

Business Paper Ordinary Meeting



Meeting

7.30pm 28 February, 2023

Venue

Council Chambers, Katoomba



ORDINARY MEETING

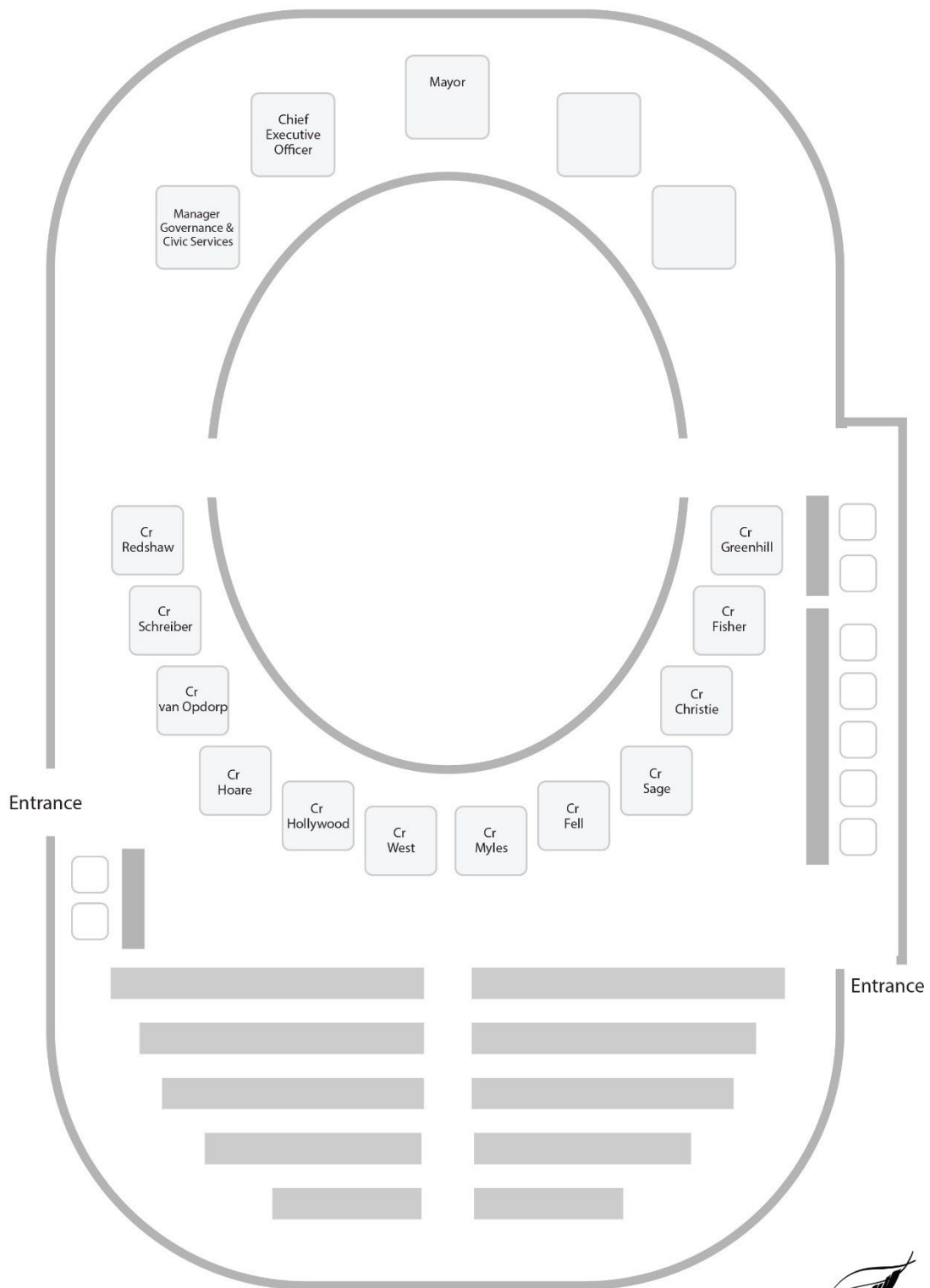
28 FEBRUARY 2023

AGENDA

ITEM NO.	PAGE	SUBJECT	COMMENTS
		<u>PRAYER/REFLECTION</u> (Welcome and Recognition of the Traditional Owners, the Darug and Gundungurra People)	
		<u>APOLOGIES</u>	
		<u>CONFIRMATION OF MINUTES</u> Ordinary Meeting held on 31 January 2023	
		<u>DECLARATIONS OF INTEREST</u>	
		<u>MINUTE BY MAYOR</u>	
1	11	Feral Deer and the Threat to the Blue Mountains	
		<u>LEAD</u>	
2	17	Australian Local Government Association (ALGA) National General Assembly 2023 <i>Attachments x 2</i>	
3	25	Six Month Delivery Program Report and Quarter 2 Budget Review Statement 2022-2023 <i>Enclosure x 1</i>	

ITEM NO.	PAGE	SUBJECT	COMMENTS
4	31	Community Assistance Donations Recommendation by Councillor	
5	32	Perfomance of Invested Monies January 2023 <u>PROTECT</u>	
6	37	Adoption of the Gordon Falls Precinct Plan <i>Enclosures x 3</i> <u>LIVE</u>	
7	44	Variations/Exceptions to Development Standards <i>Attachment x 1</i>	
8	48	Draft Precinct Plan for the Former Katoomba Golf Course <i>Attachment x 1</i> <i>Enclosures x 3</i>	
9	70	Update on draft Amendment 16 to LEP 2015 <i>Attachments x 2</i> <u>CARE</u>	
10	100	Tender Report - Tree & Garden Waste Removal and Transportation at Katoomba and Blaxland Resource Recovery & Waste Management Facility	
11	105	Subsidised Use of Council Buildings for Provision of Community Services <i>Attachment x 1</i>	
12	111	Community Building Licences <i>Attachment x 1</i> <u>MOVE</u>	
13	117	Results of Community Consultations on Visitor Pay Parking and Parking Strategic Plan 2023 <i>Enclosure x 1</i>	

ITEM NO.	PAGE	SUBJECT	COMMENTS
14	133	Outcome of Tender Process for Citywide Smart Parking <u>THRIVE</u>	
15	138	Mount Victoria Village Recovery Package - Engagement Outcomes <u>NOTICES OF MOTION</u>	
16	147	Installation of seats in the upper walkway of Lawson Village Centre (west) and bollards near the chemist (east) <u>PRECIS OF SELECTED CORRESPONDENCE</u>	
17	151	Precis of Selected Correspondence <i>Attachments x 9</i>	



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.

For Face to face Council meetings

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.

For Council Meeting that are held via remote technology

Council will accept written public submissions as per the amended Code of Meeting Practice given members of the public are not able to address the meeting in person.

Written submissions can be emailed to council@bmcc.nsw.gov.au until midday Monday, the day before the Council meeting and should be limited to 500 words.

Acknowledgement of Country

The City of the Blue Mountains is located within the Country of the Dharug and Gundungurra peoples. The Blue Mountains City Council recognises that Dharug 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 Dharug 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.

Blue Mountains City Council 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.

MINUTE BY MAYOR

ITEM NO: 1

SUBJECT: FERAL DEER AND THE THREAT TO THE BLUE MOUNTAINS

FILE NO: F14794 - 23/14879

Delivery Program Link

Principal Activity: PROTECT

Service: Natural Environment

Recommendations:

1. That the Council notes that:
 - a. Feral deer are an urgent and growing threat to native wildlife, ecosystems and watercourses in the Greater Blue Mountains World Heritage Area and across the Blue Mountains City Local Government Area.
 - b. Feral deer also pose significant risks to human safety through vehicle collisions, including on the Bells Line of Road, Putty Road and, in future, along the Great Western Highway.
 - c. Five different species of feral deer have been recorded within the Greater Blue Mountains in recent years and their numbers and geographic extent are rapidly growing.
 - d. Herbivory and environmental degradation caused by feral deer is a Key Threatening Process under the NSW *Biodiversity Conservation Act 2016* and feral deer cause environmental damage by:
 - i. Destroying native vegetation by trampling, grazing, and ring-barking young trees
 - ii. Fouling waterholes, eroding watercourse and causing soil erosion
 - iii. Spreading weeds and potentially pathogens such as *Phytophthora cinnamomi*
 - iv. Competing with native grazers such as wallabies, kangaroos, and wombats.
 - v. Reducing post-fire resilience of regenerating vegetation.
 - e. The draft National Feral Deer Action Plan has found that left uncontrolled in good conditions, feral deer populations can increase by 34–50% every year and that recreational hunting is not an effective means of controlling population growth.
 - f. There is currently no comprehensive management plan for feral deer control in the Greater Blue Mountains, information about feral deer numbers and extent are out-of-date and patchy and the resources dedicated to control are insufficient for the scale of the problem;
2. That the Council express its support for a target to ensure the Greater Blue Mountains World Heritage Area is deer-free by 2040;
3. That the Council calls on the NSW and Federal Governments to:

- a. Comprehensively survey the Greater Blue Mountains World Heritage Area and its adjoining boundary areas to assess the existing numbers and location of feral deer.
 - b. Develop a comprehensive and well-resourced management plan to stop further spread of feral deer in the Greater Blue Mountains World Heritage Area, protect sensitive environmental areas and eradicate isolated populations.
 - c. Commit to ensuring the Greater Blue Mountains World Heritage Area is deer-free by 2040;
4. That the Council write to our local Federal and State Members of Parliament, the NSW and Federal Environment Minister and shadow NSW and Federal Environment Ministers advising them of this motion, expressing our support for this proposal and urging them to support it; and
 5. That the Council make a submission in support of the [National Feral Deer Action Plan](#), which highlights the threat feral deer pose to the Greater Blue Mountains World Heritage Area and the need for increased resources to stop their spread.
-

Mayoral Minute

Background provided by Councillor

Five different species of feral deer have been recorded within the Greater Blue Mountains in recent years and their numbers and geographic extent are growing without effective control action.

These expanding populations are already damaging World Heritage values, threatened species and ecological communities, and rare and endemic biodiversity. They also pose significant risks to human safety through vehicle collisions, including on the Bells Line of Road, Putty Road and, in future, along the Great Western Highway.

Grazing and trampling caused by feral deer is listed as a Key Threatening Process in NSW under the *Biodiversity Conservation Act 2016*. They cause significant environmental damage by:

- Destroying native vegetation by trampling, grazing, and ring-barking young trees
- Fouling waterholes, eroding watercourse and causing soil erosion by forming wallows
- Spreading weeds and potentially pathogens such as *Phytophthora cinnamomi*
- Competing with native grazers such as wallabies, kangaroos, and wombats.
- Reducing post-fire resilience of regenerating vegetation.

The current spread of feral deer in the Greater Blue Mountains

Feral deer have the capacity to expand to most parts of the Greater Blue Mountains. This includes the Upper Blue Mountains Escarpment, large parts of the Wollemi, into the Grose, Jamieson and Megalong Valleys and along major watercourses. Deer populations have been identified in the following locations:

- Fallow deer – Putty Road, Nullo Mountain, Bells Line of Road, Yellomundie, Mount Banks, Megalong Valley, Black Range, Jenolan Caves, Kanangra Tops, Oberon–Colong stock route, Bindook, Abercrombie River NP and Nattai NP.
- Sambar deer – Nattai NP, Yerranderie State Conservation Area, Kedumba Valley, Megalong Valley and Cox River corridor in the Blue Mountains NP.
- Rusa deer – Wollondilly River corridor.

- Red deer – Wollondilly River corridor, Black Range and Abercrombie River NP.
- Chital deer – Bells Line of Road

Control options for feral deer and current action

The draft National Feral Deer Action Plan has found that left uncontrolled in good conditions, feral deer populations can increase by 34–50% every year and that recreational hunting is not an effective means of controlling population growth. In NSW, the entire state is mapped as suitable habitat for at least one of the six deer species in the state and their range has been increasing by an average of over a million hectares a year. Feral deer readily move across property boundaries and intensive culling through aerial and ground shooting is required to control their population growth.

Due to the large and rugged area covered by the Greater Blue Mountains, full eradication is likely to be difficult in the medium term, but containment and controlling their spread is achievable with adequate resourcing. However, any further delay will increase the costs of control and without urgent action the window of opportunity to prevent their spread across the whole GBMWhA will close.

At present there is no comprehensive management plan for feral deer control in the Greater Blue Mountains, information about the numbers and extent are out-of-date and patchy and the resources dedicated to control are insufficient to the scale of the problem.

We welcome both the National Parks and Wildlife Service and Local Land Services implementing state-wide control programs for feral deer. However, funding is limited, there is no strategic approach and the extent of these programs varies over the area covered by the Greater Blue Mountains.

Councillor comment on funding

Nil

Operational response

Motion supported

This Mayoral Minute is supported.

Briefing

No Councillor briefing is required.

Letters advocacy

Council will write a letter in support of this Mayoral Minute, to the NSW Minister for the Environment, James Griffin, the Shadow Minister for the Environment, Penny Sharpe, the Federal Minister for the Environment and Water, Tanya Plibersek, the Shadow Minister for the Environment and Water, Terri Butler and the Member for the Blue Mountains, Trish Doyle and the Member for Macquarie, Susan Templeman.

Advocacy

Council will advocate in support of this Mayoral Minute by making a submission in support of the National Feral Deer Action Plan, which highlights the threat feral deer pose to the Greater Blue Mountains World Heritage Area and the need for increased resources to stop their spread.

Financial implications

Nil financial implications

There are no financial implications for Council adopting the recommendations in this Mayoral Minute.

Alignment with Delivery Program and/or Operational Plan

Aligns with Strategy 2.3a: The community and all levels of government work together to protect and enhance the Greater Blue Mountains World Heritage Area and D20301.01: Support the recognition of and work to protect the Greater Blue Mountains World Heritage Area (LSPS 1.7, 1.16)

Aligns with 2.3b: Improve the understanding of, access to and conservation of natural area heritage assets including Aboriginal, environmental and built assets in natural areas and D20311.01: Conserve Natural Area Heritage, including Aboriginal, environmental and built assets in natural areas (LSPS 5.6)

Conclusion**Motion supported**

This Mayoral Minute is supported.

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OFFICERS REPORTS

ITEM NO: 2

SUBJECT: AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (ALGA) NATIONAL GENERAL ASSEMBLY 2023

FILE NO: F14794 - 22/261719

Delivery Program Link

Principal Activity: LEAD

Service: Governance and Civic

Recommendations:

1. *That the Council nominates one Councillor as the voting delegate and any additional observer Councillors to attend the Australian Local Government Association (ALGA) 2023 National General Assembly of Local Government, to be held in the National Convention Centre, Canberra between 13 and 15 June 2023;*
 2. *That the Council endorses the attendance of the Chief Executive Officer or her delegated representative at this National General Assembly of Local Government; and*
 3. *That the Council submits the Motions for Debate for inclusion in the 2023 National General Assembly of Local Government Conference Business Paper, as attached to this report, on the topics:*
 - a) *Enabling Council-run public libraries to continue to be Community Partners with the Trove national archive; and*
 - b) *Increase funding to build back better and more resilient infrastructure following Natural Disasters.*
-

Report by Executive Business Manager:**Reason for report**

This report seeks Council consideration and endorsement of proposed Blue Mountains City Council's Motions of Debate for submission to the National General Assembly of Local Government to be held in Canberra between 13 and 15 June 2023, and to nominate one (1) voting delegate and any additional observers to attend the conference.

Given the focus of the event on such important areas as Local Government Infrastructure, Climate Change and Renewable Energy and Natural Disasters, approval is also sought for the attendance of the Chief Executive Officer or her delegate to connect with other representatives across Australia on these important areas and how local government can be better resourced and supported to address them.

Background

The National General Assembly (NGA) of Local Government is an annual conference, to which Council generally submits Motions for Debate and usually nominates one voting Councillor Delegate and any interested observer Councillors to attend the conference.

The Council's involvement in the NGA is important in assisting the Australian Local Government Association (ALGA) to maintain the federal government engagement with local

government and to drive improved outcomes for the local government sector at the national level.

The 2023 National General Assembly of Local Government (NGA) incorporates the Regional Cooperation and Development Forum and will be held from 13-15 June in Canberra.

ALGA has identified that this year's theme of the conference is "Our Communities, Our Future".

Motions for Debate

According to ALGA, to be eligible for inclusion in the NGA Business Papers, and for subsequent debate on the floor of the NGA, motions must meet the following criteria:

1. Be relevant to the work of local government nationally.
2. Not be focused on a specific jurisdiction, location or region – unless the project or issue has national implications.
3. Be consistent with the themes of the NGA.
4. Complement or build on the policy objectives of ALGA and your state or territory local government association.
5. Be submitted by a council which is a financial member of their state or territory local government association.
6. Propose a clear action and outcome ie call on the Australian Government to act on something.
7. Not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members, or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.
8. Address issues that will directly improve the capacity of local government to deliver services and infrastructure for the benefit of all Australian communities.
9. Not seek to advance an outcome that would result in a benefit to one group of councils to the detriment of another.
10. Be supported by sufficient evidence to support the outcome being sought and demonstrate the relevance and significance of the matter to local government nationally.

Motions must commence with the following wording: "This National General Assembly calls on the Australian Government to ..."

Motions should be in the form that seeks the NGA's support for a particular action or policy change at the Federal level which will assist local governments to meet local community needs. This year's call for motions focusses on eight priority areas:

- Productivity;
- Local Government Infrastructure;
- Community Wellbeing;
- Local Government Workforce;
- Data, Digital Technology and Cyber Security;
- Climate Change and Renewable Energy;
- Natural Disasters; and
- Housing.

Further information on the requirements and priority areas for conference motion is at:
<https://alga.com.au/events/national-general-assembly-2023/>

BMCC proposed Motions for Debate

It is proposed that the Council considers the two (2) Motions for submission to the ALGA for inclusion in the 2023 Conference Business Paper raising the issues of:

1. *Enabling Council-run public libraries to continue to be Community Partners with the Trove national archive; and*
2. *National Investment in 'Build Back Better' - Increase funding to build back better and more resilient infrastructure following Natural Disasters.*

All proposed Motions for Debate meet the eligibility criteria and are enclosed.

Timeline

The Council is required to resolve any motions for the Conference Business Paper and submit these to the ALGA for consideration no later than 24 March 2023.

DATE	ACTION
28 February 2023	Council to endorse Motions for Debate and Council voting representative
24 March 2023	Motions must be lodged electronically with the Australian Local Government Association.

If the Council determines not to lodge a motion to the agenda of the 2023 NGA Conference, delegates may still actively participate and contribute to discussions on the key issues as identified in the discussion paper.

Voting Delegates and Observers

Although the NGA does not need to be notified of the voting delegate prior to the conference registration, the Council should resolve on the voting delegate as well as any observer Councillors who will attend this event for budget and planning purposes.

As at the time of drafting this report the registration deadline and detail was not available. The Council's voting representative and any observer Councillors will be informed accordingly.

Sustainability Assessment

Effects	Positive	Negative
Environmental	Nil	Nil
Social	Maintains the engagement of the local government to drive improved outcomes for the local government sector at national level.	Nil
Economic	Provides an opportunity for local government to debate issues within local government and at a national level.	Nil
Governance	Provides an opportunity for local government to debate a range of issues relevant to local government and in particular issues federal government policies which impact significantly on the governance at the local government level.	Nil

Alignment with the Community Strategic Plan (CSP)

The submission of Motions for Debate for inclusion in the 2023 National General Assembly of Local Government Conference Business Paper; and the nomination of one Councillor as the voting delegate and any observer Councillors to attend the Conference, aligns with the Key Direction of "Lead" in the CSP, in particular, Objective 1.2: *All levels of government provide transparent, fair and accountable civic leadership and governance.*

Financial implications for the Council

The recommendations in this report are budgeted for in the current financial year.

The costs incurred by delegates attending the conference have been factored into the Council's budget with an allocation for (1) voting representative Councillor and one (1) observer. Budget is estimated at \$2,000 per attendee, based on 2023 National General Assembly registration, Regional Cooperation and Development Forum registration, accommodation, and use of a Council fleet car.

Legal and risk management issues for the Council

There are no legal or risk management issues for the Council.

External consultation

No external consultation is required.

Conclusion

Two (2) Motions for Debate have been developed which meet the eligibility criteria for submission to the ALGA for inclusion in the 2023 NGA Conference. This report seeks the timely resolution of the Council to submit Motions for Debate and nominate a voting delegate and any observer Councillors, as well as endorsement of the attendance of the Chief Executive Officer or her delegate, to attend the conference to be held 13 and 15 June 2023 in Canberra for registration purposes.

ATTACHMENTS/ENCLOSURES


1	Councillor Hollywood - Call for Motion at 2023 National General Assembly - Enabling Council-run public libraries to continue with Trove national archive	23/25001	Attachment
2	Councillor Hollywood Motion for Debate 2023 Build Back Better	23/26979	Attachment

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Attachment 1 - Councillor Hollywood - Call for Motion at 2023 National General Assembly - Enabling Council-run public libraries to continue with Trove national archive

TEMPLATE: MOTION for the 2023 NATIONAL GENERAL ASSEMBLY

<u>Title:</u>	Enabling Council-run public libraries to continue to be Community Partners with the Trove national archive
<u>Motion:</u> (150 Words)	That the Australian Local Government Association calls on the Federal Government to immediately stop the National Library of Australia's plans to charge increased subscription fees to Council-run public libraries, so that they contribute to and access Australia's national data-base and archive – Trove.
<u>National Objective:</u> (200 words)	<p>Trove is a national archive that is maintained and managed by the National Library of Australia. A decade of effective funding cuts to the National Library of Australia and other national cultural institutions, through efficiency dividends, has led to the National Library of Australia announcing in 2022 that it will now charge subscription fees to Local Government Public Libraries to be Trove Partners and contribute to and access Trove. These subscription fees are set to increase year on year.</p> <p>This is an example of Federal Government cost-shifting to Local Government. If Public Libraries cannot afford these increases, they will withdraw from being a Trove Partner. A survey by the NSW Public Libraries Association has shown that already more than 10% of libraries in NSW have withdrawn from Trove and this trend is likely to continue. Public Libraries no longer be able to afford to contribute to Trove will have a significant impact on our national cultural and social history.</p>
<u>Summary of Key Arguments:</u> (300 words)	<p>Trove is a significant national platform to record and access Australia's history and culture.</p> <p>Many public libraries across Australia are Trove Partners and have actively and proudly contributed to Trove.</p> <p>The partnership between public libraries and the National Library of Australia has enabled Trove to become a highly valued and comprehensive single national archive.</p> <p>Trove's expansive public digital archive is a resource used by people of all ages for education and training, for local and family history, as well as life-long learning and development. The importance of Trove is demonstrated by nearly 20 million visits per year.</p> <p>Up until now, public libraries, run about local Councils across Australia, have been able to access and contribute to Trove without significant financial costs. However, the National Library of Australia is now increasing Trove subscription fees for Council-run public libraries, with these subscription fees set to increase year on year.</p> <p>The National Library of Australia's plans to charge to use Trove is a short-sighted example of cost-shifting, which overlooks the fact that public libraries are local community services with tight and finite budgets. Public libraries do not generate their own income. They are funded by Councils with some grant contributions State Government.</p>

	Surveys and consultations with public libraries indicate that some libraries are already considering withdrawing from Trove because of increases in subscription fees.
<u>Declaration:</u> Submitted and signed by Councillor	

Attachment 2 - Councillor Hollywood Motion for Debate 2023 Build Back Better

TEMPLATE: MOTION for the 2023 NATIONAL GENERAL ASSEMBLY

<u>Title:</u>	National Investment in 'Build Back Better'
<u>Motion:</u> (150 Words)	<p>This National General Assembly calls on the Australian Government to improve community resilience to natural disasters by significantly increasing investment into the following:</p> <ol style="list-style-type: none"> 1. Planning of public infrastructure that is resilient to and mitigates the impact of future natural disasters. 2. Public infrastructure projects that mitigate the impacts of natural disasters and are more available during and after an emergency; and <p>Broaden the scope and the amount of recovery funding to enable public infrastructure directly affected by disasters to be 'Built Back Better' to withstand future events.</p>
<u>National Objective:</u> (200 words)	<p>Since the Black Summer Bushfire of 2019/20, Australia has experienced over 45 disaster events. The impact of these natural disasters (bushfire, storm and flood) has affected a great number of communities across Australia, and it serves as a poignant reminder that no community is immune.</p> <p>These natural disasters have caused significant damage to the public infrastructure that is critical to our local communities. A Deloitte Access Economics report from 2021 estimates the economic cost of natural disasters annually is now over \$38 billion. Of equal importance is immeasurable impact natural disasters have had on individuals, which has reduced community, health wellbeing and prosperity and these impacts may last generations.</p> <p>For communities to avoid the cost of natural disasters they will need to become increasingly resilient to future events. Public infrastructure is critical to this objective and must be more resilient to natural disasters through improved planning and investment into public infrastructure.</p>
<u>Summary of Key Arguments:</u> (300 words)	<p>The recent natural disasters have clearly demonstrated the fallibility of public infrastructure to natural disaster. Investment in the planning and construction of resilient infrastructure, that mitigates the impacts of disasters and is more available during and after an emergency, has not kept up with the increasing frequency and intensity of natural disasters making our communities vulnerable.</p> <p>The need to improve infrastructure resilience to address increasing natural disasters is recognised internationally, under the common theme of 'Build Back Better'.</p> <p>For local communities to become increasingly resilient to natural disasters a long-term solution will be required. Central to this will be the renewal, upgrade and construction of new public infrastructure that mitigates the impacts of natural disasters, provides redundancy during disasters, and is available during and after a disaster event. Current funding from state/territory and Australia governments is just a fraction of what will be required to achieve the objective of resilient communities. Furthermore, disaster recovery funding arrangements often preclude the reconstruction of more resilient public infrastructure</p>

	<p>opting for the “like for like” approach and infrastructure that remains vulnerable into the future.</p> <p>Improved community resilience to natural disasters will be reliant upon the Australian government committing to a significant increase in investment into public infrastructure in local communities. That investment must provide for the planning and construction of public infrastructure that supports resilient communities. Furthermore, current disaster funding arrangements must be broadened to ensure infrastructure directly affected by natural disasters is built back better to withstand future events.</p>
<p><u>Declaration:</u></p> <p>Submitted and signed by Councillor</p>	<p>This motion has been submitted by Blue Mountains City Councillor Romola Hollywood.</p>

ITEM NO: 3

SUBJECT: SIX MONTH DELIVERY PROGRAM REPORT AND QUARTER 2 BUDGET REVIEW STATEMENT 2022-2023

FILE NO: F14794 - 22/282793

Delivery Program Link

Principal Activity: LEAD

Service: Strategy and Performance

Recommendations:

1. *That the Council endorses this report together with the enclosure Quarter 2 Report 2022-2023; and*
 2. *That the Council approves the variations of income and expenditure, as identified in Enclosure 1.*
-

Report by Director Strategy & Corporate Services:**Reason for report**

The Council provides progress reports on implementing the Delivery Program and Operational Plan as follows:

- Budget review statement (Quarters 1, 2 and 3);
- Delivery Program progress report (6-monthly).

This report provides the legislatively required six-monthly Delivery Program progress report (as at 31 December 2022) including the Budget Review Statement for Quarter 2 (the “*Quarter 2 Report 2022-2023*”), in accordance with Integrated Planning and Reporting requirements under the *Local Government Act, 1993*.

Background

The purpose of Quarterly / Six-Monthly Reports is to:

- Meet legislative requirements (transparency and accountability);
- Provide a practical assessment of how the Council is tracking overall – whether we are delivering against our annual commitments on time and within budget; and
- Demonstrate results / achievements and to formally document any issues that arise that impact on service delivery commitments.

As well as providing a snapshot of achievements and issues for first six months of the year (July to December 2022), this Report presents a summary overview of performance for:

- Asset Works Program projects status; and
- Other Delivery Program and Operational Plan actions status.

The separately provided Enclosure ‘*Quarter 2 Report 2022-2023*’ provides more detailed information on each of the above performance areas.

Report

Six-Month Delivery Program / Operational Plan Progress

During this six-month period Council has made excellent progress and is on track towards delivering on its commitments in the Operational Plan 2022-2023, which is year 1 of the Delivery Program 2022-2026.

However, the cumulative impact of multiple extreme wet weather events over the last two years has caused extensive damage to Council buildings and to just under one third of the road pavement network. It has also resulted in at least 67 land slides across the City. This has necessitated critically required repair and make safe works to ensure safety and access of road users. Further funding is required and is being sought to fully recover the City from the impact of these natural disasters.

Asset Works Program

92% of the Asset Works Program projects are on track as planned.

The following table provides information on the overall 2022-2023 Asset Works Program funding and expenditure status as at 31 December 2022. It also details the percentage of projects on track as planned as at the end of Quarter 2.

2022-2023 Asset Works Program funding and expenditure status as at 31 December 2022

	Original Budget	Revised Budget*	Actual	On track**
Total 2022-2023 budget	\$51.5M	\$59.0M		
Expenditure as at 31 December 2022		\$25.0M	\$12.4M	92%
Percentage spent		42%	21%	
New Projects	\$5.3M	\$5.9M	\$0.9M	83%
Upgrade Projects	\$22.9M	\$28.2M	\$7.0M	93%
Renewal Projects	\$23.3M	\$24.9M	\$4.5M	91%

* Includes funding carried over from 2021-2022 and adopted variations. Renewal Projects includes IT assets, vehicles and plant and equipment.

** Projects that have been rescheduled or withdrawn have been excluded from this calculation.

Other Delivery Program and Operational Plan Actions***

98% of the Delivery Program and Operational Plan actions that are not part of the Asset Works Program are on track as planned. The Council committed to delivering 285 individual actions in 2022-2023. Of those, five (or 2%) were behind target and two actions have been rescheduled. Five actions were not due to commence in the first half of the year. The actions behind target were due to delays resulting from resourcing constraints but it is anticipated that the work will still be completed this financial year. The actions to be rescheduled are due to changes in delivery of planned work or resourcing constraints.

** Excludes actions for the delivery of the Asset Works Program

Summary Quarter 2 Budget Position 2022-2023

The separately provided enclosure *Quarter 2 Report 2022-2023* provides detailed information on the Quarter 2 Budget position. A summary of key highlights is presented below.

Working Capital Result

The following reconciliation illustrates the projected Working Capital position as at 31 December 2022. The position has not changed during the quarter and remains at \$1.7M which is within the optimal range of between \$1.7M and \$1.9M.

Working Capital Position

	\$'000
Actual Working Capital Result – 1 July 2022	\$1,700
Quarter 1 Movement	0
Quarter 2 Movement	0
Revised Estimated Working Capital Result – 30 June 2023	\$1,700

Significant Variations

The significant budget variations that occurred in this review period are summarised in the tables below and considered in more detail in the Enclosure “Quarter 2 Budget Review Statement 2022-2023”.

Significant Variations to AWP Budget 2022-2023	Favourable \$'000	Unfavourable \$'000
Additional School Zone Infrastructure Grant, transferred to Grant Reserve	\$141	-\$141
Active Transport Plan, funded by Get NSW Active Program	\$72	-\$72
Additional Drainage Works - Henderson Road, Wentworth Falls, funded by Risk Reserve	\$55	-\$55
Tree Line Lurline Project, funded by Black Summer Bushfire Recovery Grant	\$380	-\$380
Active Transport Links Program, funded by WestInvest Grant	\$300	-\$300
Blackheath Golf Course Retention Dam Drainage Improvement, funded by Risk Reserve	\$467	-\$467
Completion of Springwood Library Redevelopment, funded by Risk Reserve	\$277	-\$277
Completion of Katoomba Aquatic Centre Upgrade, funded by Risk Reserve	\$280	-\$280
Old Bathurst Road, Blaxland East & West Projects funded by Australian Government Blackspot Grant	\$820	-\$820
Katoomba Falls Kiosk minor building works, funded by Risk Reserve	\$48	-\$48
Reimbursement of capital grants, transferred to Risk Reserve	\$64	-\$64
Wentworth Falls Lake Dam Wall & Platform expenditure, funded by Grant Reserve	\$372	-\$372
Reconstruction of Falls Road, Wentworth Falls, funded by Natural Disaster Recovery Arrangements	\$461	-\$461
Reduction in Culvert Renewal Cliff Drive Leura budget due to WestInvest Grant funding allocation, returned to Risk Reserve	\$895	-\$895

Re-staged and delayed projects contributing to funding of Roads Recovery Program, transferred to Risk Reserve:	\$2,815	
Reduction in Stormwater Upgrade Program		-\$180
Reduction in Stormwater Renewal Program		-\$150
Reduction in New Traffic Barriers Program		-\$100
Reduction in Traffic Facilities Renewal Program		-\$100
Reduction in Kerb and Gutter Upgrade Program		-\$100
Reduction in Kerb and Gutter Renewal Program		-\$50
Reduction in Retaining Structures Renewal Program		-\$100
Reduction in Cultural Rehabilitation Fund		-\$45
Reduction in Cemetery Renewals & Upgrades		-\$80
Reduction in Footpath Renewal Program		-\$170
Reduction in Katoomba Civic Centre & Laneways Project		-\$500
Reduction in Katoomba HQ Buildings Renewal Program		-\$200
Reduction in Grand Clifftop Walk		-\$440
Reduction in Gully Toilet Block		-\$50
Reduction in South Street Depot Project		-\$200
Reduction in Network Communication Equipment		-\$200
Reduction in Park Facilities Upgrade Program		-\$100
Gross Budget Variations as at Quarter 2	\$7,447	-\$7,477
NET TOTAL		\$0

Significant Variations to Operational Budget 2022-2023	Favourable \$'000	Unfavourable \$'000
Traffic management expenditure for Anzac Day, funded by Risk Reserve	\$30	-\$30
Blue Mountains Industry Development Initiatives, funded from Contributions Reserve	\$50	-\$50
Blue Mountains Tourism Initiatives, funded by Contributions	\$39	-\$39
Street Lighting Project, funded by Carbon Risk Reserve	\$124	-\$124
Compliance & Specialist Services expenditure, funded by Risk Reserve	\$100	-\$100
Natural Environment expenditure, funded by multiple Grants	\$357	-\$357
Natural Areas Visitor Facilities expenditure, funded by Grant Reserve	\$1,024	-\$1,024
Reimbursement from Resilience NSW for Bushfire Community Recovery Officer, funded by Grant	\$128	-\$128
Recoupment of investment losses, transferred to Risk Reserve	\$384	-\$384
Road and Landslips Emergency Works (February and June 2022 Storm Events) expenditure, funded by Natural Disaster Recovery Arrangements	\$2,536	-\$2,536

Enterprise Business System expenditure, funded by Risk Reserve	\$386	-\$386
Reduction in Government & Civic Service expenditure, transferred to Risk Reserve	\$93	-\$93
Additional paid parking income at Echo Point, transferred to City Investment Fund	\$500	-\$500
Reduction in Development & Building Services Operating Competitive Income, funded by Risk Reserve	\$350	-\$350
Reduction in Natural Disaster Recovery Arrangements funding for Roads Recovery Program, funded by:	\$10,830	
Risk Reserve		-\$5,330
Workers Comp Reserve		-\$2,000
Fleet Reserve		-\$2,500
City Investment Fund		-\$1,000
Gross Budget Variations as at Quarter 2	\$16,931	-\$16,931
NET TOTAL		\$0

Cash Flow

The Council's cash and investments position has decreased by \$23.2 million from a balance of \$65.6 million at 30 September 2022 to a balance of \$42.4 million at 31 December 2022 as presented below. This decrease is primarily driven by natural disaster recovery expenditure that has not yet been funded by Natural Disaster Recovery Arrangements.

It is expected that up to 70% of the road repair expenditure could be funded by Natural Disaster Recovery claims over the following months. There are budget variations included in this report to fund expenditure not eligible for funding by Natural Disaster Recovery Arrangements.

Loan Position

The Council's outstanding loan balance as at 31 December 2022 was \$17.3 million, incurred in previous years to fund major infrastructure critical to the ongoing community health, environmental protection, cultural and economic vitality and future sustainability of the City.

