Office of Environment and Heritage under section 56(2)(d) of the Act.
4. Prior to community consultation, Council is to consult with the Commissioner of the NSW Rural Fire Service to satisfy the requirement of S.117 direction 4.4 Planning for Bushfire Protection.
5. Each public authority is to be provided with a copy of the Planning Proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission).
7. The timeframe for completing the LEP is to be 6 months following the date of the Gateway determination.

Dated 25th day of October 2017.

A handwritten signature in black ink, appearing to read "Catherine Van Laeren".

Catherine Van Laeren
Director, Sydney Region West
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission



**Planning &
Environment**

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Blue Mountains City Council is authorised to exercise the functions of the Greater Sydney Commission under section 59 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2017_BLUEM_002_00	Planning proposal to rezone Land at 54 Luchetti Avenue, Hazelbrook, and other associated land, together with relevant mapping amendments.

In exercising the Greater Sydney Commission's functions under Section 59 of the EP&A Act, the Council must comply with the Department's "*A guide to preparing local environmental plans 2016*" and "*A guide to preparing planning proposals 2016*".

Dated 25th October 2017

Catherine Van Laeren
Director, Sydney Region West
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission



Planning & Environment

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to Table 2 to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2017_BLUEM_002_00
Date Sent to DP&E under s56	6 September 2017 (as amended)
Date considered at LEP Review Panel (if applicable)	N/A
Gateway determination date	25/10/17

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Have changes been made to the draft LEP after obtaining final PC opinion?	YES NO	
Date LEP made by GM (or other) under delegation		
Date sent to DPE requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information:

ITEM NO: 9

SUBJECT: DEVELOPMENT APPLICATION NO. X/482/2017 FOR SENIORS HOUSING DEVELOPMENT COMPRISING 8 UNITS, INCLUDING DEMOLITION OF TWO EXISTING DWELLINGS ON L 1 DP 399169, L 1 DP 870339, 363 & 365 GREAT WESTERN HIGHWAY, SPRINGWOOD

FILE NO: F11178 - X/482/2017 - 17/266360

Recommendations:

That Development Application No. X/482/2017 for seniors housing comprising 8 units, including demolition of two existing dwellings on L 1 DP 399169, L 1 DP 870339, 363 Great Western Highway, SPRINGWOOD NSW 2777, and 365 Great Western Highway, SPRINGWOOD NSW 2777 be determined pursuant to S.80 of the Environmental Planning and Assessment Act 1979 by refusing consent to the application, for the following reasons:

- 1. The Council cannot be satisfied the location of the development meets the requirements for a suitable access pathway between the public transport service and the development as required by State Environmental Planning Policy (Housing For Seniors and People With a Disability) 2004 (SEPP Seniors) Clause 26, in particular, an access pathway suitable for an electric wheelchair, motorised cart or the like between the site and the westbound bus stop on the Great Western Highway;*
- 2. Roads and Maritime Services (RMS) does not support the proposed driveway access arrangement from the highway and has not provided concurrence for the proposed development under Section 138 of the Roads Act 1993;*
- 3. The development does not meet the Objective of Chapter 3 in SEPP Seniors Clause 14 which is to locate and design development in a manner particularly suited to both those seniors who are independent, mobile and active as well as those who are frail, and other people with a disability regardless of their age;*
- 4. The application does not address the provisions in SEPP Seniors Clause 27(2) for seniors development in the vicinity of land identified as bush fire prone, which has prevented consultation with the NSW Rural Fire Service as required in Clause 27(3);*
- 5. The application does not contain written confirmation from Sydney Water that the sewer and town water infrastructure on the site has the capacity to accommodate the proposed development, as required by SEPP Seniors Clause 28;*
- 6. Safe pedestrian access pathways, independent of the driveway, are not provided on the site. Therefore, the development does not satisfy the pedestrian accessibility provisions in SEPP Seniors Clause 38 and Schedule 3(2), in the Seniors Living Policy: Urban Design Guideline for Infill Development Part 5, and in DCP 2015 Part E2.3.4;*
- 7. The building heights measure between 8m and 9.2m and therefore do not comply with the 8m height controls in SEPP Seniors Clause 40(4)(a) and LEP 2015 cl.4.3. The application does not seek a variation under SEPP 1 and LEP 2015 cl.4.6.;*
- 8. The building in the rear 25% of the site does not comply with SEPP Seniors Clause 40(4)(c) which requires the building not exceed 1 storey in height;*

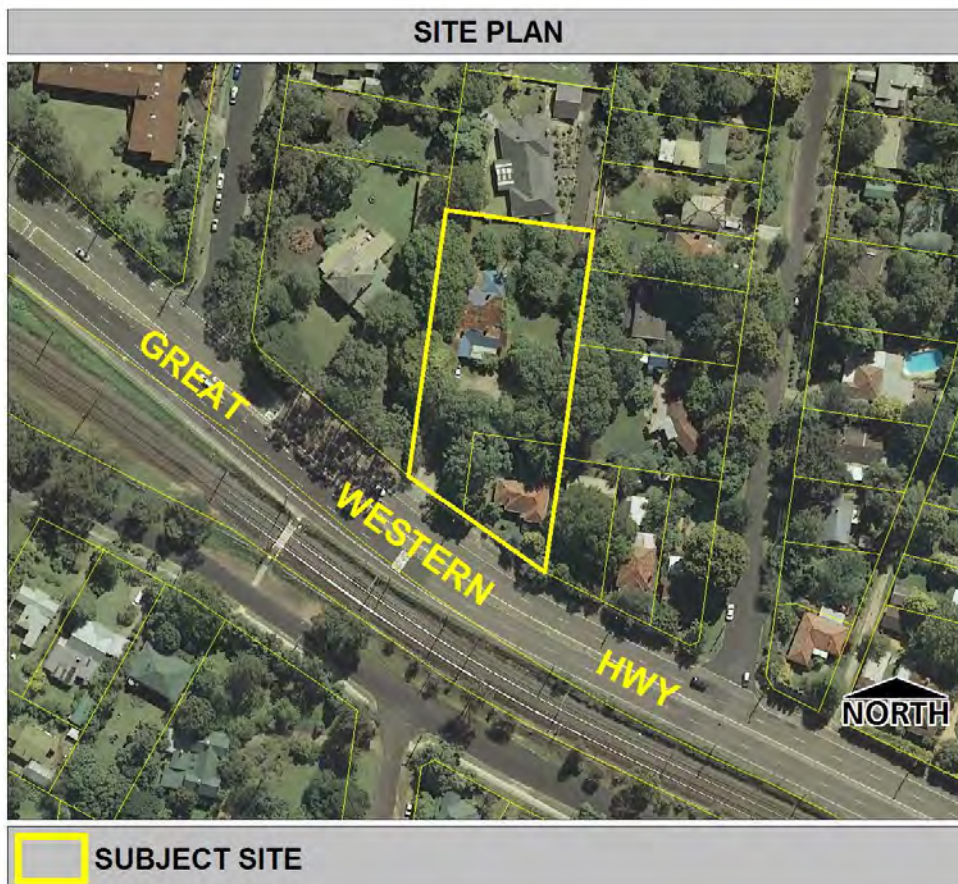
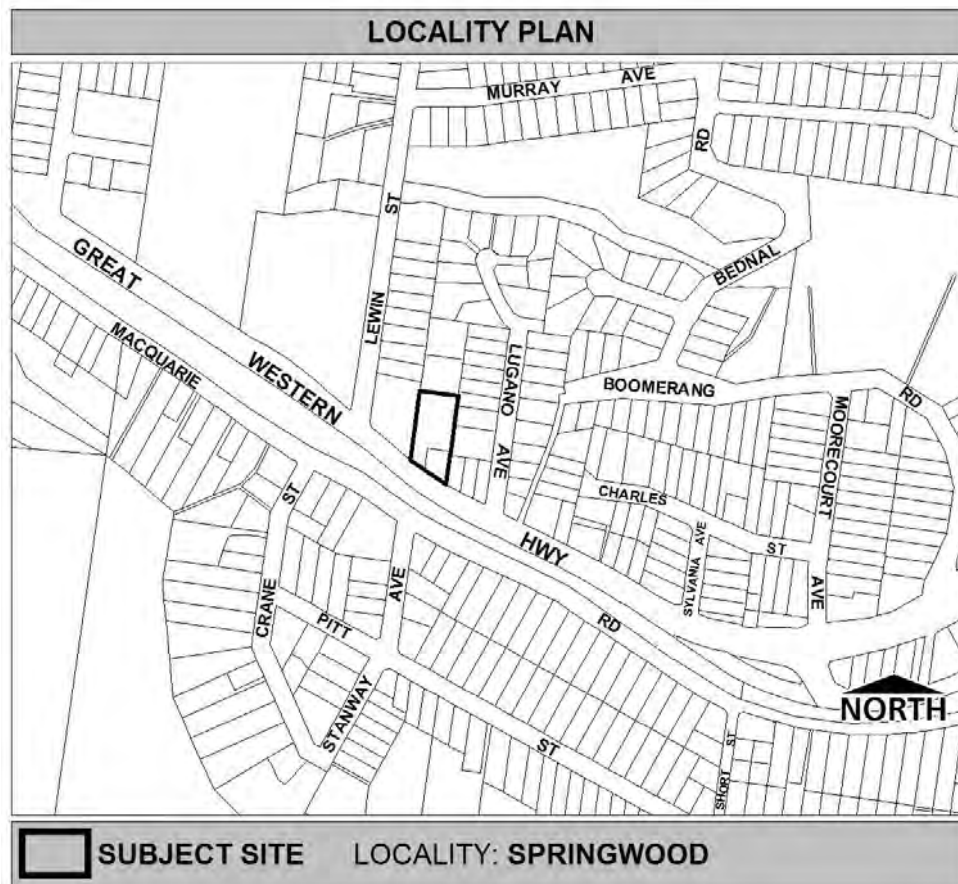
9. *The development does not locate two-thirds of the deep soil zone at the rear of the site as required by SEPP Seniors Clause 50(d), exclusive of dedicated private open space in the yard areas, and does not provide 10% of the site area as a single area at the rear of the site for mid-block corridor tree planting, as required by Seniors Living Policy: Urban Design Guideline for Infill Development Part 2;*
10. *The middle and rear buildings are set back less than 1.2m from the side boundary and exceed the “maximum 50% of the development built to this alignment” rule in Seniors Living Policy – Urban Design Guidelines for Infill Development Part 4;*
11. *The length of unrelieved walls along the narrow side setback exceeds the 8m rule for the middle and rear buildings, in Seniors Living Policy – Urban Design Guidelines for Infill Development Part 4;*
12. *The Council cannot be satisfied private yards and living rooms receive 3 hours of direct sunlight between 9am and 3pm mid-winter as required by SEPP Seniors Clause 50(e) and DCP 2015 Part F1.2.7;*
13. *The Council cannot be satisfied the provisions for the retention of existing major trees have been adequately considered in the design, as required in SEPP Seniors Clause 33(f);*
14. *The application does not demonstrate adequate arrangements have been made with the beneficiaries of the right-of-carriageway for its proposed realignment and for the changes to the current access arrangement;*
15. *The width of the realigned right of carriageway does not comply with the required minimum width of 6m in DCP 2015 Part F5.1 C19, necessary to service three allotments and eight dwellings;*
16. *The proposed driveway in the right-of-carriageway does not achieve a minimum width of 4.5m to adequately accommodate traffic from Units 3 to 8 and the properties at 365A & 365B Great Western Highway, and does not provide passing bays, required by DCP 2015 F1.2.9 C8 and DCP 2015 Part F5.1 C19;*
17. *The driveway along the eastern boundary does not address the vehicle access design principles in Seniors Living Policy – Urban Design Guidelines for Infill Development Part 3, and in DCP 2015 Part F1.2.9, which require the alignment of the driveway be designed to avoid a “gun barrel” effect;*
18. *The application does not demonstrate how compliant grades to AS2890 can be achieved in the transitions between levels along the driveway between the two rear buildings and to the garages, and does not demonstrate adequate vehicle manoeuvrability. The Council cannot be satisfied the development complies with the driveway requirements in DCP 2015 Part E2.3.3 C2;*
19. *The development does not provide on-site visitor parking as required by Seniors Living Policy – Urban Design Guidelines for Infill Development Part 2 and by DCP 2015 Part F1.2.9;*
20. *The proposed landscaping scheme does not demonstrate the provisions in DCP 2015 Part C3 have been met, and provides a poor landscape outcome for the site. In particular, the landscape plan does not contain the detail required in I2.1.8 to I2.1.13 of the DCP;*

21. *The development does not meet requirements for housing choice though a range of dwelling sizes as required by Seniors Living Policy: Urban Design Guideline for Infill Development Part 2 and in DCP 2015 Part E3.3;*
22. *The development does not provide communal open space as required by Seniors Living Policy: Urban Design Guideline for Infill Development Part 5 - Design principles – residential amenity;*
23. *The buildings containing Units 3, 4, 6, 7 & 8 encroach into the No Building Zone along the eastern boundary of Lot 1 DP 870339, registered on the land title as an 88B restriction. No prior arrangements have been made to extinguish or modify the restriction;*
24. *The buildings containing Units 3, 4, 6, 7 & 8 encroach into the 2m wide Easement for Services along the western boundary of Lot 1 DP 870339, registered on the land title as an 88B restriction. The application does not demonstrate adequate arrangements have been made with the beneficiaries of the easement for the relocation of their services;*
25. *Prior arrangements have not been made to extinguish or modify the 88B restriction on the land title which requires all stormwater run-off from hardstand areas and buildings to be disposed of to an on-site absorption system located a minimum 10m from any property boundary; and*
26. *The Council cannot be satisfied that adequate arrangements have been made for the disposal of stormwater drainage, as required in LEP 2015 clause 6.23(1) and DCP 2015 Part C6.5.*

Disclosure	Disclosure of any political donation and/or gift - No
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Report by Director, Development & Customer Services

Reason for report	Application has a value in excess of \$1,500,000
Applicant	Edwards Planning
Owner	Mr M R Carey and Mrs L M Snelling
Application lodged	31 May 2017
Property address	363 & 365 Great Western Highway SPRINGWOOD



Site description	<p>The subject land comprises two allotments of land having a combined area of 3627m² and a frontage of 47.5m to the Great Western Highway. Each allotment contains a single dwelling house. The site contains a right-of-way access to 365A and 365B Great Western Highway to the rear of the site, each of which contain a single dwelling house.</p> <p>The land is near level with a gentle fall downslope from the highway frontage. Neighbouring land is developed with single dwelling development.</p>
Proposal	<p>The application seeks approval for the demolition of the 2 dwellings and for the construction of 8 new self-care dwellings for seniors and people with a disability. The dwellings are arranged in 3 separate two-storey buildings, each containing 2 or 3 dwellings.</p> <p>Subdivision of the completed development is not proposed as part of this application. It is proposed to consolidate the two allotments into one and realign a right-of-carriageway.</p> <p>A copy of the plans showing the site area and extent of the proposed development are provided in Attachment 2 to this Report.</p>
Supporting documentation	<p>The application is supported by:</p> <ul style="list-style-type: none"> • Architectural plans • Landscape plan • Concept stormwater drainage plan • External colour schedule • Statement of environmental effects • Heritage report • Acoustic report • Access report • BASIX certificate • Traffic and parking assessment
Background	<p>The allotment of land 365 Great Western Highway was created by a 1 into 3 lot subdivision in 1997 in DA S96/0013. 365 Great Western Highway contains:</p> <ul style="list-style-type: none"> • a 2m wide easement for services along its western boundary for the benefit of 365A and 365B Great Western Highway, which adjoin to the north and rear • a right of carriageway of variable width for the benefit of 365A and 365B Great Western Highway • a 6m wide easement for communications across the south-western corner • a “no-building” zone 10m wide located along the eastern boundary which was a negotiated outcome in the DA assessment process. <p>Written land use advice was provided to the applicant on 4 September 2014 for a proposed 10 dwelling seniors living</p>

development. The site and the design of the development failed to comply with several key provisions of State Environmental Planning Policy (Housing for Seniors and People With a Disability) 2004, and it was recommended that alternative types of development be considered. However the development application as subsequently submitted is substantially the same proposal and does not follow the land use advice provided.

