



Business Paper Ordinary Meeting

**Venue: Administrative Headquarters
 Civic Place
 Katoomba**

Meeting: 7.30pm 28 May, 2019



ORDINARY MEETING

28 MAY 2019

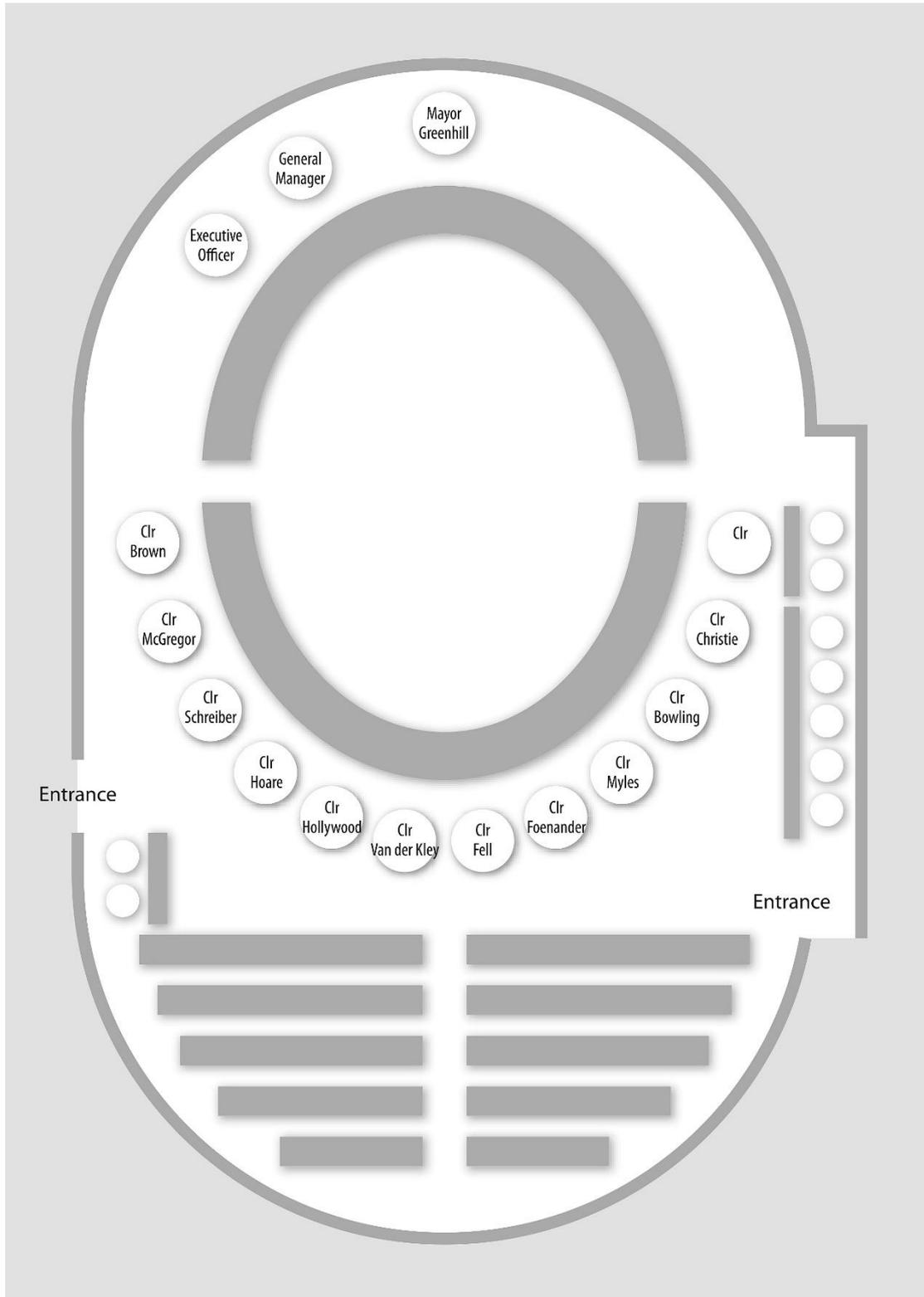
AGENDA

ITEM NO.	PAGE	SUBJECT	COMMENTS
		<p><u>PRAYER/REFLECTION</u> (and Recognition of the Traditional Owners, the Darug and Gundungurra People)</p> <p><u>APOLOGIES</u></p> <p><u>CONFIRMATION OF MINUTES</u></p> <p>Ordinary Meeting held on 30 April 2019</p> <p><u>DECLARATIONS OF INTEREST</u></p> <p><u>MINUTE BY MAYOR</u></p>	
1	13	Proposed Name Change of the Katoomba Civic Centre to Tibbi Whalan Centre	
2	14	Katoomba Airfield	
3	15	Response to USU letter regarding Glyphosate based products used by Council <i>Attachment x 1</i>	