Sustainability assessment

Effects	Positive	Negative
Environmental	The report highlights progress of environmental actions for the organisation and the City.	Nil
Social	The report highlights progress of social actions for the organisation and the City.	Nil
Economic	The report highlights progress of economic actions for the organisation and the City.	Nil
Governance	The report provides transparent information to the community on how the Council is performing in delivering against its major projects, Asset Works Program and Operational Plan actions and on the financial position of the Council.	Nil

Financial implications

The Council had planned and budgeted to achieve a balanced cash result and operating surplus of \$1.4M. The investment by Council in natural disaster recovery expenditure - with a focus on road repairs – has significantly depleted Council's internal reserves and with the Quarter 2 variations (outlined in this report) is budgeted to lead to an unfavourable operating position at year end.

The optimum level of working capital for the Council has previously been identified in the range of \$1.7 million to \$1.9 million, which represents the industry standard to allow for stores and the provision of core debtors. The current working capital of \$1.7 million is within the optimum range.

Legal and risk-management issues for the Council

Nil

External consultation

Nil

Alignment with Delivery Program and/or Operational Plan

The endorsement of the Six-Month Report on the Delivery Program progress, including Quarter 2 budget variations, aligns with CSP Strategy 1.3a and 1.4a, delivering on Principal Activity D10301.02 and D10401.01, by meeting Council's financial management and corporate reporting compliance obligations.

Conclusion

Despite the significant cumulative impact of multiple extreme wet weather events, the Council is performing satisfactorily in meeting its Six Month (July to December, 2022) service delivery commitments – including performance targets for the Asset Works Program (92% on track) and Operational Plan actions (98% on track). The Council continued to deliver an extensive range of services, while continuing to support the recovery from recent wet weather natural disaster events.

In terms of budget position, as at 31 December 2022, the Council has maintained the Working Capital position within the optimum range for local government. The Council has continued to reduce its borrowing debt ahead of target and has cash and investments of close to \$42.4 million.

The required expenditure by Council on much needed natural disaster recovery, with a focus on road repairs and ensuring safety of road users, has significantly depleted Council's internal reserves and is budgeted to lead to an unfavourable operating position at year end. However, all efforts are being made to obtain disaster recovery funding to reimburse the cost of road repair works and apply for and receive external grants that support road pavement and land slide disaster recovery amongst other areas impacted.

It is recommended that the Council endorse this report together with the Enclosure "*Quarter 2 Report 2022-2023*" and approve the Quarter 2 variations.

ATTACHMENTS/ENCLOSURES

1	Enclosure Quarter 2 Six Month Report and QBRs 2022-2023	22/282743	Enclosure
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ITEM NO: 4

SUBJECT: COMMUNITY ASSISTANCE DONATIONS RECOMMENDATION BY COUNCILLOR

FILE NO: F14794 - 23/24206

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

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

Organisation	Amount
<i>bentART Inc</i>	<i>\$1200.00</i>
<i>Blue Mountains Fellowship of Australian Writers</i>	<i>\$500.00</i>

Report by Executive Business Manager:**Reason for report**

On 26 July 2022 the Council endorsed a strengthened and new governance structure to ensure transparency and accountability of process (Minute no 196). The following recommendations for donation, which fall within the ambit of the guidelines, have been received and are submitted for approval to the Council meeting.

Minor Local Projects

Recommending Councillor	Organisation	Purpose	Amount
Cr West	bentART Inc	Contribute to costs for exhibition venue hire.	\$500.00
Cr Redshaw	bentART Inc	Contribute to costs for exhibition venue hire.	\$500.00
Cr Hollywood	bentART Inc	Contribute to costs for exhibition venue hire.	\$200.00
Cr Sage	Blue Mountains Fellowship of Australian Writers 50th Anniversary Anthology	Contribute to printing costs for the 50 th Anniversary Anthology	\$500.00

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ITEM NO: 5

SUBJECT: PERFORMANCE OF INVESTED MONIES JANUARY 2023

FILE NO: F14749 - 23/24567

Delivery Program Link

Principal Activity: LEAD

Service: Finance

Recommendations:

That the Council notes the performance of invested monies for January 2023 including:

- *That as at 31 January 2023 funds held in investments total \$31.35 million; and*
 - *The enclosed certificate of the Responsible Accounting Officer.*
-

Report by Director Strategy & Corporate Services:

This report on the performance of invested monies for January 2023 is submitted for the purpose of accountability and to satisfy the investment reporting requirements of the Local Government (General) Regulation 205 (clause 212), the Local Government Act 1993 (section 625) and the BMCC Investment Policy.

This report certifies that the Council investments comply with the forms of investments made by the 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 in February 2011.

Council's Investment Portfolio Analysis (refer table 1)

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

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

At the October 2019 Council Meeting, Council adopted a further revision of the Investment Policy (Minute No. 339) that allows for a larger percentage of Council's Investment Portfolio to be invested in financial institutions with and A and/or BBB credit rating. This expands Council's ability to invest in Environmentally and Socially Responsible Institutions (ESRI). These ESRI's avoid investing in industries that negatively affect the environment.

The current Investment Portfolio includes a total of \$11.5 million in Environmental, Social & Governance Term Deposit and Green Banks. The investment portfolio currently complies with the Investment Policy limits as follows:

- Credit Rating – the portfolio has 9% invested with AA rated institutions the maximum is 100%, and 30% invested with BBB rated institutions the maximum is 40%.
- Term to Maturity – currently 85% of the portfolio has less than 1 year to maturity, the maximum is 100%.

- Diversity in Financial Institutions – currently the largest holding of the portfolio is 29% held with ING Bank, the maximum being 45%.

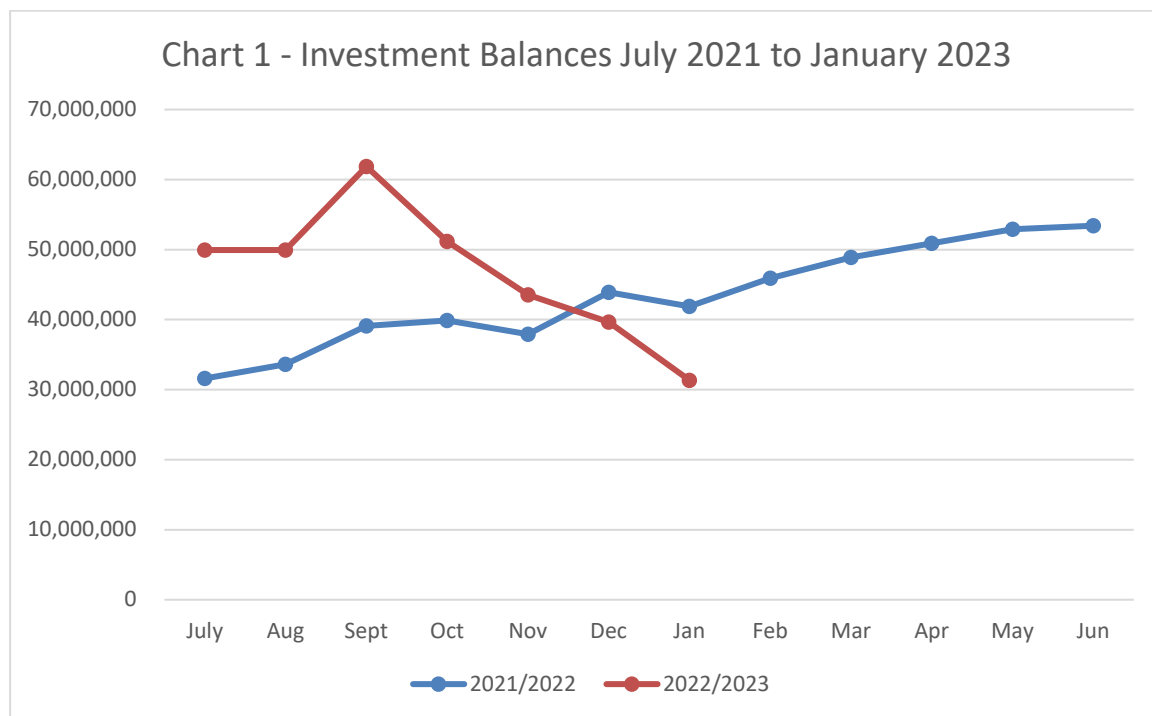
Several investments were redeemed during January to fund cashflow requirements which has impacted the distribution of investments across the credit ratings. The A rated investments are above the maximum threshold temporarily and will be brought back within the threshold as new investments are made.

Table 1 - Credit Rating Maximum Thresholds		
Credit Rating	% of Portfolio	% at 31 January 2023
AAA	Maximum 100%	0%
AA	Maximum 100%	9%
A	Maximum 40%	61%
BBB	Maximum 40%	30%
Unrated	Maximum 0%	0%

The schedule of investments for January 2023 is depicted in table 2. Total funds have decreased to \$31.35 million. Currently 78% of Council's investments are held in Term Deposits and 22% in the Cash at Call Account to manage cash flow requirements.

Investments are lower than in December 2022 as shown in Chart 1, this is due to an increase in payments for the natural disaster repair program while waiting for disaster recovery claims to be processed and payment process to be resolved with TfNSW.

Table 2 - Schedule Of Invested Monies For January 2023							
Institution & Fund	Maturity Date	Current Rating	Interest Rate	Funds Held Current Month \$,000	Funds Held Previous Month \$,000	Change \$,000	Comment
NAB Professional Funds	at call	n/a	5.78%	6,846	2,169	4,677	Cashflow transfers
Commonwealth Bank	28/07/2023	AA-	3.44%	2,500	2,500	0	Environmental & Social Responsible
Westpac	19/01/2023	AA-	0.78%	0	3,000	0	No movement
National Australia Bank	13/03/2023	AA-	0.60%	0	2,000	-2,000	
National Australia Bank	1/06/2023	AA-	0.63%	0	3,000	-3,000	
Suncorp Bank	28/04/2023	A	4.17%	3,500	3,500	0	Green Investment
Suncorp Bank	26/04/2023	A	4.17%	3,500	3,500	0	Green Investment
ING Bank	15/06/2023	A	3.68%	3,000	3,000	0	No movement
ING Bank	31/03/2023	A	1.68%	3,000	3,000	0	No movement
ING Bank	29/05/2023	A	3.15%	3,000	3,000	0	No movement
AMP Bank	25/03/2023	BBB	1.25%	2,000	2,000	0	No movement
ME Bank	14/03/2023	BBB	1.15%	2,000	2,000	0	Green Investment
BOQ	27/09/2023	BBB	0.59%	0	3,000	-3,000	
BOQ	27/05/2024	BBB	3.75%	0	2,000	-2,000	
BOQ	3/06/2024	BBB	3.80%	2,000	2,000	0	No movement
Totals				31,346	39,669	-5,323	



Interest Income (refer table 3)

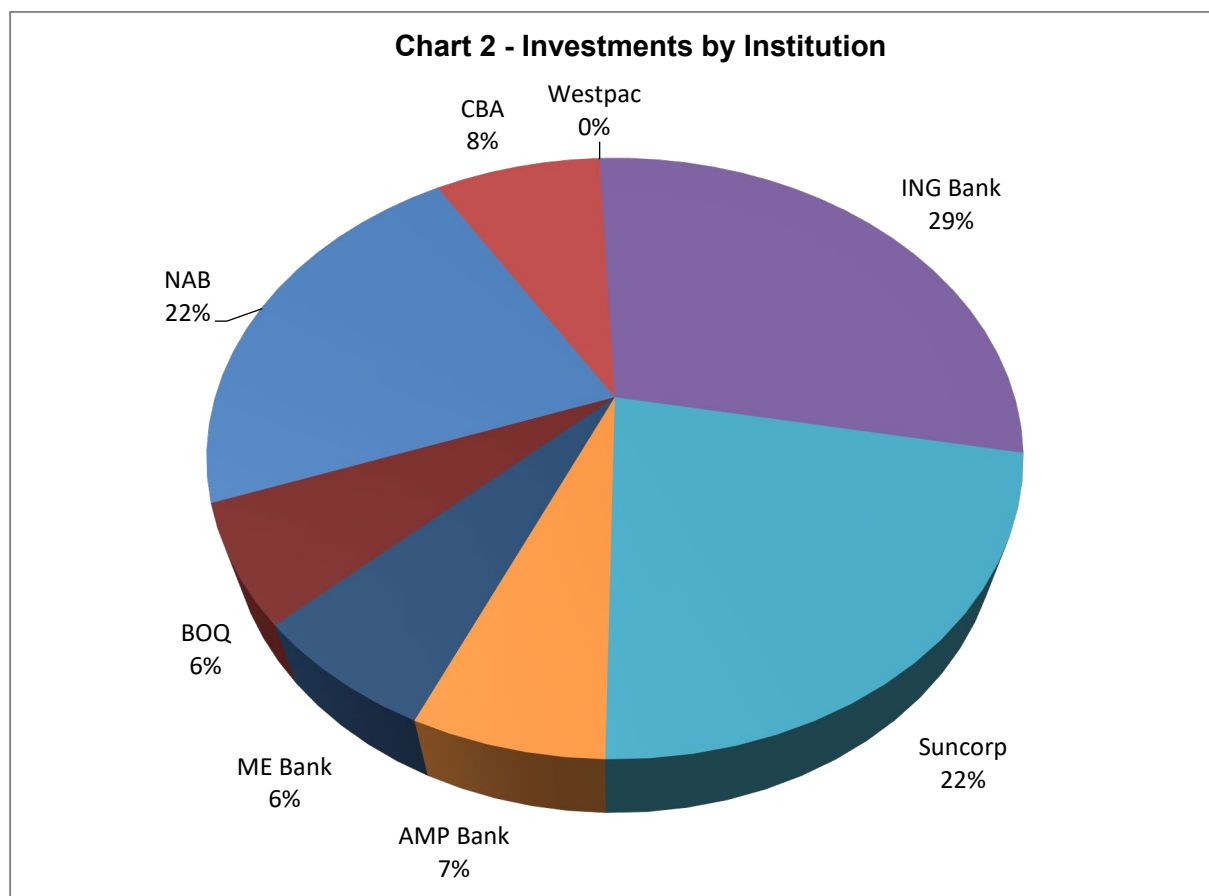
Actual Interest Income to 31 January 2023 is \$512K, which is higher than the year to date budget. This is due to setting a conservative interest income budget given low interest income in the previous financial year. Interest rates have risen significantly, and new term deposits are currently earning between 4% and 5%.

The Bank Bill Swap Rate is the benchmark for interest rates and the investment strategy has a target rate of return 40% higher than the BBSW. Interest income for January 2023 is shown in table 3.

Table 3 - Interest Income Accrued - Actual vs. Budget			
	Actual \$,000	Budget \$,000	Variation
Income to 31 January 2023	512	350	162
Estimate for remainder of year	88	250	-162
Total for 2022/2023	600	600	0
90 Day Bank Bill Swap Rate			3.38%
Target Rate of Return: BBSW +40%			3.78%
Average Investment Rate of Return for January 2023			3.14%

Investments by Institutions (refer chart 2)

Council's investments portfolio by Financial Institution is displayed in Chart 2. The BMCC Investment Policy places a 45% limit on investments in any one institution as a risk management measure. The current portfolio includes investments in seven financial institutions.



Sustainability assessment

Effects	Positive	Negative
Environmental		Nil
Social	Nil	Nil
Economic	Nil	Nil
Governance	Investments are compliant with the BMCC Investment Policy, Local Government Regulations and other financial reporting requirement.	NI

Financial implications

Adoption of the recommendations in this report fulfil the Council's financial reporting requirements. The revenue performance and security (risk management) of the investment portfolio can have a significant impact on Council's budgeting process and Long Term Financial Planning.

The Council manages all its investments in accordance with the Ministerial Investment Order, Local Government Legislation and the BMCC Investment Policy. The principle objective is the preservation of capital, liquidity and the return on investment with consideration given to prudent investment principles.

The decrease in the investment balance to fund Natural Disasters, including road repairs, has a financial impact of reducing interest income. There are further budget implications as outlined in the Six Month Report that is included with the 2023 February Council reports.

There are no financial implications for Council in adopting the recommendation/s in this report.

Legal and risk-management issues for the Council

Nil

External consultation

Nil

Alignment with Delivery Program and/or Operational Plan

The recommendation in this report aligns with the Delivery Program 2022-2026 Key Direction Lead Objective 1.4 Strengthen the financial sustainability of the Council.

Conclusion

The performance of invested monies for January 2023 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 balance of \$31.35 million invested which reinforces and supports the Council is financially sustainable. The \$31.35 million in investments as at 31 January 2023, are placed in Term Deposits and in the at-call account with major banks and their subsidiaries. All of these funds are restricted for specific purposes, to fund known future expenditure and cover identified risks. These investments are budgeted to earn \$600K in interest revenue for the 2022/2023 financial year.

Certification of the Responsible Accounting Officer

I hereby certify that the investments listed in this 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 Investment Policy.



Director Strategy & Corporate Services

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ITEM NO: 6

SUBJECT: ADOPTION OF THE GORDON FALLS PRECINCT PLAN

FILE NO: F14794 - 22/294133

Delivery Program Link

Principal Activity: PROTECT

Service: Natural Area Visitor Facilities

Recommendations:

1. *That the Council notes this report, which details the public consultation, a summary and analysis of submissions made and outlines responses that have been considered in developing the Draft Precinct Plan for Gordon Falls and Prince Henry Cliff Walk (East);*
 2. *That the Council endorses the Precinct Plan for Gordon Falls and Prince Henry Cliff Walk (East), which will form part of the Southern Escarpment Masterplan; and*
 3. *That the Council notes that budget is available to progress a portion of the Precinct Plan to construction.*
-

Report by Director Environment & Planning Services:**Reason for report**

The purpose of this report is to inform Council of the outcomes of the Gordon Falls Reserve and Prince Henry Cliff Walk (East) planning process and seek adoption of the Draft Precinct Plan.

Background

Council is preparing the Southern Escarpment Master Plan which aims to provide an integrated, coordinated and strategic framework to the planning of natural area visitor facilities from Katoomba to Wentworth Falls, south of the Great Western Highway. As part of that process, precinct plans are being developed for the higher priority visitor precincts. Gordon Falls Reserve is one such precinct. Gordon Falls is an important visitor node within the Southern Escarpment and is identified as the mid-point of the two-day Grand Cliff Top Walk, a joint project between NSW National Parks and Wildlife Service and Council.

The objectives of the Gordon Falls Precinct Planning process can be summarised as:

- Renew / upgrade the existing amenities building;
- Review existing park infrastructure including seating, tables, mock rock shelters and the children's playground;
- Review existing carparking in the reserve and surrounding streets to determine capacity and suggest improvements;
- Review the provision for public transport or active transport links to the Reserve;
- Address upgrades to the walking track and Elysian and Olympian Rock Lookouts;
- Investigate the feasibility of an accessible walking track to a lookout within the Reserve.

A summary of the actions that have been taken towards preparation of the Draft Precinct Plan include the following:

- The Executive Leadership Team was notified of the project inception and process via a memo;
- All councillors were notified of the project inception and process via a Councillor Bulletin and Ward Councillors were invited to participate in the community forum;
- A pre-design staff workshop was held on Tuesday 12th July 2022;
- Community Engagement was undertaken in the form of an onsite pre-design forum held on Saturday 13 August 2022, providing information on the scope of the project and gathering community feedback. This was followed by the presentation being placed on "Have Your Say" (HYS) and stakeholder input invited. The information was exhibited on HYS for two weeks finishing on Sunday 28th August 2022;
- Stakeholder comment recorded, summarised and addressed and the Draft Concept Design was developed;
- The Draft Concept Design was exhibited on HYS between 28th November 2022 and Sunday 15th January 2023. Further staff consultation was also undertaken;
- Stakeholder comment was recorded, summarised and addressed and the Draft Concept Design was further developed to produce the draft Precinct Plan; and
- A Councillor Briefing was held on Tuesday 14th February 2023.

Gordon Falls Reserve Current Status

Gordon Falls Reserve is located at the Southern end of Leura Mall at the Eastern end of Olympian parade where it meets Lone Pine Avenue. The Reserve provides a parkland interface between residential housing and the bushland of the Blue Mountains National Park to the east and south. The Reserve is located within the Ngurra (Country) of the Gundungurra Traditional Owners who have cared for the place over countless generations.

This precinct is a popular place for the local residents of Leura and the Upper Blue Mountains. The precinct also enjoys significant visitation from people from other parts of Australia and overseas. The existing infrastructure including paths, parking areas and amenities block is in need of an upgrade to meet an expected increase in visitation, provide facilities to the standard expected of such a reserve and provide universal access allowing those of all abilities to enjoy the spectacular views from the nearby lookouts as well as the functional and practical aspects of the place.

Prince Henry Cliff Walk (East) Current Status

The walking tracks that start or finish at Gordon Falls Reserve include the track to Pool of Siloam and the track to Gordon Falls Lookout both of which have recently been upgraded by NSW NPWS. The eastern end of the Prince Henry Cliff Walk also adjoins the Reserve. This section of track all the way to the Tarpian Rock Lookout track to the West is managed by Council.

The Eastern end of the Prince Henry Cliff Walk has had two sections of track closed for a number of years due to two significant landslips along these sections. Access to the lookouts Elysian (east and West) and Olympian has remained open.

The tracks need upgrading work as well as bridging for the landslips so that they can be reopened. This track is part of the Grand Cliff Top Walk that will commence at Wilson Park Wentworth Falls in the east, and finish at Scenic World in the west. Sections of the the Grand Cliff Top walk are scheduled to open in mid-2023.

In addition, the current lookout barriers at Elysian Rock Lookouts (east and west) and Olympian Rock Lookout require upgrading to current Australian Standards.

Gordon Falls Reserve Improvement Strategy

The process of development of the Precinct Plan for Gordon Falls has included the review of the existing facilities and has proposed upgrades where required. The elements addressed include :

- Public Transport and active transport network connections;
- Opportunities for provision of improved parking at Gordon Falls Reserve, Olympian Parade including the Olympian Place Track Head Entry including rationalisation of existing parking areas and provision of additional parking accommodating accessible parking and minibuses;
- Landscaping and shade trees;
- The feasibility of an accessible track from Gordon Falls Reserve Picnic Area to Elysian Rock Lookout (east);
- Potential for commercial activity;
- Renewal of public toilet facilities including demolition of the existing toilet block and provision of new accessible and general use amenities;
- Review of heritage recommendations in regard to the existing mock rock shelters;
- Provision for inclusive facilities and visitor infrastructure accommodating age, gender, cultural diversity, physical and intellectual abilities;
- Protection of the existing natural and cultural heritage values of the place;
- Location of visitor information signage by NPWS and BMCC; and
- Protection of native flora and fauna by design and planning to minimise the impact of construction works on the site and surrounds.

The boundary between Council managed land and the National Park runs through the reserve. The planning work has been undertaken in consultation with NSW NPWS. Some proposed work will be left to NPWS to undertake such as the establishment of an area for Aboriginal Heritage Interpretation. The track from the Reserve to Elysian Rock Lookout (east) traverses NPWS land. Council has agreement with NPWS to undertake the planning of this proposed accessible track and an agreement would be reached around construction nearer the time.

Prince Henry Cliff Walk (East) Improvement Strategy

The process of development of the upgrade plans for the Prince Henry Cliff Walk (east) has included the review of the existing facilities and proposed upgrades where required. The elements addressed include:

- The short term requirement to upgrade the Prince Henry Cliff Walk East and ensure it is open and operational in the light of its place within the Grand Cliff Top Walk;
- The feasibility of an accessible track from Gordon Falls Reserve Picnic Area to Elysian Rock Lookout (east);
- The upgrading to Australian Standards of the lookout barriers at Elysian Lookouts (East and West) and Olympian Lookout; and
- Protection of the existing natural and cultural heritage values.

Sustainability assessment

Effects	Positive	Negative
Environmental		<ul style="list-style-type: none"> • Construction impacts – use of resources, noise during construction • Some impacts on vegetation in the short term

Effects	Positive	Negative
Social	<ul style="list-style-type: none"> • Meet current Australian Standards regarding Safety Barriers • Provide greater universal access to facilities such as toilets, picnic facilities, lookouts, walking tracks and parking • Improved toilet facilities for all • Signage that is clearer and more informative • Facility for mobile food vending to function on a quieter basis • Historical views are opened up 	<ul style="list-style-type: none"> • Disruption during construction to users and locals
Economic	<ul style="list-style-type: none"> • Improvement to facility will provide a benefit to the visitor economy 	<ul style="list-style-type: none"> • Possible short term impact during construction
Governance	<ul style="list-style-type: none"> • Greater clarity of regulation with clearer signage 	<ul style="list-style-type: none"> • Nil

Financial implications

Council has funding to commence delivery of some elements of the Gordon Falls Precinct Plan including :

- Bushfire Local Economic Recovery Grant Funding (\$4 million in conjunction with Charles Darwin Walk) – this is targeted to repair of landslips on the Prince Henry Cliff Walk at Leura.
- Westinvest Grant Funding (\$2.4 million) – targeted towards provision of new amenities building, car parking and access upgrades at Gordon Falls Reserve.

The scope of the delivery will be determined after completion of the detailed design, and a large proportion, if not all of the construction will be the subject of a tender procurement process that will come before the Council.

The adopted Gordon Falls Reserve & Prince Henry Cliff Walk (East) Precinct Plan can be used to seek further funds for items outstanding following the completion of works funded by the above grants.

Legal and risk-management issues for the Council

There are a number of risk management issues associated with this Precinct Plan as outlined following:

1. The upgrade of the walking track to provide safe access at dangerous locations such as Elysian Rock Lookouts (east and west) and Olympian Rock Lookout in accordance with the Australian Standards, requires that the current barrier fencing at these locations is replaced.
2. There is currently one landslip along the section of Prince Henry Cliff Walk referred to in this plan and the track has been closed to pedestrian access to protect the public since February 2020. In order to open the track to the public this section of track now requires a boardwalk structure to be built to bridge the landslip. A 62m section of boardwalk will be built to bridge this section and along with other track work on this section of track managed by BMCC, enable the Prince Henry Cliff walk to be reopened.

3. Council has received two grants as noted above in relation to this project from the Bushfire Local Economic Recovery Fund and Westinvest. Not adopting this plan would delay the implementation of works that are part of these grant funding programs.
4. The Disability Discrimination Act 1992 requires that where it is possible and reasonable to provide universal access, that Council does so. In the light of this requirement it is possible and reasonable for Council to plan for and implement the construction of an accessible track and boardwalk from Gordon falls Reserve to Elysian Rock Lookout (east).

Consultation

In order to understand the issues and views of various stakeholders on the proposed upgrading of Gordon Falls Reserve and the Prince Henry Cliff Walk (east), the following consultation process was followed:

- a) A pre-design staff workshop was held on Tuesday 12th July with twenty-seven (27) staff present representing a cross section of Council;
- b) Community Engagement was undertaken in the form of an onsite pre-design forum held on Saturday 13 August 2022, providing information on the scope of the project and gathering community feedback. Thirty-four (34) members of the community were in attendance
- c) The Pre-design presentation was placed on “Have Your Say” (HYS) and stakeholder input invited on “Have Your Say” for two weeks finishing on Sunday 28th August 2022; and
- d) The Draft Concept Design was exhibited on HYS between 28th November 2022 and Sunday 15th January 2023. Further staff consultation was also undertaken.

External Consultation Feedback and Recommendations

The Pre-design Presentation was advertised on HYS and the same material was available as was presented at the pre-design Community Forum. The community were informed by the following methods :

- On site signage
- Emailing the existing list of stakeholders
- Advertising in the Gazette
- At the Community Forum

A total of twenty six (26) submissions were received from a combination of twenty five (25) individuals and one (1) Government body, Heritage NSW, Department of Planning and Environment. A table of submissions received during the exhibition period is provided in Enclosure 2.

The Draft Concept Design was advertised on HYS and the community informed of this by the following methods:

- On site signage
- Emailing the existing list of stakeholders
- Advertising in the Gazette

A total of twenty-eight (28) submissions were received from a combination of twenty (20), individuals Special Interest Groups – (1) from The Walking Volunteers and (6) Friends of Gordon Falls and Leura (FOGFAL) and Government body (1), Transport for NSW.

A table of submissions received during the exhibition period is provided in Enclosure 3. The key matters raised in submissions relate to:

1. Bus parking - local and tourist coach
2. The location of toilets
3. Car parking
4. Mock rock structures
5. Formalising of Olympian Place

1. Bus parking – local and tourist coach

There was a lack of clarity on the Draft Concept Plan regarding the exact intent of proposed bus parking. Significant concern (18 responses) was expressed that full size tourist coaches would be accommodated at Gordon Falls Reserve. Clarification has since been provided that the bus stop is for the Explorer Bus (the Red Bus) and the local bus. The bus stop will be signed “local buses only”. Smaller buses up to a maximum size of 22 seats will be allowed in a dedicated mini-bus parking area. A 22 seat bus is the “Toyota Coaster” type bus or similar.

Coach parking will not be allowed along Olympian Parade from Lone Pine Avenue to Balmoral Road.

Some residents do not want the local buses to use Lone Pine Avenue, however this is the current route of the Explorer Bus.

2. The location of the toilets

The two locations for the proposed toilets in the Draft Concept Plan were not preferred in responses with many (13) submissions requesting that toilets be located in a similar position to the existing toilets.

The key considerations for a new toilet building are to provide an accessible building that complies with Crime Prevention Through Environmental Design (CPTED) principles. This can be achieved by locating the proposed toilet building in a similar location to the current building. The proposed toilet building has been located in its existing position in the updated Concept Plan that is recommended for adoption. The floor level of the new toilets will be significantly higher than the current building to allow for accessibility. The adjacent car park will also be built to those levels.

3. Car parking

Concerns were raised that the proposed northern car park was not designed optimally with the entry road not enabling easy turn around if the user found that the car park was full. This has been addressed with provision in the updated Concept Plan for a centrally located driveway that does allow a vehicle to turn around easily if the car park is full.

In addition concerns were raised regarding reduction of the large area of asphalt at the eastern end of Olympian Parade where fire trucks can potentially turn around in the event of an emergency. The area of asphalt is excessively large and is underutilised hardstand. The asphalt hardstand can be reduced on the bush side to create a more comfortable link between the two sections of Gordon Falls Reserve that are currently disconnected by the car park. The construction of the car park will not prevent a fire truck turning in this area.

4. Mock rock structures

The mock rock structures that are located in the Reserve and there is no intention to remove them. The plans note that the two mock rock structures might be adjusted to ensure that there is passive surveillance of the activities within the shelters. This is suggested to be undertaken by creating “windows” on the north western side of the mock rock shelters. This would be implemented in a manner sympathetic to the heritage values of the structures that also maintains their structural integrity.

5. Formalising of Olympian Place

Nine submissions did not support improvements to Olympian Place. Olympian Place is a 50m long vehicular access handle located on a road reserve between No. 27 and No.s 25-41 Olympian Parade. This road reserve includes the track head providing a short walk to Olympian Rock Lookout. The plans propose an accessible car parking space and seating that will provide

vistas of Jamison Valley and Mt Solitary, and contributes to Council meeting its obligations under the Disability Discrimination Act.

It is recommended to proceed with this proposal as it will resolve an eroded track entry point and provide a further opportunity for universal access to the views to the Jamison Valley.

Alignment with Delivery Program and/or Operational Plan

The recommendations of this report aligns with Council's Delivery Program Objectives and Strategies providing delivery of AWP 298B and AWP 298C. DPOP 2022 notes that works in and around Gordon Falls are planned to be delivered over the next four years including walking track upgrades, new amenities and other visitor facilities.

Conclusion

Council has undertaken an extensive planning and community consultation process enabling the development of the Draft Precinct Plan for Gordon Falls and Prince Henry Cliff Walk (East). Council is seeking adoption of the Draft Precinct Plan so that that detailed design can be commence and a proportion of the works progressed through to construction.

ATTACHMENTS/ENCLOSURES

1	Gordon Falls Draft Concept Design Report for Council	23/20452	Enclosure
2	Round 1 Have Your Say Register of Submissions	23/20478	Enclosure
3	Round 2 Have Your Say Register of Submissions	23/20479	Enclosure

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ITEM NO: 7

SUBJECT: VARIATIONS/EXCEPTIONS TO DEVELOPMENT STANDARDS

FILE NO: F14794 - 23/2402

Delivery Program Link

Principal Activity: LIVE

Service: Development and Building

Recommendation:

That the Council notes the report at Attachment 1 which identifies variations to development standards in development applications determined in accordance with the Environmental Planning and Assessment Act 1979 by the Local Planning Panel or determined by staff under delegation for Quarter 2 of 2022/23.

Report by Director Environment & Planning Services:**Reason for report**

This is a regular report provided to the Council in compliance with reporting procedures required for development applications relying upon cl. 9A (Exceptions to Development Standards) of *Blue Mountains Local Environmental Plan 2005* or cl. 4.6 (Exceptions to Development Standards) of *Blue Mountains Local Environmental Plan 2015*.

Background

Councils have delegations from the Secretary of the Department of Planning, Industry and Environment (DPIE) to determine development applications that rely on a variation of development standards. The delegations specify that some applications must be determined by the Local Planning Panel, others are delegated to the Chief Executive Officer and in turn 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:

1. Residential alterations and additions and single new dwellings assessed under Local Environmental Plan 2005 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. All development assessed under Local Environmental Plan 2015:

- The variation in a development standard does not exceed that standard by more than 10%.

Reporting

Reporting of all variations to development standards approved by the Local Planning Panel or under authority delegated to officers must be:

- Made publicly available via a maintained online register.
- Reported quarterly to the Department of Planning, Industry & Environment; and
- Reported quarterly to an Ordinary Meeting of the Council.

Attachment 1 shows applications that have been approved using cl. 9A or cl. 4.6 to vary a development standard since the last report to Council, being for the period 1 October 2022 to 31 December 2022.

Sustainability Assessment

A sustainability assessment is not required for this report.