The primary issues of the current proposal were identified to the applicant by letter on 23 June 2017 and were unresolved during the course of the assessment. The applicant was given the opportunity to withdraw the application on 22 September 2017 and again on 21 November 2017, and advised the application would otherwise be determined. The application has not been withdrawn.

**Environmental
Planning Instruments
& Policy**

Blue Mountains Local Environmental Plan (LEP) 2015

- Zone R2 Low Density Residential

Development Control Plan

- DCP 2015

State Environmental Planning Policy

- SEPP 55 Remediation of Land
- SEPP Infrastructure
- SEPP Housing for Seniors Or People With A Disability
- SEPP BASIX

Sydney Regional Environmental Plan No 20: Hawkesbury Nepean River

Notification

Consultation was undertaken in accordance with the requirements of Part H (Public Participation) of Development Control Plan 2015 and the requirements under the *Environmental Planning and Assessment Regulations 2000*.

The application was advertised for a period of 14 days from 14 June 2017 to 28 June 2017 with notification in the Blue Mountains Gazette as well as written notification to adjoining and nearby properties.

Four (4) submissions were received as a result of this notification process.

Evaluation

The application has been assessed in accordance with Section 79C (Evaluation) of the *Environmental Planning and Assessment Act 1979* ("the Act"). A commentary on the assessment of the development against the Section 79C evaluation matters has been detailed in this report for the Council's consideration.

**Implications of 10-50
vegetation clearing
code of practice**

Reference to the RFS website shows the land is not located in a designated 10/50 vegetation clearing entitlement area.

Issues

The following assessment issues are further detailed in the report:

1. State Environmental Planning Policy (Housing for Seniors and People With a Disability) 2004
2. State Environmental Planning Policy (Infrastructure) 2007
3. Local Environmental Plan 2015
4. Development Control Plan 2015
5. Vegetation removal and management
6. Character and amenity
7. Stormwater drainage
8. Access, traffic and parking, and
9. Environmental, social and economic impacts, the suitability of the site and the public interest.

1.0 Section 79C(1)(a)(i) Environmental Planning Instruments

1.1 SEPP Housing for Seniors or People With a Disability

Part	Standard	Proposed	Compliance
cl.2	Aims of policy	The proposed development is not of good design and fails to meet the stated aims.	N
cl.4	Land to which policy applies	The land is zoned to permit dwelling houses and therefore the SEPP policy applies to the proposed development. The land does not contain any of the environmentally sensitive lands identified in Schedule 1.	Y
cl.13	Self-contained dwellings	The proposed development is a group of self-contained dwellings intended for seniors, and meets the definition of <i>seniors housing</i> in clause 10. <i>Seniors housing</i> is defined as meaning <i>residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of:</i> <i>(a) a residential care facility, or</i> <i>(b) a hostel, or</i> <i>(c) a group of self-contained dwellings, or</i> <i>(d) a combination of these,</i> <i>but does not include a hospital.</i>	Y
cl.14	Objectives of chapter	The proposal does not meet the objective requiring the development be located in a manner particularly suited to seniors who are frail and other people with a disability, regardless of their age. Refer to cl.26 below for further discussion.	N
cl.15	What Chapter does	The proposed development is on land zoned primarily for urban purposes.	Y
cl.24	Site compatibility certificate	A site compatibility certificate is not required for this site.	NA

cl.26	Location access facilities and to	<p>The proposed development is unable to meet the requirement for a suitable access pathway between the public transport service and the development. In particular, an access pathway suitable for an electric wheelchair, motorised cart or the like between the site and the westbound bus stop.</p> <p>See further discussion below this table.</p>	N
cl.27	Bush fire prone land	<p>The land is not mapped as bush fire prone but is located in close vicinity to bush fire prone land (within 40m). Subclause (3) therefore requires Council to refer the application to the NSW Rural Fire Service and have regard to its comments. The application was unable to be referred as the applicant has not addressed the necessary information required in the clause to enable the RFS to properly assess the application.</p>	N
cl.28	Water sewer and	<p>The site has town water and sewer available, however the application does not contain written confirmation from Sydney Water that the sewer and town water infrastructure has the capacity for the proposed development.</p>	N
cl.29	Consent authority to consider site compatibility criteria	<p>The criteria in cl.25 (5) (b) (i), (iii) and (v) has been considered as required by this clause. Seniors housing as a use is compatible with the surrounding low density single dwelling uses. The built form and character of the buildings is not demonstrated to be a good design response in terms of compatibility with the surrounding built forms, and in this regard, the development is considered to adversely impact on the existing uses, approved uses and future uses of land in the vicinity of the development.</p>	N
cl.30	Site analysis	<p>The application includes a site analysis plan which contains the required information and which appears to have informed the design of the development.</p>	Y
cl.31	Design of in-fill self-care housing	<p>The provisions of the <i>Seniors Living Policy: Urban Design Guideline for Infill Development</i> published by the Department of Infrastructure, Planning and Natural Resources in March 2004 have been considered. There are some aspects of the proposal which don't meet the Guideline. Refer to the separate assessment below in the <i>Seniors Living Policy: Urban Design Guideline for Infill Development</i> table for further discussion.</p>	N

cl.32	Design of residential development	The proposed development does not demonstrate adequate design to several of the principles in Division 2 (i.e. clauses 33 to 39, below).	N
cl.33	Neighbourhood amenity and streetscape	<p>The building containing Unit 1 & Unit 2 has a front setback of 8.385m which is not in sympathy with the existing building lines of the immediately adjoining properties. These are established at approximately 25m on 371 GWH and 18m at 361 GWH. While an 8m setback was agreed to in principal in the land use advice it appears the setback at 361 GWH was incorrectly identified as 8m.</p> <p>Concern is raised that the configuration of the development and the scale presented by the mirror-reversed visual presentation of Units 1 and 2, combined with the rear-of-building row appearance of dwellings 3, 5 & 7, and the repetitive appearance of the individual unit components, will be substantially inconsistent with that of established residential development in the vicinity. The scale, built form and street character in the vicinity consists of single dwellings with a range of landscape elements that provide strong visual buffering, which are desirable elements of the location's current character.</p>	N
cl.34	Visual and acoustic privacy	<p>The windows of the buildings are generally located to maintain adequate privacy to adjoining buildings and private open spaces within the development and on neighbouring properties.</p> <p>The landscape design is not well considered, with a lack of screen planting between private open space areas and along boundaries. There is potential for overlooking from the rear yard decks and potential for adverse noise impact from their location and use which is not addressed in the application.</p> <p>Adequate separation is generally provided between bedrooms and the driveway/garage areas.</p>	N
cl.35	Solar access	Each dwelling has north facing family / dining room areas. However the application lacks solar diagrams demonstrating adequate sunlight to substantial areas of private open space, particularly those on the southern of the building containing Units 3, 5 & 7.	N

cl.36	Stormwater	Each dwelling has a rainwater tank to collect roofwater or reuse in the laundry, toilet and for landscaping, for meeting BASIX requirements.	Y
cl.37	Crime prevention	The design of the development generally provides adequate security for residents and visitors.	Y
cl.38	Accessibility	The development does not provide separate pedestrian paths over the site. Occupants of Units 3 to 8 must rely on the driveway for pedestrian access to the street and letterboxes. Pedestrian and wheelchair use of the driveway by the elderly and disabled is not ideal due to the number of users of the driveway (including the neighbouring properties at 365A & 365B), and the narrow width of the carriageway for pedestrian and vehicle passing.	N
cl.39	Waste management	<p>This clause requires the development be provided with waste facilities that maximise recycling by the provision of appropriate facilities. Council provides a bin and collection service for recyclables, separate to a general waste bin and green waste bin.</p> <p>The floor plans show provision for one bin only (in the garage) however the areas appear sufficient size to accommodate the additional two bins.</p>	Y
cl.40	Development standards – minimum sizes and building height	<p><u>Minimum lot size 1000m²</u> The combined area of the two allotments is 3627m² which complies.</p> <p><u>Minimum lot width of 20m at building line</u> The combined width of the two allotments at the building line is approx. 47m which complies.</p> <p><u>Maximum building height 8m</u> The building heights are generally 8m, however heights between 8m and 9.2m are proposed at the eastern walls of Units 4, 5, 6 & 8 which does not comply.</p> <p><u>Single storey only in rear 25% of site</u> The building containing Units 4, 6 & 8, located at the rear of the site, is two storey in height and does not comply.</p>	Y Y N N
cl.41	Standards for hostels and self-contained dwellings	The proposed development does not meet several standards specified in Schedule 3 for such development. See Schedule 3 assessment below this table.	N

cl.46	Inter-relationship of Part 7 with Part 3	The Council cannot be satisfied the development has given adequate regard to several of the design principles set out in Division 2 of Part 3 (i.e. clauses 33, 35 & 38).	N
cl.47	Heritage affected land	Not applicable. The land is not identified as a state heritage item on the NSW Heritage website, and is not subject of an interim heritage order. The site does adjoin a local heritage item at 371 Great Western Highway, which is addressed in the LEP 2015 assessment table, below.	-
cl.50	Standards for self-contained dwellings	<p>The following standards cannot be used to refuse consent where the development meets these standards.</p> <p><u>Maximum building height 8m</u> The building heights are generally 8m, however heights between 8m and 9.2m are proposed at the eastern walls of Units 4, 5, 6 & 8 which does not comply. The Council may therefore refuse consent.</p> <p><u>Maximum floor space ratio 0.5:1</u> FSR 0.46:1 proposed.</p> <p><u>Minimum 30% of site is landscaped area</u> 1640m² approx., or 45% of the land area, is proposed for landscaping.</p> <p><u>Minimum 15% of site is deep soil zone; min width 3m; two-thirds at rear of site</u> An area of 544m² is required, with 362.67m² at the rear of the site. This is not achieved due to the location of the rear building and its close proximity to the rear boundary. An area of approx. 200m² is provided between the building and rear boundary. Deep soil zone planting in this area would conflict with the usability of the minimum required private open space area. The Council may therefore refuse consent.</p> <p><u>Solar access</u> The application does not contain shadow diagrams. There is insufficient information in the application to verify the living rooms and the private open space areas of all the dwellings receive 3 hours or more of direct solar access between 9am and 3pm midwinter. It is noted the narrow private open space areas of Units 1, 3, 5 and 7 appear shaded by the two storey building to the north. The Council may therefore refuse consent.</p> <p><u>Private open space minimum area 15m²</u> Each dwelling has private open space area</p>	<p>N</p> <p>Y</p> <p>Y</p> <p>N</p> <p>N</p> <p>Y</p>

		<p>exceeding the minimum area and minimum 3m width. It is noted the usability of and solar access to the private open space areas of Units 4, 6 and 8 would be significantly compromised by canopy tree planting if this area was included as deep soil zone.</p> <p><u>Parking minimum 0.5 space for each bedroom</u> The development contains 24 bedrooms and 8 two car garages, a total of 16 on-site parking spaces. This complies with the minimum required 12 spaces.</p>	Y
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Schedule 3	Part 1 – Standards applying to hostels and self-contained dwellings		
1	<i>Application of standards</i>	The standards apply to self-contained dwellings as proposed in this application.	Y
2	<i>Siting standards</i>	<p>AS1428.1 requires that access in common areas must be provided in accordance with the Standard so that a person using a wheelchair can use the common areas and common facilities associated with the development.</p> <p>The application contains an access report that incorrectly states the site does not contain common areas. The common areas include the shared driveway (which also serves as the pedestrian path between the street and dwelling entries) and the letterboxes. The proposal does not contain communal open spaces as required in <i>Seniors Living Policy: Urban Design Guideline for Infill Development</i> to permit resident interaction, which must also be accessible.</p> <p>It is unclear whether the paths of travel over the driveways and to the site frontage, and to the letterboxes, conform or can conform to AS1428.1. However pathways are required to be separate to the driveway to provide safe paths of travel.</p>	N
3	<i>Security</i>	The site plan and landscape plan do not show any pathways or lighting, although Page 15 of the statement of environmental effects states that pathway lighting in accordance with this clause will be provided. The access report states additional information is required to confirm compliance.	N
4	<i>Letterboxes</i>	The site plan and landscape plan show no paved area or pathways to the letterboxes, and	N

		<p>the proposed screen planting shown on the landscape plan partially obstructs letterbox access.</p> <p>Access must be provided in accordance with AS 1428.1 so that a person using a wheelchair can use common areas and common facilities associated with the development. A circulation space of 1550mm is needed to allow a person in a wheelchair to access letterboxes and turn around and leave the area.</p> <p>Wheelchair access to the letterboxes is not provided to AS1428.1. The access report incorrectly states the position of the letterboxes has not been nominated on the plans, and notes it will need to be located clear of obstacles such as shrubs.</p>	
5	<i>Private car accommodation</i>	This clause requires 5% of car parking spaces achieve a minimum width of 3.8m in AS2890. Only 1 space is required to comply, however all garages on the development are able to comply.	Y
6	<i>Accessible entry</i>	The access report confirms entry to each dwelling access conforms to the access requirements in AS1428.1.	Y
7	<i>Interior: general</i>	The access report states further information is required to determine whether the entry door widths comply with AS1428.1. The report confirms internal corridor dimensions and circulation conform to AS1428.1	N
8	<i>Bedroom</i>	The access report confirms the bedroom dimensions conform or can conform to AS1428.1.	Y
9	<i>Bathroom</i>	The access report confirms the bathroom dimensions conform or can conform to AS1428.1.	Y
10	<i>Toilet</i>	The floor plan shows each dwelling provides a toilet on the ground floor. The access report confirms compliance with AS4299.	Y
11	<i>Surface finishes</i>	The access report confirms the surface finishes of balconies and external paved areas can be provided with slip resistant surfaces.	Y
12	<i>Door hardware</i>	The access report that confirms the door handles and hardware can conform to AS4299.	Y

13	<i>Ancillary items</i>	The access report that confirms switches and power points can conform to AS4299.	Y
	Part 2 – Additional standards for self-contained dwellings		
14	<i>Application of part</i>	Noted.	-
15	<i>Living room and dining room</i>	The access report confirms circulation spaces, telephone outlet location and lighting can conform to AS4299.	Y
16	<i>Kitchen</i>	The access report confirms circulation spaces and design conform or can conform to AS1428.1 and AS4299.	Y
17	<i>Access to rooms</i>	The floor plan shows each dwelling contains a main bedroom, bathroom, toilet and kitchen on the ground floor level.	Y
19	<i>Laundry</i>	The floor plan shows each dwelling contains a laundry within a cupboard space. The access report confirms the laundries conform or can conform to AS4299.	Y
20	<i>Storage for linen</i>	The access report does not confirm the linen cupboards conform to clause 4.11.5 of AS4299, which specifies a minimum width of 600mm and adjustable shelving. However conformity with the requirements appears achievable.	Y
21	<i>Garbage</i>	The floor plan shows dedicated space for one garbage bin at the rear of each garage. The access report confirms the locations are accessible. There is no detail provided for the location of the other two garbage bins and their accessibility. However conformity with the requirement appears achievable.	Y

Clause 26 – Location and access to facilities

As noted in the *SEPP Housing for Seniors or People With a Disability* table above at Clause 26 the Council cannot be satisfied the site location is able to meet the requirement for a suitable access pathway between the public transport service and the development. In particular, an access pathway suitable for an electric wheelchair, motorised cart or the like between the site and the westbound bus stop. The SEPP provides in subclause (1) that Council cannot grant consent unless written evidence is provided that access complies with the locational and access pathway requirements. These requirements are not adequately addressed in the application.