ITEM NO.	PAGE	SUBJECT	COMMENTS
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5	27	<p><u>PROVIDING GOOD GOVERNMENT</u></p> <p>Quarter 3 Budget Review Statement 2018-2019 <i>Enclosure x 1</i></p>	
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13	62	<p><u>LOOKING AFTER ENVIRONMENT</u></p> <p>Sewer System Upgrade to Lapstone Sports Precinct and Childcare centre, 2-4 Explorers Road, Lapstone</p>	

ITEM NO.	PAGE	SUBJECT	COMMENTS
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THE COUNCIL MEETING

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

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

Councillor Seating Map

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

Business Papers and Minutes

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

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

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

To Register to Speak at a Council Meeting

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

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

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

MINUTE BY MAYOR

ITEM NO: 1

SUBJECT: PROPOSED NAME CHANGE OF THE KATOOMBA CIVIC CENTRE TO TIBBI WHALAN CENTRE

FILE NO: F11894 - 19/99034

<p>Delivery Program Link <i>Principal Activity:</i> Looking After People <i>Service:</i> Community Development</p>

Recommendation:

That the Council receives a report on changing the name of the current Katoomba Civic Centre to the Tibbi Whalan Centre.

Mayoral Minute

Reason for report

This mayoral minute responds to a community desire to change the name of the Katoomba Civic Centre to the Tibbi Whalan Centre.

Background

Muriel “Tibbi” Whalan, was a prominent local identity who together with her partner, Peter Carroll, were advocates for many community initiatives. One of their many campaigns was the establishment of Katoomba High School, achieved in 1962; the establishment of the public library, achieved in 1974; and the creation of the Katoomba Leura Senior Citizens Club where they established the local meal services.

The establishment of the Katoomba Leura Senior Citizens Club in the area of the Katoomba Civic Centre is attributed to a “Save our Site” campaign led by Tibbi Whalan and Peter Carroll in the mid 1970s. This campaign was supported by a number of business operators in the Katoomba area and fought the potential of the land being sold to private investors. This successful campaign ensured that the land now known as the Katoomba Civic Centre was retained for the benefit of the community, which has continued to do the present day.

Peter Carroll and his legacy to the City is commemorated through the naming of a cricket and sporting field on Clarence St, Katoomba.

Recommendation

Given the immense contribution of Tibbi Whalan to the city, more particularly Katoomba, it is recommended that the Council receive a report regarding the proposed name change of the Katoomba Civic Centre to Tibbi Whalan Centre.

* * * * *

ITEM NO: 2

SUBJECT: KATOOMBA AIRFIELD

FILE NO: A38822-E - 19/101189

Delivery Program Link

Principal Activity: Using Land

Service: Land Use Management

Recommendations:

1. *That the Council notes there are community concerns with respect to the proposed use of the Katoomba Airfield for commercial activities; and*
 2. *That the Council writes to the Minister for the Department of Industry – Land and Water seeking assurances that community concerns with respect to commercial activities at the Katoomba Airfield will be fully assessed and taken into consideration and to seek an expanded consultation period with the community in order to fully consider the view of affected residents.*
-

Mayoral Minute

Reason for report

This mayoral minute responds to community concerns regarding the proposed use of Katoomba Airfield for commercial activities, including flights. It also confirms that the land is managed by the Department of Industry, Land and Water (DOI) and is not under the jurisdiction of Council.

Background

Katoomba Airfield is Crown land located at 178-180 Grand Canyon Road, Medlow Bath. The site, which is approximately 36 hectares in area, was excised from the adjoining Crown land circa 1960 for the purposes of an airfield. The airfield commenced operations in 1968.

Blue Mountains City Council understands a new lease is proposed for the site, which may permit commercial activities, including flights. This lease is currently on public exhibition.

Community concerns surrounding this proposed lease relate to the potential impacts on amenity from commercial activities including flights on the local community. It is acknowledged that there is community support for the airfield to be used for emergency purposes given the environment in which we live, the high prevalence of bushfires in the area and the significant distance between Sydney and other airports west of Sydney, which would make this an important emergency landing place.