ATTACHMENTS/ENCLOSURES

1	Blue Mountains Variations Oct-Dec 2022	23/19601	Attachment
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Attachment 1 - Blue Mountains Variations Oct-Dec 2022

Blue Mountains City Council Variations Report October to December 2022														
Council DA reference number	Lot number	DP number	Sheet number	Street name	Suburb/Town	Postcode	Category of development	Environmental planning instrument	Zoning of land	Development standard to be varied	Justification of variation	Extent of variation	Concurring authority	Date DA determined (dd/mm/yyyy)
/1258/2022	4	529256	10	Knapsack Street	GLENBROOK	2773	1: Residential - Alterations & additions	LEP 2015	Environmental Living	Building height	Environmental planning grounds	6.5%	Council Officer - Delegated Authority	6/10/2022
/906/2022	103	1277730	108	Gladstone Road	LEURA	2780	2: Residential - Single new dwelling	LEP 2005	Living Conservation	Building/leaves height	Environmental planning grounds - unreasonable and unnecessary to comply	25%	Council Officer - Delegated Authority	2/11/2022
/757/2022	20	15593	28	Albert Road	BULLABURRA	2784	3: Residential - New second occupancy	LEP 2015	Environmental Living	Principal Development Area	Environmental planning grounds	100%	Local Planning Panel	4/11/2022
/1117/2022	B	363785	6	Barton Street	KATOOMBA	2780	1: Residential - Alterations & additions	LEP 2005	Living Conservation	Building height	Unreasonable	9.6%	Council Officer - Delegated Authority	14/11/2022
/1117/2022	B	363785	6	Barton Street	KATOOMBA	2780	1: Residential - Alterations & additions	LEP 2005	Living Conservation	Eaves height	Unreasonable	15%	Council Officer - Delegated Authority	14/11/2022
/1174/2022	187	249455	68	Pamela Drive	WOODFORD	2778	2: Residential - Single new dwelling	LEP 2015	Environmental Living	Height of buildings	Environmental planning grounds	3.7%	Council Officer - Delegated Authority	16/11/2022
/1101/2022	78	13669	54	Spunwood Road	WARRIMOO	2774	2: Residential - Single new dwelling	LEP 2015	Environmental Living	Principal Development Area	Improved environmental outcomes	100%	Local Planning Panel	18/11/2022
/1556/2022	6	209680	40	Ernu Road	GLENBROOK	2773	1: Residential - Alterations & additions	LEP 2005	Living Conservation	Building/leaves height	the improved design outweighs the benefit of maintaining the planning controls in this instance.	24.9%	Council Officer - Delegated Authority	22/11/2022
/1556/2022	6	209680	40	Ernu Road	GLENBROOK	2773	1: Residential - Alterations & additions	LEP 2005	Living Conservation	Building width	the improved design outweighs the benefit of maintaining the planning controls in this instance.	2.7%	Council Officer - Delegated Authority	22/11/2022
/544/2022	53	206637	29	Powell Street	BLAXLAND	2774	1: Residential - Alterations & additions	LEP 2015	Environmental Living	Principal Development Area	Environmental planning grounds	10%	Local Planning Panel	22/11/2022
/1552/2022	7	1096671	43	Sir Henrys Parade	FAULCONBRIDGE	2776	2: Residential - Single new dwelling	LEP 2015	Environmental Management	Principal Development Area	Environmental planning grounds	34%	Local Planning Panel	1/12/2022

/14/12/2022	124	700252	3	Semana Place	WIMMALÉE	2777	1: Residential - Alterations & additions	LEP 2015	Environmental Living	Pervious area	Consistent with existing development	5%	Council Officer - Delegated Authority	21/2/2022
/12/17/2022	19	1175	10	Hartley Esplanade	LEURA	2780	2: Residential - Single new dwelling	LEP 2005	Living Conservation	Building height	Environmental planning grounds	9.2%	Council Officer - Delegated Authority	8/12/2022
/12/17/2022	19	1175	10	Hartley Esplanade	LEURA	2780	2: Residential - Single new dwelling	LEP 2005	Living Conservation	Eaves height	Environmental planning grounds	13.3%	Council Officer - Delegated Authority	8/12/2022
/8/9/2022	1	5320	100	Megalong Street	LEURA	2780	1: Residential - Alterations & additions	LEP 2005	Living Conservation	Building height	Environmental planning grounds	15.3%	Council Officer - Delegated Authority	13/12/2022
/8/9/2022	1	5320	100	Megalong Street	LEURA	2780	1: Residential - Alterations & additions	LEP 2005	Living Conservation	Eaves height	Environmental planning grounds	25%	Council Officer - Delegated Authority	13/12/2022
/8/15/2022	30	31381	2	Anne Crescent	BLAXLAND	2774	1: Residential - Alterations & additions	LEP 2015	Environmental Living	Building height	Environmental planning grounds	43%	Local Planning Panel	16/12/2022
/10/27/2022	41	228961	17	Colville Road	YELLOW ROCK	2777	1: Residential - Alterations & additions	LEP 2015	Environmental Living	Building height	Consistent with existing development	38.7%	Local Planning Panel	16/12/2022

ITEM NO: 8

SUBJECT: DRAFT PRECINCT PLAN FOR THE FORMER KATOOMBA GOLF COURSE

FILE NO: F14794 - 23/19014

Delivery Program Link

Principal Activity: LIVE

Service: City Wide Strategic Planning

Recommendations:

1. *That the Council endorses the draft Precinct Plan for the Former Katoomba Golf Course (Enclosure 1) for placement on public exhibition with the Interim Traffic and Transport Report (Enclosure 3), Preliminary Strategic Bushfire Review (Attachment 1), and supporting material, for at least 8 weeks in March and April 2023, in line with the updated Community Engagement Strategy (Enclosure 2);*
 2. *That the Council delegates authority to the CEO, or her delegate, to make minor changes to the endorsed Draft Precinct Plan prior to public exhibition to address errors, omissions, or improve the graphic design layout, consistent with the policy intent of the document; and*
 3. *That the Council receives a report following public exhibition on the outcomes of community engagement and the finalisation of the Precinct Plan.*
-

Report by Director Environment & Planning Services:**Reason for report**

The purpose of this report is to seek endorsement for the draft Precinct Plan for the former Katoomba Golf Course (Enclosure 1) to be placed on public exhibition. This report provides an overview of the project, a summary of consultation outcomes to date, and an overview of the Community Engagement Strategy and proposed public exhibition activities and the process from here (Enclosure 2). It also includes the Interim Traffic and Transport Report (Enclosure 3) and Preliminary Strategic Bushfire Review (Attachment 1) informing the development of the draft Precinct Plan.

Background

The preparation of a Precinct Plan for the former Katoomba Golf Course (the Precinct Plan) commenced in 2021. The project program and Community Engagement Strategy were endorsed by Council at the Ordinary Council meeting of 28 September 2021, and subsequently reviewed at the 30 November 2021 Ordinary Council meeting.

The outcomes of early engagement on the Precinct Plan were reported to Council at the 26 July 2022 ordinary meeting where it was resolved (in part):

“2. That the Council receives a future report on a draft Precinct Plan for the former Katoomba Golf Course to seek endorsement for public exhibition.”

[Minute no. 201]

This report responds to the above resolution.

Overview of the draft Precinct Plan

The draft Precinct Plan is a strategic document to guide the future of the former Katoomba Golf Course site. The site consists of the former clubhouse building and the golf course itself, each on a separate allotment of land with a collective site area of approximately 30 hectares.

The draft Precinct Plan provides strategic direction for the site and nominates a range of potential uses and activities, as well as establishing spatial and design considerations for these uses as the site develops and evolves over time. It does not present a detailed design or landscape plan, rather it is the framework that will guide detailed designs for spaces or structures in the future, and this framework can inform ongoing management, grant funding opportunities and other initiatives. Importantly, it will also consider and potentially recommend changes to local planning controls, enshrining the vision for the site in legislation.

The draft Precinct Plan is “Grounded in Country” and drives from the principle of listening to and learning from Country and the wisdom and knowledge of Traditional Custodians and First Nations people.

It highlights that if the proposed Vision for the site as an exemplary “Planetary Health Precinct” is endorsed following public exhibition, then an early action will be developing the governance and management structure for the site and determining how this links with the Blue Mountains Planetary Health Initiative including the possible establishment of a Planetary Health Centre of excellence in Katoomba, that the Blue Mountains Planetary Health Advisory Committee is advising the Council on.

Strategic Context

For over two decades the Council has been committed through its key strategic planning documents, including the Blue Mountains Community Strategic Plan, to the Community Vision of achieving a more sustainable Blue Mountains environmentally, socially, economically supported by inspirational civic leadership. This Vision has been translated into the Council's adopted Integrated Plans and supports the development of the Former Katoomba Golf Course Site as an exemplary Planetary Health Precinct. The key principles supporting achievement of a sustainable Blue Mountains are detailed in the Council's Integrated Plans and include:

- Inspiring Leadership
- An Environmentally Responsible Eco City
- An Inclusive, Healthy and Vibrant Eco City
- An Accessible Eco City
- An Economically Sustainable Eco City.

For more than two decades, the Council has also been at the forefront of environmental and sustainability planning, placing the environment at the centre of the planning and reporting framework. This is reinforced with the endorsement of the Blue Mountains Local Strategic Planning Statement – *Blue Mountains 2040: Living Sustainably*, in 2020. This Statement includes an action which confirms that:

‘Council will collaborate with, and seek investment from, tertiary institutions to develop an international Centre of Excellence in the Blue Mountains for sustainable living, environmental science, or Planetary Health (including climate change and bushfire)’ (Action 1.17).

This clear strategic direction informs Council's strategic and operational practices and underpins key planning documents such as the Draft Katoomba Master Plan (which is the umbrella document for this Draft Precinct Plan) and is referenced below.

Further, the Council made a strategic purchase of the former Clubhouse building on the golf course site in September 2020. This has enabled a comprehensive consideration of opportunities across both of these land parcels (the golf course itself and the clubhouse site) and has catalysed the preparation of the Draft Precinct Plan.

Relationship to the Katoomba Masterplan

The draft Katoomba Masterplan provides a strategic framework for the whole of Katoomba, including the town centre, southern escarpment area, and north Katoomba. It identifies several key sites to be the subject of future precinct planning processes. The Former Katoomba Golf Course site is the first of these Precinct Plans and it has been prepared alongside the Katoomba Masterplan, whilst also having city-wide significance.

The Katoomba Masterplan was publicly exhibited in October and November 2022. Submissions received are currently being reviewed. Feedback provided as part of the Masterplan that relates to the former Katoomba Golf Course has been considered in the finalisation of the draft Precinct Plan.

Planetary Health Advisory Committee and Planetary Health Initiative

In 2021 BMCC established a Planetary Health Advisory Committee comprised of expert academics, researchers, and practitioners and local community stakeholders. It was initiated to advise and guide the Council on the establishment and implementation of a Planetary Health Initiative (PHI) and action program including:

- Possible establishment of a Planetary Health Centre in Katoomba with the aim of providing local, regional, national and international benefits and connections, and including a reinvigorated sustainability model for the region based on the principles of planetary health and a deep connection with, and respect of, indigenous wisdom and knowledge of Country in advancing planetary health initiatives;
- Consideration of innovative governance structures for supporting planetary health;
- Consideration of how the Planetary Health initiatives and any Planetary Health Centre would be resourced and financed;
- The development and implementation of a range of planetary health initiatives – environmental, social, economic and governance – with potential local, regional, national and international significance;
- Building partnerships and connections with other organisations, higher education institutions and other levels of government, relevant stakeholders and groups, that will advance and support Planetary Health aims of the Council;
- Increasing understanding of emerging planetary health challenges and opportunities with particular focus locally within the context of the City of Blue Mountains; and
- Guiding and advising the Council on ways its services, local action programs and City governance can best support planetary health and achievement of a more sustainable Blue Mountains into the future.

Council has progressed this initiative, developing an inclusive city-wide approach in collaboration with the community, Traditional Owners and other First Nations peoples, local stakeholders, university groups and other organisations.

This Advisory Committee worked closely with Council to develop the draft principles for the Precinct planning process for the former Katoomba Golf Course site. These draft principles are included below.

Council has also entered into a Memoranda of Understanding (MoU) with a number of higher education institutions, to explore opportunities to establish a leadership centre of national and international significance, in the field of Planetary Health. The Draft Precinct Plan explores the potential for such leadership and education opportunities on the former golf course site.

Draft Principles to Guide Strategic Direction

Nine draft principles have been prepared, intended to guide future development and activities on the former Katoomba Golf Course site. They represent a broad framework from which objectives and actions have been prepared in the draft Plan.

These principles were developed through intensive workshop sessions with Council's Planetary Health Advisory Committee and input from early engagement with the community. They also reflect the strategic direction in Council's key planning documents including the Community Strategic Plan and Local Strategic Planning Statement. The draft principles for the site are that is be:

- A place for:
 - Caring for Country – Listening to and learning from Country and Traditional Custodians
 - The community, particularly our youth, to come together to investigate, innovate and demonstrate Planetary Health
 - Learning, discovery, scientific and artistic exploration within the Blue Mountains region and internationally
- A place which:
 - Protects, restores and respects water, soil, vegetation and animals
 - Demonstrates and communicates strategies for restoring Planetary Health
 - Evolves over time through regular review and responds to lessons learned to achieve environmental, social and economic sustainability
- A place that provides:
 - Spaces and supporting structures that are environmentally responsive & integrated within the site
 - Flexible, multipurpose and adaptive structures and spaces which shape interactions and build relationships
 - International leadership on Planetary Health through a Blue Mountains Lens

Key themes and approach to draft Precinct Plan

The planning and development approach for the Draft Precinct Plan acknowledges the deep and enduring connection of Traditional Owners to the former Katoomba Golf Course site and seeks to support commitments made in the Blue Mountains City Council Statement of Recognition and Commitment.

The former Katoomba Golf Course was established on the lands of the Gundungurra and Dharug People and is intersected by the Traditional pathways that connected the wider area of Kedumba (Katoomba) and beyond. The draft Plan has been developed in collaboration with

Traditional Custodians and the wider Aboriginal community, as well as many other key stakeholders. This occurred through a number of site visits, direct consultation, strategic workshops and Focus Group sessions, detailed below.

The Draft Precinct Plan captures the feedback and input received during the planning process and aims to translate it into tangible outcomes that take a holistic approach and embed Aboriginal perspectives and values into the future care and development of the site. As a result, a strong focus has been placed on the restoration of water health, water connections within the site and into the Kedumba catchment, and the important role of water in the broader well-being of Country. This thinking underpins the plan's key objectives and design considerations.

Furthermore, the Draft Plan takes a holistic approach with a Vision of the site being an exemplary Planetary Health Precinct that is an intergenerational demonstration model for sustainable solutions, developed and implemented over time.

It differs from conventional planning approaches by moving beyond the prescription of set structures and detailed design solutions. Rather it presents potential land uses and activations, to be considered for implementation over the short, medium and long term, that create an adaptable, educative and evolving precinct which contributes to positive long-term environmental, cultural, economic, and social outcomes for the Blue Mountains.

This document begins by presenting an overall Vision for the site and is then structured in 7 parts as follows:

Vision: Describes the proposed Vision for the site

Part 1: Introduces the site and grounding in Country

Part 2: Explains the purpose of the Precinct Plan, the strategic context and intent of the project

Part 3: Outlines an understanding of the site, it's constraints and opportunities

Part 4: Establishes objectives for future uses based on the principles of Planetary Health and input from the community

Part 5: Provides an overview of the potential activities and future spatial layout of these activities

Part 6: Provides the delivery and implementation framework including immediate, short, medium and long-term actions

Part 7: Appendices

The preparation of the draft Precinct Plan has been informed by input from specialist consultants. GHD was engaged to provide traffic and transport assessment and expertise and Eco Logical Australia (ELA) were engaged to undertake a strategic bushfire assessment for both the broader Katoomba Masterplan and the Precinct Plan.

These consultants worked closely with the Urban Design Consultants preparing the draft spatial layout for the site, providing direct input into design and siting considerations. They have also prepared preliminary work to support the draft Precinct Plan that will also be placed on public exhibition; an Interim Traffic and Transport Report (Enclosure 4) prepared by GHD, and a preliminary Strategic Bushfire Review (Attachment 1) prepared by ELA.

Community Engagement and Public Exhibition

A community engagement strategy was prepared at the outset of the project to outline how the community and key stakeholders would be able to participate in and contribute to the precinct planning process for the Former Katoomba Golf Course.

This Community Engagement Strategy (Enclosure 1) has been updated following completion of early engagement activities, with more detail developed for the proposed public exhibition process. The following section provides a summary of engagement to date, the work of the Focus Group and details of the planned Public Exhibition.

Summary of early community engagement - 2022

A range of community engagement activities were carried out from mid-March 2022 to mid-April 2022 for the former Katoomba Golf Course site. To provide a summary of the process, the early engagement was promoted through advertising, mailouts and posters, and a flyer distributed to all residents in the Blue Mountains. In-place engagements were undertaken in high traffic areas throughout the Blue Mountains Local Government Area (LGA), and community workshops were held which allowed for in-person or virtual participation. Specific information sessions were also held for adjacent and nearby neighbours.

The outcomes of this early engagement were reported to Council at the 26 July 2022 Council meeting and details of key themes and ideas were presented in that report. These key themes have been taken into consideration and informed the development of the draft Precinct Plan, and Section 2.9 of the document provides a detailed overview of what we have heard from the community.

Establishment of Focus Group

As reported to the 28 September 2021 Council meeting, the Planetary Health Advisory Committee was used as a reference group during the development of the draft Precinct Plan. This was considered an appropriate approach based on the selection process for this committee and the range of expertise, experience and community representation within the selected members. The establishment and Terms of Reference of a Planetary Health Advisory Committee was the subject of 25 May 2021 and 27 July 2021 Council reports.

However, to ensure broader community representation and some continuity between the Katoomba Master Plan and this Precinct Plan process, a Focus Group was also established to provide input into the finalisation of the draft Precinct Plan.

The key role of the Focus Group was to:

- Ensure community engagement activity provides adequate opportunity for the views of the community to be expressed;
- Support the transparent sense-making of community views so that a balanced, complete and accurate account is provided to Council; and
- Act as a sounding board for strategic options and provide feedback to Council representing a diversity of local interests.

The Focus Group comprised a broad representation of individuals from the Blue Mountains and wider community and was made up of 14 key participants. It consisted of members from the Planetary Health Advisory Committee, representatives from the Katoomba Masterplan Stakeholder Reference Group, and participants invited by BMCC to represent the following types of stakeholders: Traditional Owners and Aboriginal representatives, Katoomba residents; Community Services and Accessibility Sector; Katoomba-based Business and

Tourism Operators; and representatives within the areas of sustainability, arts and culture and education, including students from Katoomba High School.

This focus Group met on two dates, 14 December (full day) and 18 January (half-day). During these meetings the group received information about the purpose, objectives, planning aspects and key proposals for the precinct plan and provided feedback and input into the planning process as well as key activations proposed in the plan.

Public Exhibition

This report seeks endorsement to publicly exhibit the draft Precinct Plan, in order to receive community feedback and input. The updated Community Engagement Strategy (Enclosure 2) proposes a range of activities for public exhibition. In summary the following is proposed:

- The Draft Precinct Plan document will be on public exhibition via Council's Have Your Say webpage;
- 4 Community Consultation Sessions including online and in-person workshops;
- 2 targeted neighbour consultation sessions for residents living close to the site;
- Seek community feedback through an online survey and written submissions;
- 1 Community Information Day to be held on site, with drop-in information sessions and on-site activations demonstrating selected proposed activities and land uses as outlined in the Draft Precinct Plan; and
- Interactive online map to be hosted on Council's Have Your Say webpage.

Public Exhibition will be undertaken for a period of eight (8) weeks from March – April 2023. The responses received as part of the exhibition process will be compiled and used to inform the finalisation of the Precinct Plan.

Submissions received as part of this process will also be considered as the Katoomba Master Plan is finalised, given the interplay between these two pieces of this strategic work and the importance of

Sustainability assessment

Effects	Positive	Negative
Environmental	The proposed draft Precinct Plan will have a positive effect on the environment on the site, through restoration, improved water management, and sustainable design of any future infrastructure. More broadly, the site as a Planetary Health Precinct and potential site for a Centre for Planetary Health, will drive achievement of environmental outcomes.	Nil
Social	The draft Precinct Plan supports community wellbeing and achievement of social outcomes including facilitating spaces for the community to come together, to share knowledge and build social connections.	Nil
Economic	Economic sustainability is a key component of the draft Precinct Plan and is integral to the successful delivery of the Vision for the site.	Nil

Effects	Positive	Negative
Governance	<p>Alongside the draft Precinct Plan, it is proposed that a governance and management framework be developed for the implementation of the Precinct Plan if endorsed following public exhibition.</p> <p>This framework would ensure an integrated and coordinated approach to implementation, staged over time and within resource capacity and a financially sustainable model. It would also give due consideration to ensuring sound probity principles are applied if the Council further plans and or develops the site, as the land owner.</p>	Nil

Financial implications

Within budget

The recommendations in this report are budgeted for in the current financial year.

Legal and risk-management issues for the Council

The former Katoomba Golf Course site, including the former clubhouse, is Council owned operational land. There is a complex history to the site, including previous historic sale and development of the Escarpments apartment complex that adjoins the site was the subject of court proceedings.

Given the history of the site, the nature of the Precinct Plan and its potential to inform amendments to local planning controls and development of Council land, sound probity principles will be implemented to ensure the roles of the Council as statutory planner /consent authority and as developer of the site as a proposed Planetary Health Precinct, are appropriately and transparently managed.

External consultation

This report is seeking endorsement of the draft Precinct Plan for public exhibition, for the purpose of undertaking broad external consultation. This will be the second stage of community engagement on the project. The draft Precinct Plan has been informed by early engagement in March and April 2022, as well as ongoing stakeholder engagement as detailed in this report.

Alignment with Delivery Program and Operational Plan

The recommendations in this business paper are aligned with the Delivery Program 2022–2026's Key Directions as follows:

LEAD: Strategy 1.1b *"The Blue Mountains is a leader in supporting and advocating for initiatives that address climate change and support achievement of Planetary Health."*

LIVE Objective 4.1 *"City Planning guides sustainable urban renewal while maintaining the distinctive quality of our towns and villages"* and Strategy 4.1a *"Foster appropriate investment and development to support revitalisation of towns, villages and key visitor destination sites"*.

The recommendations in this business paper align with the following action in the Operational Plan 2022-2023: D40101.01 *"Guide land use and infrastructure provision in town centres and major sites"*.

Conclusion

It is the recommendation of this report that the draft Precinct Plan (Enclosure 1) for the Former Katoomba Golf Course Site, be endorsed for public exhibition. The draft Precinct Plan is a strategic document to guide the future of the former Katoomba Golf Course site (comprising the former clubhouse building and the golf course itself).

The purpose of the Precinct Plan has been to explore the potential for the former Katoomba Golf Course site to be an exemplary Planetary Health Precinct developed overtime and of intergenerational benefit. The development of the draft Plan has been guided by comprehensive stakeholder engagement, including key principles developed with the Planetary Health Advisory Committee, input obtained from the community through early engagement, and further stakeholder engagement through Focus Group Workshops.

This report is seeking endorsement to publicly exhibit the draft Precinct Plan, to get broad community feedback and input. The updated Community Engagement Strategy (Enclosure 2) proposes a range of activities for public exhibition which is proposed to run for a period of at least 8 weeks in March and April 2023.

ATTACHMENTS/ENCLOSURES

1	Enclosure 1 - Draft Precinct Plan - Former Katoomba Golf Course Site	23/28596	Enclosure
2	Enclosure 2 - Katoomba Golf Course - Stage 2 - Community Engagement Strategy - v5	23/21224	Enclosure
3	Enclosure 3 - Interim Transport Report - GHD former Katoomba Golf Course Precinct Plan	23/31153	Enclosure
4	Attachment 1 - STRATEGIC BUSHFIRE PRELIMINARY REVIEW	23/32120	Attachment

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Attachment 4 - Attachment 1 - STRATEGIC BUSHFIRE PRELIMINARY REVIEW



Suite 3B
668-672 Old Princes Highway
Sutherland NSW 2232
t: (02) 9574 8716

15 February 2023

Our ref: 21SUT-19236

Blue Mountains City Council
2-6 Civic Place
Katoomba NSW 2680

Attention: Simon Porter

Dear Simon,

Stage 2, Former Katoomba Golf Course Early Concept Plan

Eco Logical Australia has been engaged by Blue Mountains City Council (BMCC) to consider the Katoomba Master Plan, following the identification of Katoomba as the strategic centre of the Blue Mountains in the Western City District Plan, prepared by the Greater Sydney Commission (GSC, 2018) and in the Blue Mountains 2040: Living Sustainably Local Strategic Planning Statement (BMCC, 2020).

Stage One of the Katoomba Masterplan focused on three broader areas, being the Northern, Central and Southern Investigation Areas. Eco Logical considered each investigation area, and precincts within these, against the bushfire strategic planning requirements of *Planning for Bushfire Protection* (PBP), and a Strategic Bushfire Study was prepared for Stage One (ELA, 2022) to comply with the requirements set out in Chapter 4 (*Strategic Planning*) of PBP. The Strategic Bushfire Study examined whether the precinct is appropriate given its bushfire risk exposure context or whether it represents 'inappropriate development' as described by PBP. At a high level, the study identified feasibility for future development that is appropriate within each precinct, subject to site design, application of bushfire protection measures and consideration to the broader evacuation capacity of the community.

A supplementary bushfire study is now underway, to specifically consider the former Katoomba Golf Course within the Southern Investigation Area. Contemplated future uses for the site includes a planetary health precinct, with an early Concept Plan prepared for public exhibition. This letter details an early review of that Master Plan and the currently permissible and contemplated land uses in response to the requirements of PBP, in order to inform the public exhibition process. Following exhibition, it is expected that the Concept Plan will be revised, and supplementary Strategic Bushfire Study will be prepared to assess the final Concept Plan for any future rezoning proposal.

It is important to note that the stage one assessment identifies that the southern investigation area, is situated in a broader bushfire landscape, and therefore consideration of the residual risk profile is an important factor when considering appropriateness of future/contemplated land uses on the site. As

such, a high-level review was undertaken for early consideration of key aspects, which will be further evaluated in the Stage 2 supplementary report.

Table 1 below details early evaluation of the currently permissible land uses contemplate by the Concept Plan for the former golf course site, while Table 2 considers future land uses that would be permissible, following LEP amendment. Following finalisation of the Concept Plan, the supplementary Strategic Bushfire Study will be finalised, drawing on the broader outcomes of the stage one assessment.

Regards,



Deanne Hickey
Senior Environmental Consultant



Nathan Kearnes.
Principal Bushfire Consultant
FPAA BPAD Certified Practitioner: BPAD23575-L3



Table 1: Stage 2 Currently Permissible Land Uses

Land Uses	Activities facilitated	PBP Requirements	Evaluation
Camping grounds	Temporary accommodation in the form of camping, including communal amenities	Bushfire Protection Assessment required, with consideration to Section 6.3 (Objectives for specific uses) and Table 6.8 (Performance criteria and acceptable solutions for SFPP development) of PBP which prescribes specific performance criteria related to camping. There are no performance criteria applicable to camping for APZ's and construction standards, however there are performance criteria for landscaping, access, water supply and other services. A Bush Fire Emergency Management and Evacuation Plan would need to be prepared, consistent with the NSW RFS document: A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan, and AS 3745:2010.	In regard to meeting the requirements of PBP, reticulated water supply and property access requirements are not considered a constraint to future development, subject to site design.

Land Uses	Activities facilitated	PBP Requirements	Evaluation
Community facilities	Space or facilities for gathering and meeting, community use, or cultural activities	<p>Bushfire Protection Assessment required for community facilities, which would vary dependant on the nature of the proposal. At a minimum, any such proposal would need to comply with the Aims and Objectives of PBP.</p> <p>However, for some facility types, for example Section 8.3.10 (commercial and industrial development), specific requirements apply. For this development type, there are performance criteria identified for APZ's, construction standards, water supply, access and services as per Table 7.4 of PBP, however flexibility is afforded through merit based assessment.</p> <p>Where facilities are classed as a public assembly building (Class 9b) and have a floor space greater than 500m², then Section 8.3.11 (public assembly buildings) would also apply, which calls up consideration of requirements for Special Fire Protection Purpose (SFPP) development.</p>	<p>A detailed evaluation cannot be undertaken at this time, given the uncertainty of this concept, as there are multiple assessment pathways within PBP. Despite this, it would appear there are development options for this concept that would be able to comply with PBP.</p> <p>In regard to meeting the requirements of PBP for commercial development, APZ's, construction standards, reticulated water supply, property access and services, requirements are not considered a constraint to future development, subject to site design.</p> <p>In regard to public assembly buildings, these facilities will need to meet SFPP requirements as per Section 8.3.11 of PBP. In particular, these facilities should be designed in areas of the site where SFPP APZs can be met. The capacity of these venues should align with the broader road capacity for evacuation.</p>

Land Uses	Activities facilitated	PBP Requirements	Evaluation
Environmental facilities	Informal learning and discovery such as boardwalks, bird hides, walking tracks, seating, and shelters	<p>There are no bushfire requirements for Class 10a (non-habitable buildings such as garage, carport, shed), when not located within 6 m of a dwelling.</p> <p>Compliance with PBP would be by addressing the Aims and Objectives. For these activities and land use, it would primarily concern visitor and emergency management.</p>	Compliance for these land uses is not considered a constraint for future development.
Function centre	Events, functions, and exhibitions	<p>Bushfire Protection Assessment required for a function centre, where Section 8.3.10 (commercial and industrial development) requirements would apply. Performance criteria are identified for APZ's, construction standards, water supply, access and services as per Table 7.4 of PBP, however flexibility is afforded through merit based assessment.</p> <p>Where facilities are classed as a public assembly building (Class 9b) and have a floor space greater than 500m², then Section 8.3.11 (public assembly buildings) would also apply, which calls up consideration of requirements for SFPP development.</p>	<p>In regard to meeting the requirements of PBP for commercial development, APZ's, construction standards, reticulated water supply, property access and services are not considered a constraint to future development, subject to site design.</p> <p>In regard to public assembly buildings, these facilities will need to meet SFPP requirements as per Section 8.3.11 of PBP. In particular, these facilities should be designed in areas of the site where SFPP APZs can be met. The capacity of these venues should align with the broader road capacity for evacuation.</p>

Land Uses	Activities facilitated	PBP Requirements	Evaluation
Information and education facilities	Spaces and facilities that provide information and education for visitors	Where facilities are identified as SFPP development, a Bushfire Protection Assessment is required, and future development will be required to meet the performance criteria set out in Chapter 6 (SFPP Developments) of PBP, specifically those detailed in Table 6.8.	In regard to public assembly buildings, these facilities will need to meet SFPP requirements, as per Table 6.8 of PBP. In particular, these facilities should be designed in areas of the site where SFPP APZs can be met. The capacity of these venues should align with the broader road capacity for evacuation.
Kiosks	Selling of some food, drinks, and products	Bushfire Protection Assessment required for non-SFPP facilities, where Section 8.3.10 (commercial and industrial development) requirements would apply. Performance criteria identified for APZ's, construction standards, water supply, access and services as per Table 7.4 of PBP, however flexibility is afforded through merit-based assessment.	In regard to meeting the requirements of PBP for commercial development, APZ's, construction standards, reticulated water supply, property access and services are not considered a constraint to future development, subject to site design.
		Bushfire Protection Assessment required for such facilities, Section 8.3.10 (commercial and industrial development) requirements would apply. Performance criteria identified for APZ's, construction standards, water supply, access and services as per Table 7.4 of PBP.	In regard to meeting the requirements of PBP for commercial development, APZ's, construction standards, reticulated water supply, property access and services are not considered a constraint to future development, subject to site design.
		Where kiosks are mobile (trailer, cart etc) or do not require development assessment, then PBP requirements would not apply.	

Land Uses	Activities facilitated	PBP Requirements	Evaluation
Public administration buildings	Public authorities such as National Parks to be based on site	Bushfire Protection Assessment required for facilities, Section 8.3.10 (commercial and industrial development) requirements would apply. Performance criteria identified for APZ's, construction standards, water supply, access and services as per Table 7.4 of PBP. However, the assessment pathway and building class would influence the requirements.	In regard to meeting the requirements of PBP for commercial development, APZ's, construction standards, reticulated water supply, property access and services are not considered a constraint to future development, subject to site design.
		Where facilities are classed as a public assembly building (Class 9b) and have a floor space greater than 500m ² , then Section 8.3.11 (public assembly buildings) would also apply, which calls up consideration of requirements for SFPP development.	In regard to public assembly buildings, these facilities will need to meet SFPP requirements, as per Table 6.8 of PBP. In particular, these facilities should be designed in areas of the site where SFPP APZs can be met. The capacity of these venues should align with the broader road capacity for evacuation.
Recreation areas	Passive recreation and nature play space	Unlikely to require a Bushfire Protection Assessment. There are no bushfire requirements for Class 10a (non-habitable buildings), when not located within 6 m of a dwelling.	Compliance for these land uses not considered a constraint for future development.
		Compliance with PBP would be by addressing the Aims and Objectives. For these activities and land use, it would primarily concern visitor and emergency management.	

Land Uses	Activities facilitated	PBP Requirements	Evaluation
Recreation facilities (outdoor)	More extensive adventure play or recreation space or facilities	Unlikely to require a Bushfire Protection Assessment. There are no bushfire requirements for Class 10a (non-habitable buildings), when not located within 6 m of a dwelling. However, where these spaces are to be utilised for an outdoor event, then a bush fire emergency management and evacuation plan meeting the requirements of Section 8.3.8 (Outdoor events in bush fire prone areas) of PBP would be required.	Compliance for Class 10a facilities not considered a constraint to future development. Where outdoor events are proposed, then factors such as access and evacuation need to be considered in the bush fire emergency management and evacuation plan. The fire danger rating system should be considered as an aspect for added controls in the DCP, e.g. cancelling of outdoor events under elevated fire danger ratings.
Restaurants or cafes	Serving of food and drink	Bushfire Protection Assessment required for facilities, Section 8.3.10 (commercial and industrial development) requirements would apply. Performance criteria identified for APZ's, construction standards, water supply, access and services as per Table 7.4 of PBP.	In regard to meeting the requirements of PBP for commercial development, APZ's, construction standards, reticulated water supply, property access and services are not considered a constraint to future development, subject to site design.

Table 2: Stage 2 Land Uses Contemplated to be Made Permissible

Land Uses	Activities facilitated	PBP Requirements	Evaluation
Creative industry	Crafting or making of goods, and the creation of art such as artists' studio space	A strategic assessment demonstrating adherence to the strategic planning principles outlined in Chapter 4 of PBP is required, with consideration to: <i>ensuring new development on BFPL will comply with PBP; minimising reliance on performance-based solutions; providing adequate infrastructure associated with emergency evacuation and firefighting operations; and facilitating appropriate ongoing land management practices.</i>	In regard to meeting the requirements of PBP for commercial development, APZ's, construction standards, reticulated water supply, property access and services are not considered a constraint to future development, subject to site design. In regard to the strategic planning principles, broader evacuation outcomes and ongoing land management are key aspects to be considered. However, given the feasibility for activities proposed to comply with the required bushfire protection measures, this land use is not considered inappropriate for the site, subject to appropriate design and provision of bushfire protection measures.
		For this land use, it is likely that Section 8.3.10 (commercial and industrial development) requirements would apply. Performance criteria identified for APZ's, construction standards, water supply, access and services as per Table 7.4 of PBP.	

Land Uses	Activities facilitated	PBP Requirements	Evaluation
Eco-tourist facility and/or hotel or motel accommodation	Temporary accommodation in suites or small apartments	<p>A strategic assessment demonstrating adherence to the strategic planning principles outlined in Chapter 4 of PBP is required, with consideration to:</p> <p><i>ensuring new development on BFPL will comply with PBP; minimising reliance on performance-based solutions; providing adequate infrastructure associated with emergency evacuation and firefighting operations; and facilitating appropriate ongoing land management practices.</i></p> <p>In addition, with respect to the residual risk profile, where future land uses are considered inappropriate then strategic planning should provide for exclusion of such land uses.</p> <p>For this land use, future development will need to consider Section 6.3 of PBP (SFPP Developments) and Table 6.8 of PBP, with variations to performance criteria for eco-tourism.</p>	<p>In regard to meeting the requirements of PBP for eco-tourism, APZ's, construction standards, reticulated water supply, access and services are not considered a constraint to future development, subject to site design.</p> <p>However, a refuge building must be provided that:</p> <ul style="list-style-type: none"> - <i>has sufficient space for all occupants and comply with the occupancy levels permissible for that structure;</i> - <i>the refuge building must be constructed to BAL-12.5 or greater in accordance with AS 3959 or NASH Standard and 7.5 of PBP;</i> - <i>is located within a 100m walking distance of accommodation.</i> <p>In regard to the strategic planning principles, broader evacuation outcomes should be considered when reviewing the accommodation capacity on site. Additionally, DCP controls could be considered to limit/exclude occupancy on days of elevated fire danger ratings.</p>

Land Uses	Activities facilitated	PBP Requirements	Evaluation
Educational establishments	Spaces used for formal education and teaching	<p>A strategic assessment demonstrating adherence to the strategic planning principles outlined in Chapter 4 of PBP is required, with consideration to:</p> <p><i>ensuring new development on BFPL will comply with PBP; minimising reliance on performance-based solutions; providing adequate infrastructure associated with emergency evacuation and firefighting operations; and facilitating appropriate ongoing land management practices.</i></p> <p>In addition, with respect to the residual risk profile, where future land uses are considered inappropriate then strategic planning should provide for exclusion of such land uses.</p> <p>For this land use, future SFPP development will be required to meet the performance criteria set out in Chapter 6 (SFPP Developments) of PBP, specifically detailed in Table 6.8.</p>	<p>In regard to future development meeting the requirements of PBP for SFPP development, site design will need to ensure SFPP APZ's can be met (as per Table A1.12.1).</p> <p>In regard to the strategic planning principles, broader evacuation outcomes should be considered when reviewing the capacity of SFPP development, to ensure the broader residual risk is not compromised.</p> <p>There is also opportunity for such venues to become suitable sites of refuge (e.g., NSP) that could provide broader community resilience.</p>

Land Uses	Activities facilitated	PBP Requirements	Evaluation
Horticulture	Growing of produce or plants	Unlikely to require further bushfire assessment, however, to ensure future land uses do not compromise the strategic principles outlined in PBP, consideration to the residual risk profile should be undertaken. Compliance with PBP would be by addressing the Aims and Objectives. For these activities and land use, it would primarily concern visitor and emergency management.	Compliance for these land uses not considered a constraint for future development.
Plant nursery	The sale of plants grown on site	Unlikely to require further bushfire assessment, however to ensure future land uses to not compromise the strategic principles outlined in PBP, consideration to the residual risk profile should be undertaken. Compliance with PBP would be by addressing the Aims and Objectives. For these activities and land use, it would primarily concern visitor and emergency management.	Compliance for these land uses not considered a constraint for future development.