Site location

The site is located approximately 1km west of Springwood town centre which contains the necessary required facilities and services specified in subclause (1). These facilities and services include shops, bank service providers and other retail and commercial services that residents may reasonably require, community services and recreation facilities, and medical

practitioners. Faulconbridge town centre is located approximately 750m west of the site. This centre does not contain all the necessary facilities and services in subclause (1).

Subclause (2)(a) provides that access complies where the site is located within 400m of required facilities and services specified in subclause (1). The site cannot comply as it is 1km from Springwood town centre.

The proposal therefore relies on subclause 2(b) which provides that a public transport service, that provides a service to and from the town centre, be located within 400m of the site. An east bound bus stop is located at the site frontage and a west bound bus stop is located opposite the site between the highway and railway corridors. These are serviced by the 690P public bus service which operates 7 days a week at regular intervals to and from the Springwood town centre.

The pathway between these bus stops and the development site is required to be a *suitable access pathway* as defined subclause 4(a). The Council cannot grant consent unless the access complies.

Suitable access pathway

Subclause (2)(b) of Clause 26 requires the development be accessible from a public transport service by means of a *suitable access pathway*. Suitable access pathway is defined in subclause 4(a) as meaning *a path of travel by means of a sealed footpath or other similar and safe means that is suitable for access by means of an electric wheelchair, motorised cart or the like*.

The path of travel from the eastbound bus stop to the development site clearly meets the definition of suitable access pathway. However the application does not demonstrate the path of travel from the westbound bus stop to the site is a compliant path of travel.

This path of travel requires crossing the highway at a nearby pedestrian crossing not controlled by traffic lights. The highway at this location has two westbound lanes, two eastbound lanes, one eastbound turning lane into Lewin Street and a centre island refuge. The speed limit is 80km/h eastbound and westbound. The Blue Mountains Integrated Transport Strategy 2025 Part A – Final Report dated May 2017 recorded a two-way hourly traffic volume of greater than 2,500 vehicles at peak periods at Faulconbridge in 2016.

Concerns were raised with the applicant that a pedestrian crossing without traffic lights, providing access across a four lane highway with a speed limit of 80km/h carrying a significantly high traffic volume, does not provide safe access for elderly people in an electric wheelchair or the like. The RMS has provided written advice that the installation of traffic lights in this location would not be supported.

In addition, the pathway connecting the west bound bus stop with the pedestrian crossing is very narrow and close to the edge of the highway carriageway. The pathway between the bus stop and the kerb ramp has a width of 1.4m. A power pole and a street sign narrow the pathway further at these points. The width of the pathway is below the minimum 1.8m necessary for passing space for a wheelchair, motorised cart or the like specified in AS1428.

The access report and the traffic report as originally submitted do not make comment on the traffic volume, traffic speed, sight lines, crossing distances, construction and geometry of the existing pedestrian crossing to form an opinion on whether the crossing would constitute a *suitable access pathway* as defined in SEPP Seniors Housing Clause 26(4)(a).

The access report contends that persons with a range of abilities will occupy the dwellings and it is possible that no persons with disabilities will occupy the dwellings. While this may

be correct the objective in SEPP Seniors Clause 14 requires the location of the development be suited to seniors who are frail and other people with a disability, regardless of their age.

The access report asserts the highway pedestrian crossing was installed to meet the needs of the nearby Lewin Lodge operated by Uniting Care as seniors housing, complies with the definition of suitable pathway, and is suitable for access for the proposed development. However a review of the Uniting Care applications shows the facility is a staffed nursing home that provides supportive age care services and its own transport service. It is a specific type of seniors facility that is very different to the self-care development currently proposed at 363 & 365 GWH. The crossing was not installed to benefit the Lewin Lodge development and was not required at the time, due to the facility's own transport service.

A meeting was held with the applicant to discuss this issue however the further information provided was not sufficient to demonstrate to the Council's satisfaction the path of travel was a suitable access pathway. Given the distance of the site from direct access to required services, and the requirement to cross the highway at an un-signalled location to access westbound public transport, the ability to comply with the requirements of the SEPP for self-care seniors housing is considered highly unlikely.

Seniors Living Policy: Urban Design Guideline for Infill Development

Clause 31 of SEPP Seniors requires the provisions of the *Seniors Living Policy: Urban Design Guideline for Infill Development* be taken into consideration in the assessment of any application. Consideration and assessment of the relevant provisions has been provided in the following table.

Part	Standard	Proposed	Compliance
1	Responding to context	The potential impacts of the development and measures to visually and physically integrate the proposal within the location have not been well considered. In particular, an analysis of the existing pattern of development in the neighbourhood and the existing vegetation and natural features is not well represented in the design.	N
2	Site planning and design	<p>The development is not well designed in terms of site layout and building presentation. In particular:</p> <ul style="list-style-type: none"> The proposal introduces a new type of development that is not typical of the established neighbourhood built character. The built form of the rear and middle buildings is repetitive and their scale is significantly greater than the buildings in neighbouring development. Each dwelling is identical in elevations and floor plan. The design and character could be significantly improved by introducing some variety in the building form to create individual identity, separation of the dwellings, for example, into groups of not more than two and/or a mix of one and two storey buildings. The layout results in significant loss of established trees, with minimal opportunity 	N

		<p>for replacement canopy tree planting outside of private open space yard areas. The objective for the retaining of existing natural features that contribute to neighbourhood character is not met. The layout does not identify suitable trees for retention and appropriate design around these trees.</p> <ul style="list-style-type: none"> • All 8 dwellings are 3 bedrooms. The development does not meet the objective for housing choice through a range of dwelling sizes. • The two storey building at the rear of the site does not meet the built form design principle requiring a more modest scale in this location. • The development provides poor pedestrian amenity by not providing paths of pedestrian travel separate to the main driveway. • The development does not provide any communal open space to facilitate resident interaction. • The development does not provide 10% of the site area as a single area at the rear of the site for mid-block corridor tree planting. 	
3	Impacts on streetscape	<p>Units 1 and 2 have an identical mirror reversed design facing the street, which is not a desired character outcome in Council's DCP for dual occupancy buildings. This form of elevation is not characteristic of the neighbourhood built character. The landscaping proposal lacks front fencing and fence line planting which is a common character attribute along this part of the street. An improved development outcome needs to be achieved through design variation to the street presentation for Units 1 and 2 and the introduction of front fencing and front setback landscaping in keeping with neighbour character.</p> <p>The long, unrelieved, visually dominant driveway is contrary to the Guideline. Variation of the driveway alignment along its length is needed to avoid a "gunbarrel" effect.</p>	N
4	Impacts on neighbours	<p>The development generally minimises impacts on the privacy and solar access of neighbouring properties. However the significant loss of mature trees and tree canopy will impact on the neighbours' outlook. This was raised as a concern in the submissions.</p>	N

		The development layout could be improved to retain more established trees. The excessive bulk of the middle and rear building and their visual impact on neighbouring properties could be reduced, for example, by separating the dwellings into groups of not more than two. The visual bulk could be mitigated by introducing a mix of one and two storey buildings.	
5	Internal site amenity	<p>The development does not meet the guidelines for provision of communal open space, for the provision of separate pedestrian paths and for shared driveway/pedestrian paths to be wide enough to allow a vehicle and a wheelchair to pass safely. Private open space areas are not provided with both paved and planted areas.</p> <p>The development provides no dedicated visitor parking, the driveways to the garages have insufficient length for visitor parking without impacting on maneuverability for other users of the central driveway.</p>	N

1.1 Local Environmental Plan 2015

The proposed development has been assessed against the provisions of LEP 2015 with significant points identified and discussed below.

Part 1 Preliminary			
Clause	Standard	Proposed	Compliance Y/N
1.2	Aims of Plan	The development generally meets the stated aims, with the exception of 2(k): <i>To promote the provision of accessible, diverse and affordable housing options to cater for the changing housing needs of the community,</i> in terms of suitable accessibility to public transport services:	N
1.9A	Suspension of covenants, agreements and instruments	The “no-building zone” covenant on the land was imposed by Council in the subdivision DA and therefore applies to the development of the land.	-

Part 2 Permitted or prohibited development			
Clause	Standard	Proposed	Compliance Y/N
Land Use Table See also cl. 2.6 (Subdivision),	Permissibility	<p>The proposed use is categorised as <i>Seniors housing</i>.</p> <p>Seniors housing is defined in the Dictionary to the LEP as meaning a</p>	Y

Part 2 Permitted or prohibited development			
Clause	Standard	Proposed	Compliance Y/N
cl. 2.7 (Demolition), cl.5.8 (Conversion of fire alarms) cl.5.12 (Infrastructure development & Crown buildings) cl. 6.25 (Dwelling houses in zone E2), cl.6.27 (Drive-through take away premises) cl. 6.29 (Short term rental accommodation)		<i>building or place that is:</i> <i>(a) a residential care facility, or</i> <i>(b) a hostel within the meaning of clause 12 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 , or</i> <i>(c) a group of self-contained dwellings, or</i> <i>(d) a combination of any of the buildings or places referred to in paragraphs (a)-(c),</i> <i>and that is, or is intended to be, used permanently for:</i> <i>(e) seniors or people who have a disability, or</i> <i>(f) people who live in the same household with seniors or people who have a disability, or</i> <i>(g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place, but does not include a hospital.</i> The type of accommodation proposed is a group of self-contained dwellings.	
		<i>Seniors housing</i> is permissible with development consent in Zone R2 Low Density Residential.	Y
	Zone objectives	The proposal does not meet two key objectives of the zone as follows: <ul style="list-style-type: none"> To promote residential development in locations that are accessible to services and facilities. To ensure that development maintains and improves the character of residential areas in a manner that minimise impacts on existing amenity and environmental quality. 	N

Part 4 Principal development standards			
Building Envelope			
4.3	Height of buildings (HOB Map)	The site is subject to a building height control of 8m. This is consistent with SEPP Seniors which sets a maximum height limit of 8m. The heights of the buildings are generally 8m, however heights of between 8m and 9.2m are	N

Part 4 Principal development standards			
		proposed at the eastern walls of Units 4, 5, 6 & 8. The application does not seek a variation to the development standard in cl.4.6.	
4.4 Refer to clause 4.5 for Calculation of FSR and site area	Floor space ratio (FSR Map)	The site is subject to a maximum FSR of 0.35:1. However this is inconsistent with SEPP Seniors which allows a maximum FSR of 0.5:1. Clause 5(3) of the SEPP provides that if the Policy is inconsistent with any other environmental planning instrument, made before or after the Policy, the Policy prevails to the extent of the inconsistency. The proposal has an FSR 0.46:1, which complies with the SEPP but not the LEP.	N, SEPP Seniors applies
4.6	Exceptions to development standards	The application should contain a request to vary the building height control, but does not do so.	N

Part 5 Miscellaneous provisions			
Clause	Standard	Proposed	Compliance Y/N
5.10	Heritage conservation (HER Map)	The site is not listed as a heritage item in Schedule 5 of the LEP but adjoins a heritage item at 371 Great Western Highway (Item No SP043 The Rectory). Item No's SP008 Christ Church Anglican Church, SP012 Southall and SP009 Buttenshaw Park are located in the near vicinity. The application is supported by a Heritage Impact Statement which provides a detailed historical background to the site and finds no adverse impact arising from the scale, form, siting and architectural character of the proposed development on the heritage significance of the neighbouring items. The site has been inspected by the Council's heritage adviser and the findings of the Heritage Impact Statement are supported.	Y
5.10.8	Aboriginal places of heritage significance	A search of the AHIMS register on the OEH website on 31 May 2017 shows no aboriginal sites or places on or within 50m of the land.	Y

Part 6 Additional local provisions			
Impact on Natural Environment (Riparian Lands & Watercourse WCL; Scenic & Landscape Values SLV; Natural Resources – Biodiversity NRB; Natural Resources – Land NRL maps)			
Clause	Standard	Proposed	Compliance Y/N
6.1 ESL defined in dictionary	Impact on environmentally sensitive land	The land does not contain or adjoin land mapped as environmentally sensitive land	Y
6.9	Stormwater management	The land falls downslope from the street frontage. The application contains a concept drainage plan proposing discharge of stormwater to the street gutter by a pump system, but is not supported by drainage calculations demonstrating how the system will work. The proposal does not demonstrate the system is integrated with the landscape and provides no absorption or infiltration components as required. The Council cannot be satisfied that the proposal addresses the requirements in clause 6.9(2).	N
6.10	Flood Planning	The land is not mapped as flood liable.	Y
6.14	Earthworks	The development proposes cut and fill techniques to accommodate the buildings and driveway. The depth and extent of earthworks are unlikely to have any adverse impact on ground water, however will have an impact on the root systems of trees identified for retention on the site and on trees on the neighbouring property 371 Great Western Highway located close to the boundary. The impact of the earthworks on the trees has not been addressed in an arborist report.	N
Impact on Built Environment (Active Street Front ASF; Key Sites KYS maps);			
6.17	Consideration of character and landscape	The dwellings have identical elevations and are connected to form large row buildings. The design does not successfully meet the requirements in subclause 3(c) which requires variation in the building design, a fine grained residential built form and an individual dwelling identity.	N
6.21	Sustainable resource management	The application does not address this clause, in particular, the recycling and disposal of demolition wastes.	N
6.23	Essential Services	The RMS does not support the dual driveway arrangement. The Council	N

Part 6 Additional local provisions			
Impact on Natural Environment (Riparian Lands & Watercourse WCL; Scenic & Landscape Values SLV; Natural Resources – Biodiversity NRB; Natural Resources – Land NRL maps)			
Clause	Standard	Proposed	Compliance Y/N
		therefore cannot be satisfied that adequate arrangements have been made for suitable vehicular access. Council cannot be satisfied that adequate arrangements have been made for the disposal of stormwater drainage. See further discussion in DCP 2015 Part C6 at Part 3 of this Report, below.	

1.3 State Environmental Planning Policy

1.3.1 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A valid BASIX Certificate has been completed for the proposal in accordance with the provisions of the SEPP and is included as part of the development application package. The development meets the minimum targets for water, thermal comfort and energy.