It is important to note that while Council does not manage or own the land, Council will write to the State Government to refer community concerns to the appropriate Minister and to seek an expanded consultation process between NSW Government agencies and the community in order to consider fully the views of the affected residents.

* * * * *

ITEM NO: 3

SUBJECT: RESPONSE TO USU LETTER REGARDING GLYPHOSATE BASED PRODUCTS USED BY COUNCIL

FILE NO: F11894 - 19/110991

Delivery Program Link

Principal Activity: Looking After Environment

Service: Natural Environment

Recommendations:

1. *That the Council notes that it has received a letter from the United Services Union (USU) regarding the use of glyphosate by Councils in NSW; and*
2. *That the Council receives an urgent report on its current use of glyphosate, including the nature and extent of its use, and an analysis of ceasing its use.*

Mayoral Minute

Reason for report

A letter has been received from the USU advising of its interest in the use of glyphosate by Councils in NSW. The letter acknowledges that there is competing scientific evidence regarding the safety of the product, and that the USU has commenced discussions with NSW SafeWork regarding the matter.

Background

Glyphosate is an herbicide used extensively by public and private land managers, such as NSW National Parks & Wildlife Service, NSW Local Land Services, Roads & Maritime Services, State Rail and local government, to control pest plant species.

Recent high profile court cases in the United States have amplified the debate in the Australian community regarding the safety of the product. The current advice from the Australian Pesticides and Veterinary Medicines Authority regarding glyphosate is that it is safe to use in accordance with label directives.

However, the USU's concern that there is competing scientific evidence on the matter is acknowledged and appreciated.

ATTACHMENTS/ENCLOSURES

1	Letter from USU to Mayor regarding Glyphosate products used by Council	19/111879	Attachment
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Attachment 1 - Letter from USU to Mayor regarding Glyphosate products used by Council



United Services Union

Level 7, 321 Pitt St, Sydney NSW 2000

p(02) 9265 8211

e united@usu.org.au

f (02) 9261 2265

Support Team 1300 136 604

15 May 2019

Mayor Mark Greenhill
Blue Mountains City Council

In reply please quote: 20180905DPA01SYD
Contact: Daniel Papps

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

Dear Mayor Greenhill,

Glyphosate based products used by Council

The Union has been monitoring the ongoing debate regarding the use of glyphosate based products such as Roundup in Councils.

There is some international evidence which suggests that products containing glyphosate may be more harmful to workers than initially thought.

After reviewing the international evidence the Australian Pesticides and Veterinary Medicines Authority (APVMA) decided *not* to change their regulatory approach to glyphosate based products like Roundup, stating that ‘...glyphosate is safe to use according to label directives.’

Safework NSW also appear to be supporting the assessment of APVMA.

Nevertheless, last year the Union wrote to all Councils in New South Wales raising this issue. Some Councils had taken proactive action on the issue whilst others continued their existing practice in line with the advice from Australian regulators.

To ensure that the Union fully understands the competing scientific evidence, we have recently engaged with Safework NSW to further discuss this matter.

Once those discussions have concluded the Union will provide further information to its members.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'S. Kelly', is written over a light blue horizontal line.

Graeme Kelly OAM
GENERAL SECRETARY
Per: Stephen Donley, Manager Metropolitan

DP/cp

New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Union

New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Branch of the Australian Services Union

Regional Offices: Newcastle, Wollongong

Satellite Offices: Armidale, Bathurst, Canberra, Dubbo, Grafton, Hay, Port Macquarie, Wagga Wagga

ABN: 95 571 805 442

REPORTS BY GENERAL MANAGER

ITEM NO: 4**SUBJECT: MONTHLY PROGRESS REPORT ON IMPROVEMENT PLANS ADOPTED
IN RESPONSE TO INVESTIGATION REPORTS****FILE NO: F11894 - 19/99104****Delivery Program Link***Principal Activity: Civic Leadership**Service: People and Safety***Recommendations:**