Land Uses	Activities facilitated	PBP Requirements	Evaluation
Shops	Sale of goods or produce associated with the site	<p>A strategic assessment demonstrating adherence to the strategic planning principles outlined in Chapter 4 of PBP is required, with consideration to:</p> <p><i>ensuring new development on BFPL will comply with PBP; minimising reliance on performance-based solutions; providing adequate infrastructure associated with emergency evacuation and firefighting operations; and facilitating appropriate ongoing land management practices.</i></p> <p>In addition, with respect to the residual risk profile, where future land uses are considered inappropriate then strategic planning should provide for exclusion of such land uses.</p> <p>For this land use, it is likely that Section 8.3.10 (commercial and industrial development) requirements would apply. Performance criteria identified for APZs, construction standards, water supply, access and services as per Table 7.4 of PBP.</p>	<p>In regard to meeting the requirements of PBP for commercial development, APZs, construction standards, reticulated water supply, property access and services are not considered a constraint to future development, subject to site design.</p> <p>In regard to the strategic planning principles, broader evacuation outcomes and ongoing land management are key aspects to be considered.</p> <p>However, given the feasibility for activities proposed to comply with the required bushfire protection measures, this land use is not considered inappropriate for the site, subject to appropriate design and provision of bushfire protection measures.</p>

ITEM NO: 9

SUBJECT: UPDATE ON DRAFT AMENDMENT 16 TO LEP 2015

FILE NO: F14794 - 23/19024

Delivery Program Link

Principal Activity: LIVE

Service: City Wide Strategic Planning

Recommendations:

1. *That the Council notes the letter from the Department of Planning and Environment (Attachment 1) dated 17 January 2023 instructing Council not to proceed with the Planning Proposal for draft Amendment 16 to Local Environmental Plan 2015, and to instead modify and resubmit the Planning Proposal for a new Gateway Review;*
 2. *That the Council endorses the revised draft Planning Proposal for Blue Mountains Local Environmental Plan 2015 Amendment 16A (Attachment 2) to refer to the Department of Planning, Industry and Environment (the Department) requesting a Gateway Determination in accordance with the Environmental Planning and Assessment Act 1979;*
 3. *That the Council processes the Planning Proposal in accordance with the Gateway Determination issued under the provisions of Section 3.34 of the Environmental Planning and Assessment Act 1979;*
 4. *That the Council receives a report, subject to Gateway determination, at the conclusion of the public exhibition period to enable consideration of submissions made to the draft Planning Proposal for draft Amendment 16A to Local Environmental Plan 2015;*
 5. *That the Council delegates authority to the CEO or her delegate to make minor amendments to the endorsed draft Planning Proposal for draft Amendment 16A to Local Environmental Plan 2015 that may arise after the formal adoption by the Council of this planning proposal, subject to such amendments maintaining the policy intent of the draft proposal; and*
 6. *That the Council notes the ongoing negotiations with the Department of Planning and Environment in relation to stormwater management controls in the Low Rise Housing Diversity Code in State Environmental Planning Policy (exempt and complying codes) 2008.*
-

Report by Director Environment & Planning Services:**Reason for report**

The purpose of this report is to seek Council endorsement to submit a revised Planning Proposal (draft Amendment 16A) to LEP 2015 (Attachment 2), to the NSW Department of Planning and Environment (the Department) for Gateway Review and public exhibition. This follows extensive negotiation with the Department in relation to the inclusion of improved stormwater controls within the Planning Proposal. This inclusion of these controls has ultimately been refused. Notwithstanding, to mitigate the risk of the Low Rise Code, this amendment seeks to proceed with the elements approved by the Department and continue to separately advocate in relation to stormwater controls.

Background

Since the introduction of the Low Rise Code in State Environmental Planning Policy (Exempt and Complying codes) 2018, Council has advocated for the Blue Mountains to be exempt from this policy. This is due to the potential impact on the environment and built character, particularly referencing the extent of site coverage and impervious surfaces allowed under the Code, with no controls to manage stormwater. Despite consistent objection and assurance given by the Minister for Planning in 2019 that an exemption for the Blue Mountains had merit, no exemption was provided. Subsequently, the Department confirmed that it would not consider an exemption.

This resulted in an agreed approach with the Department, to consider the inclusion of local provisions within the Code itself or within Council's LEP to address Council's concerns and attempt to mitigate some of the foreseeable impacts from this type of Code development in the Blue Mountains.

Specifically, two Amendments (13A and 16) to LEP 2015 were prepared in response to the Low Rise Code and both have been the subject to extensive negotiation with the Department of Planning and Environment (the Department). These negotiations have resulted in both proposals being amended several times. The details of these amendments are captured in detail in reports to the Ordinary Council meetings of 28 June 2022 [Minute No.179] and 30 August 2022 [Minute No.232].

Positively, Amendment 13A to LEP 2015 was made on 16 December 2022. This resulted in local variations for the Blue Mountains being inserted into the Low Rise Code. This means that proponents wishing to use the Low Rise Code for complying development in the Blue Mountains now need to meet the floor space controls in Blue Mountains LEP 2015, and provide a pervious area of at least 40% of the site area. This is a significant result and goes some way towards addressing the potential adverse impact from development pursued under the Code.

To provide context to this report, the remaining matters to be addressed within Amendment 16 to LEP 2015 were the inclusion of a minimum lot size for dual occupancy and multi-unit housing development, and the request by Blue Mountains City Council to include stormwater management controls consistent with those in LEP 2015, for development occurring under the Code.

The progress and changes required to be made to Amendment 16 to LEP 2015 are summarised below, including the previous Council reports and resolutions on this matter. However, in summary, the Department of Planning and Environment in its letter dated 17 January 2023 (attachment 1) has confirmed that it will not support local variations to the Low Rise Code to improve stormwater management controls, and has instructed the Council that the current proposal cannot proceed. Amendment 16 must therefore be modified and resubmitted, removing the component related to stormwater. This modification is the subject of this report.

Summary of previous reporting and resolutions: Draft Amendment 16 to Blue Mountains LEP 2015

Draft Amendment 16 endorsed by Council on 26 October 2021 [Minute no. 322] to be submitted to the Department:

Draft Amendment 16 LEP 2015 proposed changes to the minimum lot size required for dual occupancies and medium density development to occur. Details on the rationale for this change are included in the 26 October 2021 report. However in essence, the introduction of a minimum lot size is to ensure that these types of development can only occur on suitably large

lots to accommodate the development type, as well as associated landscaping and appropriate separation from neighbours to protect their amenity. The changes relate to minimum lot sizes for dual occupancies and medium density housing (manor houses and terraces houses). They do not affect low density residential development (single dwellings).

Updated Draft Amendment 16 endorsed by Council on 28 June 2022 [Minute no. 179] to be submitted to the Department:

To ensure Draft Amendment 13A could proceed and important local variations for the Blue Mountains be included in the Low Rise Code in relation to Floor Space Ratio, landscaping and site coverage (as referenced above), the stormwater matter was removed and included in an updated Draft Amendment 16.

This update sought to ensure that provisions consistent with Clause 6.9 Stormwater Management of LEP 2015 would apply to development under the Low Rise Code in the Blue Mountains, and this either be included in the Code itself or that the Blue Mountains LEP be referenced. This was reported to Council on 28 June 2022, where it was resolved (*in part*):

“4. That the Council endorses the revised planning proposal for draft amendment 16 (Enclosure 2) to LEP 2015 to be referred to the NSW Department of Planning & Environment requesting a Gateway Determination in accordance with the Environmental Planning and Assessment Act 1979;

5. That the Council processes and places on public exhibition the Planning Proposal for draft amendment 16 to LEP 2015 in accordance with a Gateway Determination issued under the provisions of Section 3.34 of the Environmental Planning and Assessment Act 1979;

[Minute no. 179]

The Planning Proposal was submitted to the Department for Gateway Review.

Report to Council Meeting of 30 August 2022 [Minute No.232] and further negotiation with the Department of Planning and Environment:

A Gateway Determination was received following the 28 June 2022 resolution, with a condition that the Planning Proposal ‘must be updated by removing the proposed amendment to the Low Rise Code in relation to stormwater management’. Satisfying this condition would be inconsistent with the policy intent of the proposal, as confirmed by the resolution of the Council on 30 August 2022, as stated (*in part*):

6. That the Council notes that a Gateway Determination has been received for draft Amendment 16 to LEP 2015 (attachment 3) and affirms that condition 1 of the Gateway Determination requiring the removal of Council’s request to strengthen stormwater management controls in the Low Rise Housing Code does not achieve the adopted policy position of this proposal.

[Minute no. 232]

Current status of Draft Amendment 16 to LEP 2015

Council wrote to the Department requesting an amendment to the Gateway Determination to remove this condition, reconfirming the importance of stormwater management provisions in the Blue Mountains and indeed development across NSW under the Code, particularly in the context of recent extreme weather events and flooding. This request was not supported by the Department.

Subsequently in a letter dated 17 January 2023 (attachment 1) the Department advised Council that the Planning Proposal would not proceed and instructed Council to instead modify and resubmit the proposal.

Amendment 16A to Blue Mountains LEP 2015

As detailed above, despite extensive negotiation with the Department of Planning and Environment, Amendment 16 to LEP 2015 did not proceed. This Amendment included provisions on minimum lot size for medium density housing and dual occupancies, and controls for stormwater management consistent with Clause 6.9 of the Blue Mountains LEP 2015.

Both of these policy areas are fundamental to ensuring that any impacts from development under the Low Rise Code in the Blue Mountains are minimised.

Stormwater Management:

Stormwater management remains a critical deficiency in the Low Rise Code, a matter consistently raised by the Council. This concern has been supported by both Water NSW and Blue Mountains Conservation Society via their submissions as part of the public exhibition process to Amendment 13A (the amendment within which stormwater was originally addressed).

Council officers will continue to advocate to the Department of Planning and negotiate to have the stormwater management controls in the Low Rise code strengthened, and Councillors will be kept updated on the outcomes of this negotiation.

Currently, there is no agreed position on how stormwater management will be addressed in the Code, nor how local variations can be included for the Blue Mountains or any other LGA. While this is not an acceptable outcome, the remaining matter to be addressed under Draft Amendment 16 to LEP 2015 (the introduction of minimum lot sizes) needs to be resolved.

Minimum Lot Size Controls:

Given that draft Amendment 16 to LEP 2015 did not proceed, there are currently no Minimum Lot Size controls in place for medium density development or appropriate minimum lot size provisions for dual occupancies. This presents significant risk.

An absence of Minimum Lot Size controls would allow development under the Code for multi-unit housing or dual occupancies to occur on inappropriately sized lots, likely to result in adverse outcomes. As detailed in the Council Reports of 26 October 2021 and 28 June 2022, there are currently no minimum lot size controls for multi-unit housing under LEP 2015, meaning this development type could occur on any sized lot under the Code. This is highly problematic. Similarly, while minimum lot sizes are in place for dual occupancy development, these are currently calibrated according to the floor area proposed for the dwellings. This fine-grained approach is lost under the Code, and therefore this provision also requires refinement and change.

Recommendation

Therefore, despite the absence of support for a strengthening of stormwater controls under the Low Rise Code by the Department of Planning and Environment and the lack of support for the Planning Proposal prepared by the Council to address this, it is recommended that a revised Amendment 16A to LEP 2015 be submitted to the Department (attachment 2). This revised amendment is to ensure appropriate minimum lot size controls are in place for both dual occupancy and multi-unit housing development types, limiting the land on which the Low Rise Code can be applied and minimising adverse impacts as a result.

Therefore, the previously submitted (and Council endorsed) draft Amendment 16 has now been amended (now Amendment 16A) to remove the proposed controls related to stormwater

management, with the intent to proceed with the previously drafted controls for Minimum Lot Size.

Local Planning Panel Advice

As required by section 9.1 of the Environmental Planning & Assessment Act 1979, both planning proposals for Amendments 13A and 16, were referred to the Local Planning Panel (the Panel) for advice. Relevantly, the objectives and intent of the revised Planning Proposal (Amendment 16A at attachment 2) which is the subject of this report are unchanged from the original Planning Proposal. The Panel provided advice in relation to draft Amendment 16 on 20 September 2021, supporting that Planning Proposal. This advice is considered to satisfy the requirements of section 9.1 of the Environmental Planning & Assessment Act 1979. The Panel will, however, be provided with an update on the progress of both amendments and the changes required by the Department of Planning and Environment as part of this process.

Following is the September 2021 Local Planning Panel advice, supporting the Planning Proposal and importantly, reiterating their previously stated support for Council's case for an exemption from the Low Rise Code.

'The Panel unanimously provides the following advice:

- 1. The Blue Mountains is unique in NSW, being an urban area surrounded by a UNESCO listed World Heritage Area, which contains 14 endangered ecological communities. The World Heritage Area is intermingled with the existing urban areas on the mountain tops. The great mass of sensitive environment that makes up the Blue Mountains National Park stands to be irreversibly affected as a result of additional runoff, pollution, sedimentation and other urban development impacts by the implementation of the Low Rise Housing Diversity Code.*
- 2. These impacts have the very real potential over the short and long term to degrade the World Heritage Area and may put the UNESCO listing at risk. For example the UNESCO listing of the Liverpool (UK) Maritime Mercantile City has been removed due to unsuitable development within its boundaries.*
- 3. The overarching intent of the Council's existing development controls is to minimise impacts whilst allowing reasonable development potential for the needs of the existing and future population of the region.*
- 4. The report (particularly in pages 10-21 of the planning proposal) provides detailed justification for the proposed statutory changes, with one of the simplest being the basic planning principle of establishing lot sizes and site coverage standards and pervious area minimums for medium and low density areas. These will, over the long term, help to control urban impacts on the fragile National Park and at the same time maintain the unique and beautiful living environment established in Blue Mountains. That living environment is part of the unique character of the mountains and valleys.*
- 5. The current suggested amendment by the State Government to simply control the floor space ratio does not go far enough. The overarching intent to protect the Blue Mountains and the World Heritage National Park SHOULD be shared by the Council and the State.*
- 6. The Panel believes that allowing higher densities across the broad scale of the region is a backward step. The easiest and best way to forestall these long term impacts is for the State to grant an exemption to the Blue Mountains LGA from the Low Rise Housing Diversity Code (the Code),*

7. *An exemption from the Code for the Blue Mountains appears to be unacceptable to the Department, even though the Minister in a face-to-face meeting with Council representatives indicated that there was a good case for exemption. If that position persists, the best alternative is for the State to accede to the Council report regarding Draft Amendment 16 to the BMLEP 2015.*
8. *Draft Amendment 16 to BMLEP 2015 will allow for increased densities to comfortably achieve housing targets set by the State Government in appropriate central locations and on appropriately sized lots, where the impacts on the National Park can be controlled.*
9. *The minimum lot sizes proposed for dual occupancy and certain multi-unit housing in the draft LEP amendment are similar to a number of other comparable regional government areas on the edge of Sydney, for example Wollondilly and Wingecarribee.*
10. *The Panel therefore supports the approach taken in the report and included as draft Amendment 16 to BMLEP 2015 and commends the report to the Blue Mountains City Council.'*

Sustainability assessment

Effects	Positive	Negative
Environmental	Draft amendment 16A to LEP 2015 seeks to minimise the potential environmental impacts of the Low Rise Code by limiting the sites on which development can occur under that Code.	Nil
Social	Draft amendment 16A to LEP 2015 seeks to balance mitigating the impacts of the Low Rise Code whilst maintaining housing diversity opportunities under local planning controls, to ensure that we are continuing to plan for the housing needs of the local community, in a locally appropriate way.	Nil
Economic	Nil	Nil
Governance	The maintenance of local planning controls which respond to local environmental, social and economic factors is a positive governance response.	Nil

Financial implications

Nil financial implications

There are no financial implications for Council in adopting the recommendations in this report. The preparation and processing of planning proposals to keep Council's local planning framework up to date are covered under the current budget.

However, it is important to note that these amendments are being progressed in response to State government planning reforms. The extent of recent planning reforms, and the resourcing required to respond to them, does have an impact on the ability to resource Council's identified strategic priorities.

Legal and risk-management issues for the Council

There are no legal risks associated with the recommendations in this report.

External consultation

This report recommends endorsing the planning proposal for draft amendment 16A to LEP 2015 to be submitted for Gateway Review to proceed to public exhibition. At this stage community consultation will be undertaken in line with the requirements of Council's Community Participation Plan and the Gateway Determination.

In addition to the future consultation to be undertaken on this draft LEP amendment, the preparation of this planning proposal is informed by Blue Mountains 2040: Living Sustainably, Council's Local Strategic Planning Statement, which was subject to extensive community consultation and endorsed by the Greater Sydney Commission. This included the two actions to pursue an exemption from the Low Rise Code to protect both environmental and character values of the Blue Mountains.

Alignment with Delivery Program and/or Operational Plan

The recommendations in this report are consistent with the Delivery Program 2022–2026's Key Direction 4, Strategy 4.1: *4.1b Preserve, maintain and enhance the City's unique character, local history and its built, natural and cultural heritage*. the Operational Plan principal activity D40111.02: *Protect the unique environmental values of the Blue Mountains are protected through the implementation of the Local Environment Plan and other plans (LSPS 2.7, 6.10, 1.11, 2.13)*

Conclusion

It is recommended that Council endorse the draft Planning Proposal – Amendment 16A to LEP 2015 (attachment 2) to be resubmitted to the NSW Department of Planning and Environment for Gateway Review. As captured in this report, it is acknowledged that this revised Planning Proposal does not address the stormwater management controls central to the original Planning Proposal. This is as a result of confirmation from the Department of a lack of support for these provisions and instruction to Council that the stormwater measures be removed from the Planning Proposal. This is not considered an acceptable outcome and Council will continue to advocate for a strengthening of stormwater measures under the Code.

However, in order to limit the impact of the Low Rise Code within the Blue Mountains LGA, proceeding with a revised Amendment 16A to include Minimum Lot Size controls is recommended. Should the Council endorse this approach, the Planning Proposal will be submitted to the Department. Subject to a favorable Gateway Determination, the Planning Proposal will be placed on public exhibition in line with Council's Community Participation Plan and the Gateway Determination Conditions. Following Public Exhibition, a report will be brought back to Council on the outcomes of exhibition and the finalisation of the LEP amendment.

ATTACHMENTS/ENCLOSURES

1	Letter from Department of Planning and Infrastructure - notice to not proceed and request to resubmit draft amendment 16 to LEP 2015	23/22571	Attachment
2	AMENDED Draft Planning proposal - February 2023 - LEP 2015 Amendment ~ MLS controls for medium density	23/27447	Attachment

* * * * *

Attachment 1 - Letter from Department of Planning and Infrastructure - notice to not proceed and request to resubmit draft amendment 16 to LEP 2015**Department of Planning and Environment**

Ms Rosemary Dillon
General Manager
Blue Mountains City Council
Locked Bag 1005
KATOOMBA NSW 2780

Our ref: PP-2022-2615 / (IRF23/38)

Attn: Kim Barrett

Dear Ms Dillon

Planning proposal PP-2022-2615 – Alteration of Gateway Determination

Since July 2020, the Government has been reforming the planning system to streamline and simplify processes. An important part of the reforms seeks to reduce planning proposal timeframes to generally one year, and no more than two years from commencement to completion.

As the proposal has not yet been placed on public exhibition and the Gateway milestone for finalisation cannot be met, following conversations between Department and Council staff, I have determined as the delegate of the Minister, in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 12 August 2022 for PP-2022-2615 that the proposal does not proceed. I understand the delay to exhibiting the proposal is related to ongoing work relating to stormwater controls.

In accordance with the Department's letter to Council dated 16 November 2022, the Department would welcome giving consideration to proposed storm water complying development controls to allow certification under the Codes SEPP. It is open to Council whether it would prefer to resubmit the planning proposal in advance of the proposed stormwater controls or wait until the proposed stormwater controls can form part of the resubmitted planning proposal.

I look forward to working with Council on this matter which will build upon the successful finalisation of Amendment 13A which was recently notified in December 2022. If you have any questions in relation to this matter, I have arranged for Mr Terry Doran to assist you. Mr Doran can be contacted on 9860 1579.

Yours sincerely

A stylized signature of Catherine Van Laeren in black ink, with a small icon of a person to the left.

17/01/2023

Catherine Van Laeren
Executive Director
Planning and Land Use Strategy
Department of Planning and Environment

Encl: Alteration of Gateway Determination

**Attachment 2 - AMENDED Draft Planning proposal - February 2023 - LEP 2015 Amendment ~
MLS controls for medium density**

PLANNING PROPOSAL

Blue Mountains
Local Environmental Plan 2015
Draft Amendment 16A



Draft Blue Mountains LEP 2015 Amendment 16A:
(response to Low Rise Housing Diversity Code -
minimum lot size controls)

Version	Purpose	Modifications Made	Date	Status
1.0	Local Planning Panel Advice		20/8/2021	Draft
1.1	Council endorsement	Per LPP advice	26/10/2021	Draft
2.0	Revised for Council endorsement	Per Department of Planning response to draft amendment 13A	6/6/2022	Draft
3.0	Revised in response to Department of Planning request to resubmit	Stormwater local variations component removed as per Department instruction	2/2/2023	Draft

**Prepared for Council endorsement
February 2022**

Prepared by Blue Mountains City Council

F13301 (23/21548)

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Introduction

This planning proposal has been prepared to respond to the implementation of the Low Rise Housing Diversity Code (Low Rise Code) in SEPP (Exempt and Complying Development Codes) 2008 (the Codes SEPP). The Medium Density Code was introduced to ostensibly encourage more low rise medium density housing to be built in New South Wales and to provide better housing choice and affordability. The code allows one and two storey medium density homes in the forms of dual occupancies, manor houses and terraces to be built with a standardised set of development controls that do not align with local planning policy and controls.

The code also allows for this development to be undertaken as complying development, provided the application meets all relevant controls outlined in the Code. However, the Medium Density Code does not take into consideration any local planning controls except for minimum lot size, and even then, only in relation to dual occupancies and terrace houses, not for manor houses. This means that all other relevant local LEP and DCP controls are overridden and only those controls in the code apply. The implementation of the code in the Blue Mountains without amendments made to the current LEP could result in outcomes contrary to that which local planning controls intend to achieve. Therefore, Council is of the opinion that changes to the current Local Environmental Plan for the Blue Mountains need to be made to minimise undesirable outcomes as a result of the Low Rise Code.

This planning proposal seeks to amend clause 4.1B relating to the minimum lot size requirements for dual occupancies and multi dwelling housing in Blue Mountains Local Environmental Plan 2015 to limit undesirable outcomes under the Low Rise Code.

Prior to preparing this planning proposal, an exemption from the Low Rise Housing Diversity Code has been pursued since it was first proposed in 2018. This has occurred through ongoing discussions and correspondence between Council, the Minister for Planning and Public Spaces and the Department of Planning Industry and Environment.

An exemption from the Low Rise Code has not been forthcoming from the Department. However, Amendment 13A to LEP 2015 was recently published, which has amended the Low Rise Code to include local provisions for the Blue Mountains that refer to relevant LEP floor space controls, as well as setting a minimum pervious area. This goes some way to addressing Council's concerns, but the potential environmental impacts from the Low Rise Code remain. This planning proposal seeks to address one of the key outstanding concerns ensure only lots suitably large enough to accommodate development are able to do so through the Low Rise Code.

This Planning Proposal initially also proposed local variations to the Low Rise Code to improve stormwater management controls. This proposal was not supported by the Department of Planning and Infrastructure. This Planning Proposal has subsequently been amended to progress minimum lot size changes, whilst a solution to improving stormwater management controls will be pursued separately.

PART 1 OBJECTIVES OR INTENDED OUTCOMES

The purpose of this planning proposal is to make an amendment to LEP 2015 to change minimum lots size controls for medium density housing. This amendment has been prepared to minimise potential undesirable outcomes in a City within a World Heritage Area as a result of the implementation of the Low Rise Housing Diversity Code through the strengthening of current LEP controls.

Blue Mountains LEP 2015 contains minimum lot size controls for specific development types. The following table summarises the current requirements for medium density development under LEP 2015 where the Low Rise Code applies:

	Zones	Minimum lot size
Dual Occupancies (attached)	R1 General Residential R2 Low Density Residential R3 Medium Density Residential	900m ²
Dual Occupancies (detached)	R1 General Residential R2 Low Density Residential R3 Medium Density Residential	1100m ²
Multi dwelling housing	R1 General Residential R3 Medium Density Residential	No MLS

Figure 1: Summary of existing Controls in Blue Mountains LEP 2015

Given the provisions in the Medium Density Code only refer to minimum lot size controls in an applicable LEP, it would be possible for the smallest minimum lot size control to be used regardless of whether other criteria in the LEP are met. This is because the Code does not refer to these criteria, only the lot size requirement.

This means that although LEP 2015 currently sets a minimum lot size control of 1100m² for dual occupancies if they are detached, a complying development under the Medium Density Code could utilise the 720m² minimum lot size for the development of a detached dual occupancy. This is because of clause 4.1B (3), which allows development of attached dual occupancies on lots as small as 720m² if one dwelling will not have a gross floor area exceeding 100m². The operation of the Code allows the minimum lot size under this clause to be used for any dual occupancy proposed under the Low Rise Code.

Minimum Lot Size of 1000m² for Dual Occupancies

To remove what is effectively a 'loop hole' for development to occur under the Medium Density Code on lots smaller than intended by the LEP, this planning proposal firstly seeks to introduce a single consistent minimum lot size of 1000m² for dual occupancies. Whilst this may remove the current ability to develop attached dual occupancies on some lots, it will expand where (the more commonly sought) detached dual occupancies could be built. This is a compromise between maintaining opportunities for housing diversity under local controls and minimising the impacts of the Low Rise Code.

Removal of Clause 4.1B(3) from Blue Mountains LEP 2015

This planning proposal also seeks to remove clause 4.1B (3) which allows development of attached dual occupancies on lots as small as 720m² if one dwelling will not have a gross floor area exceeding 100m². The proposed removal of the above clause aims to ensure that there is no avenue for dual occupancies (attached or detached) to be erected under the Code SEPP on smaller than intended lots when they do not have to meet the floor space restrictions stipulated in the LEP. The removal of this clause would protect the density, character, and amenity, particularly in R2 Low Density Residential areas which are typically characterised by singular residential dwellings.

The proposal to remove clause 4.1B(3) also responds to a review of the outcomes being achieved by the clause in development applications. This clause was primarily intended to provide a diverse housing

option that was a step up in scale from a secondary dwelling that could fit within a low-density residential setting. It was to facilitate a small additional dwelling being created attached to an existing dwelling, or a new development containing two modestly sized dwellings. However, in practice the clause is being used to create dual occupancies that are technically attached but are visually two separate dwellings which much more extensive development was envisaged. This is not achieving a housing diversity outcome. It is instead only creating a pathway for larger separate dwelling stock. In this context as the clause it not working as intended it is appropriate to remove it from LEP 2015.

Introduction of Minimum Lot Size for Multi Dwelling Housing

The other element to this planning proposal is to introduce a minimum lot size for multi dwelling housing and manor houses as there are currently no minimum lot size controls for these uses in the Blue Mountains LEP 2015. The absence of a minimum lot size control for these uses and the implementation of the Low Rise Medium Density Code could result in terrace houses on lots as small as 600m² and with a frontage of only 18m. This would be an undesirable outcome as it would be inconsistent with the objectives of the zones specified for the purpose of multi dwelling housing (R1 General Residential and R3 Medium Density Residential). The introduction of a minimum lot size for multi dwelling housing would ensure that only larger and therefore more suitable sites for this type of development would be utilised for this purpose.

Background

In draft LEP 2013, Council proposed a minimum lot size for multi dwelling housing and residential flat buildings. The proposed minimum lot size for these uses in all permissible zones (R1, R3 and B2) was 1300m². A minimum lot size (MLS) for these higher density residential development types was proposed as a strategy to clarify the minimum amount of land required (site area) for these types of developments to occur. The MLS would operate as the determinative control in the LEP and if a site were able to meet this control, it could then be assessed against other controls in the Development Control Plan, to determine whether the site was in fact appropriate for this type of development. This was to ensure higher density residential development only occurred on the most suitable of sites.

The above illustrates the concerns Council has had in relation to multi dwelling housing. The potential introduction of the Medium Density Code has only exacerbated these concerns and therefore changes to local planning provisions are proposed to minimise the potential for inappropriate development. The intended outcome of the proposed changes is to protect the environmental integrity, character, density patterns, and streetscape of a City within a World Heritage Area.

Current local controls appropriately limit the footprint of development to retain pervious areas, and to limit impacts on natural areas particularly through the management of stormwater quantity and quality. Stormwater management is a critical aspect of the management of the urban area of the Blue Mountains because the receiving environment for run off is the surrounding World Heritage National Park.

To override these long held local provisions within the sensitive and constrained Blue Mountains LGA is an unacceptable outcome within a World Heritage National Park. The importance of the unique natural setting of the Blue Mountains, the fragility of this environment, and the need to continue to minimise impacts from urban development on this surrounding receiving environment is central to the local planning priorities in *Blue Mountains 2040: Living Sustainably*, Council's Local Strategic Planning Statement adopted and made on 31 March 2020.

Further, the limiting of site coverage is also central to the protection of residential character areas and their landscape settings. These are central to the City's tourism and a defining characteristic of the LGA. The Local Strategic Planning Statement is supported by the Blue Mountains Local Character Study 2020 and Local Character Statement 2020, which explore the relationship between lot size, site coverage, and the landscape setting character of the Blue Mountains in detail. The Local Strategic Planning Statement also captures the risk that the Low Rise Code poses to the character of the Blue Mountains, and outlines that it is important that the LGA is exempt from the code to protect the City's character as well as protect the surrounding natural environment.

The Western City District Plan is clear that the Blue Mountains LGA is not planning for substantial growth and is not identified as a source of housing supply for greater Sydney. This is reflected in the classification of the whole of the Blue Mountains LGA as Metro Rural Area (MRA), requiring that only local housing needs be met, rather than the growth of greater Sydney.

The Local Strategic Planning Statement for the Blue Mountains is supported by the Blue Mountains Local Housing Strategy (LHS) 2020, adopted by Council on 31 March 2020 and approved by the

Department 10 May 2021. The LHS investigated in detail the current and future housing needs of the local community, including a survey of housing preference within the local community. It proposes a range of strategies to improve housing diversity within the City to meet these needs. These housing diversity strategies are also captured as actions in the Local Strategic Planning Statement and will result in future LEP amendments. The LHS demonstrated that the housing targets set by the Greater Sydney Commission could be met by existing planning controls, and the purpose of these future LEP amendments would provide additional housing diversity in areas suitable for increased densities, while also mitigating the impacts of urban runoff.

Through local place-based planning strategies and policies, the Blue Mountains can continue to meet the housing needs of the local community, both now and in the future, without the need to implement the Low Rise Code. However, as an exemption has not been granted, the most appropriate and effective way the LGA can be protected from the numerous consequences of the introduction of the code to this unique area is to strengthen the Local Environmental Plan controls.

This planning proposal seeks to amend the minimum lot size requirements for dual occupancies and multi dwelling housing in Blue Mountains Local Environmental Plan 2015 to limit undesirable outcomes under the Low Rise Code. This planning proposal also seeks an amendment to the Low Rise Housing Diversity Code (Low Rise Code) in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 in relation to stormwater management.

PART 2 EXPLANATION OF PROVISIONS

This planning proposal is seeking to make three (3) amendments to the Blue Mountains Local Environmental Plan 2015 as noted to amend clause 4.1B to:

- a. introduce a single minimum lot size for dual occupancies (attached and detached);
- b. remove clause 4.1B (3); and
- c. introduce minimum lot size controls for multi dwelling housing and manor houses

The primary intention of this planning proposal is to ensure outcomes resulting from the Low Rise Housing Diversity Code align with intended outcomes of the Blue Mountains Local Environmental Plan 2015.

Clause 4.1B is proposed to be amended as follows – edits shown in red.

4.1B Minimum lot sizes for dual occupancies, multi dwelling housing, and manor houses

- (1) The objective of this clause is to achieve planned residential density in certain zones.
- (2) Development consent may be granted to development on a lot in a zone specified in the table to this clause for a purpose specified in the table if the area of the lot is equal to or greater than the area listed beside that zone in the table.
- ~~(3) Despite subclause (2), development consent may be granted to development on a lot with an area of at least 720 square metres in a zone specified in the table for the purpose of a dual occupancy (attached) if the development will include one dwelling with a gross floor area not exceeding 100 square metres.~~
- (4) Land in a zone specified in the table may, with development consent, be subdivided for the purpose of a dual occupancy to create a lot of a size that is less than the minimum size shown on the [Lot Size Map](#) in relation to that land if—
 - (a) development consent has been granted for the dual occupancy or a single development application proposes both the subdivision of the land and the erection of the dual occupancy on that land, and
 - (b) each dwelling will be erected on a separate lot.

Column 1	Column 2	Column 3
Dual occupancy (attached)	Zone R1 General Residential	900 1000 square metres
	Zone R2 Low Density Residential	900 1000 square metres
	Zone R3 Medium Density Residential	900 1000 square metres
	Zone B2 Local Centre	900 1000 square metres
	Zone IN2 Light Industrial	900 1000 square metres
Dual occupancy (detached)	Zone R1 General Residential	1,100 square metres
-	Zone R2 Low Density Residential	1,100 square metres
-	Zone R3 Medium Density Residential	1,100 square metres
-	Zone B2 Local Centre	1,100 square metres
-	Zone IN2 Light Industrial	1,100 square metres
Multi dwelling housing	Zone R1 General Residential	1300 square metres
	Zone R3 Medium Density Residential	1300 square metres
	Zone B2 Local Centre	1300 square metres
Manor houses	Zone R1 General Residential	1300 square metres
	Zone R3 Medium Density Residential	1300 square metres
	Zone B2 Local Centre	1300 square metres

Note: The proposed written amendments will be subject to legal drafting and the provisions may be altered to meet legal drafting requirements.

Amending minimum lot size controls for dual occupancies

LEP 2015 currently prescribes differing minimum lot size requirements for attached and detached dual occupancies depending on the zone. The typical requirements are 900m² for attached dual occupancies and 1100m² for detached dual occupancies. This provides housing diversity opportunities through a sliding scale of density commensurate with lot size.

The Low Rise Housing Diversity Code (Low Rise Code) permits dual occupancies (attached or detached) on lots:

1. With a minimum lot area of 400sqm; or
2. The minimum lot area specified for dual occupancies in the environmental planning instrument (Blue Mountains LEP) that applies to the land concerned.

The Housing Code stipulates where an LEP has a larger minimum lot size than that identified in the Code, it is the LEP minimum lot size which applies to the proposed development. A DCP control is not taken into consideration.

As Council currently has differing minimum lot size requirements for attached and detached dual occupancies, it is understood that the lower of the two figures could be utilised under the Code (without the need to have regard to a dual occupancy being attached or detached. This could therefore result in detached dual occupancies being erected on lots of 900m². Further, the lower Minimum Lot Size required under clause 4.1B(3) of 720m² could also be utilised.

Amendment to Clause 4.1B

To address this issue, it is proposed to modify the table in clause 4.1B to contain a single minimum lot size control of 1000m² for dual occupancy, making no differentiation between attached or detached, as this will ensure consistency and desirable outcomes for this type of development in the Blue Mountains Local Government Area.

This proposed amendment will remove some existing permissibility for attached dual occupancies. However, it will increase permissibility for detached dual occupancies (which are generally the more preferred development type). This is considered an acceptable trade-off to restrict where detached dual occupancies can occur under the Low Rise Code.

In addition to having to remove any differentiation between attached and detached dual occupancies to align with the operation of clauses in the Low Rise Code, there is major concern that the current clause 4.1B(3) provides a loophole for development to occur under the Code on lots much smaller than anticipated.

Removal of Clause 4.1B(3)

Council has received legal advice that if clause 4.1B(3) were to remain, it may be used in a way that it was not intended. Clause 4.1B(3) states that:

'despite subclause (2), development consent may be granted to development on a lot with an area of at least 720 square metres in a zone specified in the table for the purpose of a dual occupancy (attached) if the development will include one dwelling with a gross floor area not exceeding 100 square metres'.

Council is concerned that this clause will be used to allow development under the Code for any dual occupancies (attached or detached) on lots as small as 720m², as the code would not consider the gross floor area specifications noted later in the clause. Leaving this clause in the LEP could open up the opportunity for attached dual occupancies on lots significantly smaller than the 900m² MLS controls currently in place for attached dual occupancies. This result would be contrary to the intended effect of the clause, which was to allow lots between 720m² and 900m² to be developed, but only for an attached dual occupancy where one dwelling would not exceed 100m².