1.3.2 SEPP 55 – Remediation of land

The land is not listed on Council's *Potentially Contaminated Lands Register*. There are no historic uses known to have caused potential contamination of the site. The application does not identify any historic or current uses which may have led to any contamination.

Under clause 7 of the SEPP, Council must not consent to the carrying out of any development on land unless:

- (a) *it has considered whether the land is contaminated, and*
- (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

The proposed development is not recommended for approval therefore further consideration of matters in clause 7 has not been given.

1.3.3 SEPP Infrastructure

The land is subject to road and rail noise and vibration from the adjacent highway and railway corridors. Clauses 87 and 102 states the Council must not grant consent to the residential development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

- (a) in any bedroom in the building--35 dB(A) at any time between 10 pm and 7 am,
- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)--40 dB(A) at any time.

The application contains an acoustic report containing recommendations for constructions standards which will enable the buildings to meet the required attenuation levels.

1.3.4 Sydney Regional Environmental Plan No. 20: Hawkesbury Nepean River

The land is located in the Grose River subcatchment. The development has been assessed against the planning considerations as set out in Clause 5 and 6 of SREP 20 and considered acceptable. The proposal complies with the general planning considerations and the specific planning policies and related recommended strategies which are applicable to the proposed development, including water quality, water quantity and urban development.

2.0 Section 79C(1)(a)(ii) Proposed Instruments

There are no draft environmental planning instruments that apply to the subject site.

3.0 Section 79C(1)(a)(iii) Development Control Plans

Development Control Plan 2015

The proposed development has been assessed against the provisions of the Development Control Plan 2015 with significant points of consideration identified and discussed in the table below.

Part B Context, site analysis and design

Matters to be considered	Consideration
B1 Site and context analysis	The application includes a site analysis plan which contains the required information and which appears to have informed the design of the development.
B2 Building envelope	<p>Parts of the buildings have heights exceeding the maximum permitted 8m. The development does not comply with B2.1</p> <p>The FSR exceeds the maximum permitted FSR of 0.35:1, but not does exceed the SEPP Seniors maximum permitted FSR of 0.5:1. The development does not comply with B2.2 however SEPP Seniors prevails.</p> <p>The building fronting the street, containing Units 1 and 2, has a width across the allotment of 50% which complies with the maximum permitted 80%. The development complies with B2.3.1 C3(a).</p> <p>The average setback of the adjoining dwellings at 361 GWH and 371 GWH is 21.5m. The required setback is within 20% or 17.2m to 25.8m. The proposed building setback is 8.385m which does not comply with B2.3.1 C3(b). While an 8m setback was agreed to in principal in the land use advice it appears the setback at 361 GWH was incorrectly identified as 8m. The application does not seek a variation to the setback under B2.3.4.</p> <p>The development does not comply with the minimum setback of 18m to a classified road in B2.3.5. The RMS does not support the driveway design which does not contain turnaround facilities. An increased setback is</p>

	necessary for Unit 1 / Unit 2 to accommodate a turning area for these dwellings. The physical or functional circumstances of the land would not warrant a lesser setback, and this would result in the creation of a traffic hazard, as raised by RMS.
B3 Design	The form and facades of the buildings do not successfully moderate the repetitive form and bulky scale. Front fencing and front boundary landscaping, a common theme to the streetscape in this location, is lacking in the landscape design.

Part C Environmental management

Matters to be considered	Consideration
C1 Biodiversity and Natural resources	The site is heavily modified and contains no remnant natural features.
C2 Bushland and weed management	The site contains no remnant bushland. Environmental weeds are widespread across the site. These would generally be removed through the new building works and landscaping.
C3 Landscaping	The site contains a remnant formal landscaped garden. The proposed new landscaping is minimal and provides a poor landscape outcome for the site. Most of the existing canopy trees are proposed for removal, with minimal replacement canopy tree planting. The species selection for the screen planting is not provided. There is no planting proposed within the private yard areas or along the street frontage. The landscape plan lacks the detail required by I2.1.8 to I2.1.13 of the DCP.
C6 Water management	<p>The land has a covenant requiring on-site disposal of stormwater. This was imposed by the subdivision approval in 1997 due to the absence of inter-allotment drainage and fall away from the street gutter. The site does not have the capacity for on-site disposal for the intensity of the development proposed. Therefore an alternative means of stormwater disposal is necessary. In this case C6.5 C6 requires the negotiation an inter-allotment drainage easement over downstream properties, which the application does not address. C6.5 C8 permits pump to the street gutter as a last resort alternative where other alternatives have been fully investigated and discounted.</p> <p>The stormwater concept plan shows 8 roofwater collection tanks having a combined volume of 20,000 litres, for the</p>

	<p>purpose of re-use and to satisfy BASIX.</p> <p>The site has a total impervious area (building footprints and driveway) of 1987m². The proposed development meets the requirement in C6.1.3 for a rainwater collection capacity of not less than 1000 litres per 100m² of impervious area.</p> <p>The concept stormwater plan does not include any infiltration component, such as a rain garden, bio-retention system, or equivalent.</p> <p>The application contains insufficient information to demonstrate pre-development surface flows and run-off volumes.</p>
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Part E Site development and management

Matters to be considered	Consideration
E1 Services	<p>The site plan shows a fire hydrant within the road reserve in front of the site.</p> <p>The sewer main is located at the north-western corner of 365 GWH and at the eastern boundary of 363 GWH. These appear to be upslope of some of the proposed dwellings. There is insufficient information in the application to show how these dwellings can connect, or whether a sewer extension through adjoining land in Lugarno Ave may be necessary.</p> <p>Services to 365A and 365B GWH are located in an easement for services along the western side of the site. It is proposed to relocate the easement along the new driveway along the eastern boundary. This will require works on 365A and 365B to relocate their connections to the new service line location. No details have been provided regarding affected land owners' agreement to the changes or the arrangements to reconnect their services.</p>
E2 Traffic, parking and access	<p>The application contains a Traffic consultant's report which addresses traffic and parking.</p> <p>On-site parking for residents complies with the requirements in SEPP Seniors, however visitor parking requirements in the <i>Seniors Living Policy: Urban Design Guideline for Infill Development</i> are not met.</p>

	<p>The development provides no dedicated visitor parking, and the driveways to the garages have insufficient length for visitor parking without impacting on maneuverability for other users of the central driveway.</p> <p>The site makes no provision for access and maneuverability for service vehicles, as required in E2.2.5.</p> <p>The section of driveway east of Unit 4 is close to the eastern boundary and does not provide sufficient setback for the landscaping required in E2.3.3 C8.</p> <p>Dedicated and accessible pedestrian pathways have not been provided as required in E2.3.4.</p>
E3 Accessibility, adaptability and housing choice	<p>Accessibility of the dwellings is required in SEPP Seniors.</p> <p>The development does not include a range of dwelling sizes to increase the provision of single and two bedroom dwelling stock.</p> <p>The development does not comply with E3.3 C2 which requires at least 33% of dwellings have a GFA of less than 100m².</p>
E4 Site management	<p>Should the application be a proposal that could be supported, standard consent conditions would apply to the demolition of the existing dwellings and to the safe management and proper disposal of asbestos.</p>
E5 Safety and security	<p>The development generally meets the principles of crime prevention through environmental design (CPTED).</p>
E6 Waste management	<p>The application does not contain details of Demolition and construction waste management as required in E6.3.</p> <p>The application does not address operational waste management as required in E6.4.2. The site frontage has an available length of 34m for the presentation of garbage bins for collection. A maximum of 16 bins will be presented for collection, together with 4 bins from 365A and 365B which also share the frontage. The 34m frontage is not sufficient to accommodate 20 bins and the required separation distances. Redesign of the dual access to a single access may resolve this issue.</p>

	Alternative arrangements will be necessary to service the site, which may need to include access onto the site for a garbage truck to service the bins.
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Part F Specific development types

Matters to be considered	Consideration
F1.2 Medium Density Residential	
F1.2.1 Building articulation and separation	The development provides more than the required minimum 6m separation between the 3 buildings.
F1.2.2 Private open space	The development provides more than the required minimum 50m ² private open space area for each dwelling, with the require minimum 3m width.
F1.2.3 Communal open space	<i>Seniors Living Policy: Urban Design Guideline for Infill Development</i> requires the provision of communal open space but does not impose any minimum size. The DCP requires communal open space only for residential flat development.
F1.2.4 Landscaping	The application does not contain a professionally prepared landscape plan. The plan lacks the required detail and planting density. The development does not meet the required objective to ensure a superior landscape outcome which complements and enhances the multiplicity of design and functional outcomes associated with multi dwelling housing.
F1.2.5 Visual privacy	The development achieves reasonable visual privacy between the dwellings and neighbouring properties. This could be improved through an improved landscaping scheme.
F1.2.6 Acoustic privacy	Private open spaces are generally located away from noise sensitive rooms of adjoining dwellings.
F1.2.7 Sunlight access	The application does not contain solar diagrams or other information which demonstrates minimum solar access requirements are achieved to living rooms and private open space areas.
F1.2.8 Views	No important views are obstructed as a consequence of the development.
F1.2.9 Driveways and parking	<p>The driveway for Unit 1 / Unit 2 does not facilitate vehicles to enter and leave in a forward direction.</p> <p>The driveway to Units 3 to 8, and to 365A and 365B does not contain a passing bay at the 30m point.</p> <p>The alignment of the driveway is not</p>

	<p>designed to avoid a “gun barrel” effect.</p> <p>The development does not contain the required minimum 1 visitor parking space.</p>
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4.0 Section 79C(1)(a)(iii)(a) Planning Agreement

There are no planning agreements that apply to the proposed development or the subject site.

5.0 Section 79C(1)(a)(iv) The Regulations

The *Environmental Planning and Assessment Regulation 2000* (the Regulations) provides controls and regulations that relate to the management of the proposed development. These requirements are inherent in the assessment processes undertaken for the proposal.

6.0 Section 79C(1)(b) Likely Impacts

6.1 Natural and Built Environment

The adverse impacts likely to result from the character and amenity of the proposal, building setback, vegetation removal, landscaping, stormwater drainage, access are detailed in the body of this Report.

6.2 Social Impacts

The development as proposed would provide poor amenity for its residents, and in this regard, would have an adverse impact.

6.3 Economic Impacts

The development would have a neutral impact.

7.0 Section 79C(1)(c) Suitability of the Site

The site is not suitable for self-care seniors housing where the location of the development cannot meet the requirements for a suitable access pathway between the public transport service and the development, as required by State Environmental Planning Policy (Housing For Seniors and People With a Disability) 2004 (SEPP Seniors) Clause 26, in particular, an access pathway suitable for an electric wheelchair, motorised cart or the like between the site and the westbound bus stop.

8.0 Section 79C(1)(d - e) Submissions and Public Interest

8.1 Submissions

As identified in the ‘Notification’ section of this report, the application was advertised in the Blue Mountains Gazette as well as written notification to adjoining properties. Four submissions were received.

The following issues were raised in the submissions and addressed in the relevant sections of this report as identified:-

1. Impact on canopy and root system of tree on adjoining property
2. Loss of privacy from the removal of screen vegetation along eastern boundary
3. Increase in traffic generated by the development; highway traffic safety
4. Adequacy of frontage width for garbage bin presentation.

Redacted copies of the submissions were provided to the applicant together with an invitation to respond to the issues raised. No response was received.

8.2 Public Interest

The proposed development does not provide good amenity and access for seniors and people with a disability, and the approval of the application in its current form would not be in the public interest.

9.0 Community Contribution

The Citywide Infrastructure Contributions Plan 2010 applies to the site. A contribution is not payable where an application is recommended for refusal.

Conclusion

The application contains insufficient information to demonstrate the development meets the threshold test in SEPP SH Clause 26 which requires the development be accessible from a public transport service by means of a *suitable access pathway*, as specifically defined in the clause. If the development location cannot meet this test, consent cannot be granted.

In addition, the development does not comply with a significant number of development standards in SEPP Seniors, the Seniors Living Policy: Urban Design Guideline for Infill Development, LEP 2015 and DCP 2015. The application does not address a number of covenants affecting the land, and the RMS does not support the access arrangement.

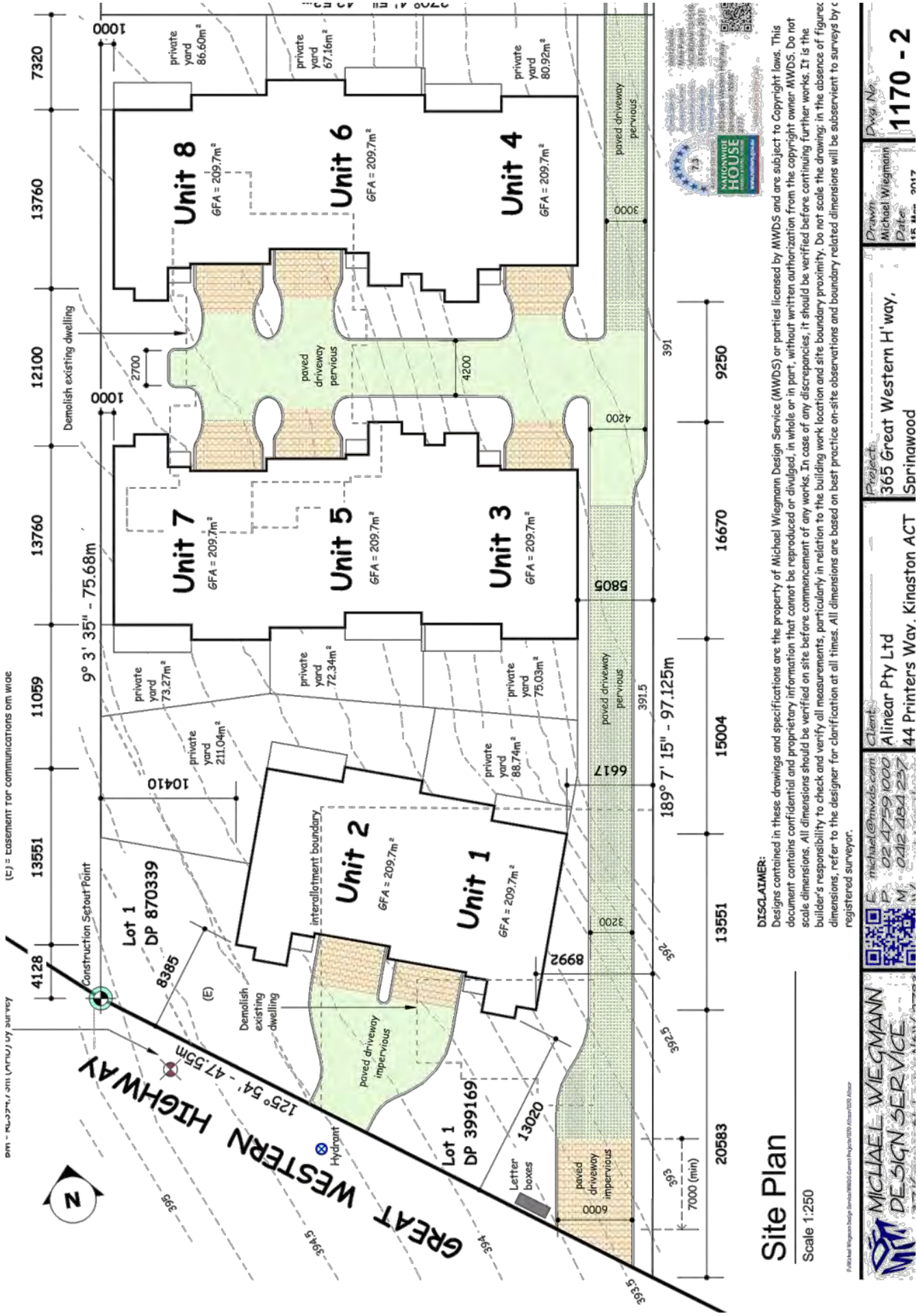
The application therefore cannot be supported and is recommended for refusal.