1. *That the Council notes the ongoing progress being made by the organisation to improve its governance and systems to ensure safety is at the centre of the Council's operations and culture;*
2. *That the Council notes and endorses the progress made by the organisation against the Council's adopted Consolidated Improvement Plan for Asbestos Management (at Enclosure 1);*
3. *That, as part of its governance arrangements for the PIO, the Council receives the management report prepared by Centium into "High level PIO Improvement Plan Compliance – May 2019", which is provided at Attachment 1, noting that a copy of the management report be provided to the Minister for Local Government;*
4. *That the Council delegates to the General Manager (or her nominee) authority to continue to update the progress reporting in Recommendation 3 up to and including 28 May 2019 for the purpose of ensuring compliance review for the upcoming month is based on all available information at the time of the review;*
5. *That the Council endorses this report as fulfilling the requirement under the PIO (Action Item 2.c.) that the General Manager report in writing to each monthly meeting of the Council on progress against the Council's adopted Improvement Plans; and*
6. *That the Council notes that the General Manager will continue to provide monthly reports of progress against the Improvement Plans actions as required by the PIO until all actions of the Improvement Plans are completed to the satisfaction of the Council.*

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

This report provides the Council's monthly Progress Report on the implementation of the Asbestos Investigation Improvement Plan as required under the Minister's PIO.

The Progress Report is contained in the following Enclosure which has been prepared by the General Manager:

Enclosure 1: Performance Improvement Order - Monthly Progress Achieved against Consolidated Asbestos Investigation Improvement Plan

The Enclosure documents the Council’s progress over the past twelve months in implementing the 84 actions of the Consolidated Asbestos Investigation Improvement Plan (Enclosure 1).

Independent audit oversight

As part of its governance arrangements for the PIO, and in accordance with the Improvement Plan, the Council has commissioned Centium to undertake a monthly management report into “High Level PIO Improvement Plan Compliance”.

The compliance outcome for May 2019 is provided at Attachment 1.

The monthly management report noted that significant progress had been made in relation to most of the recommendations, significant action had been taken to resolve issues identified in the previous (April) report and that currently there are no identified compliance issues.

As Councillors are aware, there is a considerable lag of two to three weeks between preparation of reports and their consideration by the Council. Therefore at its Ordinary Meeting of 18 September 2018, the Council resolved to delegate authority to the General Manager (or her nominee) to continue to update the reports to include the subject Council meeting. In this way the audit can be undertaken on the most up-to-date information which would then inform monthly reporting to the Council. A recommendation is made as part of this report to continue to grant that delegation.

Status update

A status update is provided for each of the Improvement Plans based on the following standard approach:

Colour	Action Status	Description
Blue	Complete	Task completed. No additional or ongoing action required
Green	On Track	Tasks aligned to the recommendation are in the process of being implemented are on track for completion within the allocated completion timeframe. No additional action required.
Amber	At Risk	Tasks aligned to the recommendation are in the process of being implemented, but may not be finalised within the allocated completion timeframe. Actions and resource allocation to be reviewed.
Red	Behind Schedule	Tasks aligned to the recommendation must undergo review and determination of resource allocation and enhanced priority.

Asbestos Investigation Improvement Plan

Enclosure 1 provides the Action Status Report for the Consolidated Asbestos Investigation Improvement Plan in response to the recommendations from the asbestos investigation Interim Reports 1, 2, 3 and Final Report.

The Action Status Report provides an update on the 84 required actions identified in the Asbestos Investigation (consolidated) Improvement Plan.

Progress against the Improvement Plan is provided below:

Status	Behind Schedule (Red)	At Risk (Amber)	On Track (Green)	Complete (Blue)	Total
Actions	0	0	9	75	84
% of total	0%	0%	11%	89%	100%

While the PIO is still managing short-term actions, the shift is now to 9 more complex, longer-term (120-330 day) Actions.

The Internal Audit Compliance Report provides the following assessment:

“There were no recommendations assessed as being at risk at the time of this report.

We would acknowledge that several projects were completed during the past month – in particular, ELT approval of Council’s short, medium and long-term approach to asset management and preventative maintenance.

We also understand that the planned audit of Council’s framework for managing asbestos in Council owned or managed property has also been completed, and an interim report is being considered.

The total number of in progress projects has dropped to nine (i.e. 11% of the total). We also noted that some progress was made regarding the roll-out of training, which is a key component of Council’s safety culture program.”

Centium, 7 May 2019

Improvement Program over 2018/2019

To date, consistent progress has been made over the span of the Improvement Plans in line with the Minister’s PIO. Both the Consolidated Asbestos Management and Recruitment Improvement Plans (the Recruitment Improvement plan is now **completed**) represent a significant body of work for the organisation, which is in addition to the core services that the Council continues to provide to its community.