It is therefore proposed that this clause be removed from LEP 2015 to ensure this clause cannot be utilised for a purpose for which it was not intended. Investigation into development applications since the introduction of LEP 2015 was undertaken to inform this planning proposal and it was found that there has been minimal utilisation of this clause, and where it has been used it has resulted in poor outcomes that haven't achieved more diverse housing stock..

Introducing Minimum Lot Size controls for Multi Dwelling Housing, including manor houses

The controls surrounding manor houses and terrace houses outlined in the Low Rise Code encourage increased density in residential zones such as R1 General Residential, R2 Low Density Residential and R3 Medium Density Residential. The code allows manor houses and terrace houses to be built on lots of 600m² or greater. This minimum lot size is inconsistent with other minimum lot size requirements in LEP 2015. As such Council is proposing to introduce a minimum lot size for this type of higher density residential development as a means of preventing density growth in inappropriate areas.

The code defines a manor house as being a “building that consists of 3 or 4 dwellings” and terraces as being “multi dwelling housing where all dwellings are attached and are generally aligned along one or more public roads”. Under the code, manor houses are permitted where either multi-dwelling housing or residential flat buildings are permitted under the relevant council Local Environment Plan (LEP) and terraces will be permitted where multi dwelling housing is permitted under the relevant council LEP. LEP 2015 excludes both residential flat buildings and multi dwelling housing from the R2 Low Density Residential zone, therefore the introduction of a minimum lot size for these uses would only apply to R1 General Residential, R3 Medium Density Residential, and B2 Local Centre.

The principal concern is the overdevelopment and unnecessary intensification of residential areas. Given the minimum lot size controls for dual occupancy (attached) are 900m² and dual occupancy (detached) 1100m² in both R1 and R3, it is considered inappropriate to allow more intense residential development in the form of manor houses or terraces to occur on lots of 600m² in these zones. This would in significant inconsistency in built form and over time will detract from the character and streetscape within these zones. Potential adverse cumulative impacts such as traffic generation, inadequate parking, amenity matters and the like are also considered likely.

The planning proposal seeks to introduce a minimum lot size of 1300m² for multi dwelling housing (terraces). This control will apply to R1 General Residential and R3 Medium Density Residential zones.

In determining an appropriate minimum lot size for multi dwelling housing, Council reviewed a number of NSW Councils controls and found many, like the Blue Mountains, do not prescribe an MLS for multi dwelling housing. From the Councils that do, no numerical consistency could be identified as shown below:

Council	Environmental Planning Instrument	Minimum Lot Size
Ku-ring-gai Council	Ku-ring-gai LEP 2015	1200m ²
Camden Council	Camden LEP 2010	1500m ²
Sutherland Shire Council	Sutherland Shire LEP 2015	1200m ²
Gosford Council	Gosford LEP 2014	750m ²
Penrith Council	Penrith LEP 2010	900m ²
Lithgow Council	Lithgow LEP 2014	800m ²
Kiama Council	Kiama LEP 2011	Density control = 200m ² per dwelling

The proposed minimum lot size of 1300m² is consistent with previous controls in the Blue Mountains LGA in relation to multi dwelling housing. Draft LEP 2013 proposed an MLS of 1300m² for multi dwelling housing and prior to this, LEP 4 adopted a density control requiring a minimum of 400m² per dwelling. The proposed MLS will offer a consistent approach to multi dwelling housing and encourage increased density in desirable locations.

The proposed minimum lot size of 1300m² is substantially larger than the MLS contained in the Housing Code. However, it is considered that larger lots can provide better design outcomes such as building separation, open space, landscaping, solar access, cross ventilation and car parking.

The introduction of a minimum lot size for these uses would ensure the appropriate placement of higher density residential development and ensure the aims of Council and objectives of zones in LEP 2015 could still be met. The Housing Code does not reference or give consideration of other controls in the LEP or DCP, meaning the introduction of a Minimum Lot Size is the only mechanism appropriate to protect against potential undesirable density intensification in residential zones, and limit environmental, heritage, character and social impacts within the Blue Mountains Local Government Area.

Therefore, it is proposed that clause 4.1B(4) be amended to include minimum lots size controls for multi dwelling housing and manor houses. Reference to these land uses will be added to this clause, and the table in the clause amended to introduce a minimum lots size requirement of 1300m² in zone R1 general residential, R3 medium density residential, and B2 local centre, as referenced in the above version of the clause with edits identified in RED.

PART 3 JUSTIFICATION

Section A - A Need for the Planning Proposal

This planning proposal is seeking local variations to the Low Rise Code to address stormwater management, and to amend clause 4.1B in LEP 2015, primarily to introduce consistent minimum lot size controls for dual occupancies to ensure that development under the Low Rise Code cannot occur on lots smaller than intended.

Similarly, this amendment proposes to remove clause 4.1B (3) as with the introduction of the Housing Code, it could result in providing a development pathway for dual occupancies to be erected on lots significantly smaller than otherwise specified in the LEP.

This amendment also proposes the introduction of a minimum lot size for multi dwelling housing (terraces) to minimise this type of development on inappropriately sized lots within the LGA. This is important as there is currently no minimum lot size defined in the LEP for this use.

This planning proposal also seeks to implement actions in Blue Mountains 2040: Living Sustainably, Council's Local Strategic Planning Statement. The LSPS was the result of rigorous community engagement and the Greater Sydney Commission's assurance process. Importantly, the actions which this planning proposal seeks to deliver on significant community and State agency support received as part of this consultation and assurance process.

The actions from the LSPS which speak to the importance of the Blue Mountains being exempt from the application of the Low Rise Code are:

1.3 Council will seek an exemption from the Low Rise Medium Density Housing Code in State Environmental Planning Policy (Exempt and Complying Codes) 2008, to ensure local stormwater management controls are maintained and continue to protect the receiving environment of the Blue Mountains World Heritage Area

5.7 Council will seek an exemption from the Low Rise Medium Density Housing Code in State Environmental Planning Policy (Exempt and Complying Codes) 2008, to ensure local controls are maintained to protect the character of the Blue Mountains

This planning proposal is the culmination of the Council's commitment to deliver on these LSPS actions, and ongoing discussions and correspondence between Council, the previous Minister for Planning and Public Spaces and the Department of Planning Industry and Environment.

1. Is the planning proposal a result of any strategic study or report?

This planning proposal is the result of Council's Local Strategic Planning Statement (LSPS) and Local Housing Strategy (LHS) which strategically consider housing diversity across the LGA, alongside other planning considerations such as the protection of environmental values. The Low Rise Code is not compatible with a City within a World Heritage Area and the LSPS, endorsed by the GSC, included two actions to seek an exemption from the Low Rise Code. These actions have been pursued but no exemption has been forthcoming. In the absence of an exemption, this planning proposal seeks to protect the environmental values of the local area and achieve housing outcomes which meet local need but are appropriate within a World Heritage setting.

This proposal is consistent with continuous longstanding planning principles in the Blue Mountains City LGA that aim to minimise adverse environmental impacts such as stormwater runoff through prescriptive controls relating to lot size, site coverage, onsite detention, and development on and around environmentally sensitive land, outlined in the LEP and DCP. Given the location of the LGA within a World Heritage listed National Park, impacts to the environment through increased density, subdivision and land uses are of upmost importance and form the backbone of planning aims and objectives in the local statutory instruments.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes, this is the best, and only, means of achieving the intended outcome of managing the potential impacts from the Low Rise Code outside of an exemption from the Code, which has not been forthcoming from the Department. An amendment to Blue Mountains LEP 2015 to introduce a single minimum lot size for all dual occupancies, along with the removal of Clause 4.1B(3), and an MLS for multi dwelling housing (terraces) will ensure that consistency is provided between development applications and complying development applications for duals occupancy and terrace development. There are no other relevant means to achieve the objectives and outcomes specified in Part 1, as controls such as frontage requirements and lot width are not referenced in the Housing Code.

Section B - Relationship to strategic planning framework

3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

This planning proposal is not inconsistent with the Greater Sydney Region Plan (2018), the Western City District Plan (2018) and is consistent with the Blue Mountains 2040; Living Sustainably, Council's Local Strategic Plan Statement.

A Metropolis of Three Cities – The Greater Sydney Region Plan

A Metropolis of Three Cities is the first Regional Plan developed by the Greater Sydney Commission. The Plan provides a vision and actions for managing growth in Greater Sydney and enhancing its status as a global city. The Plan envisions Sydney as three cities connected by transport links. The Blue Mountains is located in the Western City.

The Planning Proposal is consistent with the following objectives of the Greater Sydney Region Plan:

1. *Liveability:*

Objective 10 Greater Housing Supply

Objective 11 Housing Is More Diverse and Affordable

Objective 12 Great Places that Bring People Together

Comment: It is considered that the planning proposal may force some sites to amalgamate for construction, however it does not remove the ability or permissibility of any form of development. Instead the proposed amendments aim to create better quality developments and well-designed neighbourhoods for current and future communities. The majority of housing supply in the Blue Mountains is single detached dwellings. The proposal will not significantly impact on housing supply or the Blue Mountain's ability to meet housing targets.

6. *Sustainability:*

Objective 27 Biodiversity is protected, urban bushland and remnant vegetation is enhanced.

Objective 28 Scenic and cultural landscapes are protected.

Comment: Prescribing a single minimum lot size requirement for dual occupancies and the introduction of an MLS for multi dwelling housing aims to ensure increased density does not come at a cost to the environment. Larger lots reduce the number of potential sites that may be developed for the purpose of increased density, however these larger lot requirements allow for greater flexibility in the design and siting of dwellings on a site. Essentially this will allow for greater areas of high quality landscaping, retention of existing trees and vegetation, and the inclusion of deep soil areas, allowing for appropriate building envelopes to be identified resulting in minimal environmental impact. The amendments will allow for development which does not detract from the environmental value, cultural importance and heritage significance of the area.

Western City District Plan

The Western City District Plan provides subregional objectives which stem from the Sydney Regional Plan. The document also provides a list of Planning Priorities, these priorities work together to create a liveable, vibrant Western City, as well as a sustainable city in its landscape.

The planning proposal is consistent with *Liveability - W5 Providing housing supply, choice and affordability with access to jobs, services and public transport* of the Western City Plan.

Comment: The Western City District Plan notes that new housing is important to meet the needs of Greater Sydney, however this housing must be in the right place to meet the demand for different housing types, tenure, price points, preferred locations and design. More importantly, the District Plan notes that Council is in the best position to determine which areas are best to accommodate for medium density housing and how this will be delivered.

The planning proposal is consistent with *Sustainability - W12 Protecting and improving the health and enjoyment of the District's waterways* and *Sustainability - W14 Protecting and enhancing bushland and biodiversity* of the Western City Plan.

Comment: This Planning Proposal is consistent with the Greater Sydney Region Plan and the Western City District Plan. This planning proposal supports the requirements of the District Plan, including planning priorities W12 and W14, which directly reference the protection and enhancement of bushland and biodiversity through such things as reducing edge effect impacts from stormwater runoff. The planning proposal seeks to achieve this by ensuring that medium density development can only occur on lots of sufficient size to allow appropriate stormwater management.

The planning proposal is consistent with *Sustainability - W20 Adapting to the impacts of urban and natural hazards and climate change* of the Western City Plan.

Comment: The Western City District Plan notes that climate, vegetation, topography and pattern of development contribute significantly to hazard risk. Placing developments in hazardous areas of increasing the density of development in areas with limited evacuation options increases risk to people and property. The proposed amendments will ensure only the most suitable of sites are developed for the purpose of increased density in the form of dual occupancies and multi dwelling housing, and ensure sites can comply with asset protection zones and various other bushfire risk reduction measures.

2. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Living Sustainably: Blue Mountains 2040 is Council's Local Strategic Planning Statement (LSPS) and was made on 31 March 2020 following endorsement from the GSC. The LSPS contains 9 local planning priorities. This planning proposal relates most directly to priority 6 Meeting the diverse housing needs of our community, but also aligns with priority 1 Living sustainably within a World Heritage National Park, and priority 5 Conserving and enhancing heritage, character and liveability, both of which contain actions in response to the Low Rise Code.

Action 1.3 Council will seek an exemption from the Low-Rise Low Rise Code in State Environmental Planning Policy (Exempt and Complying Codes) 2008, to ensure local stormwater management controls are maintained and continue to protect the receiving environment of the Blue Mountains World Heritage National Park.

Action 5.7 Council will seek an exemption from the Low-Rise Low Rise Code in State Environmental Planning Policy (Exempt and Complying Codes) 2008, to ensure local controls are maintained to protect the character of the Blue Mountains.

As outlined in the introduction to this planning proposal, in line with these actions, a request for permanent exemption from Low Rise Code was sent to the Minister of Planning and Public Spaces on 30 April 2020. This followed previous requests in June 2018 and July 2019. The grounds for the request for exemption was the unique characteristics of the Blue Mountains Local Government Area as a City within a World Heritage Area. The Low Rise Code threatens to erode these defining features and poses an unacceptable risk to the environmental values of the World Heritage Area through substantial intensification of residential development.

Given that the request for exemption has not been supported, this planning proposal aims to minimise the potential for inappropriate development resulting from the Housing Code.

The LSPS details Council's long standing planning principles and commitment to place based planning as the best means to deliver positive planning outcomes that respond to local context. Actions in the LSPS under local planning priority 6 demonstrate how Council intends to implement the LHS and meet the housing needs of the local community (as well as meet the housing targets set and agreed by the GSC). These include place based master planning of town centres (Action 6.2), pursuing opportunities for infill development (Action 6.3), investigate opportunities for seniors housing (Actions 6.6 and 6.7), and investigate opportunities for multi dwelling housing in appropriate locations (Action 6.8).

This planning proposal does not affect the ability to deliver on these actions. It seeks to amend specific controls in the LEP in response to the operation of the Low Rise Code, to ensure locally appropriate housing outcomes can be achieved.

Local Housing Strategy

The Blue Mountains Local Housing Strategy (LHS) was prepared to inform future planning for housing in the Blue Mountains. It was developed in conjunction with Blue Mountains 2040: Living Sustainably- the Local Strategic Planning Statement which provides the overarching vision and direction for future land use planning in the Blue Mountains. The LHS provides an understanding of the housing needs of local community, analyses whether current planning frameworks can meet those needs and provides options for updates to the local planning framework to ensure these housing needs can be met in the future.

The proposal is consistent with the housing vision outlined in the LHS which states, '*The Blue Mountains has a range of environmentally responsive, affordable and well-designed local housing options to meet diverse community needs*'. Implementing the proposed amendments correlates with Council's vision of protecting and conserving the natural environment while providing adequate housing choice. The proposal does not seek to remove permissibility, but instead increase lot size to encourage better environmental outcomes, while also responding to economic (affordability) and social (housing mix) needs.

Water Sensitive Blue Mountains Strategic Plan

The Water Sensitive Blue Mountains Strategic Plan, adopted by Council in September 2019, to develop an integrated water management approach based on best practice stormwater management principles.

5. Is the planning proposal consistent with applicable state environmental planning policies?

The following table documents the application and consistency with all State Environmental Planning Policies (SEPPs) and relevant Sydney Regional Environmental Plans (SREPs).

Note:

- ¹ **Not Relevant:** This SEPP does not apply to land within LEP 2005 Draft Amendment 16A.
- ² **Consistent:** This SEPP applies; LEP 2015 Draft Amendment 16A meets the relevant requirements and is in accordance with the SEPP.
- ³ **Justifiably Inconsistent:** This SEPP applies; LEP 2015 Draft Amendment 16A does not meet all the requirements or may be inconsistent with this SEPP as outlined following the table.

State Environmental Planning Policies in force		NOT RELEVANT ¹	CONSISTENT ²	JUSTIFIABLY INCONSISTENT ³
SEPP	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	✓		
SEPP	State Environmental Planning Policy (Exempt and Complying Development Codes) 2008		✓	
SEPP	State Environmental Planning Policy No 65 (Design Quality of Residential Apartment Development)	✓		
SEPP	State Environmental Planning Policy (Housing) 2021			
Chapter 2	Affordable housing	✓		
Chapter 3	Diverse housing	✓		
SEPP	State Environmental Planning Policy (Primary Production) 2021			
Chapter 2	Primary production and rural development	✓		
SEPP	State Environmental Planning Policy (Resources and Energy) 2021			
Chapter 2	Mining, petroleum production and extractive industries	✓		
SEPP	State Environmental Planning Policy (Resilience and Hazards) 2021			
Chapter 2	Coastal management	✓		
Chapter 3	Hazardous and offensive development	✓		
Chapter 4	Remediation of land	✓		
SEPP	State Environmental Planning Policy (Industry and Employment) 2021			
Chapter 2	Western Sydney employment area	✓		
Chapter 3	Advertising and signage	✓		
SEPP	State Environmental Planning Policy (Transport and Infrastructure) 2021			
Chapter 2	Infrastructure	✓		
Chapter 3	Educational establishments and childcare facilities	✓		
Chapter 4	Major infrastructure corridors	✓		
Chapter 5	Three ports – Port Botany, Port Kembla and Newcastle	✓		
SEPP	State Environmental Planning Policy (Biodiversity and Conservation) 2021			
Chapter 2	Vegetation in non-rural areas	✓		
Chapter 3	Koala habitat protection 2020	✓		
Chapter 4	Koala habitat protection 2021	✓		
Chapter 5	River Murray lands	✓		
Chapter 6	Bushland in urban areas	✓		
Chapter 7	Canal estate development	✓		
Chapter 8	Sydney drinking water catchment		✓	
Chapter 9	Hawkesbury-Nepean River		✓	
Chapter 10	Sydney Harbour Catchment	✓		
Chapter 11	Georges Rivers Catchment	✓		
Chapter 12	Willandra Lakes Region World Heritage Property	✓		
SEPP	State Environmental Planning Policy (Planning Systems) 2021			
Chapter 2	State and regional development	✓		
Chapter 3	Aboriginal land	✓		
Chapter 4	Concurrences and consents	✓		

State Environmental Planning Policies in force		NOT RELEVANT¹	CONSISTENT²	JUSTIFIABLY INCONSISTENT³
SEPP	State Environmental Planning Policy (Precincts-Western Parkland City) 2021			
Chapter 2	State significant precincts	✓		
Chapter 3	Sydney region growth centre	✓		
Chapter 4	Western Sydney Aerotropolis	✓		
Chapter 5	Penrith Lakes Scheme	✓		
Chapter 6	St Marys	✓		
Chapter 7	Western Sydney Parklands	✓		
SEPP	State Environmental Planning Policy (Precincts-Central River City) 2021	✓		
SEPP	State Environmental Planning Policy (Precincts-Eastern Harbour City) 2021	✓		
SEPP	State Environmental Planning Policy (Precincts-Regional) 2021	✓		

This Planning Proposal is consistent with all relevant SEPP's. A summary of compliance with certain SEPP's is provided below.

SEPP (Biodiversity and Conservation) 2021

This Planning Proposal is consistent with Chapter 8 of the Biodiversity and Conservation SEPP. Some parcels affected by this proposal may fall within the Sydney Drinking Water Catchment, however the nature of this proposal is to limit certain development types in the Blue Mountains. This is consistent with the aims and objectives of LEP 2015 in relation to the protection of the environment (including the Sydney Drinking Water Catchment), which aim to:

(e) to conserve and enhance, for current and future generations, the ecological integrity, environmental heritage and environmental significance of the Blue Mountains,

(g) to preserve and enhance watercourses, groundwater, riparian habitats, wetlands and water quality within the Blue Mountains, the Hawkesbury-Nepean River catchment and Sydney's drinking water catchments, and

(h) to prescribe limits to urban development having regard to the potential impacts of development on the natural environment and the provision, capacity and management of infrastructure.

This planning proposal does not adversely impact on water quality. In addition, this Planning Proposal is consistent with Chapter 9 of the Biodiversity and Conservation SEPP.. A key element of LEP 2015 is the recognition and protection of the Blue Mountains National Park and environment which surround the urban areas of the City, including strong stormwater controls. Nothing in this planning proposal seeks to diminish or contradict these provisions.

SEPP (Exempt and Complying Development Codes) 2008

The introduction of the Housing code to SEPP Exempt and Complying Codes, aims to facilitate dual occupancy, terrace housing and manor houses with greater built form and density than currently permitted by Blue Mountains LEP 2015.

Under the Housing Code, dual occupancy with greater FSR than that permitted by LEP 2015 could be realised on lots substantially smaller than otherwise prescribed in LEP 2015. This type of development can proceed as complying development and would not be subject to development

assessment, provided it meets the controls identified in SEPP (Exempt and Complying). Similarly, the Code allows multi dwelling housing with greater FSR than that permitted by LEP 2015 on small lots without the need for a Development Application.

The increased FSR combined with reduced setbacks and minimal landscaping standards in the SEPP will result in an overall reduction in landscaping and an increase in building bulk and scale when compared to that achieved under local controls. These changes will jeopardise the neighbourhood character in residential zones, with amenity impacts on neighbours and reduced opportunities to retain or plant trees.

The Housing Code assumes that LEPs specify a minimum lot size for dual occupancy and multi dwelling development, stating that applicants must 'check land zoning and minimum lot size' for a council area, set by the Standard Instrument LEP model clause "4.1B Minimum lot sizes for dual occupancy, multi dwelling housing and residential flat buildings". Blue Mountains LEP 2015 does not have these provisions. Without a minimum lot size clause, the impact of the SEPP in the Blue Mountains will be inconsistent with the low density character of the area.

6. Is the planning proposal consistent with applicable Directions by the Minister (previous s.117) Directions

The following table provides a summary of the application and consistency with Directions by the Minister.

Note:

- ¹ **Not Relevant:** This direction does not apply to land within LEP 2015 Draft Amendment 16A.
- ² **Consistent:** This direction applies; LEP 2015 Draft Amendment 16A meets the relevant requirements and is in accordance with the direction.
- ³ **Justifiably Inconsistent:** This direction applies, but LEP 2015 Draft Amendment 16A does not meet all the requirements or may be inconsistent with this direction as outlined following the table.

Directions by the Minister (previous s 117(2))		NOT RELEVANT 1	CONSISTENT 2	JUSTIFIABLY INCONSISTENT 3
1. EMPLOYMENT AND RESOURCES				
1.1	Business and Industrial Zones	✓		
1.2	Rural Zones	✓		
1.3	Mining, Petroleum Production and Extractive Industries	✓		
1.4	Oyster Aquaculture	✓		
1.5	Rural Lands	✓		
2. ENVIRONMENT AND HERITAGE				
2.1	Environmental Protection Zones		✓	
2.2	Coastal Management	✓		
2.3	Heritage Conservation	✓		
2.4	Recreation Vehicle Areas	✓		
2.5	Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	✓		
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT				
3.1	Residential Zones		✓	
3.2	Caravan Parks and Manufactured Home Estates	✓		
3.3	Home Occupations	✓		
3.4	Integrating Land Use and Transport	✓		
3.5	Development Near Regulated Airports and Defence Airfields	✓		
3.6	Shooting Ranges	✓		
3.7	Reduction in non-hosted short term rental accommodation period	✓		
4. HAZARD AND RISK				
4.1	Acid Sulfate Soils	✓		
4.2	Mine Subsidence and Unstable Land	✓		

Directions by the Minister (previous s 117(2))		NOT RELEVANT 1	CONSISTENT 2	JUSTIFIABLY INCONSISTENT 3
4.3	Flood Prone Land	✓		
4.4	Planning for Bushfire Protection	✓		
5. REGIONAL PLANNING				
5.1	Implementation of Regional Strategies	✓		
5.2	Sydney Drinking Water Catchments		✓	
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	✓		
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	✓		
5.9	North West Rail Link Corridor Strategy	✓		
5.10	Implementation of Regional Plans	✓		
5.11	Development of Aboriginal land Council land	✓		
6. LOCAL PLAN MAKING				
6.1	Approval and Referral Requirements		✓	
6.2	Reserving Land for Public Purposes	✓		
6.3	Site Specific Provisions		✓	
7. METROPOLITAN PLANNING				
7.1	Implementation of A Plan for Growing Sydney		✓	
7.2	Implementation of Greater Macarthur Land Release Investigation	✓		
7.3	Parramatta Road Corridor Urban Transformation Strategy	✓		
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	✓		
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	✓		
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Plan	✓		
7.7	Implementation of Glenfield to Macarthur Urban Renewal Corridor	✓		
7.8	Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	✓		
7.9	Implementation of Bayside West Precincts 2036 Plan	✓		
7.10	Implementation of Planning Principles for the Cooks Cove Precinct	✓		

This planning proposal is consistent with all relevant Directions by the Minister as detailed below.

Direction 2.1 Environment Protection Zones

The planning proposal is consistent with the objectives of this Direction as any land affected by the proposal which contains environmentally sensitive land will be subject to the provisions of LEP 2015 clause 6.1 *Impact on Environmentally Sensitive Land* and will be assessed in detail.

Direction 3.1 Residential Zones

This amendment is consistent with the objectives of this Direction, as it does not change the permissibility of any uses within the residential zones. The proposal only seeks to amend and introduce additional development standards, specifically minimum lot size controls. It should be noted that other current development controls have the effect of requiring a lot of a certain size in practice to be able to effectively and appropriately develop. This proposal only seeks to formalise this with minimum lot size controls to ensure that such development cannot occur on lots smaller than intended under the Low Rise Code.

The proposal maintains the opportunity for various housing types to suit the needs of the local community both now and in the future.

Direction 5.2 Sydney Drinking Water Catchment

This amendment is consistent with the objectives of this Direction, as the proposal seeks to limit increased density on unsuitable lots, therefore further protecting the environment including the Sydney Drinking Water Catchment.

Direction 6.3 Site Specific Provisions

The planning proposal is consistent with the objectives of this Direction, as it does not seek to unnecessarily restrict site specific planning controls. The proposal has been prepared based on a detailed analysis of how the Housing Code will potentially affect the area, other Council areas relevant controls, and past local planning frameworks. Although the planning proposal introduces new development controls, it is not inconsistent with the objectives of this direction as it is considered that all properties suitable for dual occupancy and multi dwelling construction across the Blue Mountains will continue to be able to be developed at the lot sizes proposed under this planning proposal.

Direction 7.1 Implementation of A Plan for Growing Sydney

This amendment is consistent with the objectives of this Direction, as the introduction of an MLS for dual occupancy and multi dwelling housing is an administrative function and does not impact on the ability to achieve the strategic directions and actions of 'A Plan for Growing Sydney'.

Section C - Environmental, Social and Economic Impact

- 7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

No. The proposal endeavours to further protect the unique environment of the Blue Mountains including critical habitats, threatened species, populations, ecological communities and their habitats through the strengthening of controls limiting more intense development to only the most suitable sites. The Low Rise Code also only applies to the R1, R2 and R3 zones. Therefore, the protective provisions contained in LEP 2015 and DCP 2015 will remain applicable to any future development in all other zones and within the R zones for all other types of development, and any development that does not satisfy the controls in the code.

- 8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

LEP 2015 contains sufficient controls for the protection of the environment, and nothing in this amendment seeks to diminish or contradict these provisions.

- 9. Has the planning proposal adequately addressed any social and economic effects?**

This planning proposal seeks to make an amendment to LEP 2015 by introducing a minimum lot size for multi dwelling housing, which will ensure that this type of development is only erected on the most suitable lots. The introduction of an MLS will regulate density intensification in the area. This would have positive social effects as this control will be consistent with the zone objectives of the LEP and will reflect the community's attitude towards increased density and specific types of development. This amendment will protect residential character and streetscape through site coverage controls which aligns with all other local planning aims and objectives.

It is expected that there would be minimal to no economic impacts directly linked to this planning proposal.

Section D - State and Commonwealth Interests

- 10. Is there adequate public infrastructure for the planning proposal?**

This planning proposal seeks to make an amendment to restrict specific development types to larger, more suitable lots. Therefore, this planning proposal is not likely to increase the demand for public infrastructure.

- 11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?**

Consultation with State and Commonwealth public authorities will be undertaken in accordance with the gateway determination. It is not anticipated that there would be anything contained in this amendment that would be a significant concern to State or Commonwealth authorities.

PART 4 MAPPING

The Planning Proposal does not seek to amend any maps within the Blue Mountains Local Environmental Plan 2015.

PART 5 COMMUNITY CONSULTATION

The Planning Proposal and draft LEP amendments will be publicly exhibited for a period of least 28 days or in accordance with the Gateway Determination and Council's Community Participation Plan. Notification will be in accordance with the directions of the Gateway Determination. Notification of the Proposal will also be placed in the local newspaper and the exhibition material available made available on Council's as well as hard copies at Council's customer service centre.

At the conclusion of the exhibition period, a report will be presented to Council detailing the submissions received.

PART 6 PROJECT TIMELINE

A nominal time period for the preparation, exhibition, and making of the amendment is:

September 2021	Planning Proposal reported to the Local Planning Panel for comment
October 2021	Planning Proposal reported to the Council
June 2022	Planning Proposal modified and reported to Council
July 2022	Submission of planning proposal to DP&E (for the GSC) for 'gateway review' of draft Amendment to LEP 2015
August 2022	Gateway determination issued with condition to remove stormwater component, changing policy intent of adopted planning proposal
January 2023	Letter from the Department of Planning with notice to not proceed, and request to submit
February 2023	Revised Planning Proposal reported to Council for endorsement
March 2023	Lodge for Gateway Review
April 2023	Gateway Determination
May – June 2023	Public exhibition and agency consultation
August 2023	Report to Council for adoption
October 2023	Finalisation and making of amendment

ITEM NO: 10

SUBJECT: TENDER REPORT - TREE & GARDEN WASTE REMOVAL AND
TRANSPORTATION AT KATOOMBA AND BLAXLAND RESOURCE
RECOVERY & WASTE MANAGEMENT FACILITY

FILE NO: F14794 - 23/20855

Delivery Program Link

Principal Activity: LIVE

Service: Resource Recovery and Waste Management

Recommendations:

1. *That the Council notes that four (4) submissions were received in response for a Request for Tender for the Tree and Garden Waste Removal and Transportation at Katoomba Waste Management Facility and Blaxland Waste Management Facility;*
 2. *That the Council accepts the submission from Greenlife Resource Recovery Facility based on the schedule of rates for a total contract value of up to \$2.4 million (Ex GST), depending on the amount of tree and garden waste received at Council's RR&WMFs, until 5 July 2026, with the option for two (2) one (1) year extensions; and*
 3. *That the Council delegates the authority to the Chief Executive Officer (or her delegate) to execute and sign documents relating to the contract for Tree and Garden Waste Removal and Transportation at Katoomba Waste Management Facility and Blaxland Waste Management Facility.*
-

Report by Director Cultural & Community Services:**Reason for report**

This report seeks the approval of the Council to enter into a contract with Greenlife Resource Recovery Facility for the provision of sustainable Tree and Garden disposal and beneficial reuse service from the Blaxland and Katoomba Resource Recovery & Waste Management Facilities.

Background

The Tree and Garden waste that is received at both Katoomba and Blaxland Resource Recovery and Waste Management Facilities (RRWMF) is currently consolidated and transported from the Blaxland RRWMF. It is not possible within our current Environmental Protection License to process Tree and Garden waste at the Blaxland RRWMF, nor is there appropriate space at the Katoomba RRWMF.

Stockpiles of Tree and Garden waste need to be carefully managed to prevent contamination, workplace health and safety risks and potential odour points on site.

The use of large skip trucks and bins has proven to be a safe, compliant, and reliable method to manage the material.

This Tree and Garden Waste removal contract offers a solution that will meet the current needs of our operations and aligns with Council's circular economy objectives to keep recyclable materials out of landfill.

Report

Invitation to Tender

Open tenders were called on 14 December 2022 in accordance with the Act and Council's Procurement Policy. The Tender was advertised in the Sydney Morning Herald, Blue Mountains Gazette and via Council's website.

Tender Submissions

Four (4) submissions were received from the following companies, when tenders closed at 5 pm on 30 January 2023:

- A & D Heavy Haulage
- CJ Murphy Recycling
- CompAust Pty Ltd
- Greenlife Resource Recovery Facility

Three submissions were submitted prior to the closing time of 5:00 pm. One was received at 5:00:18 (18 seconds past 5 pm) and a decision was made to accept it as a submission. This was because the acceptance of some late tenders is able to be considered within the Council's Tendering Policy, in this case due to the delay in submission arising from a technical submission challenge.

Tender Evaluation

A Tender Evaluation Panel (TEP) comprising four Council officers was established to evaluate the submissions in accordance with the assessment criteria specified in the Request for Tender and make a recommendation on the tender that offered the most benefit to Council. All members of the TEP signed Pecuniary Interest Declarations prior to completing their assessment of the tender submissions.

Evaluation Criteria

Submissions were evaluated against the following predetermined criteria to determine which tender represented the best value for money, in accordance with Council's Strategic Procurement Policy:

- | | |
|-----------------------------------|-----|
| • Capability and Capacity | 40% |
| • Project Methodology and Program | 40% |
| • WH&S | 10% |
| • Environmental Management | 10% |

The TEP reviewed submissions, assessing each to determine the degree of effectiveness against the weighted evaluation criteria and allocating consensus scores against each of the criteria. The final results of the Technical Worth Assessment are as below.

Final Technical Worth Assessment

Tenderer	Non-Price Ranking		Price Ranking	Overall Assessment and Value for Money Ranking	
GREENLIFE RESOURCE RECOVERY FACILITY	73.00%		1	86.68	1
A & D Heavy Haulage	73.00%		2	75.18	2
CJ Murphy Recycling	55.00%		4	46.45	3
COMPAUST PTY LTD	43.00%		3	41.79	4

Evaluation Recommendations

The TEP unanimously agreed that Greenlife Resource Recovery Facility was considered the best value and that the contract for the Tree and Garden Waste Removal and Transportation at Katoomba Waste Management Facility and Blaxland Waste Management Facility should be awarded to Greenlife Resource Recovery Facility for the estimated sum of \$458,917.93 per year (ex GST) (based on an annual average amount of tree and garden waste received in the previous 3 years).

Greenlife Resource Recovery Facility have extensive previous experience in similar projects and referee checks have resulted in favourable feedback, which confirm that they have successfully completed similar projects and can undertake the works as set out in the tender documentation.

Greenlife Resource Recovery Facility will seek to supply local landscape supply businesses with the products made from recycling the tree and garden waste from Council's RRWMFs. In this way, Blue Mountains customers can participate in and benefit from the circular economy.

This tender process has been overseen by members of Council's Tender Review Committee.

Performance Management

Throughout the term of the contract, Council will ensure that the performance standards are met and monitored by:

- Monitoring service provision against submitted methodology and work method statements;
- Onsite service supervision and oversight of the works;
- Attending regular contract meetings;
- Ensuring compliance with the Blaxland RRWMF Environmental Protection Licence
- Ensuring the works are in accordance with the specification of the Contract and the reasonably direction of Council staff;
- Progress payments staged in accordance with agreed completion milestones;
- Auditing of invoiced tonnage against the Council's owned and operated weighbridge;

Sustainability assessment

Effects	Positive	Negative
Environmental	<ul style="list-style-type: none"> The contractor model will result in 100% diversion of waste away from landfill The life of the existing landfill at Blaxland will be extended Stockpile sizes will be maintained below required thresholds Distance to processing destination is closer than current arrangement 	<ul style="list-style-type: none"> Tree and Garden waste will continue to be transported by road
Social	<ul style="list-style-type: none"> Tree and Garden Waste being presented will be diverted away from landfill. Tree and Garden Waste not being left as litter across the LGA. The recycled product may become available for purchase within the LGA 	<ul style="list-style-type: none"> Processing will be conducted outside the LGA
Economic	<ul style="list-style-type: none"> More cost effective than current process 	
Governance	<ul style="list-style-type: none"> Compliance with EPL, 	<ul style="list-style-type: none"> NA

Financial implicationsWithin budget

The recommendation/s in this report is/are budgeted for in the current financial year.

There are financial implications for Council in adopting the recommendation/s in this report. Based on the tonnes of tree and garden waste needing processing from the Blaxland and Katoomba RRMFs over the past three years, an indicative annual volume was used to apply the tendered per tonne rate. This provides an estimated cost of \$458,917.93 per year.