ATTACHMENTS/ENCLOSURES

1	Plans - X-482-2017	17/267733	Attachment
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Attachment 1 - Plans - X-482-2017



Site Plan

Scale 1:250

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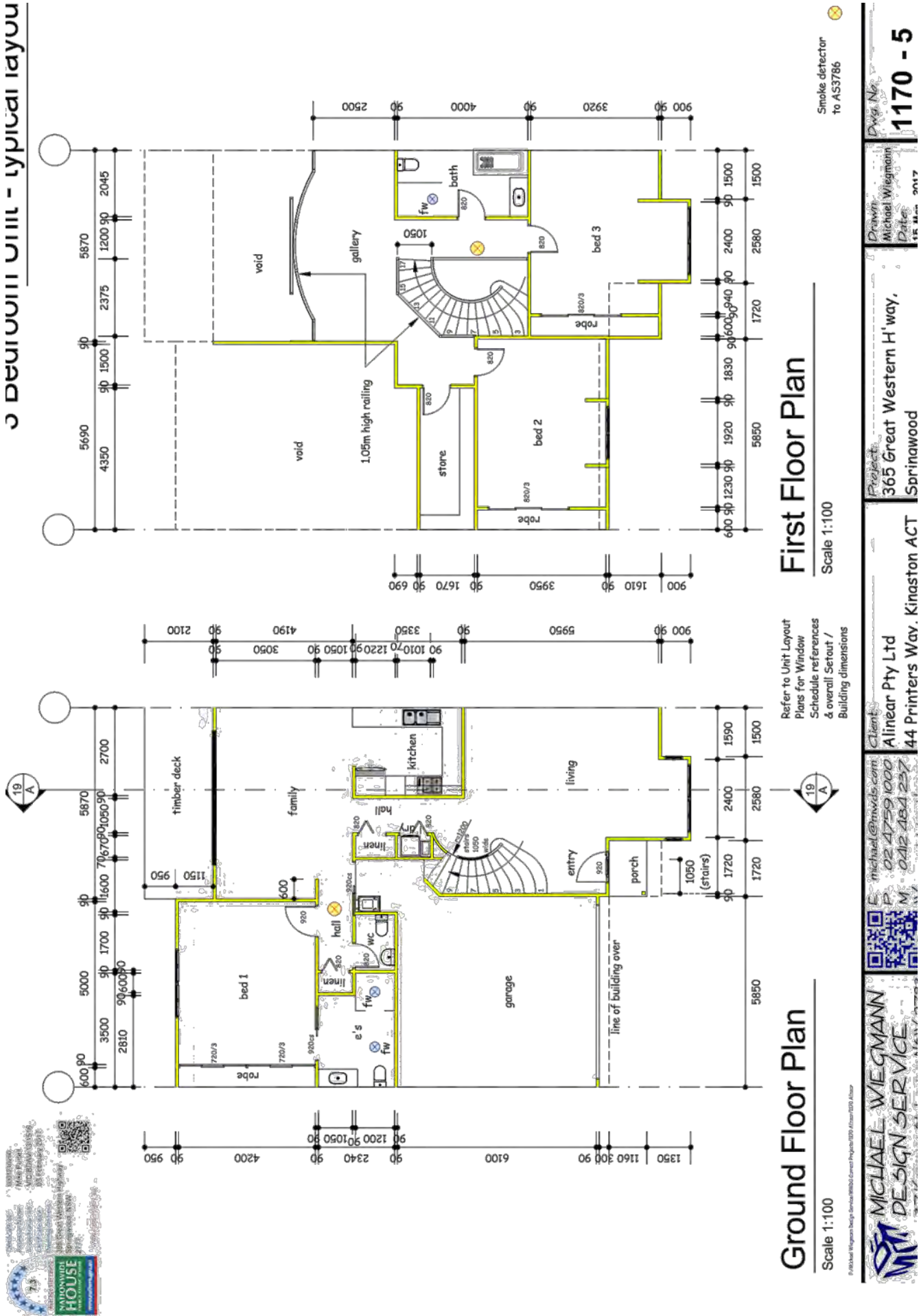
**MICHAEL WIEGMANN
DESIGN SERVICE**

Client: **Alinear Pty Ltd**
44 Printers Way, Kinaston ACT

Project: **365 Great Western H'way, Springwood**

Drawn: **Michael Wiegmann**
Date: **15.11.17**

Dwg No: **1170 - 2**





South Elevation - Units 1, 2

Scale 1:100

- External Finishes
- Horizontal Cladding - WeatherTex or similar
 - Lower Sheet Cladding - ShadowClad Sheeting
 - Upper Sheet Cladding - ShadowClad Sheeting
 - Roofing - Steel CustomOrb
 - Roof Trim - Steel
 - Windows - White uPVC to schedule
 - Posts & Trim - Timber



North Elevation - Units 1, 2

Scale 1:100

Refer to drawing 1170-21 for Window Schedule & Configuration

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Client: Alinear Pty Ltd
44 Printers Way, Kinaston ACT

Project: 365 Great Western H'way,
Springwood

Drawn: Michael Wiegmann
Date: 30/17

Dwg No: 1170 - 13



External Finishes
Horizontal Cladding - WeatherTex or similar
Lower Sheet Cladding - ShadowClad Sheeting
Upper Sheet Cladding - ShadowClad Sheeting
Roofing - Steel CustomOrb
Roof Trim - Steel
Windows - White uPVC to schedule
Posts & Trim - Timber



Refer to drawing 1170-21 for Window Schedule & Configuration

Scale 1:100

PUBLISHED INFORMATION SERVICE PROJECTS/1370 All items P1370 All items

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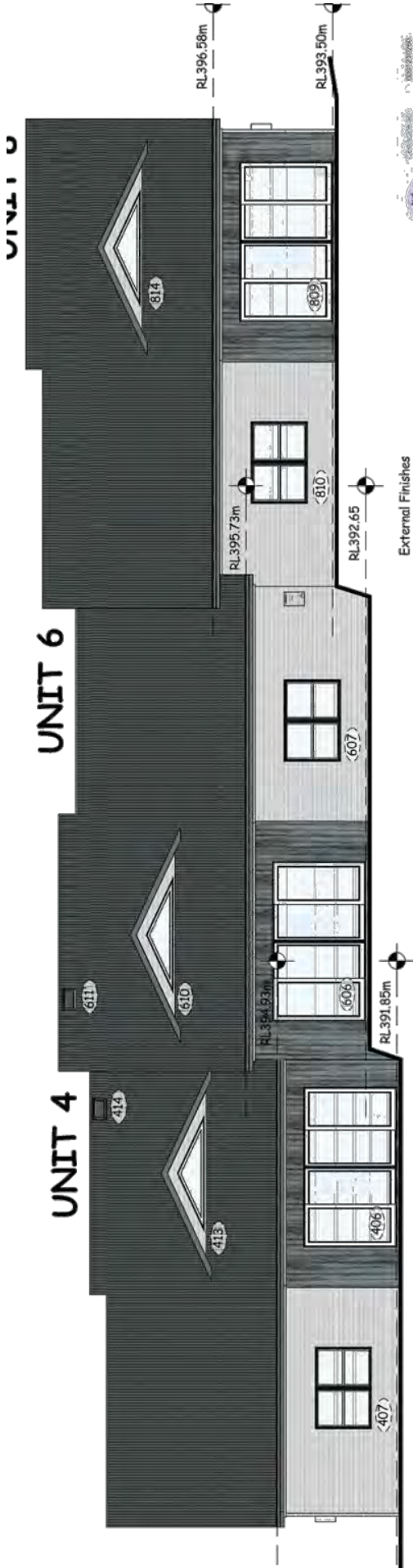
Client:
Alinear Pty Ltd
44 Printers Way

W. Kinaston ACT

Project: 365 Great Western H'way,
Springwood

Drawn: Michael Wiegmann
Date: 15.11.2017
Dwg. No.: 1170

Dwg. No. **1170 - 15**



South Elevation - Units 4, 6, 8

Scale 1:100

EXTERNAL FINISHES
Horizontal Cladding - WeatherTex or similar
Lower Sheet Cladding - ShadowClad Sheeting
Upper Sheet Cladding - ShadowClad Sheeting
Roofing - Steel CustomOrb
Roof Trim - Steel
Windows - White uPVC to schedule
Posts & Trim - Timber



North Elevation - Units 4, 6, 8

Scale 1:100

Refer to drawing 1170-21 for Window Schedule & Configuration

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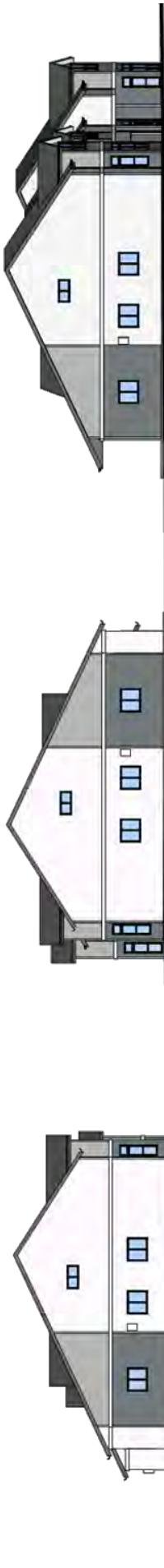
Project:
365 Great Western H'way,
Springwood

Drawn:
Michael Wiegmann
Date:
11/11/17

Dwg No:
1170 - 17



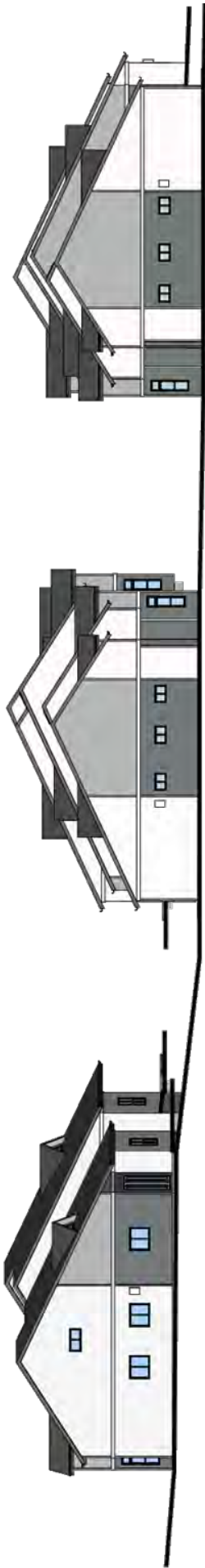
Element	Colour	Brand
Roof	Woodland Grey	Colourbond
Gutter	Woodland Grey	Colourbond
Fascia	Woodland Grey	Colourbond
Barge Boards	Woodland Grey	Colourbond
Walls - Lower	ShadowClad - Sepal	Dulux
Walls - Upper	ShadowClad - Milton Moon	Dulux
Walls - Cladding	WeatherTex - Spanish Olive	Dulux
Windows	White	Generic
Post / Columns	White	Generic
Corbels & Trim	White	Generic



West Elevation - All Units

Scale 1:200

- External Finishes
- Horizontal Cladding - WeatherTex or similar
 - Lower Sheet Cladding - ShadowClad Sheeting
 - Upper Sheet Cladding - ShadowClad Sheeting
 - Roofing - Steel CustomQrb
 - Roof Trim - Steel
 - Windows - White uPVC to schedule
 - Posts & Trim - Timber



East Elevation - All Units

Scale 1:200

Refer to drawing 1170-21 for Window Schedule & Configuration

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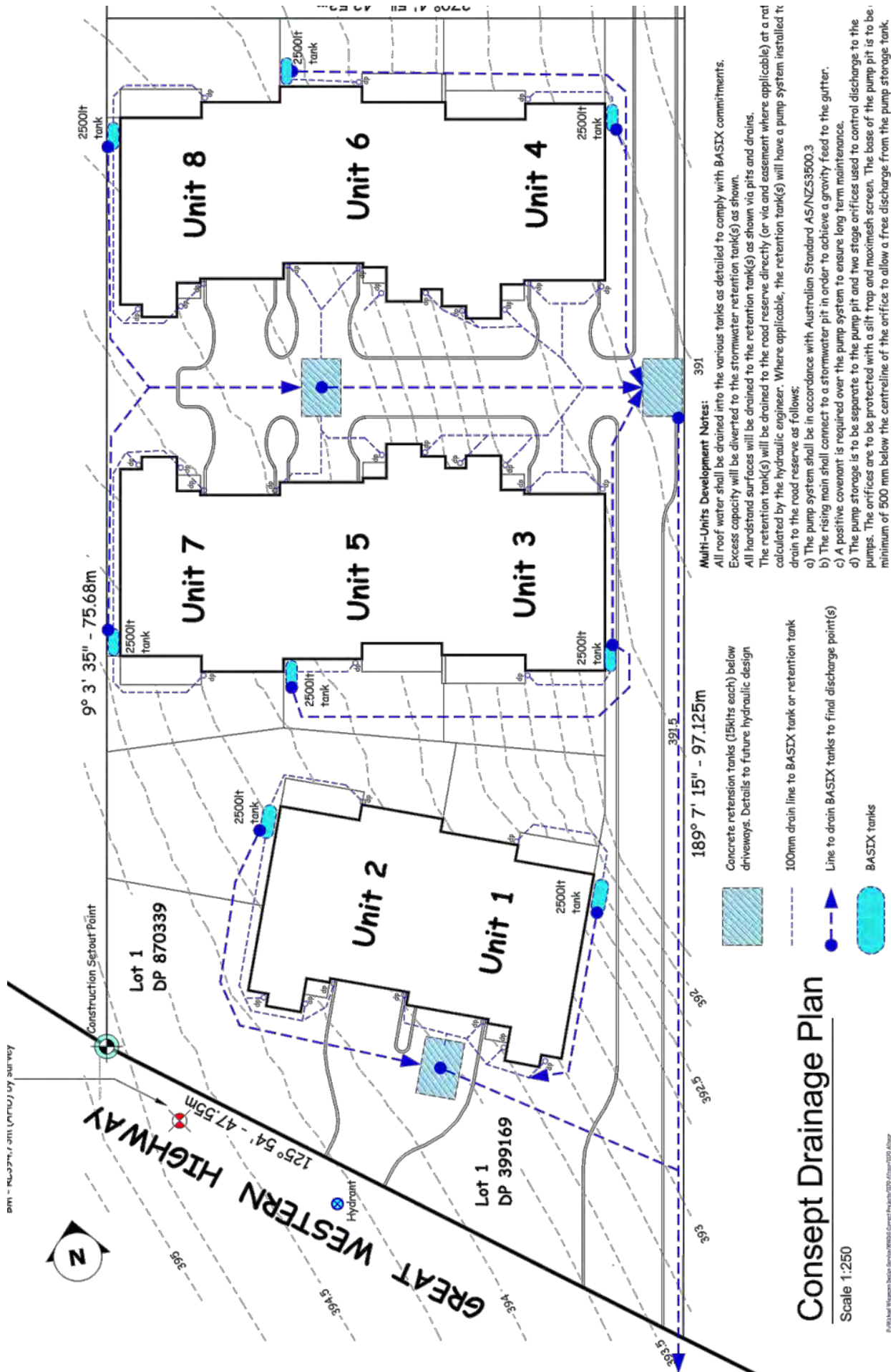
Client: Alinear Pty Ltd
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Project: 365 Great Western H'way,
Springwood

Drawn: Michael Wiegmann
Date: 15.11.17

Dwg No: 1170 - 19





Consept Drainage Plan

Scale 1:250

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MICHAEL WIEGMANN
DESIGN SERVICE

E P M

 michael@tinwds.com
 02 4759 1000
 0412 484 237

Client: Alinear Pty Ltd
44 Printers Way, Kinaston ACT

Project: 365 Great Western H' way,
Springwood

Drawing: Michael Wiegmann
Date: 18.11.2017
Dwg. No.: 1170

1170 - 3

ITEM NO: 10

SUBJECT: VARIATIONS TO DEVELOPMENT STANDARDS

FILE NO: F11178 - 17/257729

Delivery Program Link

Principal Activity: Using Land

Service: Land Use Management

Recommendation:

That the Council notes this report.

Report by Director, Development & Customer Services:**Reason for report**

This is a regular report provided to the Council in compliance with reporting procedures required for development applications relying upon *State Environmental Planning Policy No. 1 - Development Standards* (SEPP1) or cl.4.6 (Exceptions to Development Standards) of *Blue Mountains Local Environmental Plan 2015*.

Background

Councils have delegations from the Director General of the Department of Planning and Environment to determine development applications that rely on a variation of development standards. The delegations specify that some applications must be determined by the Council, others are delegated to the General Manager, thence to the relevant officers.

The purpose of these provisions is to provide flexibility and permit development to be exempted from meeting certain standards in response to the individual circumstances of a site, whilst meeting the underlying objective of that standard. The detailed requirements are set out in the enabling instruments but in brief, the requested contravention to the standard must be justified on environmental planning grounds and be consistent with the objectives of the zone and of the development standard.

The authority delegated to officers to determine applications requiring a variation of development standard are subject to the following limits, other than applications for dwellings being rebuilt as the result of the 2013 bushfires, which are not subject to limit:

1. Residential alterations and additions and single new dwellings if:

- The variation in a development standard for building setback does not exceed that standard by more than 50%, or
- The variation in any other development standard does not exceed that other standard by more than 25%

2. Otherwise officer delegations are limited to 10% variation from the standard.

It should also be noted that applications are regularly also referred to the Council for determination, as called up by Councillors.

Reporting

Reporting of applications determined by a resolution of the Council or under authority delegated to officers, which rely on a SEPP 1 or cl.4.6 variation is by way of:

- Quarterly Reports to the Department of Planning (DoP)
- Quarterly reports listed on BMCC website
- Report to each Ordinary Meeting of the Council

The applications that have been approved using SEPP 1 or cl. 4.6 to vary a development standard since the last report to the Council, being for the period between 17 October 2017 and 13 November 2017, are as listed in Attachment 1.

Sustainability Assessment

A sustainability assessment is not required for this report.

ATTACHMENTS/ENCLOSURES

1	SEPP 1 Variations Report - January	17/261296	Attachment
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Attachment 1 - SEPP 1 Variations Report - January

SEPP 1 Variations :: Council Report

Council Officer - Delegated Authority				Description		Determination	
Application	Lot	Street Address				Variation	Justification - Support
X/748/2017	L 103 DP 660994	45 Rickard Road WARRIMOO		a detached garage		Approved - Tuesday, 17 October 2017	
# Instrument	Zone	Clause Number		Standard		Variation	Justification - Support
1 LEP 2015	Environmental Living	Cl. 4.4B		Principal Development Area			Site constraints and circumstances of the case - Supported
X/454/2017	L 25 DP 25381	15 Coronation Road WENTWORTH FALLS		alterations and additions to existing dwelling		Approved - Wednesday, 18 October 2017	
# Instrument	Zone	Clause Number		Standard		Variation	Justification - Support
1 LEP 2015	Environmental Living	4.3A		Building height		4.3%	Achieves objectives - Supported
X/846/2017	L 101 DP 226523	39 Cooroy Crescent YELLOW ROCK		inground swimming pool		Approved - Thursday, 26 October 2017	
# Instrument	Zone	Clause Number		Standard		Variation	Justification - Support
1 LEP 2015	Environmental Living	Cl. 4.4A		Landscape area		3%	Meets objectives of the clause - Supported
X/547/2017	L 40 DP 751652	131-169 Terrace Falls Road HAZELBROOK		convert lower garage into rumpus/guest room, internal stair from house to garage, renovate entry		Deferred Commencement - Wednesday, 1 November 2017	
# Instrument	Zone	Clause Number		Standard		Variation	Justification - Support
1 LEP 2015	Environmental Management	4.4b		Principal Development Area			- Supported
X/892/2017	L 24 DP 5917	19 Clarence Street GLENBROOK		Demolish existing carport, new single storey addition		Approved - Monday, 6 November 2017	
# Instrument	Zone	Clause Number		Standard		Variation	Justification - Support
1 LEP 2005	Living Conservation	Schedule 2, Part 2, Division 1, Clause 2(2)		Maximum width of building		49.2%	Consistent with streetscape and circumstances of the case - Supported
2 LEP 2005	Living Conservation	Schedule 2, Part 2, Division 1, Clause 3(4)		Soft, pervious and landscape area		8.4%	Circumstances of the case -
X/888/2017	L 1 DP 175903	69 Fletcher Street WENTWORTH FALLS		alterations and additions to the dwelling and a deck		Approved - Wednesday, 8 November 2017	
# Instrument	Zone	Clause Number		Standard		Variation	Justification - Support
1 LEP 2005	Living Conservation	Schedule 2, Part 2, Division 1, Clause 2(2)(a)		Setback from other boundaries		5.4%	No increase to bulk & scale, no impact on streetscape - Supported
X/978/2017	L 42 DP 220434	5 Lookout Avenue BLAXLAND		swimming pool and deck		Approved - Friday, 10 November 2017	
# Instrument	Zone	Clause Number		Standard		Variation	Justification - Support
1 LEP 2015	Environmental Living	Clause 4.4A		Landscape area		12%	Pervious areas provided - Supported

ITEM NO: 11

SUBJECT: TOURISM INFRASTRUCTURE FUNDING FOR CYCLEWAY AND
FOOTPATH CONNECT BETWEEN LEURA AND KATOOMBA

FILE NO: F03719 - 17/237596

Delivery Program Link

Principal Activity: Moving Around

Service: Transport and Public Access

Recommendation:

That the Council notes this report.

Report by Director City & Community Outcomes:**Reason for report**

At the Council meeting of 17 October 2017 it was resolved:

1. *"That the Council investigates, in consultation with NSW Rail, and report on the feasibility of a cycle and foot path along the ridge from Leura to Katoomba, including rail land and Railway Parade Leura; and*
2. *That the Council investigates and receives a report on the possibility of tourism infrastructure funding for this facility."*

[Minute No.362]

Background

The provision of pedestrian safety and cycleway linkages between Leura and Katoomba has been raised on a number of previous occasions by the community. It has primarily related to the section of Railway Parade (West) where concern over the narrow road width and no off road infrastructure is provided. As detailed in this report, these concerns have been recognised and listed for future actions.

Recent Council reports on similar matters occurred on the 25 October 2016; 27 June 2017 and 14 November 2017. In summary, it was resolved to list access works for review as part of the Pedestrian Access & Mobility Plan and Bike Plan, make application to the Roads & Maritime Services for 40km/h speed zone, and undertake a Local Area Traffic Management Plan. The appropriate actions have either been completed or programed for future works.

Pedestrian Access & Mobility Plan 2025 (PAMP)

This section of Railway Parade was placed onto the PAMP works program following a local resident's submission during the PAMP community consultation process from November 2015 & January 2016. This section of roadway is currently listed as a medium priority from Leura Mall west for 200 metres, which will capture the new upgrade facilities of the Leura Railway Station (which includes turn facilities, taxi bay, drop off/pick up and new footpath). The section further west from this point to Govetts Street is rated as a low priority.

The existing linkages between Leura and Katoomba are:

- Existing footpaths using Megalong, Lovell and Gang Gang Streets;
- Off-road shared path with runs adjacent to the Great Western Highway; and
- New footpath along Railway Parade west for 100 metres to end of Leura Station Upgrade.

Maps of the relevant routes are found in Enclosure 1.

Blue Mountains Bike Plan 2020

The existing linkages between Leura and Katoomba are:

- Route L12 west is on-road using Megalong, Lovell and Gang Gang Streets;
- Route L13 is an off-road shared path with runs adjacent to the Great Western Highway; and
- Great Blue Mountains Trail is a combination of off-road shared path and on-road using Leura Mall and Cliff Drive.

Maps of the relevant routes are found in Enclosure 1.

Delivery Program

The delivery of PAMP and Bike Plan actions is based on a priority ranking and is subject to available funding. Currently, funding is sought through the Council's 4 & 10 year Asset Works Program and external funding from the RMS Active Transport Program.

The PAMP and Bike Plan are programmed to be reviewed every 3 years, which will be starting in June 2018 and will be completed by June 2019. These links and the requirement for traffic calming measures will be reviewed as part of this process.

Use of Railway Corridor for Access

It is known from previous discussions with Transport for NSW, on accessing the rail corridor as part of the delivery of the Great Blue Mountains Trail between Blackheath and Mt Victoria, that access would not likely be achieved due to access and safety requirements imposed by Transport for NSW.

Tourism Funding

It is known from previous engagement with Tourism focused funding bodies that acquiring funding for these types of infrastructure projects would not likely be achieved due to the restricted eligibility criteria, which focuses strongly on supporting visitor orientated infrastructure to tourism attractors. Generally, tourism related grants do not fund local footpath works. No known tourism funding is available from Destination NSW.

Sustainability Assessment

Effects	Positive	Negative
Environmental	The Bike Plan 2020 and PAMP 2025 promote cycling and walking as sustainable transport alternatives.	Nil
Social	Walking and Cycling contributes to personal health by enhancing fitness and providing an enjoyable, convenient and affordable means of exercise and recreation.	Nil
Economic	Footpaths and Cycleways provide year round tourism attractions and experiences.	Nil
Governance	Responds appropriately to a resolution of the Council.	Nil

Financial implications for the Council

There are no known financial implications associated with this report.

Legal and risk management issues for the Council

There are no known legal or risk management issues associated with this report.

External consultation

As detailed in this report.

Conclusion

As detailed in this report there already existing a number of cycleway and footpath networks between Leura and Katoomba. These facilities are considered satisfactory for the current level of demand.

ATTACHMENTS/ENCLOSURES

1	Enclosure 1 - Route Maps	18/14183	Enclosure
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ITEM NO: 12

SUBJECT: PARKING PRECINCT PLANS - KATOOMBA HOSPITAL AND ECHO POINT

FILE NO: F11218 - 17/260588

Delivery Program Link

Principal Activity: Moving Around

Service: Transport and Public Access

Recommendations:

- 1. That the Council approves allocating \$6,000 from the 2017/18 Recreation Facilities Management Program to enable a Precinct Parking Plan to be commissioned in partnership with Nepean Blue Mountains Local Health District, for the Katoomba Hospital and Katoomba Showground precinct;*
 - 2. That the Council approves up to \$10,000 from Pay and Display reserves to enable a Parking Precinct Plan to be commissioned for Echo Point, Katoomba; and*
 - 3. That the Council receives a briefing on the outcomes and recommended actions of these studies by July 2018.*
-

Report by Director City & Community Outcomes:**Reason for report**

This report seeks Council approval to allocate up to \$6,000 from the Recreation Facilities Management program as a 50% contribution towards developing a Parking Precinct Plan for the Katoomba Hospital and Showground. It also seeks Council approval to allocate up to \$10,000 towards a Parking Precinct Plan to be commissioned for Echo Point, Katoomba.

BackgroundKatoomba Hospital and Showground Precinct:

Council officers met with representatives from the Nepean Blue Mountains Local Health District in November 2017 to discuss ongoing safety and parking issues associated with the operation of Katoomba Hospital. The Hospital campus is highly constrained and lacking an adequate, managed parking supply. Currently, in lieu of an established plan, visitor parking spills over onto a section of the Katoomba Showground precinct, this informal arrangement is considered inadequate and potentially problematic for visitors and employees at the Hospital, together with users of the showground. In order to address this matter it is proposed to jointly commission a parking precinct plan, the scope of which is indicated on Plan 1 (below).

Echo Point Precinct:

As of 31 December 2017, Fivex Pty Ltd (owners of the Three Sisters Pavilion at Echo Point) has ceased their annual contribution for tourist coach parking at the front of the Echo Point Pavilion. As a result of these changes, Council will investigate introducing paid parking meters for tourist coaches in this precinct (this also accords to the direction of the draft Visitor Infrastructure Strategic Plan (VIISP).

Currently the Echo Point precinct is a busy visitor destination which accommodates cars, large tourist coaches and smaller scale tourist mini vans; it can attract up to 60 coaches

during any day and is frequently stretched beyond capacity. In order to appropriately address parking needs amongst the various vehicle types and effectively introduce pay and display meters for tourist coaches, it is proposed that Council commission a parking precinct plan, the scope of which is indicated on Plan 2 (below).

Parking Precinct Plans

The development of BMCC's draft City Wide Parking Strategic Plan and VIISP, together with the rollout of electronic sensor parking in Leura, highlight the need for a coordinated approach to delivering equitable and sustainable parking options for the Blue Mountains. This need can be addressed through the preparation of Parking Precinct Plans. In the context of the Blue Mountains, the objectives of a Parking Precinct Plan are:

- To encourage the use of active and sustainable travel modes rather than increased private vehicle travel;
- To implement measures to manage the impacts of tourist buses;
- To provide parking equity and manage increasing demand through the implementation of electronic sensor parking and visitor user pays approaches;
- To establish a network of easily locatable and accessible public parking facilities over time; and
- To benefit activity, business and lifestyle through increasing parking efficiency.

The Parking Precinct Plans are high priority actions in the Draft City Wide Parking, VIISP and Integrated Transport Strategic Plans which makes recommendation for key towns and visitor destinations. Additionally, it includes the further investigation of available options for electronic sensor parking, pay parking (with possible resident permits), and any changes required to time restrictions. The draft Plans further recommend that Parking Precinct Plans be developed for precincts where parking demand is identified as an issue, such as the internal grounds of Katoomba Hospital, surrounding road reserve and Katoomba Showground and the Echo Point precinct.

Jointly commissioning such a plan in partnership with Nepean Blue Mountains Local Health District, for the Katoomba Hospital Precinct is a variation to the program, necessitating the Council's endorsement. The Echo Point parking precinct plan is a recent addition to the program given recent decisions by Fivex Pty Ltd.