Given there is no way to know how many tonnes of tree and garden waste will need to be processed during the term of the contract, it is not possible to provide an exact contract value. A total contract value of up to \$2.4 million (ex GST) for this service until 5 July 2026, plus the two additional one-year extension options is therefore provided. These costs are funded by gate fees at the RRWMFs.

Legal and risk-management issues for the Council

All relevant insurance evidence was submitted by Greenlife Resource Recovery Facility.

WH&S Risk posed by Greenlife Resource Recovery Facility is minimal as based on the evidence submitted as part of their tender.

Legal risk to Council on the basis of evidence submitted by Greenlife Resource Recovery Facility appears minimal.

The contract was constructed and advised on by Council's solicitors.

External consultation

External consultation was not required during the tender process.

Alignment with Delivery Program and/or Operational Plan

This Tender and service is consistent with the following strategy and principal activity of the Delivery Program:

3.3b Minimise waste - avoid, reduce, reuse and recycle

D30311.01 Deliver Waste Management Services and implement strategies to minimise waste to landfill

Conclusion

Tree and Garden waste is an ongoing waste stream that continues to be presented by the community in large volumes at our RRWMFs.

Following an open tender process, it has been determined that Greenlife Resource Recovery Facility provides the best value outcome for transporting loose tree and garden waste from the Katoomba and Blaxland RRWMS to a licensed processing facility, to be recycled into beneficial products. It is therefore proposed to enter into a contract with Greenlife Resource Recovery for this service until 5 July 2026, plus two additional one-year extensions, to an estimated contract value up to \$2.4 million.

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ITEM NO: 11

SUBJECT: SUBSIDISED USE OF COUNCIL BUILDINGS FOR PROVISION OF
COMMUNITY SERVICES

FILE NO: F14794 - 23/22955

Delivery Program Link

Principal Activity: CARE

Service: Community Development

Recommendations:

1. *That the Council notes the estimated level of rental subsidy currently being provided to community service organisations that occupy Council buildings, as detailed in Attachment 1 to this report and being in the order of \$2,441,635 per annum;*
 2. *That the Council notes that appropriate signage is placed on Council buildings and/or sites that are supporting provision of community services on a subsidised basis - so that this support being provided by the Council is clearly evident; and*
 3. *That the Council notes that communications will be prepared at appropriate times to advise the public that the Council is supporting provision of important community services through provision of access to subsidised building accommodation.*
-

Report by Director Infrastructure, Economy and Property:**Reason for report**

To inform Councillors of the rental subsidy that Council provides to community service organisations that currently occupy Council's community buildings.

Background

Council's Community Buildings Policy states that "*Council will support local services in the non-profit sector by providing community buildings as premises at subsidised rents*". The level of rental subsidy for community buildings varies depending upon the tenant's status, including:

1. Tenant's non-profit status
2. A local (rather than regional or state-based) organisation;
3. Degree of government funding and capacity to pay; and
4. Level of service to the local community

The current community organisations occupying Council's community buildings are comprised of:

- 4 NSW Health facilities
- 25 community service organisations
- 11 childcare centres

The current 100% rental subsidy applies to 37 premises (see Attachment 1). Premises may consist of the whole or part of a Council community building. Licensees occupying part of a building may be co-located with another community service organisation, NSW Health or a Council facility.

In addition to rental subsidy, Council also pays outgoing (electricity, gas, water) for some community buildings occupied by licensees, mainly those who have co-located with other occupiers. The majority of licensees who have sole occupancy of a community building pay their own outgoing direct to a provider.

Council's Community Buildings Policy (2021) states that *"tenants will be expected to contribute to outgoing incurred by their organisation, with Council to consider subsidies for those unable to pay."*

Under the new standard licence currently being implemented, all licensees will be expected to make a contribution to outgoing from 1 July 2023. Although some organisations are expected to make an application for subsidy, it is likely that Council's outgoing subsidy will progressively decrease overall.

As building owner and landlord, Council is also responsible for all building-based maintenance of community buildings. The licensee is responsible for tenancy-based maintenance and outgoing associated with its service delivery.

Financial implications

It should be noted that as per Attachment 1, the total value of Council's rental subsidy to community service organizations who occupy Council's community buildings, is in the order of \$2,441,635 per annum.

Legal and risk-management issues for the Council

There are no legal or risk-management issues associated with noting the information contained in this report.

External consultation

No external stakeholders were consulted in the preparation of this report. Rental valuations contained in this report were provided by Lloyds Property Valuations in 2019.

Alignment with Delivery Program and/or Operational Plan

Council's rental subsidy to various community service providers, as outlined in this report, aligns with the following action in the Operational Plan 2021-2022: 3.1b - *Implement community development initiatives that address the needs of the vulnerable and disadvantaged and are aligned with the Delivery Program 2017-2022 Key Direction Care Objective 3.1 – Blue Mountains communities are safe, caring, diverse and inclusive.*

Conclusion

It is Council policy to accommodate local, non-profit, community service organisations in Council's community buildings at subsidised rents, the notional value of which is in the order of \$2,441,635 per annum. In some instances, Council also subsidises outgoing for some organisations.

The standard licence for Council's community buildings clarifies the roles and responsibilities of the lessee and the lessor. In principle, Council being the owner and the lessor, is responsible for building-based maintenance activities and the lessee is responsible for tenancy-based outgoing and tenancy-based maintenance activities.

ATTACHMENTS/ENCLOSURES

1	Community Buildings Rent Subsidy	23/33899	Attachment
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Attachment 1 - Community Buildings Rent Subsidy

rent subsidy report - community service organisations occupying community buildings

licensee	address	area m2	% bldg occ	rent value 2019	rent subsidy %
Blackheath Area Neighbourhood Centre	265 Great Western Hwy/	103	11.70%	\$35,000	100%
Blackheath Area Neighbourhood Centre	267-269 Great Westn Hwy/	7.6	10%	\$2,800	100%
TOTAL BANC		110			
Belong Blue Mountains Katoomba NC	8 Station St	184	100%	\$43,352	100%
Belong Blue Mountains Katoomba NC	10 Station St	390	100%	\$80,742	100%
Belong Blue Mountains Katoomba NC	81-83 Katoomba St	25.2	2.90%	TBC	100%
TOTAL KNC		870			
Belong Blue Mountains Mid Mtns NC	3-7 New St	96	13.20%	\$26,000	100%
TOTAL MMCC		96			
Springwood Neighbourhood Centre UG	102-108 Macquarie Rd	83.24	4.8% x 60%	\$29,340	100%
Springwood Neighbourhood Centre LG		89.7	5% x 60%	\$31,616	n/a
TOTAL SNC		172.9			
Winnalee Neighbourhood Centre	62 Whitecross Rd	223	100%	\$73,000	100%
TOTAL WNC		223			
Belong Blue Mountains Lower Mtns NC	33 Hope St	147	17.30%	\$26,000	100%
TOTAL LMNC		147			
Katoomba Girl Guides	17 Station St	89	100% x 1 day/wk	\$3,285	100%
Thrive Blue Mountains Family Support	2 Station St	250	100%	\$50,000	100%
Central West & Blue Mountains Legal Centre	4 Station St	178	100%	\$44,500	100%
Katoomba Leura Senior Citizens	81-83 Katoomba St	129.3	11.60%	\$29,250	100%
Mountains Youth Services Team (MYST)	31 Waralah St	340	100%	\$68,800	100%
Mountains Youth Services Team (MYST)	59 Springwood Ave	124.1	100%	\$31,000	100%
Mountains Youth Services Team (MYST)	181-183 Macquarie St	47	100%	\$18,000	100%
TOTAL MYST		511.1			
Blue Mountains Vietnam Vets	102-108 Macquarie Rd	28.06	1.55% x 60%	\$12,000	100%
DARE Disability Services	102-108 Macquarie Rd	20.7	1.1% x 60%	\$8,000	100%

Gully Traditional Owners	23 Gates Ave	Katoomba	100%	\$17,800	
Blue Mountains Food Services	265 Great Western Hwy	Blackheath	25.83	43% x 1 day/wk	n/a
Blue Mountains Food Services	81-83 Katoomba St	Katoomba	147.6	13.29% x 2 days/wk	n/a
Blue Mountains Food Services	3-7 New St	Lawson	92.5	12.70%	n/a
Blue Mountains Food Services	106-108 Macquarie Rd	Springwood	88.87	5.6% x 60% x 2 days/wk	n/a
Blue Mountains Food Services	33 Hope St	Blaxland	184.4	21.67% x 1 day/wk	n/a
TOTAL BMFS			539.2		
Country Womens Assoc Blackheath	267-269 Great Westn Hwy/	Blackheath	25.83	43%	\$12,040
Glenbrook CWA	30 Park St	Glenbrook	132		100%
Glenbrook Evening CWA	30 Park St	Glenbrook			100%
Mountains Community Resource Network	1 Loftus St	Lawson			\$23,800
Lower Mountains Mens Shed	19 Calver Avenue	Mt Riverview			28,870
Blue Mountains Wood Turners	19 Calver Avenue	Mt Riverview			28,870
Blue Mountains Wood Turners (timber storage)	1 Loftus St	Lawson			100%
Hazelbrook Association (graffiti trailer)	1 Loftus St	Lawson			100%
Men's Shed Katoomba	6 Orient St	Katoomba	220	100%	\$22,000
Blue Mountains Women's Shed (storage)	183-187 Great Western Hwy Katoomba			TBC	100%
Australian Red Cross Blue Mtns Branch	101 Macquarie Rd	Springwood		100%	\$30,800
Springwood Community Arts Centre	22 Ferguson Rd	Springwood		100%	\$50,000
NSW Health	23 Normic Ave	Blaxland	140	100%	\$42,000
NSW Health	267-269 Great Westn Hwy/	Blackheath	13.38	18%	\$5,040
NSW Health	169 Macquarie Rd	Springwood	132	100%	\$36,250
NSW Health	30 Park St	Glenbrook			\$36,250

TOTAL (excludes childcare centres \$1,250,000 rental subsidy)			
exclusive use of building for childcare			
Blackheath Kookaburra Pre-School	11 Park Ave	Blackheath	\$75,000 100%
Blaxland Euroka Child Care Centre	116-118 GWHwy	Blaxland	\$158,000 100%
Glenbrook Pre-School	15 Deane St	Glenbrook	\$117,500 100%
Hazelwood Child Care Centre	10 Rosedale St	Hazelbrook	\$145,000 100%
Katoomba Children's Cottage	5 West End Rd	Katoomba	\$117,000 100%
Katoomba Leura Pre-School	34 Lett St	Katoomba	\$92,000 100%
Lapstone Pre-School	9 & 11 Explorers Rd	Lapstone	\$90,000 100%
Springwood Pre-School	11 Macquarie St	Springwood	\$135,000 100%
Wentworth Falls Pre-School	2 Day St	Wentworth F	\$96,000 100%
Winnalee Bunya Child Care Centre	54 White Cross Rd	Winnalee	\$135,000 100%
Winnalee Community Pre-School	56 White Cross Rd	Winnalee	\$95,000 100%
Child Care Centres Rent - Total			\$1,255,500

Total Rental Subsidy = \$2,441,635

ITEM NO: 12

SUBJECT: COMMUNITY BUILDING LICENCES

FILE NO: F14794 - 23/22966

Delivery Program Link

Principal Activity: CARE

Service: Community Development

Recommendations:

1. *That Council enters into a new community building licence with Mountains Youth Services Team (MYST) to occupy the building on Council's Operational Land at 31 Waratah St, Katoomba;*
 2. *That, following a period of public notification for the licences for buildings erected within Community Land as required by the Local Government Act 1993, the Council enters into a new community building licence with the following:*
 - *Mountains Youth Services Team (MYST) at 59 Springwood Ave, Springwood;*
 - *Mountains Youth Services Team (MYST) at 181-183 Macquarie St Springwood;*
 - and*
 - *Blackheath Country Women's Association (CWA) within Blackheath Early Childhood Centre at 37 Gardiner Cres, Blackheath; and*
 3. *That the Council delegates the authority to the Chief Executive Officer, or her delegate, to enter into and to affix the Common Seal to all licences and other related documents as required.*
-

Report by Director Infrastructure, Economy and Property:**Reason for report**

To report on negotiations between Council and various community service organisations across the Blue Mountains for new occupancy licences for the current term of Council.

Background

Council owns a number of buildings across the city that are occupied by community organisations providing a range of services. Existing occupancy agreements have expired and have been operating on a month-to-month basis. The Premises Review Panel (PRP) was established to assess applications from non-profit community service organisations for subsidised occupancy of community buildings and to make recommendations to Council about entering into new occupancy agreements (licences).

In 2021 the Premises Review Panel (PRP) endorsed the creation, public exhibition, amendment and adoption of a new standard *Licence for Community Organisations occupying Community Buildings* and a process for application of this licence to community service organisations currently occupying community buildings. Council staff continue to work towards establishing current licences for all existing community building occupants.

Report

At its meetings of 22 February and 30 August 2022 Council resolved to enter into licences for community service organisations occupying ten premises (see Attachment 1). The final details of the licences for these organisations are being finalised.

Blackheath Country Women's Association and Mountains Youth Services Team are the latest organisations for which licence negotiations have been completed. It is recommended that Council enter into the licence agreements with these organisations at the following buildings, which they currently occupy:

Village	Operator	Address	Land Classification
Blackheath	Country Women's Association	37 Gardiner Cres (part of the former Blackheath Early Childhood Centre)	Community
Katoomba	Mountains Youth Services Team	31 Waratah St	Operational
Springwood	Mountains Youth Services Team	59 Springwood Ave	Community
Springwood	Mountains Youth Services Team	181-183 Macquarie St	Community

Table 1: Community Building Licence - Batch 3

These organisations have agreed to the following terms and conditions:

- Permitted Use: For the purpose of the service provided at each location e.g. Youth Services Centre
- Rent: \$1 (if demanded)
- Lease Term: Four (4) years
- Public Liability Insurance: \$20 million
- Maintenance: Council is responsible for all base building maintenance. The Licensee is responsible for all other tenancy-based maintenance specifically related in the delivery of their services.
- Outgoings: The Licensee pays all operational costs associated with conducting its services at the premise such as (but not limited to) water, gas, electricity, phone and internet.

Operational and Community Land

For the Mountains Youth Services premises on Operational Land at 31 Waratah Street, Katoomba, Council is not required to advertise the proposal, and can enter the licence agreement now.

For buildings erected within sites classified as Community Land, Council is required to have a Plan of Management authorising leases and licences before entering into a licence.

The Plans of Management for the buildings occupied by the Mountains Youth Services and the space occupied by the Blackheath Country Women's Association were adopted by Council in 2022. It is therefore appropriate for Council to give public notice of the proposed licences for these sites in accordance with section 47A of the Local Government Act 1993.

Sustainability assessment

Effects	Positive	Negative
Environmental	N/A	N/A
Social	Provides access to highly subsidised services to the community.	Nil
Economic	Supports the provision of youth services and community services needed in the local government area.	Nil
Governance	The adopted Plan of Management authorises the lease. Council will give public notification of the proposed lease in accordance with section 47 of the Local Government Act.	Nil

Financial implications

Currently, the above-mentioned community organisations occupying community buildings pay peppercorn rental fees, in consideration of the services that they provide to the community. This will not change under the current terms and conditions of the new licences.

Council provides substantial rental subsidy to occupants of community buildings to ensure continuation of essential and beneficial services to the local community. Details of Council's subsidy are contained in a separate report for Council meeting on 28 February 2023.

Legal and risk-management issues for the Council

There are no legal or risk management issues for Council in considering this report.

External consultation

Council officers have discussed details of the proposed licences with operators of each organization and agreement has been reached as detailed in this report. This report includes recommendations to give public notification for the proposed licences on Community Land as required by the Local Government Act 1993.

Alignment with Delivery Program and/or Operational Plan

The recommendations in this business paper align with the following action in the Operational Plan 2021-2022: 3.1b - *Implement community development initiatives that address the needs of the vulnerable and disadvantaged and are aligned with the Delivery Program 2017-2022 Key Direction Care Objective 3.1 – Blue Mountains communities are safe, caring, diverse and inclusive).*

Conclusion

Council's Premises Review Panel, following community consultation, has endorsed the use of a standard licence for occupants of community buildings.

Blackheath Country Women's Association and Mountains Youth Services Team are currently occupying the buildings listed in this report and have demonstrated that they continue providing services to the local community. Council's approval for entering into the licences with these community organisations is therefore recommended.

ATTACHMENTS/ENCLOSURES

1	Community Building Licence - Council Minutes	23/31260	Attachment
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Attachment 1 - Community Building Licence - Council Minutes

Council Meeting 22 February 2022MINUTE NO. 129. 22/21543. Community Building Licences - Neighbourhood Centres

A MOTION was MOVED by Councillors Hollywood and Fell:

1. That the Council notes the development of the new Community Building Licence, as endorsed by the Premises Review Panel for occupants of Council's Community Buildings;
2. That the Council delegates to the Chief Executive Officer, or her delegate, the authority to enter the proposed licences to operators of the following Neighbourhood Centres situated on Operational Land:
 - Katoomba Neighbourhood Centre (Belong Blue Mountains);
 - Mid Mountains Neighbourhood Centre (Belong Blue Mountains);
 - Springwood Neighbourhood Centre (Springwood Neighbourhood Centre);
 - Blaxland Neighbourhood Centre (Belong Blue Mountains);
3. That, following the successful adoption of relevant Plans of Management for community land sites, the Council approves public exhibition of the proposals to enter into new community building licences for the following sites, under Section 47A of the Local Government Act 1993:
 - Blackheath Area Neighbourhood Centre (Blackheath Area Neighbourhood Centre Inc); and
 - Winmalee Neighbourhood Centre (Winmalee Neighbourhood Centre Inc);
4. That the Council delegates to the Chief Executive Officer, or her delegate, the authority to enter the proposed licences following the public exhibition period and to affix the Common Seal to documents as required; and
5. That, until Plans of Management are adopted for the community land sites, the Council notes that current Neighbourhood Centre operators in Blackheath and Winmalee are to continue occupation under existing arrangements.

Upon being PUT to the Meeting, the MOTION was CARRIED, the vote being UNANIMOUS:

For		Against
Councillors	Greenhill	Councillors
	Christie	
	Fell	
	Myles	
	Hollywood	
	Hoare	
	West	
	van Opdorp	
	Sage	
	Redshaw	
	Fisher	

Council Meeting 30 August 2022MINUTE NO. 2**21. 22/178088. Community Buildings Licences - Community Uses and Services**

A MOTION was MOVED by Councillors Myles and Christie:

1. That the Council notes the proposed changes in the occupancy conditions for the Katoomba-Leura Senior Citizens Club and the NSW Guides Katoomba Branch contained in the report, in that the properties will be managed for temporary public hire by Council's booking officers outside the agreed regular hours required by the organisations, and that hire fees shall accrue to the Council.
2. That the Council delegates to the Chief Executive Officer, or her delegate, the authority to enter into licences with the following community organisations listed below:
 - Central Tablelands & Blue Mountains Community Legal Centre
 - Thrive Services
 - Katoomba Leura Senior Citizens' Club
 - Girl Guides of NSW Katoomba branch
3. That the Council's Common seal be affixed to necessary documents if so required.

Upon being PUT to the Meeting, the MOTION was CARRIED, the vote being UNANIMOUS:

For		Against
Councillors	Greenhill	Councillors
	Christie	
	Fell	
	Myles	
	Hollywood	
	Hoare	
	Schreiber	
	West	
	van Opdorp	
	Sage	
	Redshaw	
	Fisher	

ITEM NO: 13

SUBJECT: RESULTS OF COMMUNITY CONSULTATIONS ON VISITOR PAY
PARKING AND PARKING STRATEGIC PLAN 2023

FILE NO: F14794 - 23/28078

Delivery Program Link

Principal Activity: MOVE

Service: Transport and Public Access

Recommendations:

1. *That the Council notes the outcomes of the community consultations on the Citywide Parking Scheme and on the Draft Parking Strategic Plan;*
 2. *That the Council adopts the Parking Strategic Plan 2023 as provided in Enclosure 1 to this report; and*
 3. *That the Council implements the key actions of this Parking Strategic Plan including the implementation of a Citywide Parking Scheme, including visitor pay Smart Parking, as detailed in this report and in the strategy.*
-

Report by Director Infrastructure, Economy and Property:**Report Summary**

The purpose of this report is to seek adoption from the Council of the final Parking Strategic Plan 2023 provided in Enclosure 1 and approve the actions contained within it, including the introduction of Smart Parking across the City.

The updated Parking Strategic Plan builds upon the draft Strategic Plan, previously brought to the Ordinary Council Meeting on 29 November 2022. It also incorporates the results of community engagement on both the visitor pay parking survey and the public exhibition on the draft Strategic Plan document.

This report provides a background overview and a report on the updated Parking Strategic Plan. It then summarises the key actions of the Strategy, including the introduction of Smart Parking being a visitor pay parking scheme.

Following these sections of the report, each of the proposed Parking Strategic Plan major actions are detailed, including the Smart Parking functions.

Background

The Parking Strategic Plan 2023 is an update of the 2018 Citywide Parking Strategic Plan. It has also been informed by the Blue Mountains Integrated Transport Strategic Plan, the Blue Mountains Visitor Infrastructure Investment Strategic Plan (VIISP) and Council's adopted and draft Town and Village Masterplans. The updated Parking Strategic Plan has also been developed taking into consideration outcomes of public exhibition of the document and engagement of proposed introduction of a visitor pay parking scheme.

The implementation of a citywide Smart Parking Scheme seeks to better manage traffic and parking and to align transport planning for our city with planetary health objectives in light of the recent and future challenges posed by climate change and anticipated significant increase in visitation following international Covid 19 lockdowns.

The updated Parking Strategic Plan supports all of the six Key Directions of the Community Strategic Plan:

Lead: by inspiring the community to appreciate the benefits of aligning of the needs and opportunities of the visitor economy with residents as custodians of a world heritage area.

Protect: an environmentally responsible city through demand management of vehicular traffic at high volume visitation sites and encouragement of public transport.

Care: supporting an inclusive, healthy, and vibrant city concerned with the well-being of all. The visitor economy can promote diversity that enriches the city and makes it more exciting and vibrant, supported by a fair distribution of resources made possible by the contribution made by visitors.

Live: residents and visitors benefit by applying innovative urban design and planning that supports liveable and beautiful spaces that protect and improve biodiversity. The funding provided by the visitor economy can enable the upgrading of built infrastructure used by residents and visitors to improve biodiversity and live in harmony with the environment.

Move: upgrading of transport infrastructure is required to enable an accessible city by encouraging alternative modes of transport that support planetary health objectives.

Thrive: by supporting an economically sustainable city through visitor economy revenue to create a city that is resilient to future climate change challenges and provides an example of how planetary health can be improved by local action.

Report

Providing equitable parking and managing traffic demand is an important issue for Council, Blue Mountains businesses and the wider community. The location of many Blue Mountains towns and villages along the railway line and Great Western Highway, and high levels of car usage, have resulted in competing demands for premium space between commuters, employees, shoppers, and visitors.

The need for better parking management in the Blue Mountains was identified by Council in 2010. The updated Parking Strategic Plan, combined with a pay parking scheme, provides a unique opportunity to source and collate citywide parking data for key locations. A strategic approach across the city enables parking management that delivers many of the objectives set out in the Community Strategic Plan.

Since the Parking Strategic Plan and Priority Sites were adopted in 2012, continuing increases in visitor numbers to the city have placed substantial pressure on existing roads and parking facilities, especially during peak holiday periods. The expected growth in congestion, in combination with likely ongoing extreme storm and fire events, makes strategic action on transport essential and urgent.

This updated Parking Strategic Plan is a living document that will be reviewed and further revised as required in close consultation with community and key stakeholders.

The purpose of this Strategic plan is to:

1. Provide a strategic framework to improve traffic and transport functionality across the city, including a pay parking scheme that manages traffic demand and congestion.
2. Guide the progressive improvement of knowledge about of transport trends and implement strategies to improve planetary health through better transport options for visitors and residents.
3. Enable and guide community and stakeholder engagement during the ongoing staged implementation of parking management in the City.
4. Provide a framework for the staged implementation of a Parking Precincts Plan (PPP) for priority visitor destinations within the City.

Briefing on Proposed Actions

There are a total of twelve actions recommended within the Parking Strategic Plan. A brief outline for the actions is provided below:

Actions 1 – 5 and 11: Smart Parking Functionality

Introduction of smart parking functions to high visitor demand parking spaces within towns, villages, and priority tourist destinations in the city. The smart parking functions include vehicle detection units (sensors), pay parking, phone application for payments, digital permits and contemporary enforcement equipment. The rollout of smart parking incorporates a preceding Parking Precincts Plan for priority tourist destinations which will govern the smart parking extent to these areas.

What is Smart Parking

Smart parking is the implementation of an integrated system of five smart parking functions, being:

- Vehicle sensors that provide data on parking behaviours.
- Parking meters taking payments.
- Phone application showing real-time parking availability and taking payments.
- Digital permit system; and
- Contemporary enforcement equipment

The overall combination of these features is titled Smart Parking and it is proposed to not only improve the traffic management within the city, but supply a service to the community and a revenue stream to Council to invest in much needed disaster recovery and repair of roads and enhanced service provision to residents and visitors.

The integration and utilisation of the smart parking functions provide a greater benefit to the community than the sum of its parts. Each of the functions provide information on parking and provide the Council an invaluable tool to manage the increasing traffic demand to the Blue Mountains LGA.

Smart parking is now fairly common within other larger municipalities and Councils with similar, if not less, visitation demands. Various Councils have tried and tested sensor technologies proposed for the Blue Mountains, such as Gold Coast Council which they have found useful in improving the compliance resourcing. The digital permit scheme has been verified and successfully implemented in Councils such as Brisbane City Council, with orders of magnitude and far greater scale than in the Blue Mountains. The parking meters have been used nationwide and Council's chosen phone application has over a million users in Australia, receiving high ratings and usage.

The benefit of Council adopting the smart parking functions at this point in time, is that the Council can confidently implement the smart parking as one holistic and integrated system. Each of the technologies have been tested, iterated and now fully functioning over the last 20+

years. Council is now looking to implement a superior system that can be seen operational and successful around Australia and internationally. Due to the various benefits to traffic demand management, resourcing optimisation, public service to the community and revenue stream, the smart parking functions are a common step forward for most Councils with similar, if not less, visitation numbers than the Blue Mountains.

Action 6: Tourist Bus and Coach Management

Development of a citywide approach to managing tourist bus and coach visitation is proposed, including identifying priority bus routes, limiting community impacts and integrating a user-pays pricing approach for visitors arriving by bus.

Actions 7 – 10: Improvements to Parking and Accessibility

These actions address investigations into alternative modes of transport, improvements to the parking areas within the city including functionality of parking areas and integrating the parking in line with placemaking opportunities. The actions also address the upgrading of parking facilities and improving accessible parking locations within the city.

Action 12: Review

The final action, Action 12, is to undertake a review of the parking strategic plan as required. The following section of this report will present further details on the major actions, being the introduction of smart parking functionality and tourist and bus coach management. Please refer to the strategic plan document for an elaboration on the strategic plan's recommended actions mentioned above.

Consultations and Community Engagement

Phase 1 – Citywide Pay Parking Scheme

Phase 1 of community consultation on the Citywide Parking Scheme was held 24 October to 21 November 2022. The consultation asked the community if they agreed that visitors should pay to park in the Blue Mountains to help fund services, facilities, and infrastructure.

Consultation was promoted via all of Council's corporate communication channels including the Community Newsletter and a Letter from the Mayor inserted with October Rates Notice (that went to Blue Mountains households), as well as via media release, advertising in the Blue Mountains Gazette, social media, Community News Snapshot (eNewsletter) and Customer Service. Workshops were also held with business representatives, including the Mayoral Business Reference Group.

The following question was asked, via the Blue Mountains Have Your Say website (<https://yoursay.bmcc.nsw.gov.au/citywide-parking-scheme>), a hard copy survey (included in the insert in the October Rates Notice, as well as provided at business workshops) that was returned to Council, as well as a random, representative telephone (or online) poll of Blue Mountains residents (conducted by the Taverner Research Group):

Do you agree that Council should charge visitors to park in the Blue Mountains to help pay for services, facilities and infrastructure?

There was strong agreement with the proposition. Overall, there were more than 2,100 responses and 71% of responders agreed that Council should charge visitors to park in the Blue Mountains to help pay for services, facilities, and infrastructure. An additional 8% of responders were unsure and 21% of responders disagreed.

Many of those who supported the proposition believed it would help pay for Council services and infrastructure, that it will reduce the financial pressure on ratepayers, that it was common practice in other areas popular with tourist, that tourists should help pay for infrastructure and

services, and that it would make parking easier for locals (if they were excluded from paying for parking).

Most of those who said they were unsure wanted more information on how the system would be managed and wanted confirmation that the cost to park would be for visitors only. Among those opposed, main concerns were that it might deter tourists from visiting the region, that residents (or visiting family) might end up having to pay, that visitors will try to avoid paying for parking and cause congestion in surrounding streets, and that maintenance costs will be too high.

The detailed results of the individual surveys are as follows:

- **Have Your Say website**
 - 1280 responses
 - Yes – 902 (71%)
 - Unsure – 95 (7%)
 - No – 283 (22%)
- **Survey included with Rates Notice insert**
 - Contributions 339
 - Yes – 244 (72%)
 - Unsure – 21 (6%)
 - No – 75 (22%)
- **Telephone (or online) poll**
 - Contributions 534
 - Yes – 385 (72%)
 - Unsure – 64 (12%)
 - No – 85 (16%)

NB. This included a random telephone poll of 465 Blue Mountains residents aged over 18. Respondents were selected at random from a verified random sample residential telephone database of over 4,000 residential and mobile telephone numbers within the Local Government Area. It also included an online poll of 69 residents, taken from a database of 239 residents who completed the 2022 BMCC Community Satisfaction Survey.

The major reasons to support Visitor Pay Parking

Major Responses - YES		
	Comments	Response
•	To help increase revenue and fund our services, facilities, and infrastructure.	The smart parking scheme will provide this increase in revenue to assist in funding.
•	It would ease the financial burden on rate payers.	If Council is able to use visitor pay parking as a new revenue source, there will be no need to consider a Special Rates Variation.
•	Other Councils and towns do. Why not here?	This is common in other visitor destinations.
•	It is only fair tourist contribute and share the upkeep costs.	The proposal means that visitors would contribute to the cost of services, facilities and infrastructure in the city.
•	Yes. It will free up parking during peak days and times, especially in high traffic/visited areas.	The pay parking will assist in traffic demand management.
•	Yes. If residents are excluded from paying and provided parking passes.	Residents will be able to apply for digital permits that provide free parking.

The major reasons responders were unsure about Visitor Paid Parking

Major Responses - UNSURE		
	Comments	Response
1.	Need more information on how this will be managed.	This is provided in the revised Parking Strategic plan.
2.	Only yes if the cost to park is for visitors only as well as there needs to be a way to distinguish residents from visitors.	The cost will be for visitors only and differentiation will be managed through digital permits.
3.	Concerns over how much will the scheme cost due to already high living costs and rates as well as the effect on tourism.	The pricing for the scheme will be costed at optimal traffic demand rates. This may vary across the LGA.
4.	Further clarity required on which towns will be affected by this role out.	This is provided in the revised Parking Strategic plan,
5.	Can the Council guarantee that residents will benefit from the scheme by having less or lower rates increases or confirmation it is going back into infrastructure maintenance costs.	Rates are based on land valuations, and these are not set by Council. All Councils are required by law to charge rates on land within their Local Government Area. Revenue raised by visitor paid parking will assist in funding

Major Responses - UNSURE		
	Comments	Response
		infrastructure, facilities and service costs.
6.	Only support if it's for major tourist spots.	The scheme is proposed for high demand visitation locations in the LGA. The scheme is dynamic and may expand over time as visitor rates increase and behaviours change.
7.	Ensure that the parking scheme is only for visitors, not residents and multiple passes are available for households with more than one car.	The pay parking will be for visitors only with multiple passes available for each household.

The main reasons for opposition to Visitor Paid Parking

Major Responses - NO		
	Comments	Responses
1.	It will deter tourist from visiting, spending money and affect local businesses.	Other popular visitor destinations have not had this experience.
2.	Blue Mountains should be free for all visitors. Concerned it will extend to residents.	To allow for equitable access to the Blue Mountains, proper parking management tools, such as pay parking, need to be utilised. Residents will not have to pay for parking under this scheme, only to adhere to regulated timed parking.
3.	The cost of living and rates are already high enough and charging for parking is not fair and will not increase revenue.	Pay parking promotes equitable access to the LGA. It allows Council to enable traffic management tools which increases turnover and access to the LGA, allowing for a fairer demand management process. Revenue raised by visitor paid parking will assist in funding infrastructure, facilities and service costs.
4.	Concerns that people will try to avoid paying for parking and cause congestion in surrounding streets.	Traffic management processes will be in places to mitigate traffic spill-over into nearby streets to avoid pay parking areas.

Major Responses - NO		
	Comments	Responses
5.	Set-up and maintenance costs will be too high.	Set-up and maintenance costs have been evaluated within the budget. Revenue raised will provide a surplus that will assist in funding infrastructure, facilities, and service costs.
6.	Concerned that business owners and people who own holiday homes will be exempt.	Digital permits will be available for residents, businesses, and employees to the LGA.

Phase 2 – Draft Parking Strategic Plan

Community consultation on the Draft Strategic Parking Plan 2022 was held for six weeks from 8 December 2022 to 20 January 2023. The Draft Parking Strategic Plan 2022 is an update of the 2018 Citywide Parking Strategic Plan to align with the Community Strategic Plan 2035. It has also been informed by the Blue Mountains Integrated Transport Strategic Plan, the Blue Mountains Visitor Infrastructure Investment Strategic Plan (VIISP), and Council's adopted and draft Town and Village Masterplans.

Consultation was promoted via all of Council's corporate communication channels including media release, advertising in the Blue Mountains Gazette, social media, Community News Snapshot (eNewsletter) and Customer Service. Sixty-five people downloaded the draft Strategic Parking Plan 2022 during the exhibition period and 21 responses were received.

Responses included support for the Draft Parking Strategic Plan 2022 including a scheme where visitors pay to park in the Blue Mountains, improved active transport networks, plus ongoing community, and stakeholder engagement during the ongoing stated implementation of parking management.

The revised Parking Strategic Plan 2023 presented with this paper provides answers to questions, or concern, posed during the exhibition period. Following is a summary and responses to some of those common questions.

	Comments	Responses
1.	How about commercial operators are charged for parking, but private tourists aren't charged, or are regulated by parking meters?	This would not allow for the traffic management objectives that the scheme is proposed for. With over 4 million visitors to the LGA already, traffic management tools need to be in place to provide equitable access to parking.
2.	How will you cater for people who are parking to do longer hikes? Is it possible to have a day pass?	BMCC is proposing to utilise single and multi-day passes.
3.	Will you ensure the disabled/mobility impaired have no restrictions on parking as per their Mobility Permit?	BMCC will adhere to the NSW guidelines, with Mobility Permit holders not required to pay for parking.

	Comments	Responses
4.	How will Council address parking on side streets – as cars spill in these areas so visitors avoid paying to park?	Traffic management processes will be in place to mitigate traffic spill-over into nearby streets to avoid pay parking areas.
5.	Do you have enough staff to police the permits?	BMCC will review the data provided by sensor technology. This will improve the compliance and provide insights into insufficiencies which can then be supported through increases in resourcing or contemporary compliance technology.
6.	Will "registered residents" be either rate payers or tenants (proof of tenancy by electricity bill, etc)?	Residents, business owners and employees will be able to apply for digital permits. Details such as an address will be assessed through verified permit providers.
7.	What will happen at high visitor destinations like Lincoln's Rock, Wentworth Falls Lake, Minne HaHa Falls, Gordon Falls, Conservation Hut, Glenbrook town centre?	The smart parking scheme will be rolled out into these locations. Areas that are not included within the 2 stages can be expanded within the 3 rd stage.
8.	Why has a new strategic plan been developed without collecting new parking usage data?	Parking data from 2020 will be impacted from Covid-19. BMCC is currently requesting 2023 data to input into the strategic plan.
9.	Will any electronic parking system cater to those people who have their address details suppressed across various government systems and databases?	BMCC will address this issue as it arises. Unique permits can be created for these users to prevent any information leak.

Phase 1 and Phase 2 of community consultation on the Citywide Parking Scheme showed that there is widespread support for a visitor paid parking scheme in the Blue Mountains.