Plan 1 – Indicative study area: Katoomba Hospital and Showground Precinct**Plan 2 – Indicative study area: Echo Point Precinct**

Sustainability Assessment

Effects	Positive	Negative
Environmental	Parking Precinct Plans balance environmental concerns and parking need. They recommend actions that encourage the use of alternate transport modes for locals and tourists.	Nil
Social	Appropriately located and managed parking will assist in the safe and effective operation of Katoomba Hospital and the Echo Point precinct.	Nil
Economic	Nil	Future implementation of parking plans are likely to incur significant cost.
Governance	Seeks to provide parking equity	Nil

Financial implications for the Council

\$6,000 has been identified from the Recreation Facilities Management program as a 50% contribution to jointly commissioning a Parking Precinct Plan for the Katoomba Hospital site. It is intended that these works be undertaken as a variation to the recently tendered work for a range of locations across the Local Government Area.

Representatives from the Nepean Blue Mountains Local Health District have indicated their agreement to enter such a partnership arrangement.

In order to complete the Echo Point parking precinct plan \$10,000 is required. It is requested that these funds come from the Pay & Display Reserve 5. It should be noted that all funds within this reserve are generated through pay and display funds at Echo Point and dedicated to the future improvement of the Echo Point Precinct.

Legal and risk management issues for the Council

There are no legal or risk management issues associated with this report.

External consultation

The Katoomba Hospital and Showground Precinct parking precinct plan has been discussed with Nepean Blue Mountains Local Health District representatives as detailed in this report. There has been no external consultation on the Echo Point parking precinct plan.

ConclusionKatoomba Hospital and Showground Precinct:

Parking management for employees and visitors has become highly problematic at Katoomba Hospital. In order to address this issue it is recommended that the Council approves allocating \$6,000 from the recreation budget to enable a Precinct Parking Plan to be commissioned in partnership with Nepean Blue Mountains Local Health District, for the Katoomba Hospital and Katoomba Showground precinct.

Echo Point Precinct:

The introduction of paid parking meters for tourist coaches at Echo Point requires a full review of existing parking provisions in order to address existing capacity and regulatory concerns in this precinct which attracts over 3 million visitors annually.

Further, it is also recommended that the Council is briefed on the outcome and recommended actions of both Parking Precinct Plans by July 2018.

* * * * *

PRECIS OF SELECTED
CORRESPONDENCE

ITEM NO: 13

SUBJECT: PRECIS OF SELECTED CORROSPONDENCE

FILE NO: F11178 - 17/253721

Delivery Program Link

Principal Activity: Civic Leadership

Service: Governance and Risk

Recommendation:

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

Correspondence Received by Council

1. **23 November 2017 – The Hon. Andrew Constance, MP, Minister for Transport and Infrastructure**

Letter to the Mayor regarding a proposed shared path between Winmalee and Hawkesbury Heights.

2. **30 November 2017 – Kevin Wilde, Chief Staff, Office of the Hon. Gabrielle Upton, MP, Minister for the Environment**

Letter to the Mayor regarding the acquisition of land on Mount Elphinstone (Radiata Plateau).

3. **1 December 2017 – Simon Gilkes, Valuer General, NSW Government**

Letter to the General Manager regarding land values in the Blue Mountains local government area.

4. **12 December 2017 – The Hon. David Clarke MLC, Parliamentary Secretary for Justice**

Letter to the Mayor regarding the introduction of lower speed limits when passing emergency incidents.

5. **12 December 2017 – Mark Arnold, A/General Manager Byron Shire Council**

Letter to the Mayor regarding procurement from companies involved with Adani and the Carmichael Mine.

6. **15 December 2017 – Gladys Berejiklian MP, Premier**

Letter to the Mayor regarding waste management in NSW.

7. **15 December 2017 – Trish Doyle MP, Member for Blue Mountains**

Letter to Gabrielle Upton MP, in support of Blue Mountains City Council, regarding asbestos issue.

8. **15 December 2017 – Graeme Kelly, General Secretary United Services Union**

Letter to Gabrielle Upton MP, in support of Blue Mountains City Council, regarding asbestos issue.

9. 18 December 2017 – Penny Holloway, A/Chief Executive, Office of Local Government

Letter to the Mayor regarding the proposal to appoint Rosemary Dillon as Acting General Manager of Blue Mountains City Council for up to 12 months.

Correspondence Sent by Council**10. 7 December 2017 – Ms Ally Dench, Sydney PeriUrban Network, Wollondilly Council**

Letter from Acting General Manager regarding Council's continuing support of for the Sydney PeriUrban Network.

11. 21 December 2017 – Cllr Stephen Bali, President, Western Sydney Regional Organisation of Councils

Letter from General Manager regarding Council's resignation from WSROC.

ATTACHMENTS/ENCLOSURES

1	United Services Union regarding asbestos matters	18/2767	Attachment
2	Procurement from companies involved with Adani & Carmichael Mines	18/2739	Attachment
3	Shared path between Winmalee and Hawkesbury Heights	17/243672	Attachment
4	Response to land values in Blue Mountains	17/252371	Attachment
5	Waste management in NSW	17/262876	Attachment
6	Letter of support from Trish Doyle on asbestos issue	17/265547	Attachment
7	Office of Local Government appointment of Acting General Manager	17/263977	Attachment
8	Resignation from WSROC	17/266047	Attachment
9	Continuing support for the Sydney PeriUrban Network	17/261006	Attachment
10	Inclusion of land in Blue Mountains National Park	17/251215	Attachment
11	Reducing speed limits around emergency incidents	18/2724	Attachment

* * * * *

Attachment 1 - United Services Union regarding asbestos matters



15 December 2017

The Hon Gabrielle Upton MP
GPO Box 5341
SYDNEY NSW 2001

Level 7, 321 Pitt St
Sydney NSW 2000

p (02) 9265 8211
f (02) 9261 2265

w www.usu.org.au
e united@usu.org.au

ABN: 95 571 805 442

By post and email: kevin.wilde@minister.nsw.gov.au

Ref: BLUE: 13/1.3
Contact: Sean Szabo

Dear Ms Upton MP,

Re: Blue Mountains Council Asbestos Issues

The United Services Union (USU) writes regarding the above mentioned matter.

The USU have been concerned with the asbestos issues that have been occurring at Blue Mountains City Council and have recently been in discussions with Council regarding this matter. The USU believes that in recent weeks' Council has taken steps that the Union is hopeful will go to addressing these issues.

The USU notes that Acting General Manager Rosemary Dillon and Mayor Mark Greenhill have made themselves available to meet with our officials on a number of occasions in relation to this matter. The USU have found that Council are listening and responding to the concerns raised by the USU.

Amongst other things, Council have recruited specialised safety staff, engaged independent investigators, and offered to participate in a safety roundtable discussions with the Union and Safework NSW.

Given Council's willingness to respond to and address the Union's concerns, the USU do not believe that appointing an administrator is a necessary step, nor do we believe it would be in the best interests of the staff or community.

Should you wish to discuss this matter further, please contact Mr Stephen Donley directly on 0418 113 541.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'G Kelly', with a stylized flourish extending to the right.

Graeme Kelly
GENERAL SECRETARY
Per: Steven Donley, Metropolitan Manager

SS/cd

New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Union
Regional Offices: Newcastle, Wollongong. Satellite Offices: Armidale, Bathurst, Canberra, Dubbo, Grafton, Hay, Port Macquarie, Werris Werris

Attachment 2 - Procurement from companies involved with Adani & Carmichael Mines



#E2017/11329
Contact: Anna Vinfield

12 December 2017

Mayor
Blue Mountains City Council
Locked Bag 1005
KATOOMBA NSW 2780
Via email: council@bmcc.nsw.gov.au

Dear Mayor and Councillors

Procurement from companies involved with Adani and the Carmichael Mine

Byron Shire Council has resolved not to do business with companies involved with Adani and the Carmichael Mine and is seeking the support of Blue Mountains City Council to follow suit.

Following a notice of motion from Cr Michael Lyon Council resolved the following at its 23 November 2017 meeting (Res 17-585):

That Council:

1. *Notes the Stop Adani campaign event in Byron Bay and events around Australia for the National Stop Adani Day of Action on 7 October 2017 to support the farmers directly affected and the wider community's concerns over this mine.*
2. *Resolves not to contract or engage in services under any existing contract with Downer EDI or any of its subsidiaries, including the RPQ Group and NSW Spray Seal, until they publicly withdraw from their agreement with Adani to construct and operate the Carmichael mine and publicly renounce any further involvement with Adani and the Carmichael mine.*
3. *Investigates further companies to which at present or in the future Council may award contracts that may have any involvement in contracting for the development and operation of the Carmichael mine, or otherwise have ties to Adani.*
4. *Resolves not to award future contracts to those companies identified in point three that are involved with Adani or the construction of the Carmichael mine until they renounce any involvement with Adani and the Carmichael mine.*
5. *Writes to Downer EDI, the RPQ Group, NSW Spray Seal and any other companies identified in point three alerting them to this motion and similar actions in neighbouring Councils, and urging them to reconsider their involvement with Adani and the construction of the Carmichael mine.*
6. *Writes to the Prime Minister, the Hon. Mr Malcolm Turnbull and Queensland Premier, the Hon. Anastacia Palaszczuk and to all councils across Australia (addressed to mayors and councillors) to express in the most respectful terms our extreme concern about the Adani mine and alert them to the contents of this motion.*

(Lyon/Ndiaye)



TRADITIONAL HOME OF

ALL COMMUNICATIONS TO
ADDRESSED TO THE GENERAL MANAGER
PO Box 219 Mullumbimby NSW 2482 (70-90 Station Str)
E: council@byron.nsw.gov.au
P: 02 6626 7000 F: 02 6684 3000

Page 2 of 100

Cr Lyon in his Notice of Motion (available online at http://byron.infocouncil.biz/Open/2017/11/OC_23112017_AGN_612.PDF), raised the following issues in support of the stance taken by Council and detailed in Resolution 17-585 above:

- The carbon emission impact of opening up a never-before-mined region and the subsequent effect on international efforts to limit global warming
- The mine's impact on two of Australia's most precious natural formations – Australia's largest groundwater system the Artesian Basin (under the mine's 60-year contract to extract unlimited water) and the Great Barrier Reef (with coal passing through Abbot Point terminal and required dredging to expand the terminal to accommodate for increased output)
- Support for the national Stop Adani campaign's efforts to boycott businesses associated with the building of the Adani Carmichael Mine

Council is undertaking steps to review its procurement practices so that it no longer contracts with companies associated with Adani Carmichael Mine. We encourage Blue Mountains City Council to do the same.

I would appreciate if you can circulate this letter to your councillors.

If you have any queries please contact Council's Manager Corporate Services Anna Vinfield on 02 6626 7178 or anna.vinfield@byron.nsw.gov.au

Yours sincerely



Mark Arnold
Acting General Manager

Attachment 3 - Shared path between Winmalee and Hawkesbury Heights



The Hon Andrew Constance MP
Minister for Transport and Infrastructure

Our Ref: 00388570
Your Ref: F07136 - 17/136756

Mr Mark Greenhill
Mayor
Blue Mountains City Council
Locked Bag 1005
KATOOMBA NSW 2780

Dear Mr Greenhill

Thank you for your correspondence to the Minister for Roads, Maritime and Freight about a shared path between Winmalee and Hawkesbury Heights. As this issue falls within my area of responsibilities as Minister for Transport and Infrastructure, your correspondence was referred to me for response.

The NSW Government shares your support for cycling as a sustainable transport option that promotes a healthy lifestyle and helps reduce congestion on our transport network.

Blue Mountains City Council can apply for funding for this proposal under the Active Transport Walking and Cycling Program for the 2018-19 financial year. Applications for funding need to be lodged by 20 October 2017.

Further information can be found at www.rms.nsw.gov.au/business-industry/partners-suppliers/lgr/active-transport/index.html.

This proposal can either be submitted under the Connecting Centres program or the Priority Cycleways program. The Connecting Centres program provides councils with up to 50 per cent of the construction and 75 per cent of the development cost. The Priority Cycleways program provides up to 100 per cent of funding.

Should you require further information, I encourage you to contact Mr Leon Paap, Program Manager, Active Transport, Roads and Maritime Services, on (02) 8849 2182.

I trust this information is of assistance.

Yours sincerely

THE HON ANDREW CONSTANCE MP

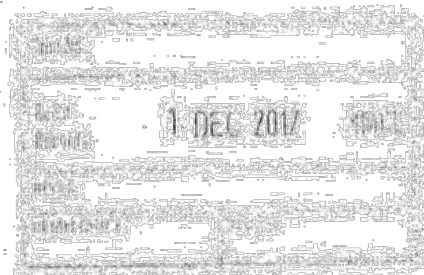
20/11/2017

Attachment 4 - Response to land values in Blue Mountains



Valuer General

Mr Robert Greenwood
General Manager
Blue Mountains City Council
Locked Bag 1005
Katoomba NSW 2780



VG17/333

Dear Mr Greenwood

Thank you for your letter of 7 November 2017, reference F00569.

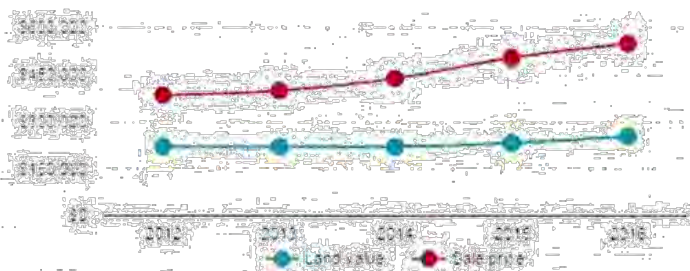
Land values in the Blue Mountains local government area

As Valuer General I am responsible for providing independent and impartial land values for use by the State Government and councils for taxing and rating.

Land values are determined annually by independent valuers on my behalf. The 1 July 2016 land values for the Blue Mountains local government area (LGA) were quality assured through a range of system checks and audits before being entered on the Register of Land Values. The land values reflect the real estate market at 1 July 2016 and were based on the analysis of 656 property sales.

In the period since the last valuation of land for council rates purposes, between 1 July 2013 and 1 July 2016, the median residential sale price in the Blue Mountains local government area has increased by 27.27%. During the same period median residential land values increased by 13.04%.

Median residential land values and sale prices in the Blue Mountains local government area



The above chart shows movement in the property market and land values over a five year period. In areas where there are a low number of sales, median sale prices may not accurately reflect the property market. Land values may not always move directly in line with sale prices due to the influence of other factors, such as building costs.

The Blue Mountains LGA covers a large geographical area with significant differences in property types and values throughout. In the three years to 1 July 2016, slight to moderate increases in residential land were evident in most areas of the Blue Mountains LGA.

However, there were moderate increases in well-established areas such as Blackheath, Hazelbrook, Katoomba, Lawson, Leura and Springwood. Some smaller villages and more remote locations in the upper mountains generally showed slight increases.

I understand that council met with my representatives from Valuation Services and the contract valuer (Quotable Valuable Australia) who undertook the valuations on 28 March 2017 to discuss the land values. This meeting was held to provide council with information relating to the 1 July 2016 land values, present general information on the valuation system and provide council an opportunity to discuss issues, including increases in land values.

Land value objections

Landholders in the Blue Mountains LGA were issued with Notices of Valuation in January 2017. This ensured landholders had the opportunity to consider the land value before it was used in the calculation of their rates.