Overview on Major Actions

The major actions proposed by the Parking Strategic Plan 2023 are the smart parking and tourist and bus coach management. Below is an overview of each of these major actions to detail their methodologies.

Smart Parking

There are five functions that make up the smart parking project which are detailed below:

Vehicle Sensors

Vehicle sensors will be installed in on street and high demand off-street parking areas in the stage 1 and 2 locations. The sensors are installed within the asphalt pavement and have an asphalt cap on the surface to cover their appearance. These sensors are currently utilised successfully within Leura Village. The sensors provide Council with information on both real- and across-time parking behaviours. This information will show Council's compliance team the

quantitative data on overstay and non-compliance, allowing for optimal resourcing and response. The data can also be used to determine price points, improve parking management and provide parking behaviour trend information for future planning on traffic improvements.

Parking Meters

Parking meters will be installed at destination locations within pay parking areas. The parking meters will provide users with the ability to pay for parking, similar to the existing process at Echo Point. The meters will be solar powered and designed for extreme weather climates, suited for the Blue Mountains conditions. Users will be required to enter their license plate number, choose their duration of stay and make the required payment through their card. This information will then feed through to Council's compliance team automatically and instantly, allowing Council to monitor and review payments. A telephone support helpline will be provided, operated by the smart parking provider, to allow for payments to be made as well.

Digital Permits

There will be three types of permits available for drivers in the Blue Mountains LGA.

Resident Permit

The first are resident permits which provide free parking across the LGA (excluding Echo Point where existing arrangements will continue). These permits will be validated through verification of a NSW Government approved license that displays the place of residence. A free permit will be given to each resident motor vehicle/s. Once a valid resident owned vehicle is registered, the digital permit will apply until the vehicle is transferred or resident moves out of the area. Council notes that most other Councils provide permits at a cost, generally >\$100, to residents and cap the amount of permits to two per household. BMCC will not be implementing either condition, allowing each household to receive permits for every individual's vehicle at no cost. The cost of operating the digital permit scheme will be borne by Council within the overall scheme administration arrangements.

Employee and Business Permit

The second permit, employee and business permits, will provide free parking within town and village centres but excludes tourist visitation sites. The provision of employee and business permits is to allow these individuals to park for free near their workplace. Again, similar to the resident permits, these permits will allow for a free permit for each individual's motor vehicle. Both the resident and employee and business owner permits will be required to renew annually to preserve validity.

Visitor Permit

The last permit, daily permits for visitors, will provide free parking across the LGA. These permits can be purchased by visitors online for \$50/vehicle and will apply automatically. Daily permits enable flexible packaging of parking with other visitor services to encourage longer stays and options will be further considered and as part of the stage 2 parking precincts plan and ongoing implementation of the Citywide Parking Scheme. Timed parking in accordance with signed parking limits can be purchased using the pay parking phone app or using the parking meters.

There are six steps to apply and receive a digital permit:

1. Go to Council website and navigate to permits. Users may choose to use no-, low- and high-tech interface options to assist with the permit application process.
2. Click to apply for a Blue Mountains City Council permit
3. Enter details and submit NSW Government approved identification or proof of employment.
4. Approval process conducted either automatically through the permit provider or through Council if intricacies are presented.
5. Once the permit is approved the user is notified through email and can park for free as the permit allows

6. Users can refer to the digital permit website to review and manage their live permit or pending permit application.

If an eligible permit holder i.e., a resident, business owner or employee, who do not possess a permit and parks in pay parking locations will be penalised by Council's enforcement team. The eligible person will be able to bring this notice to the attention of Council and provide proof of residency along with the successful application of a resident or business and employee permit and the penalty will be waived. Council's staff will be able to assist the individual with setting up a permit for their vehicle. This transition measure will be managed as part of overall scheme administration.

The permit provider will also be providing a customer support helpline that will reduce Councils resourcing in setting up this system. Council will continue to monitor the ongoing processing of the digital permit scheme. Council will review the effectiveness of the scheme as it is implemented.

Phone Application

A phone application to allow for the payment of pay parking areas will be developed and managed by Council's service provider. The phone application will provide the user with real-time updates on parking availability and time restrictions. A user account will take approximately 2-5 minutes to set up and once set up, 1-2 minutes to register a vehicle when parking. The phone application will alert users when nearing parking limits. Alternatively, the parking meter and telephone support can be used to register a vehicle within a pay parking area.

There are six steps to using the phone application, detailed below:

1. Download the application on the device.
2. Submit user details and payment method.
3. Select chosen top-up amount.
4. The in-application mapping will show available parks, price, time restrictions and map navigation.
5. Once the vehicle is parked the user will enter in the unique zone number found on signage or searched on the in-application map.
6. Lastly, the user taps to start parking and presses stop to finish.

The user is also able to change their parking timing through the phone application. This means if away from the vehicle and nearing their initially chosen pay parking expiration time of 45 minutes, they are able to increase this time through the application.

All permit holders will not be required to register their vehicles in pay parking locations anywhere within the LGA. Registering a vehicle will only be required by visitors who do not possess a valid daily parking permit. Registering a vehicle can be done through the parking meters, phone application or telephone support. Any residents eligible for a permit but does not possess one at time of parking will be provided with information on assistance with registering for a permit for their vehicle. Non-compliant visitors will receive penalty notices in-line with existing compliance procedures.

Enforcement Equipment

Contemporary enforcement equipment will be trialled to aid in the compliance of the pay parking scheme. Devices such as the licence plate recognition (LPR) camera will be tested. These cameras instantly capture and assess vehicle details, payments and permits in a single image and can provide infringement information to Councils compliance team for administering. There are both fixed and mobile LPR cameras that will be investigated in order to provide an optimal and effective resourcing management tool.

Pricing Structure – Pay Parking

The pricing structure for the pay parking incorporates two key aspects into the model, the first being traffic and parking demand management and the second managing comparative pricing with national and international comparable destinations. For traffic demand management, the pricing of parking is to target an 85% peak occupancy for vehicles in a parking area. This roughly equates to one free parking space for everyone seven. This allows for the flow of traffic to be maintained and prevents critical volumes being reached and creating gridlock. Demand and supply will be continually monitored to enable active management of parking supply to achieve Council's strategic transport and planetary health objectives to progressively move to planetary health friendly modes of transport.

Through reviewing and implementing a similar pricing structure to other national and international municipalities with high visitation rates, Council will be in-line with visitor expectations. Blue Mountains LGA receives over 4.7 million visitors each year with growth trends showing increasingly higher numbers in future years. The initial pricing structure for the pay parking locations will be \$8-\$10/hr for parking within towns and villages (stage 1) and \$10-\$12/hr for parking at tourist destinations (stage 2) and this will be monitored, reviewed and adjusted as necessary.

Parking behaviours will be monitored through the smart parking functions. The effects of pricing will be analysed, and the pricing structure will be reviewed, in line with TfNSW Guidelines on pay parking.

Where is Smart Parking to be Implemented

The smart parking project is to be rolled out in three consecutive stages, the first being existing time restricted parking locations within high visitor demand towns and villages and the second being high demand visitation sites; locations for each stage are listed below:

Stage 1

- Blackheath
- Katoomba
- Leura
- Wentworth Falls
- Glenbrook

Stage 2

- Cahill's & Boar's Head Lookouts, Katoomba
- Echo Point Precinct, Katoomba (expansion of existing)
- Katoomba Falls
- Gordon Falls, Leura
- Leura Cascades
- Wentworth Falls Lake
- Falls Road adjacent to Wentworth Falls Lookout
- Fletcher Street and Valley Road adjacent to Conservation Hut, Wentworth Falls
- Lincoln's Rock, Leura

Stage 3

This stage will include the ongoing implementation of smart parking to additional areas. The introduction of smart parking to such areas may be due to visitation increases to a location, a future parking precinct plan advises for the introduction of smart parking functions, new parking infrastructure is installed or areas where high parking demand already occurs however, did not already have timed parking restrictions in place at the time of implementing stage one.

When Will Smart Parking be Implemented

The stages for smart parking implementation will occur progressively. Stage 1, if the Council approvals are reached, will commence in March 2023 and be operational by July 2023. Stage 2 of the smart parking will commence following the adoption of the Parking Precincts Plan currently being developed. The implementation of stage 2 is expected to commence in June and be operational by November 2023. Stage 3 will be ongoing and will review the implementation and effects of smart parking to each location.

How Will Smart Parking be Implemented

The smart parking will be implemented through four key steps of operation listed below:

Infrastructure Upgrades

Once the project is approved, the required line marking, and signage will be installed. This will allow for compliance to be properly administered and the sensors to be located centrally to each parking bay. It will also provide the zoning numbers, customer support helplines and detail the extent of the pay parking areas. The line marking and signage will be in place prior to the commencement of the pay parking being operational.

Hardware Installations

On signing the contract with the successful tenderer proposed for March 2023, the sensor and parking meter hardware will be ordered. On arrival, these items will be installed by an external contractor appointed and managed by the successful tenderer. Council will aid in the project management and review and approve all Works Under the Contract (WUC) of the hardware installation project and manage all community communications.

Software Setup and Integrations

Concurrently with the hardware, the setting up the required software and integrations with Council's systems can be commenced. This step includes setting up the digital permit scheme, phone application and software training for relevant staff members.

Community Consultations

Communication plans specific to each of the smart parking functions will be developed together with the smart parking provider soon after the contract has been signed. The community communications will present information to the community on how to use the parking meters, how to apply, access and review permits and how to use the phone application. Sufficient time will be supplied to the communication communications, ensuring the community understands the smart parking functionality prior to being operational. Ongoing support will also be provided to assist the community through customer helplines and Council's front desk.

Compliance Measures in Place & Review

Lastly, compliance will be additionally resourced prior to the implementation of the smart parking scheme. An increase in parking officers will allow for the usage and monitoring of the smart parking technologies. Overtime, data on parking behaviours and compliance levels will be evaluated resourced to an optimal level depending upon the non-compliance levels. Council will look to increase the resourcing and utilise smart parking technologies to effectively manage the pay parking scheme. The initial onset of compliance resourcing will be reviewed and increased over time.

Who Is Providing Smart Parking

The smart parking project underwent a tender evaluation on Thursday 9 February, the results are detailed within the proceeding Council Report titled: *Outcome of Tender Process for Citywide Smart Parking*.

Tourist Bus and Coach Management

The management of tourist buses and coaches is the other major action proposed by the strategic plan. This will involve the development of a bus management plan that details a navigational route for tourist buses and coaches. The route will focus on positioning tourist buses and coaches to routes that are desirable for the community, tourism, local businesses and fit the characteristics of the Blue Mountains. The route may need infrastructure development to create a safe and functional passageway to carry the tourist and bus coach transportation loads.

This action will also incorporate some smart parking functionalities, expanding the user-pays pricing model to tourists coming to the mountains through bus transportation.

Timeframes on Implementing Actions

Smart Parking

The timeframes for stage one of the Smart Parking project are to commence in March, following the acceptance of the tender submission. Stage one is programmed to be operational midway through 2023, with stage two operational by end of 2023. Stage three, as mentioned prior, will incorporate minor expansion and revisions of smart parking implementations and be ongoing.

Tourist Bus and Coach Management

The management of tourist buses and coaches will commence following the adoption of the strategic plan. The expected timeframes for the development of navigational routes are midway 2023. Following this, the upgrade of infrastructure will occur however, detailed provisions on timeframes cannot be induced due to variable challenges pending chosen routes due nature of typography, required infrastructure upgrades, stakeholder consultations and more.

Improvements to Parking and Accessibility

The actions addressing the improvements to parking and accessibility will be ongoing. Each of these measures will be incorporated into practice and developed as a dynamic and progressive change to the management of the City's parking.

Implications on Resourcing

Smart Parking

The rollout of the smart parking project is being managed by Council's staff. The smart parking functions will be provided as an end-to-end service to reduce Council's resourcing requirements for the maintenance and support of the project. Regarding the compliance of the smart parking and in particular, the pay parking scheme, an increase of two (2) additional parking enforcement staff will be in place prior to the rollout of the smart parking scheme. With the introduction of the sensor technology, Council will monitor parking and compliance levels across the city and ensure the compliance is being resourced optimally.

Tourist Bus and Coach Management

The tourist bus and coach management project will be managed by Council in cooperation with external stakeholders including tourism companies and the local community.

Improvements to Parking and Accessibility

Improvements to parking and accessibility are to be resourced with existing staff.

Sustainability assessment

Effects	Positive	Negative
Environmental	Support better alignment of transport with planetary health objectives.	Nil

Effects	Positive	Negative
Social	Improvements to traffic management and the management of tourism in the Blue Mountains throughout the city.	There is likely to be a diverse range of views.
Economic	The smart parking functions provides a financially sustainable city that can support the required services and facilities to meet the needs of the community and visitors. It will also improve turnover of vehicles at high demand locations, increasing visitation to shopping areas. Improvements to parking areas and active transport will provide greater accessibility to local businesses and employment.	The implementation will need to balance the needs of different stakeholders in the city.
Governance	Fair and equitable allocation of resources to support the residents and the visitor economy. Funds from the smart parking project will allow for the reinvestment into maintaining and improving the services and assets provided in the city.	Strategic decisions for the benefit of all may not be initially understood by some stakeholders and ongoing communication and engagement is essential.

Financial implications

The estimated net surplus for the first year of operation is \$5.75m in revenue and the ongoing net surplus per year following is \$7.40m from the rollout of the smart parking project. These figures are assuming that both stages one and two are fully operational, the pricing structure remains static and visitation to the Blue Mountains remains at the current level. This surplus is anticipated to grow following the growth trends and increasing visitation rates to the Blue Mountains LGA.

The total sum for upfront expenditure of the smart parking functions for stages 1 and 2 provided is projected at \$1,650,000 excl. GST.

The bulk of this sum is the supply and installation of the smart parking hardware, being the parking meters and sensor technology. The minor components of these costs are the supply of the necessary enforcement hardware and the establishment of the digital permit system.

The tendered sum for the upfront expenditure above is allocated within the Visitor Investment Fund for financial years 2022-23 and 2023-24.

The yearly ongoing expenditure of the smart parking for stages 1 and 2 for the next five (5) years is \$950,000 excl. GST. An itemised list is provided below to detail the costs incorporated within the ongoing expenses (figures include both operational and depreciation costs and excluding GST):

- \$450,000 – compliance resourcing, software and hardware.
- \$250,000 – sensor and parking meter hardware and software maintenance, support and cloud-based hosting services.
- \$150,000 – operating and resourcing of digital permit scheme.
- \$100,000 – telephone support services, hosting services, project management and community communications.

The project is designed to be self-supporting, allowing the revenue gained through the pay parking to cover the ongoing expenditure as listed above.

For the tourist bus and coach management, determining the required funding for this project will require the development of the tourist bus and coach management study. This study will propose various options and proposed pricing to Council.

Lastly, costs associated with improvements to parking and accessibility will be borne through the respective responsible Council teams. This will be ongoing with staff integrating these actions into their typical operations.

Legal and risk-management issues for the Council

Legal and risk-management issues for the Council will be controlled within Council's risk management appetite throughout the implementation of the strategic plan.

External consultation

Detailed within the Consultations and Community Engagement section of this report.

Alignment with Delivery Program and/or Operational Plan

The Parking Strategic Plan 2023 is directly informed by the Blue Mountains Community Strategic Plan 2035, the Blue Mountains Integrated Transport Strategic Plan, the Blue Mountains Visitor Infrastructure Investment Strategic Plan (VIISP), and Council's adopted and draft Town and Village Masterplans.

Conclusion

It is recommended that the Council adopts the updated Parking Strategic Plan provided in Enclosure 1.

With the forecast increasing visitor numbers coming to the Blue Mountains, Council needs efficient and effective tools to monitor, improve and support the traffic management and services provided by the city. Implementing the Parking Strategic Plan 2023 will provide Council with a variety of tools, most notably the Smart Parking, which will allow for traffic management to be undertaken and supply a revenue stream to allow for the reinvestment into the maintenance and improvement of the services and assets provided in the city.

Smart parking is a common next step for Councils with higher visitor numbers and projected growth, typically much less visitation than the World Heritage site of the Blue Mountains. Smart parking is widely viewed as a successful scheme across Australia and internationally in other high tourist demand destinations.

Blue Mountains is utilising this technology as a tool to manage the increasing traffic to the LGA and creating a sustainable city, providing equitable parking to the community and visitors.

ATTACHMENTS/ENCLOSURES

1	Parking Strategic Plan 2023 (Enclosure 1)	23/32253	Enclosure
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ITEM NO: 14

SUBJECT: OUTCOME OF TENDER PROCESS FOR CITYWIDE SMART PARKING

FILE NO: F14794 - 23/28131

Delivery Program Link

Principal Activity: MOVE

Service: Transport and Public Access

Recommendations:

1. *That the Council notes that it received five (5) tender submissions for the Citywide Smart Parking project;*
 2. *That the Council accepts the tender submitted by DCA Cities Holding Pty Ltd for the Citywide Smart Parking Project for a holistic service for a total cost of \$1,389,783.00 excluding GST with yearly running costs of \$648,604.00 excluding GST for five (5) years; and*
 3. *That the Council delegates the authority to the Chief Executive Officer (or her delegate) to execute and sign documents relating to the contract for the Citywide Smart Parking project.*
-

Report by Director Infrastructure, Economy and Property:**Reason for report**

This report seeks the approval of Council to enter into a contract with DCA Cities Holding Pty Ltd for the Citywide Smart Parking project, in accordance with Section 55 of the Local Government Act 1993 (the Act).

Background

The Citywide Smart Parking project pertains to six functions of parking, being underground vehicle detection units (sensors), parking meters, a phone application for payments, digital permits, modern enforcement equipment and digital signage. The project will introduce these smart parking functions to high visitor demand parking spaces within towns, villages and priority tourist destinations in the city.

The smart parking project, including the pay parking functionality, is proposed to improve the traffic management within the city as identified within the Parking Strategic Plan 2023. Each of the smart parking functions allow Council to better manage the increasing demands on the city's infrastructure, borne through ever-increasing visitation to the Blue Mountains region. It also provides Council with a sustainable and beneficial revenue stream.

The smart parking project is to be rolled out in three consecutive stages, with the first being time restricted parking locations within high visitor demand towns and villages and the second being high demand visitation sites; locations for each stage are listed below:

Stage One:

- Blackheath

- Katoomba
- Leura
- Wentworth Falls
- Glenbrook

Stage Two:

- Cahill's & Boar's Head Lookouts
- Echo Point Precinct (expansion of existing)
- Katoomba Falls
- Gordon Falls
- Leura Cascades
- Wentworth Falls Lake
- Falls Road and surrounding areas adjacent to Wentworth Falls Lookout
- Valley Road, Fletcher Street and surrounding areas adjacent to Conservation Hut
- Lincoln's Rock

A third stage will incorporate the ongoing implementation of smart parking to additional areas. The introduction of smart parking to such areas may be due to visitation increases to a location, a future parking precinct plan advises for the introduction of smart parking functions, new parking infrastructure is installed or areas where high parking demand already occurs however, did not already have timed parking restrictions in place at the time of implementing stage one.

The smart parking will involve line marking bays and upgrading the signage to indicate pay parking areas. The signage will also include the phone application method of payment for users. Following signage and line marking, digital permits will be configured for residents, businesses and employees proving free parking to permit holders. Sensors will then be installed in high demand locations, along with parking meters. Council will also be looking to trial new technologies in enforcement such as vehicle detection cameras. With all measures in place the smart parking, and pay parking, will commence in stage one. Stage two will follow suit after the completion of the Parking Precincts Plan study as highlighted within the Parking Strategic Plan 2023.

Invitation to Tender

An expression of interest (EOI) was called to an open market on 24 October 2022 in accordance with the Act and Council's Procurement Policy. The EOI specified for capable smart parking providers to detail their business' capability and technological solutions to supply a smart parking rollout for the Blue Mountains LGA. Nine submissions were evaluated by BMCC's evaluation panel, of which five were selected for the formal closed tendering stage.

Closed tenders were called on 13 January 2023 in accordance with the Act and Council's Procurement Policy. The Tender was advertised directly to each the providers who were successful in their EOI submission.

Tender Submissions

Five (5) submissions were received from the following companies, before the RFT closed at 2pm on Wednesday, 8 February 2023:

- Arthur D. Riley and Company Pty Ltd
- CellOPark Australia Pty Ltd
- DCA Cities Holding Pty Ltd
- Duncan Solutions Australia
- Easypark ANZ Pty Ltd

All submissions were submitted and received prior to the closing time.

Tender Evaluation

A Tender Evaluation Panel (TEP) comprising three Council officers and one consultant, specialising in smart parking, was established to evaluate the submissions in accordance with the assessment criteria specified in the RFT and make a recommendation on the tender that offered the most benefit to Council. All members of the TEP signed Pecuniary Interest Declarations prior to completing their assessment of the tender submissions.

Evaluation Criteria

Submissions were evaluated against the following predetermined criteria to determine which tender represented the best value for money, in accordance with Council's Strategic Procurement Policy:

- Technical compliance
- Contract compliance
- Capability, capacity and financial capacity
- Project methodology and implementation program
- Environmental management
- Work health and safety
- Critical assumptions and exclusions
- Price

The TEP reviewed submissions, assessing each to determine the degree of effectiveness against the weighted evaluation criteria and allocating consensus scores against each of the criteria.

The final results of the Technical Worth Assessment are detailed in the table below.

Final Technical Worth Assessment

Tenderer	Overall Score	Ranking
Arthur D. Riley and Company Pty Ltd	45%	4
CellOPark Australia Pty Ltd	56%	2
DCA Cities Holding Pty Ltd	70%	1
Duncan Solutions Australia	54%	3
Easypark ANZ Pty Ltd	43%	5

Evaluation Recommendations

The TEP unanimously agreed that DCA Cities Holding Pty Ltd was the best value and that the contract for the Citywide Smart Parking project should be awarded to DCA Cities Holding Pty Ltd according with the tender documentation and contracted amount.

DCA Cities Holding Pty Ltd have extensive experience in delivering similar projects for councils across Australia. Referee checks on these projects have resulted in favourable feedback, confirming that they have successfully completed these projects and are capable of undertaking the works as set out within the tender documentation.

Performance Management

The Council will ensure that the performance standards are met and monitored by:

- Reviewing project progress against submitted programs and work method statements
- Onsite project management and oversight of works
- Ensuring compliance with tender documentation and BMCC processes
- Attending regular site inspections of the works

- Ensuring compliance with the planning approval
- Conducting weekly site meetings with the head contractor
- Ensuring the works are in accordance with the requested completion milestones
- Security held by Council to ensure satisfactory completion

Sustainability assessment

Effects	Positive	Negative
Environmental	Support better alignment of transport with planetary health objectives.	Nil
Social	Improvements to traffic management and the management of tourism in the Blue Mountains and parking throughout the city.	There is likely to be a diverse range of views.
Economic	The smart parking functions provides a financially sustainable city that can support visitors and residents. It will also improve turnover of vehicles at high demand locations, increasing visitation to shopping areas. Improvements to parking areas and active transport will provide greater accessibility to local businesses and employment.	The implementation will need to balance the needs of different stakeholders in the city.
Governance	The Tender has been developed and assessed in accordance with Council procurement policy and guidelines. Tender process was managed by Local Government Procurement.	Nil

Financial implications

The tendered sum for upfront expenditure of the smart parking functions for stages 1 and 2 provided by DCA Holdings Pty Ltd is \$1,389,783.00 excl. GST.

This tendered sum includes the hardware and software for all smart parking functions required. The tendered sum for the upfront expenditure above is allocated within the Visitor Investment Fund for financial years 2022-23 and 2023-24.

The tendered sum for the yearly ongoing expenditure of the smart parking functions for stages 1 and 2 for the next five (5) years provided by DCA Holdings Pty Ltd is \$648,604.00 excl. GST.

This tendered sum includes the operational and depreciation costs for the smart parking functions for stages 1 and 2. The project is designed to be self-supporting, allowing the revenue gained through the pay parking to cover the operational expenditure.

Legal and Risk-Management Issues for the Council

The tender process has been conducted in accordance with Section 55 of the Local Government Act 1993 and Council's procurement policies.

The successful tenderer will be engaged under the NSW MICTA/ICTA agreement abiding by the relevant modules.

The Tender Review Committee has reviewed the tender process and is satisfied as to the fairness of the process and that the process has complied with policies. There are no further identified legal or risk management issues related to the tender.

External consultation

No external consultation has occurred during the tender evaluation process.

Program

The anticipated timeframe for stage 1 of the smart parking project is for the commencement in March, following the acceptance of the tender submission. Stage 1 is programmed to be operational midway through 2023, with stage 2 operational by end of 2023. Stage 3, as mentioned prior, will be ongoing and incorporate minor expansion and revisions of smart parking implementations.

Conclusion

Based on the assessment of the tenders received, it is recommended that the Council accepts the tender submitted by DCA Cities Holding Pty Ltd for the Citywide Smart Parking Project.

* * * * *

ITEM NO: 15

SUBJECT: MOUNT VICTORIA VILLAGE RECOVERY PACKAGE - ENGAGEMENT OUTCOMES

FILE NO: F14794 - 23/5754

Delivery Program Link

Principal Activity: THRIVE

Service: Place Management

Recommendations:

- 1. That the Council notes the outcomes of Mount Victoria Village Recovery Package community survey; and*
 - 2. That the Council notes that the outcomes of this engagement will further inform the development of the proposed delivery elements, along with Council's adopted plans and strategies.*
-

Report by Director Infrastructure, Economy and Property:**Reason for report**

This report provides Council with the outcomes of the Mount Victoria Village Recovery Package community engagement.

Background

In April 2022 Council secured funding for the Mount Victoria to support social and economic recovery following the Black Summer bushfires of 2019-20. The Council secured \$889,116 through the Australian Government's Black Summer Bushfire Recovery Grants Program to deliver the following:

- Improved village marketing and promotion: An interpretative heritage trail to guide visitors through the village and a new Visitor Information Sign to promote local experiences.
- Enhanced village centre amenity: new planting, street trees and seating to revitalise the village. Formal closure of middle section of the heritage staircase at the Great Wester Highway and improved visual amenity to the immediate area of the heritage staircase.
- Mount Victoria Memorial Park renewals: A renewed entrance to the park, carpark upgrade including upgrade of the adjacent storm water channel, accessible footpaths, visual amenity improvements to the park water fountain, and public artwork.
- Smart City initiatives: Smart technology to improve bushfire threat knowledge and smart sensors to improve asset management; and
- Business support package: Mentoring and resources to equip local businesses to better prepare for disasters and enable them to build a strong business support network.

A community survey on the proposed scope of works was delivered from Monday 7 November to Monday 21 November 2022.

During the engagement period, a survey was available on the Have Your Say website and further engagement including hard copies were provided at two information stalls held at Mount Victoria Memorial Park on Saturday 12 November (2pm – 4pm) and Thursday 17 November (11am – 1pm). The public were notified of the survey by:

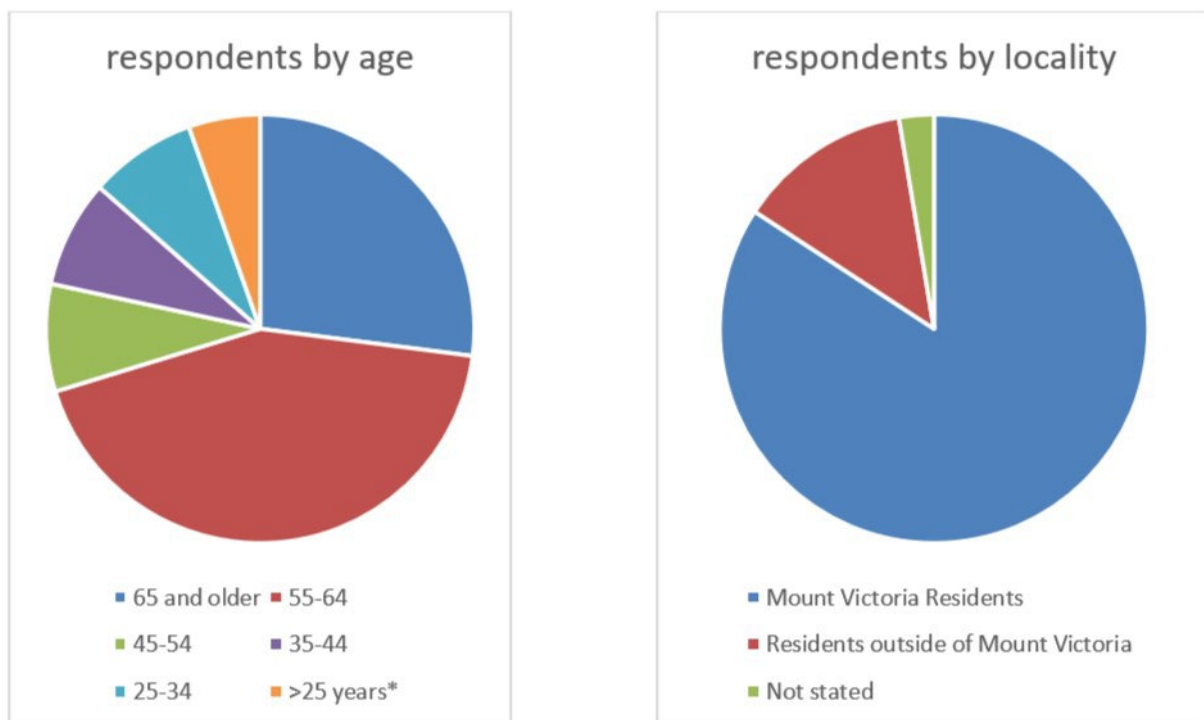
- The Blue Mountains Gazette (advertisements 9 & 16 November 2022).
- Signs (7 all-weather A3 signs) at village centre and Mount Victoria Memorial Park.
- Letter to residents and ratepayers of Mount Victoria.
- Social media (Facebook).
- DL flyers at Mount Victoria Visitor Information Sign.
- Poster displayed in Mount Victoria community noticeboard.
- Emails to Mount Victoria Community Association and Mount Victoria Business Association

Report

During the community survey period the following responses were received:

- 2 Letters
- 3 emails
- 1 phone call
- 35 online submissions
- 3 hard copy submissions

The following demographics of respondents was captured:



There was general support for the proposed scope of works with some specific concerns raised. The survey responses for each project element are expanded on below, with the main themes summarised.

A further two responses from Council's Kids Say survey completed in December 2021 are included in the Mount Victoria Village Recovery Package engagement outcomes. Respondents were aged 5 and 10 and provided comment on what is important to them living in Mount Victoria.

Submissions

Visitor Information Sign

22 of the 38 respondents preferred image option 3 – an aerial photograph of Station Street and local businesses – for the visitor information sign key image. There were 17 further comments relating to the visitor information sign overall. The main themes are summarised below:

- Supported content featuring local businesses and attractions, outdoor activities such as bushwalking, and heritage features of Mount Victoria.
- Noted the sign should be placed in a visible location.
- Noted the sign should be sympathetic to the heritage setting, consider illustrated graphic elements and be a statement to visitors from the west.

Heritage Trail

All proposed sites to be featured in the new village centre heritage trail received strong support from respondents. The proposed sites are Mount Victoria Memorial Park, Mount Victoria Police Station, Former Coopers Grand Hotel (Mount Victoria Manor), Mount Victoria Railway Station, Victoria & Albert Guesthouse, Former Mount Victoria Public Hall (now Mt Vic Flicks), Imperial Hotel, and Former Mount Victoria Post Office.

There were 25 further comments relating to the heritage trail overall. The main themes are summarised below:

- Supported the addition of the Mt Victoria & District Historical Society Museum to the list of proposed sites.
- Suggested a number of historical buildings and sites outside the village centre.

New Plantings

Most respondents supported the addition of new plantings within the village centre. Of the 38 survey responses, 22 provided comment on plant species they would like to see in the village. The main themes are summarised below:

- Suggested use of native plant species.
- Raised concerns about the ongoing maintenance of planters.
- Suggested cold climate species.
- Suggested the use of colour and herbs

Additional Seating

Most respondents supported the addition of seating within the village centre. Of the 38 survey responses, 22 provided comment on the location of new seating in the village. The main themes are summarised below:

- Supported additional seating at Rotunda Park and Mount Victoria Memorial Park.
- Supported additional seating located in shade.
- Supported additional seating at some locations along Station Street, though seating should be placed appropriately and consider shopfront access, noise from trucks and regular walking intervals.
- Some supported additional seating along the footpath to the train station.

Mount Victoria Memorial Park Renewals

Most respondents supported the proposed Mount Victoria Park renewals overall. Of the 38 survey responses, 21 provided comment on the proposed Mount Victoria Park renewals. The main themes are summarised below:

- Noted the park is a highly valued main feature of the village centre and supported improving the park to attract visitors and residents.
- Suggested a range of ideas to draw people to the park and village centre, including improved signage, beautification, drainage, and pedestrian access.

Of the 38 survey responses, 27 provided further suggestions to improve Mount Victoria Memorial Park. The main themes are summarised below:

- Supported improved drainage in the park.
- Supported an upgrade of the tennis court.
- Supported a range of activities for kids, including play equipment, outdoor activities, and artwork.
- Supported the addition of a range of plantings within the park.
- Some supported improved interpretation for the existing grotto structures.
- Some supported improved lighting and footpaths.

Mount Victoria Memorial Park carpark upgrade

Most respondents supported the proposed carpark upgrade and associated water easement works. Of the 38 survey responses, 15 provided comments on the proposed carpark upgrade and related storm water easement works. The main themes are summarised below:

- Agreed with the issues already identified around the carpark area.
- Raised further issues of inadequate maintenance, inadequate signage, inadequate accessible parking and bicycle parking, private business use, and weeds.

Smart City Initiatives

Most respondents were 'happy' or 'very happy' about the proposed installation of a local weather station in Mount Victoria village. Most respondents stated they would welcome further local weather data, while some stated this information is already provided through other sources.

Mount Victoria Village Recovery Package

Most respondents were 'happy' with the proposed Mount Victoria Village Recovery Package overall. Of the 38 survey responses, 29 provided a reason for their overall rating. The main themes are summarised below:

- Strongly supported improvements to bring visitors and support local businesses.
- Supported the proposed improvements, however noted the village would struggle while the Hotel Imperial remained closed.
- Supported further engagement with local businesses to build a thriving commercial centre.
- Supported these 'first steps' to revitalising the village, however noted that further planning, funding and works are required.

A further 33 further comments were received with additional ideas for Mount Victoria village centre. The main themes are summarised below:

- Supported improved signage to draw visitors and promote local attractions.
- Noted the reopening of the Imperial Hotel is critical to the success of the village.
- Supported a range of visual amenity improvements to the village to make it a welcoming place.
- Some noted slower speed limits through the village may reduce impacts of heavy vehicles.
- Some supported activation of the village through events and activities.

Kids Say December 2021

In December 2021, 2 responses were provided as part of the Kids Say survey for Mount Victoria. The responses will be considered in the development this project, and are summarised in the quotes below:

“I think a better park area would make it a better place for people to want to come to our town. Because when lockdown isn't on we travel to Lithgow to enjoy their park, so if we did the same here people would travel here and support our shops here as well.”

“There is a park which is okay but more aimed at little kids and I am too young to go on the train to go to other towns, this would be something that would be better for kids my age to have somewhere to exercise and meet up and have fun in our own village.”

Sustainability assessment

Effects	Positive	Negative
Environmental	The Mount Victoria Village Recovery Package community survey will inform the proposed improvements to Mount Victoria Memorial Park drainage and carpark upgrade.	Nil
Social	Engaging the community in the development of the Mount Victoria Village Recovery Package promotes belonging and social recovery.	Nil
Economic	The Mount Victoria Village Recovery Package is funded through the Black Summer Bushfire Recovery Grants Program and will stimulate local economic recovery.	Nil
Governance	The Mount Victoria Village Recovery Package community survey has been carried out in accordance with the BMCC Community Engagement Strategy 2022	Nil

Financial implications

Nil financial implications

There are no financial implications for Council in adopting the recommendation/s in this report.

The proposed improvements and initiatives of the Mount Victoria Village Recovery Package are funded through the Black Summer Bushfire Recovery Grants Program. All new and upgraded assets will be maintained within existing operational budgets or asset works programs. Appropriate asset owners are being consulted as part of the project.

If scope is identified beyond the proposed improvements and initiatives of the Mount Victoria Village Recovery Package, items will be considered in future Council projects.