Landholders who receive a Notice of Valuation and have concerns regarding their land value are provided with the opportunity to lodge an objection with the Valuer General to have their land value reviewed. To date objections have been received for 0.22% of all issued land values in the Blue Mountains LGA. This compares to 0.25% across the State. To date 12.35% of objections registered to 1 July 2016 land values in the Blue Mountain LGA have been reduced.

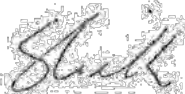
Council rates

As you are aware rates depend on each council's rating structure and the limits to increases set by the Independent Pricing and Regulatory Tribunal (IPART). I understand that in 2014/2015 council moved from a differential rates system to one with single Residential, Business and Farmland rating categories that do not take into account variations in land values across the LGA.

I understand that Blue Mountains City Council applied to IPART for a special variation to rates over the four financial years from 2015/2016 to 2018/2019 and received a special variation allowing for an increase above the rate peg. The special variation allowed council to increase general income from rates by 9.6% in the 2017/2018 financial year. The rate peg set by IPART for 2017/2018 was 1.5%.

I trust that this information resolves Council's concerns regarding the level of 1 July 2016 land values in the Blue Mountains LGA. Should you have any further enquiries please contact me on 1300 011 141 or by email to simon.gilkes@ovg.nsw.gov.au.

Yours sincerely



Simon Gilkes

Valuer General

Date: 28 November 2017

Attachment 5 - Waste management in NSW



Mark Greenhill
Mayor
Blue Mountains City Council
Locked Bag 1005
Katoomba NSW 2780



Reference: A2270447

13 DEC 2017

Dear Mr Greenhill,

Thank you for your correspondence of 27 September regarding waste management in NSW.

The NSW Government has the strongest waste regulations in the country and some of the highest recycling rates compared to other states. Work on a national approach to regulate waste moving between states is currently being led by NSW through the Waste Working Group under the Heads of Environment Protection Authorities.

As the matter raised falls under the primary responsibility of the Hon Gabrielle Upton MP, Minister for the Environment, it is appropriate that the Minister considers your correspondence and I have forwarded it accordingly.

Thank you for taking the time to bring your matter to my attention.

Yours faithfully,

A handwritten signature in blue ink, appearing to be 'G. Berejiklian', written over a blue horizontal line.

Gladys Berejiklian MP
Premier

CC: The Hon Minister Gabrielle Upton MP, Minister for Environment

Attachment 6 - Letter of support from Trish Doyle on asbestos issue



Trish Doyle MP
Member for Blue Mountains

02 4751 3298
bluemountains@parliament.nsw.gov.au
132 Macquarie Rd Springwood NSW 2777

15 December 2017

Gabrielle Upton MP
Minister for Local Government
GPO Box 5341
SYDNEY NSW 2001

COPY

Dear Minister Upton,

Blue Mountains City Council

I write regarding your unprecedented intervention in the governance of Blue Mountains City Council this week and the likelihood that you will suspend our elected Councillors in coming days.

As you would be aware, the current Blue Mountains City Council was elected in September 2016. At that election, Labor Councillors won significant swings towards them and topped the poll in every ward. Our councillors and Mayor enjoy the popular support of their community and were endorsed less than 18 months ago.

The problems of asbestos management at a number of sites in the Blue Mountains are the subject of SafeWork investigations and this process should be allowed to run its course, with procedural fairness guaranteed for all involved.

I further note that asbestos management problems have been reported at Katoomba Hospital, which is a state government managed site.

Sadly, asbestos is everywhere. It is a scourge inflicted upon our community by industry and business throughout the 20th Century. Multinational companies such as James Hardie and CSR turned a blind eye to the catastrophic health impacts on workers, families, and communities that worked with or near asbestos. The union movement and the Labor Party have been at the forefront of the banning, eradication and clean-up of asbestos in the latter decades of the 20th century, so I am confident our Labor Councillors on Blue Mountains City Council take this matter very seriously.

Furthermore, you are well aware that day-to-day operational matters are kept at arm's length from the elected body of Council, much like a board of directors at a private company are not responsible for the day-to-day operation of a business.

Obviously, with asbestos having been banned since the early 90s, the problems at Council owned or operated premises and facilities are long-term and are repeated in every Local Government Area across the state. Furthermore, it is a long term problem that remains poorly managed and without adequate monitoring in the private sector, the regulation of which I note falls partly within the remit of the Environmental

Protection Agency, an organisation whose resourcing and funding is your responsibility as the Minister for Environment.

It is my understanding that Council management and staff briefed Councillors about the problems of asbestos management earlier this year and that efforts have been underway since then to clean these sites up and implement better management plans for the future.

These processes and the investigations by SafeWork NSW must be allowed to run their course and they should not be pre-empted with a political witch-hunt against a progressive, effective and hard-working group of councillors by the State Government using the tragedy of asbestos as its trigger.

I am also aware that the Secretary of the United Services Union, Graeme Kelly, has written to you on behalf of his union's members employed by Blue Mountains City Council to make clear to you that the union does not support your course of action as a helpful or constructive response to the problem of asbestos management.

The Blue Mountains community will be watching your actions and the actions of your Government very closely in the coming weeks and months and we will not tolerate any attempt by Macquarie Street to interfere in the effective and energetic representation we enjoy from our elected representatives on Blue Mountains City Council.

Yours sincerely,



Trish Doyle MP
Member for Blue Mountains

CC: - Peter Primrose MLC, Shadow Minister for Local Government
- Penny Sharpe MLC, Shadow Minister for Environment
- Mayor Mark Greenhill, Blue Mountains City Council
- Graeme Kelly, United Services Union

Doc Ref: 2017 - 12 - 15 - Gabrielle Upton - Blue Mountains City Council.docx



Attachment 7 - Office of Local Government appointment of Acting General Manager



Office of Local Government

5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541

18 DEC 2017
18 DEC 2017
18 DEC 2017
18 DEC 2017

Our Reference
Your Reference
Contact
Phone

A575879
F09299
John Davies
02 4428 4139

Clr Mark Greenhill
Mayor
Blue Mountains City Council
Locked Bag 1005
KATOOMBA NSW 2780



E-MAILED

12/12/17 KA

By email: SKavanagh@bmcc.nsw.gov.au

Dear Clr Greenhill

Thank you for your letter of 7 December 2017, about the proposal to appoint Ms Rosemary Dillon as Acting General Manager of Blue Mountains City Council for a period of up to 12 months.

Section 351 of the *Local Government Act 1993* provides that if the general manager's position is vacant, a council may appoint a person to the position temporarily. A person appointed to a general manager's position temporarily may not continue in that position for a period of more than 12 months (24 months if the holder of the position is on parental leave).

Section 348 also requires councils to advertise a position where it is proposed to make an appointment for one or more periods that exceed 12 months in any two year period. Section 349 requires appointments to be made on merit from among the applicants for the position. In practical terms this means that any temporary appointment must be limited to 12 months where it has not been advertised in accordance with section 348.

To ensure that the Council complies with the requirements of sections 348, 349 and 351, the Office of Local Government would encourage the Council to commence the recruitment process for the new general manager at such a time that will allow it to be finalised and a permanent appointment made before Ms Dillon's 12-month acting appointment concludes.

If the Council is not able to make a permanent appointment at that time, it may need to give consideration to appointing another person to act as general manager at the expiry of Ms Dillon's 12-month term as acting general manager. This could be another senior staff member or a person appointed from outside the organisation on a locum basis.

I hope this information is of assistance. Should you require further information, please do not hesitate to contact Mr John Davies, Manager Council Governance on 02 4428 4139.

Yours sincerely

Penny Holloway
Acting Chief Executive
Office of Local Government

T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E olg@nsw.gov.au W www.olg.nsw.gov.au ABN 44 913 630 046



Attachment 8 - Resignation from WSROC



21 December 2017

Office of the General Manager

Reference File: F00693 – 17/264927

Councillor Stephen Bali
President
Western Sydney Regional Organisation of Councils
PO Box 63
BLACKTOWN NSW 2148

Dear Councillor Bali

SUBJECT Resignation from WSROC

I am writing on behalf of the Blue Mountains City Council (the Council) to advise that the Council intends to resign its membership of Western Sydney Regional Organisation of Councils (WSROC) with effect from 30 June 2018.

At the Ordinary Meeting of the Council on 12 December 2017, the Council considered Mr Casuscelli's letter of 17 August 2017 in which he updated the Council on the progress of proposed changes of the governance and structure of WSROC Ltd. The Council also noted the changed regional context for Council including the changes to the Greater Sydney Commission and Western Sydney City Deal boundaries, and the Council's strategic alliance with Hawkesbury and Penrith City Councils.

The Council considered that membership of WSROC is of less relevance in light of these changes and resolved to give six months' notice in writing of the intention to resign from WSROC in accordance with the WSROC Constitution.

The Council wishes to thank you, the Board, the Chief Executive Officer and staff of WSROC for the support and advocacy that WSROC has provided to Western Sydney and the Blue Mountains during the time of Council's membership.

For your information, the Council resolved the following:

1. *That the Council notes that Western Sydney Regional Organisation of Councils (WSROC) has deferred consideration of the WSROC structure;*
2. *That the Council notes the changed regional context for Council, including the changes to the Greater Sydney Commission District and Western Sydney City Deal boundaries;*
3. *That the Council resolves to discontinue its membership of WSROC from 30 June 2018, providing six months notice; and*

4. *That the Council writes and thanks the WSROC President, Board, CEO and secretariat staff for support and advocacy they have provided to Western Sydney and the Blue Mountains during the time of the Council's membership, and gives six months notice of Council's intention to resign from WSROC from 30 June 2018.*

[Minute No: 430]

If you would like to discuss this matter further please do not hesitate to contact me on 4780 5000.

Yours faithfully



ROSEMARY DILLON
A/General Manager

Attachment 9 - Continuing support for the Sydney PeriUrban Network

7 December 2017

Office of the General Manager

Reference File: F09738/F03162 – 17/250952

Ms Ally Dench
Coordinator
Sydney PeriUrban Network
Wollondilly Council
PO Box 21
PICTON NSW 2571

Dear Ms Dench

SUBJECT Continuing Support for the Sydney PeriUrban Network

I refer to your letter dated 21 August 2017, on behalf of SPUN, seeking Blue Mountains City Council's ongoing support and commitment to the Network through the continuation of a senior officer representation. Council considered a report in relation to this request at the Ordinary Council Meeting of 17 October 2017 and resolved:

"That the Council notes continuing participation in the Sydney Peri-Urban Network and that the General Manager will nominate an appropriate senior officer to participate."

[Min. No. 359]

The nominated representative is Luke Nicholls, Director, City & Community Outcomes who will delegate this responsibility as appropriate.

If you have any further enquiries relating to this matter please contact Luke on 4780 5000.

Yours faithfully



ROSEMARY DILLON
A/General Manager

Attachment 10 - Inclusion of land in Blue Mountains National Park



Office of the Hon Gabrielle Upton MP
Minister for the Environment
Minister for Local Government
Minister for Heritage

MD17/4256
F00498-17/182546

Councillor Mark Greenhill OAM
Mayor
Blue Mountains City Council
Locked Bag 1005
KATOOMBA NSW 2780

By email: council@bmcc.nsw.gov.au

Dear Councillor Greenhill

I refer to your letter to the Minister for the Environment, the Hon Gabrielle Upton MP, about acquisition of land on Mount Elphinstone (Radiata Plateau) for inclusion in Blue Mountains National Park. The Minister appreciates you bringing Blue Mountains City Council's views to her attention and I have been asked to reply on her behalf.

I appreciate Council's desire to see this land conserved and retained for public use. However, the National Parks and Wildlife Service (NPWS) only acquires land from willing vendors. I am advised that the land at Mount Elphinstone is not currently being offered for sale.

Many properties are considered by NPWS each year for addition to the reserve system. Properties are prioritised within the available funding based on their alignment with state wide biodiversity conservation and cultural heritage objectives.

NPWS will undertake a preliminary assessment of the land against the government's conservation objectives to assist consideration if it becomes available in the future. NPWS would also be happy to engage with Council about other opportunities for managing open spaces for the benefit of tourists and the community.

If you have any further questions about this matter, please contact Mr David Crust, Director Blue Mountains Branch, NPWS on 4784 7311 or at david.crust@environment.nsw.gov.au.

Yours sincerely

27 NOV 2017

Kevin Wilde
Chief of Staff
Office of the Hon Gabrielle Upton MP

Attachment 11 - Reducing speed limits around emergency incidents



Office of The Hon Troy Grant MP
Minister for Police
Minister for Emergency Services

Councillor Mark Greenhill OAM
Mayor
Blue Mountains City Council
Locked Bag 1005
KATOOMBA NSW 2780

IM17/26715
MIN17/002920
12 DEC 2017

Via email to council@bmcc.nsw.gov.au

Dear Mayor

Thank you for your letter to the Minister for Emergency Services, the Hon Troy Grant MP, supporting the introduction of 40 km/h speed limits when passing emergency service vehicles attending incidents. The Minister has asked me to respond on his behalf.

Council may be assured that the safety of our emergency services personnel who attend these incidents, and the people who may be involved in them, is of vital importance. The safety of those passing roadside accidents is also paramount.

As Council would appreciate, this is a complex and important matter that requires careful consideration.

I am advised the Minister has met with the NSW Rural Fire Service Association and has also asked the Office of Emergency Management to liaise with key stakeholders, including Fire and Rescue NSW, Transport for NSW, the NSW Rural Fire Service, NSW Police Force and the Department of Premier and Cabinet on this issue.

I trust this information is of assistance.

Yours sincerely

The Hon David Clarke MLC
Parliamentary Secretary for Justice

QUESTIONS WITH NOTICE

ITEM NO: 14

SUBJECT: 170-174 LEURA MALL, LEURA

FILE NO: F11178 - 18/16935

Delivery Program Link

Principal Activity: Civic Leadership

Service: Governance and Risk

Question With Notice: Cr Brown:

1. *How much has been spent and foregone in the management of the property at 170-174 Leura Mall from 1 June 2015 - 30 Jan 2018 as an itemised costing:*
 - *All reports and plans on the building condition and structural adequacy, quantity surveyor estimates and other costings, heritage advice, DA architectural plans (x2) , heritage impact statements (x 2) and any other commissioned reports related to the management of the property and its DA;*
 - *Maintenance;*
 - *Public exhibition of the DAs x 2 (including printing, advertising, response to applicants and any other costs);*
 - *Legal fees on leases, mediation, correspondence with councillors, tenants and the public and any other advice related to the property;*
 - *IHAP establishment;*
 - *Estimated staff time;*
 - *Rental income foregone at 170-172 Leura Mall;*
 - *Rental income foregone due to low rent in lieu of a long-term lease at 172-174 Leura Mall; and*
 - *The forecast fees and expenses for the IHAP to undertake and conclude its deliberations in coming month(s).*
 2. *When is the maintenance work and thermal imaging on the building at 170-174 Leura Mall scheduled to begin?*
-

* * * * *

ITEM NO: 15

SUBJECT: DOMESTIC WASTE BINS

FILE NO: F11178 - 18/16951

Delivery Program Link

Principal Activity: Civic Leadership

Service: Governance and Risk

Question With Notice: Cr Brown:

How many households have lodged successful complaints for overcharging on domestic waste bins since June 2016. How long have they been found to be overcharged in total? What is the total figure repaid for the agreed period of up to 5 years?

* * * * *