Legal and risk-management issues for the Council

There are no legal or risk-management issues for Council in noting these engagement outcomes. The survey responses largely support the proposed scope of works that has been developed by Council. The proposed scope of works provides necessary upgrades to improve access, safety and amenity of Mount Victoria village.

External consultation

A preliminary scope of works for the Mount Victoria Village Recovery Package was determined by Council in consultation with the Mount Victoria Community Association. A public survey has been carried out to gather further feedback from residents, visitors, businesses and rate payers on the proposed scope of works.

Alignment with Delivery Program and/or Operational Plan

The recommendations in this business paper align with the Delivery Program 2022–2026's Key Directions, as follows: THRIVE Objective 6.2c *Strengthen the liveability and vibrancy of our towns and villages through well designed place-based planning*. 6.2b *Market and promote the Blue Mountains as a unique national and international visitor destination*. CARE Objective: 3.1 *Blue Mountains communities are safe, caring, diverse and inclusive*

Conclusion

A community survey was carried out on the proposed scope of works for the Mount Victoria Village Recovery Package in November 2022. Most survey responses supported the proposed scope of works. It is therefore appropriate for Council to progress the development of the proposed elements. The survey responses will inform the development of the proposed elements, along with Council's adopted plans and strategies.

* * * * *

NOTICES OF MOTION

ITEM NO: 16

SUBJECT: INSTALLATION OF SEATS IN THE UPPER WALKWAY OF LAWSON VILLAGE CENTRE (WEST) AND BOLLARDS NEAR THE CHEMIST (EAST)

FILE NO: F14794 - 23/18169

Delivery Program Link

Principal Activity: THRIVE

Service: Place Management

Notice of Motion by Councillor Hollywood

1. *That the Council notes the request in October 2021 from community members to install three seats on the upper walkway of Lawson Village Centre (western side) and the request in June 2022 to install bollards on the edge of the pavement on the north-eastern side of the shops, similar to the bollards at the south-eastern end of the shops;*
 2. *That the Council notes that Officers' provided a favourable assessment of both requests in August 2022 not that they would be installed in 3-6 months; and*
 3. *That the Council resolves to install the additional seats and bollards in this financial year 2022-2023, as they would provide positive outcomes for community safety and well-being in Lawson Village Centre.*
-

Background provided by Councillor

Nil

Councillor comment on funding

Nil

Operational response**Motion supported**

This Notice of Motion is supported.

Briefing

No Councillor briefing is required.

Discussion

On 28 August 2022, officers advised that:

"... additional seating and bollards in Lawson has been inspected and assessed to provide positive outcomes for the township, however it has also been assessed as a Low Risk priority comparative to all other requests and requirements across the City. Officers have allocated budget in the current financial year to install three seats and bollards. At this stage, necessary due diligence is taking place regarding urban design and traffic considerations before submitting the final scheme for approval and implementation. Engagement with [community member] will be part of this process.

Seats and bollards will then be purchased and installed, currently anticipated in the coming 3 to 6 months.”

A proposal for installation was progressed that included concrete sphere bollards in November 2022. During initial part 5 communications with Infrastructure and Trades, these were not supported due to ongoing maintenance, installation and visibility issues. This has influenced the development of an alternative safety measure.

The updated proposal was been discussed with the community member in January 2023. This information has informed an updated proposal, ensuring we can deliver a most favourable outcome. It is still anticipated to be installed before the end of financial year.

It is expected that the total cost of street furniture and installation is circa \$15,000, with initial quotes sourced from providers.

Financial implications

Within budget

The recommendation(s) in this Notice of Motion are budgeted for in this financial year.

It is expected that the total cost of street furniture and installation will be circa \$15,000 with initial quotes sourced from providers.

Alignment with Delivery Program and/or Operational Plan

The proposed outcome broadly aligns with the Community Strategic Plan. This project (delivery, design, and construction) delivers on a range of objectives and strategies:

- 4.1.b Strengthen the liveability and vibrancy of towns and villages through well-designed place-based planning
- 4.2.a Improve city presentation to meet community expectations for clean, safe and well-presented public spaces, towns and villages
- 6.4.a Ensure local infrastructure, facilities and services supporting tourist visitation have required capacity to meet projected increases in tourist numbers

Conclusion

The Notice of Motion provides a timely opportunity to update on the progress of implementation. The added steps in the process will ensure improved outcome and fit within the suggested timing of the recommendations.

Motion supported

This Notice of Motion is supported.

* * * * *

PRECIS OF SELECTED
CORRESPONDENCE

ITEM NO: 17

SUBJECT: PRECIS OF SELECTED CORRESPONDENCE

FILE NO: F14794 - 23/23853

Delivery Program Link

Principal Activity: LEAD

Service: Governance and Civic

Recommendation:

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

Correspondence Received by Council**1. 20 January 2023 – Mary Marlow and Andrew Cox**

A letter to all Councillors expressing concern about regulations surrounding the invasive nature of feral deer in the National Park.

2. 25 January 2023 – The Hon Melinda Pavey MP

A letter to Mayor Mark Greenhill expressing support for the Justice Reform Initiative (JRI) on behalf of the Attorney General

3. 7 February 2023 – Petition

A letter from Leura Community Alliance including 2 x petitions regarding the reopening of Cliff Drive, Leura to light traffic.

No of Signatures: Total of 157 signatures

Correspondence Sent by Council**4. 28 October 2020 – Mayor Mark Greenhill to J Bromilow, Blaxland Chamber of Commerce**

A letter to the Blaxland Chamber of Commerce regarding the installation of CCTV Cameras in Blaxland Town Centre and their subsequent non-functioning of the cameras when they are expected to function.

5. 11 January 2023 – Mayor Mark Greenhill to J Bromilow, Blaxland Chamber of Commerce

A letter to the Blaxland Chamber of Commerce regarding the passing of Council resolution concerning the malfunctioning of CCVT Cameras despite their installation from a grant of public money.

6. 3 February 2023 – Mayor Mark Greenhill to NSW State MPs

A letter to The Hon. James Griffin, The Hon. Mark Speakman and Trish Doyle MP regarding the regulation for glue traps in NSW.

7. 14 February 2023 – Dr Rosemary Dillon CEO to Disaster Ready Fund

A letter of support for Habitat for Humanity Australia for Disaster Ready Fund – NSW Reconstruction Authority.

ATTACHMENTS/ENCLOSURES

1	Letter - Feral Deer Threat to the Blue Mountains WHA	23/27201	Attachment
2	Correspondence from the Office of the Attorney General to Cr Mark Greenhill OAM - Justice Reform Initiative	23/16755	Attachment
3	Leura Community Alliance letter to Mayor Mark Greenhill BMCC re Reopening Cliff Drive, Leura dated 07 February 2023	23/28080	Attachment
4	Leura Community Alliance PETITION (65 signatures) to ~ Greenhill BMCC re Reopening of Cliff Drive Leura dated 07 February 2023(2) _Redacted	23/30559	Attachment
5	Rod McLean PETITION (93 signatures) to BMCC re To Reopen Cliff Drive to Light Traffic submitted to BMCC 06 June 2022 Redacted	23/30557	Attachment
6	Letter from Mayor Mark Greenhill to Blaxland Chamber of Commerce- CCTV	23/30415	Attachment
7	Letter to Blaxland Chamber of Commerce - CCTV for Minute 296 October 2022	23/30406	Attachment
8	Letter - Glue Traps - Mayor - January 2023 Council Meeting Resolution	23/22786	Attachment
9	Letter of Support - Habit for Humanity - NSW Disaster Ready Fund grant application	23/30548	Attachment

* * * * *

Attachment 1 - Letter - Feral Deer Threat to the Blue Mountains WHA



Address for reply: PO Box 818, Katoomba NSW 2780

20 Jan 2023

Mayor and Councillors
Blue Mountains City Council
Locked Bag 1005
Katoomba NSW 2780
Sent via email

Feral Deer and the threat to the Blue Mountains World Heritage Area

Dear Mayor and Councillors,

We are writing to you on behalf of the Blue Mountains Feral Deer Working Group and the Invasive Species Council to seek the support of the Blue Mountains City Council for greater state and federal government action to prevent the spread of invasive feral deer in the Greater Blue Mountains World Heritage Area (GBMWhA) and surrounding state forests, urban areas and private property.

Five different species of feral deer have been recorded within the Greater Blue Mountains in recent years and their numbers and geographic extent are growing without effective control action. These expanding populations are already damaging World Heritage values, threatened species and ecological communities, and rare and endemic biodiversity.

They also pose significant risks to human safety through vehicle collisions, including on the Bells Line of Road, Putty Road and, in future, along the Great Western Highway.

At present there is no comprehensive management plan for feral deer in the Greater Blue Mountains, information about the numbers and extent are out-of-date and patchy and the level of control is insufficient to the scale of the problem. We are concerned that without urgent action the window of opportunity to prevent their spread across the whole GBMWhA will close.

We are therefore asking the NSW and Federal Governments to:

1. **Comprehensively survey the Greater Blue Mountains World Heritage Area** and its adjoining boundary areas to assess the existing numbers and location of feral deer.
2. **Develop a comprehensive and well-resourced management plan** to stop further spread of feral deer in the Greater Blue Mountains World Heritage Area, protect sensitive environmental areas and eradicate isolated populations.
3. **Commit to ensuring the Greater Blue Mountains World Heritage Area is deer-free by 2040.**

If you would like to support this proposal, then we request that Blue Mountains City Council:

1. **Pass a motion in support** (see **attached** proposed motion)
2. **Write to the local state and federal members of Parliament, as well as the NSW and federal environment ministers, to convey the council's position and seek their support and**
3. **Make a submission in support of the [National Feral Deer Action Plan](#), which highlights the threat to the GBMWhA (deadline is 20 March 2023).**

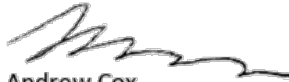
To assist you, we have **attached** a proposed motion of support which we would be grateful if the Blue Mountains City Council passed at its next meeting.

If you have any questions or would like to arrange a meeting, please do not hesitate to contact either of us using the contact details below.

Kind regards,



Mary Marlow
Blue Mountains Feral Deer Working Group
Pho: 0417 448 563
Email: M_marlow@bigpond.net.au



Andrew Cox
Invasive Species Council
Ph: 0438 588 040
Email: andrewcox@invasives.org.au

ATT1: BACKGROUND: Feral deer threats to the Greater Blue Mountains World Heritage Area

Five different species of feral deer have been recorded within the Greater Blue Mountains in recent years and their numbers and geographic extent are growing without effective control action.

These expanding populations are already damaging World Heritage values, threatened species and ecological communities, and rare and endemic biodiversity. They also pose significant risks to human safety through vehicle collisions, including on the Bells Line of Road, Putty Road and, in future, along the Great Western Highway.

Grazing and trampling caused by feral deer is listed as a Key Threatening Process in NSW under the *Biodiversity Conservation Act 2016*. They cause significant environmental damage by:

- Destroying native vegetation by trampling, grazing, and ring-barking young trees
- Fouling waterholes, eroding watercourse and causing soil erosion by forming wallows
- Spreading weeds and potentially pathogens such as *Phytophthora cinnamomi*
- Competing with native grazers such as wallabies, kangaroos, and wombats.
- Reducing post-fire resilience of regenerating vegetation.

The current spread of feral deer in the Greater Blue Mountains

Feral deer have the capacity to expand to most parts of the Greater Blue Mountains. This includes the Upper Blue Mountains Escarpment, large parts of the Wollemi, into the Grose, Jamieson and Megalong Valleys and along major watercourses. We are aware of deer in the following locations:

- Fallow deer – Putty Road, Nullo Mountain, Bells Line of Road, Yellomundie, Mount Banks, Megalong Valley, Black Range, Jenolan Caves, Kanangra Tops, Oberon–Colong stock route, Bindook, Abercrombie River NP and Nattai NP.
- Sambar deer – Nattai NP, Yerranderie State Conservation Area, Kedumba Valley, Megalong Valley and Cox River corridor in the Blue Mountains NP.
- Rusa deer – Wollondilly River corridor.
- Red deer – Wollondilly River corridor, Black Range and Abercrombie River NP.
- Chital deer – Bells Line of Road

Control options for feral deer and current action

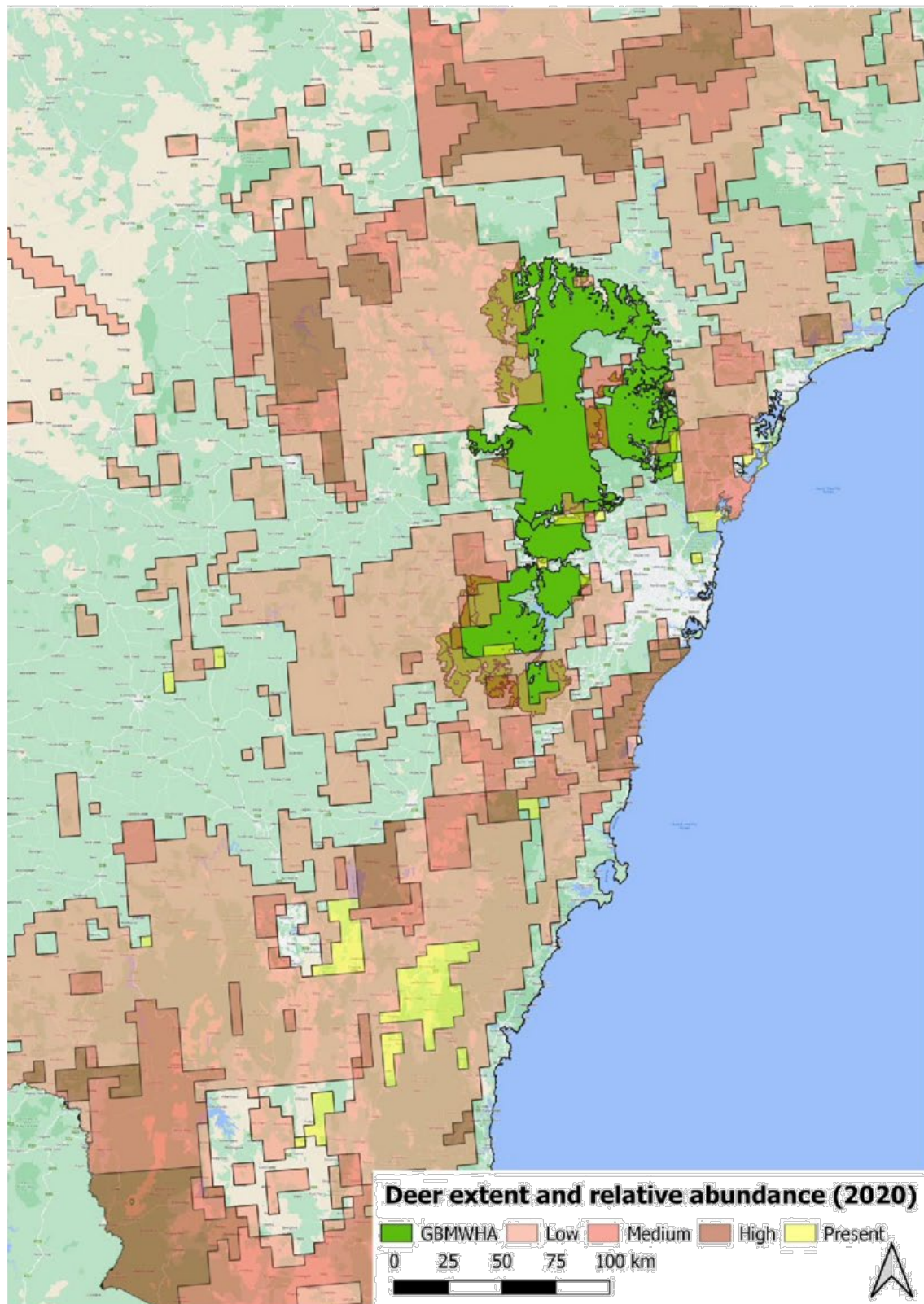
The draft National Feral Deer Action Plan has found that left uncontrolled in good conditions, feral deer populations can increase by 34–50% every year and that recreational hunting is not an effective means of controlling population growth. In NSW, the entire state is mapped as suitable habitat for at least one of the six deer species in the state and their range has been increasing by an average of over a million hectares a year. Feral deer readily move across property boundaries and intensive culling through aerial and ground shooting is required to control their population growth.

Due to the large and rugged area covered by the Greater Blue Mountains, full eradication is likely difficult in the medium term, but we can aim for containment and controlling their spread. However, delay will increase the costs of control and without urgent action the window of opportunity to prevent their spread across the whole GBMWA will close.

At present there is no comprehensive management plan for feral deer control in the Greater Blue Mountains, information about the numbers and extent are out-of-date and patchy and the resources dedicated to control are insufficient to the scale of the problem.

We welcome both the National Parks and Wildlife Service and Local Land Services implementing state-wide control programs for feral deer. However, funding is limited, there is no strategic approach and the extent of these programs varies over the area covered by the Greater Blue Mountains.

ATT2: Estimated feral deer distribution and relative abundance in the Greater Blue Mountains
Source: DPI, 2020. Green area shows the Greater Blue Mountains World Heritage Area.



ATT3: Proposed Motion for Blue Mountains City Council

1. That Blue Mountains City Council notes that:
 - a. Feral deer are an urgent and growing threat to native wildlife, ecosystems and watercourses in the Greater Blue Mountains World Heritage Area and across the Blue Mountains City Local Government Area.
 - b. Feral deer also pose significant risks to human safety through vehicle collisions, including on the Bells Line of Road, Putty Road and, in future, along the Great Western Highway.
 - c. Five different species of feral deer have been recorded within the Greater Blue Mountains in recent years and their numbers and geographic extent are rapidly growing.
 - d. Herbivory and environmental degradation caused by feral deer is a Key Threatening Process under the NSW *Biodiversity Conservation Act 2016* and feral deer cause environmental damage by:
 - i. Destroying native vegetation by trampling, grazing, and ring-barking young trees
 - ii. Fouling waterholes, eroding watercourse and causing soil erosion
 - iii. Spreading weeds and potentially pathogens such as *Phytophthora cinnamomi*
 - iv. Competing with native grazers such as wallabies, kangaroos, and wombats.
 - v. Reducing post-fire resilience of regenerating vegetation.
 - e. The draft National Feral Deer Action Plan has found that left uncontrolled in good conditions, feral deer populations can increase by 34–50% every year and that recreational hunting is not an effective means of controlling population growth.
 - f. There is currently no comprehensive management plan for feral deer control in the Greater Blue Mountains, information about feral deer numbers and extent are out-of-date and patchy and the resources dedicated to control are insufficient for the scale of the problem.
2. That Blue Mountains City Council express its support for a target to ensure the Greater Blue Mountains World Heritage Area is deer-free by 2040.
3. That Blue Mountains City Council calls on the NSW and Federal Governments to:
 - a. Comprehensively survey the Greater Blue Mountains World Heritage Area and its adjoining boundary areas to assess the existing numbers and location of feral deer.
 - b. Develop a comprehensive and well-resourced management plan to stop further spread of feral deer in the Greater Blue Mountains World Heritage Area, protect sensitive environmental areas and eradicate isolated populations.
 - c. Commit to ensuring the Greater Blue Mountains World Heritage Area is deer-free by 2040.
4. That Blue Mountains City Council write to our local Federal and State Members of Parliament, the NSW and Federal Environment Minister and shadow NSW and Federal Environment Ministers advising them of this motion, expressing our support for this proposal and urging them to support it.
5. That Blue Mountains City Council make a submission in support of the [National Feral Deer Action Plan](#), which highlights the threat feral deer pose to the Greater Blue Mountains World Heritage Area and the need for increased resources to stop their spread.

**Attachment 2 - Correspondence from the Office of the Attorney General to Cr Mark Greenhill
OAM - Justice Reform Initiative**

The Hon Melinda Pavey MP
Parliamentary Secretary for Stronger Communities and Families,
and the North Coast

EAP23/305
IM23/419

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

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


Dear Mayor

Justice Reform Initiative

Thank you for your letter to the Attorney General, Mark Speakman, received 11 January 2023, expressing Blue Mountains City Council's support for the Justice Reform Initiative (JRI). I am responding on the Attorney General's behalf.

The Attorney General was pleased to meet with representatives of the JRI in August 2021 to discuss its policy platform and campaigns to reduce incarceration. The Department of Communities and Justice (the Department) has also since engaged with the JRI, including hosting a roundtable in November 2022. That roundtable, chaired by the Secretary of the Department, brought together departmental officials, representatives from the JRI and the community sector and academics focusing on reducing recidivism.

The NSW Government will continue to engage with evidence-based policy initiatives and is committed to reducing recidivism and addressing the overrepresentation of Indigenous Australians in the justice system.

Thank you for taking the time to write.

Yours sincerely


The Hon Melinda Pavey MP
Parliamentary Secretary for Stronger Communities and Families,
and the North Coast

25 JAN 2023

Attachment 3 - Leura Community Alliance letter to Mayor Mark Greenhill BMCC re Reopening Cliff Drive, Leura dated 07 February 2023

7 February 2023

Our ref - BMCC.Mayor.CliffDrive.070223

Mayor Mark Greenhill
Blue Mountains City Council
Locked Bag 1005
Katoomba NSW 2780
email - mgreenhill@bmcc.nsw.gov.au

Dear Mayor Greenhill

PETITION TO REOPEN CLIFF DRIVE, LEURA

I am pleased to submit, on behalf of the Leura Community Alliance, the attached petition concerning the re-opening of Cliff Drive in Leura.

The Alliance is also attaching a copy of an earlier petition on the same issue which did not attract a response from the Council. We feel this document, along with our own petition, clearly demonstrates the strength of public sentiment on this critical issue.

We look forward to the Council's positive response to our requests.

Yours sincerely

Stephanie Moxham
Administration
[REDACTED]

Encl - LeuraCommunityAlliance PETITION to Mayor Mark Greenhill BMCC re Reopening of Cliff Drive Leura dated 07feb23 BMCC.Mayor.CliffDrive.070223

Encl - RodMcLean PETITION to BMCC re To Reopen Cliff Drive to Light Traffic submitted to BMCC 06jun22

CC - council@bmcc.nsw.gov.au

CC - Cr Sarah Redshaw sredshaw@bmcc.nsw.gov.au

CC - Cr Kevin Schreiber kschreiber@bmcc.nsw.gov.au

CC - Cr Suzie van Opdorp svanopdorp@bmcc.nsw.gov.au

Leura Community Alliance

email - leuracommunityalliance2780@gmail.com

snail mail - PO Box 7250, Leura NSW 2780

facebook - [@leuracommunityalliance](https://www.facebook.com/leuracommunityalliance)

Leura Village Association - Leura Gardens Festival Inc - Leura Garden Club - Leura Uniting Church
The Church of Jesus Christ of Latter-Day Saints Leura - Blue Mountains Conservation Society Inc.
Rotary Club of the Upper Blue Mountains Sunrise - National Trust (NSW) Blue Mountains Branch
North Leura 'Gateway' Network - Sublime Plateau Community Association Inc - Gladstone Road Precinct
Committee - Friends of Gordon Falls & Leura (FOGFAL) - Leura Golf Club

Attachment 4 - Leura Community Alliance PETITION (65 signatures) to ~ Greenhill BMCC re Reopening of Cliff Drive Leura dated 07 February 2023(2)_Redacted

PETITION LODGEMENT FORM



To the Mayor and Councillors of Blue Mountains City Council:

Please find attached a petition concerning the following subject.

Subject of petition: _____

REOPENING OF CLIFF DRIVE, LEURA

Number of persons who have signed the petition: 102	
Number of pages attached: 12	
Name of person lodging the petition: STEPHANIE MOXHAM	
Address:	[REDACTED]
Telephone: (Home) (Work) (Mobile)	[REDACTED]
Signature of person lodging the petition:	[REDACTED]
Name of organisation/group (if acting on behalf of an organisation or group): LEURA COMMUNITY ALLIANCE	

leuracommunityalliance2780@gmail.com

P E T I T I O N

20/11/20

We, the undersigned, call on the Blue Mountains City Council to urgently attend to the repair and reopening of Cliff Drive in the vicinity of Leura Cascades and to publicly announce an early date for the commencement and completion of work required to achieve this outcome. This should include any interim arrangements that would enable the passage of vehicular traffic.

We submit that taking this action will –

- re-establish a critical road corridor between Leura and Katoomba
- reconnect one of the Blue Mountains’ most popular tourist drives with one of its most famous tourist destinations, and
- stimulate local businesses activity.

	NAME please print	ADDRESS	SIGNATURE	EMAIL please print
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Attachment 5 - Rod McLean PETITION (93 signatures) to BMCC re To Reopen Cliff Drive to Light Traffic submitted to BMCC 06 June 2022_Redacted

PETITION LODGEMENT FORM

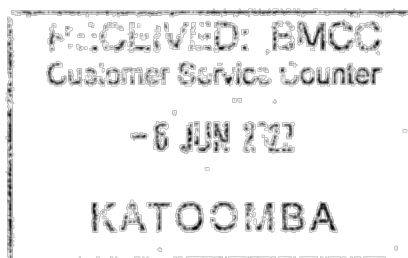


To the Mayor and Councillors of Blue Mountains City Council:

Please find attached a petition concerning the following subject.

Subject of petition: To Reopen
Cliff Drive (Light Traffic)

Number of persons who have signed the petition:	90
Number of pages attached:	6
Name of person lodging the petition:	Rod McLean (MCLEAN)
Address:	[REDACTED]
Telephone: (Home) (Work) (Mobile)	[REDACTED]
Signature of person lodging the petition:	[REDACTED]
Name of organisation/group (if acting on behalf of an organisation or group):	



14/139512

WE, THE UNDERSIGNED PETITION THE BLUE MOUNTAINS CITY COUNCIL
TO REOPEN CLIFF DRIVE

NAME

ADDRESS

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Attachment 6 - Letter from Mayor Mark Greenhill to Blaxland Chamber of Commerce- CCTV



Date 28 October 2020

Office of the Mayor

Reference File: F09299

J. Bromilow
President
Blaxland Chamber of Commerce
info@blaxlandchamber.com.au

SUBJECT CCTV Cameras

I am writing to you in relation to the CCTV cameras installed in Blaxland Town Centre. A commonwealth grant was received by the Blaxland Chamber of Commerce to have CCTV cameras installed in the town centre.

On 23 September 2020, the Executive Business Manager of Blue Mountains City Council contacted you via email seeking assistance for a business in the Blaxland Town Centre, directly in front of the CCTV camera where an attempted break in had occurred. This was the second attempted break in where damage was caused to the property in a short period of time. (A copy of that email is provided). No response was received.

At the Council meeting dated 27 October 2020, Council resolved the following unanimously:

1. That the Council notes reports from constituents of recent break ins or attempted break ins at the Blaxland shopping precinct;
2. That the Council notes reports in metropolitan media last year of an assault in
3. Blaxland;
4. That the Council notes the Blaxland Chamber of Commerce received public money via a commonwealth grant to install and manage CCTV cameras in the Blaxland shopping precinct;
5. That the Council notes the cameras have not been functioning, despite the outlay of public money, during the period the above incidents are alleged to have occurred;
6. That the Council writes to the commonwealth agency administering the grant and asks for their intervention with the Blaxland Chamber of Commerce in order to rectify the problem and report to the community the reason for the non-functioning of the cameras and when they are expected to function;
7. That the Council writes to the President of the Blaxland Chamber of Commerce, seeking an explanation and asking when, if ever, the cameras have functioned; and;
8. That the Council issues a public statement outlining these actions.

I am seeking a response from you as to the questions raised by Council on this issue.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Mark Greenhill', written over a light blue rectangular stamp.

MARK GREENHILL OAM
Mayor

From: Tracy Burgess
Sent: Tuesday, 22 September 2020 2:47 PM
To: 'jo@champenterprises.com.au' <jo@champenterprises.com.au>
Subject: Blaxland CCTV

Good afternoon Ms Bromilow

My name is Tracy Burgess. I am relatively new to Blue Mountains City Council. The gentleman that runs Dan's Coffee Haus in Blaxland has advised that he had an attempted break in. This is the second in recent times. I have reviewed Council's CCTV policy and Council doesn't manage CCTV in the LGA. Digging further into various files in an attempt to assist Dan, I can see that a federal grant was provided to the Blaxland Chamber of Commerce for their request to install a CCTV camera. I have been advised that you are the best contact for Blaxland Chamber of Commerce. Can you please give Dan access to the CCTV footage. It will greatly assist the police investigation.

Thank you

Tracy

Tracy Burgess | Executive Business Manager | T 4780 5915 | M 0413 034 616 | E tburgess@bmcc.nsw.gov.au
<image001.png>

Blue Mountains City Council ● council@bmcc.nsw.gov.au ● www.bmcc.nsw.gov.au ● Locked Bag 1005
Katoomba NSW 2780

Attachment 7 - Letter to Blaxland Chamber of Commerce - CCTV for Minute 296 October 2022



Date 11 January 2023

Office of the Mayor

Reference File: F09299

J. Bromilow
President
Blaxland Chamber of Commerce
info@blaxlandchamber.com.au

SUBJECT CCTV Cameras

At the Ordinary meeting of Blue Mountains City Council on 25 October 2022, the following resolution was passed:

MINUTE NO. 296

1. That the Council notes that:
 - a) The grant several years ago to the Blaxland Chamber of Commerce for the provision of CCTV at the Blaxland shops during the time of the former federal government;
 - b) The cameras have not been working in years since the grant of public money to the Blaxland Chamber of Commerce;
 - c) Break ins and assaults have occurred in Blaxland while these cameras have been malfunctioning;
 - d) Previous correspondence with the Blaxland Chamber of Commerce President on this matter and the lack of any clear commitment that the payment of public money to the organisation would result in the cameras being brought to a functional state;
2. That the Council writes to the President of the Blaxland Chamber of Commerce seeking clarification as to the status of the cameras; and
3. That, in the event of a further unsatisfactory response, the Council writes to the new federal minister to advise of the situation.

Attached is a copy of the letter referred to the Blaxland Chamber of Commerce on 28 October 2020 referred to in point 1(d) above.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Tracy Burgess', is positioned above the printed name and title.

TRACY BURGESS
Executive Business Manager

From: Tracy Burgess
Sent: Tuesday, 22 September 2020 2:47 PM
To: 'jo@champenterprises.com.au' <jo@champenterprises.com.au>
Subject: Blaxland CCTV

Good afternoon Ms Bromilow

My name is Tracy Burgess. I am relatively new to Blue Mountains City Council. The gentleman that runs Dan's Coffee Haus in Blaxland has advised that he had an attempted break in. This is the second in recent times. I have reviewed Council's CCTV policy and Council doesn't manage CCTV in the LGA. Digging further into various files in an attempt to assist Dan, I can see that a federal grant was provided to the Blaxland Chamber of Commerce for their request to install a CCTV camera. I have been advised that you are the best contact for Blaxland Chamber of Commerce. Can you please give Dan access to the CCTV footage. It will greatly assist the police investigation.

Thank you

Tracy

Tracy Burgess | Executive Business Manager | T 4780 5915 | m 0413 034 616 | e tburgess@bmcc.nsw.gov.au
<image001.png>
Blue Mountains City Council ● council@bmcc.nsw.gov.au ● www.bmcc.nsw.gov.au ● Locked Bag 1005
Katoomba NSW 2780

Attachment 8 - Letter - Glue Traps - Mayor - January 2023 Council Meeting Resolution



Date 3 February 2023

Office of the Mayor

Reference File: F09299

The Hon. James Griffin MP
CC: The Hon. Mark Speakman MP
CC: The Hon. Trish Doyle MP

GPO Box 5341
SYDNEY NSW 2001

SUBJECT Glue Traps

I am writing to you to in relation to the regulation of glue traps in NSW. Glue traps are any trap that uses glue, adhesive material or similar viscid substances as the mode to capture and trap an animal or insect. There are two main types:

Animal Glue Traps – Generally these are large pieces of carboard or other material with the adhesive substance on top. Food is placed in the center with the anticipation that rats or mice will step onto the board to get to the food and immediately be stuck. I have been advised by Blue Mountains WIRES that native animals such as birds possums, gliders, antechinuses, bandicoots etc. also get caught in these traps.

The animals panic and struggle. This causes them to become even more stuck. The glue tears off fur, feathers and skin. Some animals have been found having chewed off their own foot in their desperation to escape. It is cruel and inhumane for native and non-native animals.

Animal glue traps are banned entirely in Victoria, Tasmania, and the Australian Capital Territory. They cannot be sold, purchased or used.

Insect Glue Traps – Generally these are long strips of sticky paper or other material hung to catch flies and other insects. I have been advised by Blue Mountains WIRES that insect glue traps are also regularly trapping small native birds and microbats. The birds and microbats again, panic and struggle. They will lose feathers, fur and skin. They will also try to groom themselves to remove the sticky substance causing kidney damage due to toxins in the adhesive.

Glue traps sold or used for insects in Victoria are permitted but must have a cage, barrier, cover or other design features which will prevent an animal from coming into contact with the adhesive surface.

At the Ordinary Council Meeting of 31 January 2023, the following resolution was made by Blue Mountains City Council:

1. *That the Council notes that animal and insect glue traps harm native animals;*
2. *That the Council notes that animal glue traps are cruel and unnecessary for pest management of non-native species;*
3. *That the Council notes that the governments of Victoria, Tasmania and the Australian Capital Territory have already amended legislation to ban animal glue traps for the capture of animals and to require insect glue traps to be wildlife friendly; and*
4. *That the Council writes under the signature of the Mayor to The Hon. James Griffin MP Minister for Environment and Heritage, The Hon. Mark Speakman MP, NSW Attorney General and Trish Doyle MP, Member for Blue Mountains, requesting that NSW legislation be amended to the same humane level as that of other states in relation to glue traps.*

In line with other jurisdictions, exemptions could be incorporated into the legislation for Hair Traps. Hair traps are non-invasive traps used to assist with studies and research of animal populations in the wild. These traps can come in multiple designs with a common theme of a light adhesive material to collect hairs from animals as they pass through. This means the animals do not need to be captured at all to collect data for wildlife in the area. Hair traps can be permitted for research purposes and the defining difference is the strength of the adhesive and the purpose.

Yours faithfully



MARK GREENHILL OAM
Mayor

Attachment 9 - Letter of Support - Habitat for Humanity - NSW Disaster Ready Fund grant application

14 February 2023

Office of the Chief Executive Officer

Reference File: F13559 File No 23/30548

Disaster Ready Fund
NSW Reconstruction Authority
GPO Box 5434
SYDNEY NSW 2001

Dear Sir/Madam

SUBJECT Letter of Support for **Habitat for Humanity Australia** for
Disaster Ready Fund – NSW Reconstruction Authority

Blue Mountains City Council is pleased to support the funding application by Habitat for Humanity, for community programs for vulnerable members of the community. These programs would include conducting activities on behalf of less physically able people such as:

- clearing invasive species and overgrown vegetation that may contribute to bushfire fuel load
- trimming overhanging trees, cleaning gutters,
- occasional basic maintenance tasks to prevent ember ingress and other hazards.

Such activities are in line with Rural Fire Service recommendations. Initial property assessments conducted by Habitat for Humanity have highlighted the need for these services to be provided in the Blue Mountains Local Government Area.

The Blue Mountains faces significant risk of natural disasters, and in recent years both bushfire and flood events have affected our community. Habitat for Humanity has been active in the Blue Mountains since 2020, supporting households with bushfire recovery and preparedness. Habitat for Humanity anticipate further natural disasters and encourage all Blue Mountains residents to plan and to be physically prepared for such events. Disaster preparedness is not always easy for elderly residents and people with disabilities who require additional supports that Council and other community services are not always resourced to provide. As such, Habitat for Humanity's proposed program of work, including both the community development aspect and the household preparation service, would benefit the Blue Mountains Local Government Area as our community faces further uncertainty and increasing risk of multi-hazard disasters.

the city within
a World Heritage
National Park

Locked Bag 1005 | 2 Civic Place | Katoomba NSW 2780 | T 02 4780 5000 | F 02 4780 5555
Ecouncil@bmcc.nsw.org.au | www.bmcc.nsw.gov.au | ABN 52 699 520 223



Blue Mountains City Council are supportive of the continuation of Habitat for Humanity's work in the Blue Mountains and look forward to continuing collaboration to support the local community to become more resilient to disasters.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'RDillon', with a small registered trademark symbol (®) to the upper right.

Dr ROSEMARY DILLON
Chief Executive Officer