The process is being managed through the PIO Project Control Group (PCG) and the Council recruited dedicated resources to manage the project, but it will continue to rely on significant contributions across the business to deliver on improvements. The work program represents a significant challenge to the organisation over that period and represents an important opportunity to strengthen overall corporate governance, organisational culture, safety and asbestos management and human resource management. Competing priorities need to be carefully managed in terms of the SafeWork and EPA investigations, as well as the required preparation for the Public Inquiry, to ensure the PIO program is implemented.

Further effort will be required to finalise the Improvement Program through the 2018/2019 financial year, and the required budget to progress the plans has been made available. The Council has committed to resourcing this project as an organisational priority.

Commitment to resourcing implementation of Improvement Plans

The Council has previously resolved to prioritise implementation and resourcing of these Improvement Plans. Many of the actions can be achieved through existing staff resources. If additional funding is required, budget variations will be requested.

Sustainability Assessment

Effects	Positive	Negative
Environmental	The Improvement Plans provide for systematic environmental improvements through the elimination of asbestos.	Nil
Social	The Improvement Plans include extensive requirements for community awareness and education in the area of asbestos.	Nil
Economic	The Council has prioritised funding of asbestos remediation.	Nil
Governance	The PIO imposes significant compliance obligations on the Council, which need to be managed by appropriate governance arrangements, which include regular reporting to the Council, a project control group and audit oversight.	Nil

Financial implications for the Council

All project deliverables are resourced within the 2018/19 budget as managed by the various functional areas of Council with specific responsibilities for delivery of project actions.

Legal and risk management issues for the Council

The PIO requires an extensive program of work by the Council to improve safety and recruitment processes, in addition to the core activities provided the Council to serve the community. Notwithstanding the considerable progress made to date under the Improvement Plans, there remain significant risks for the organisation of not meeting the project deliverables because of competing priorities.

In managing this risk, the PIO is overseen by a project control group and is subject to monthly compliance management reporting as required by the PIO.

Consultation with other agencies

In accordance with the PIO, Council sought and received feedback from SafeWork NSW and the NSW EPA on the Improvement Plans prepared in response to the Asbestos Investigation reports as well as the Recruitment Investigation report, with amendments subsequently being made to Council’s Improvement Plans.

During the conduct of works associated with the implementation of the Improvement Plan actions going forward, Council will consult and engage with relevant external stakeholders as required and source external professional advice when necessary.

Conclusion

The enclosure attached to this report provide an update on Council’s progress in addressing the Consolidated Asbestos Management Plans in accordance with the requirements of the PIO. The Council is requested to note the significant work undertaken and endorse the recommendations of this report.

ATTACHMENTS/ENCLOSURES

1	May - Compliance Review Management Letter 7 May 2019	19/102014	Attachment
2	Performance Improvement Order - Monthly Progress Achieved against Consolidated Asbestos Investigation Improvement Plan	19/102080	Enclosure

* * * * *

Attachment 1 - May - Compliance Review Management Letter 7 May 2019



Mr. Will Langevad
Director Development & Customer Services
Blue Mountains City Council

cc. John Hussey, A/ Group Manager People & Systems

7 May 2019

Dear Will

High Level PIO Improvement Orders – Compliance Apr / May 2019

Thank you for engaging Centium to undertake the Monthly Compliance Review of the Asbestos Management Performance Improvement Order (PIO).

This Management Letter sets out the outcomes of our independent verification of BMCC's compliance with the PIO as at 1 May 2019.

OBJECTIVE AND SCOPE

Consistent with PIO recommendations 1.10 (a)-(c), the objective of the monthly compliance reviews is to independently verify PIO progress at a very high level (i.e. no testing) and comment on the extent to which:

- Improvement Plans/recommendations have been actioned
- Appropriate evidence is available to support the complete and accurate actioning of Improvement Plans/recommendations

It was agreed that for the first month (July) a comprehensive compliance audit would be undertaken on all actions progressed to date (including those marked as Completed and Ongoing).

From the second month onwards, the proposed approach is to address Improvement Recommendations in 'date order' ensuring that those nearing their completion dates in the Improvement Plans are independently checked each month.

Please note that we were not required to undertake any testing but have relied on the PIO reports and evidence presented to us. Furthermore, we were also not required to assess BMCC's compliance with its current Asbestos Management Plan (and associated SOPs).

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OBSERVATIONS

Centium received the Compliance reports and evidence for the Asbestos PIO on 1 May 2019.

BMCC's level of compliance with the requirement and recommendations contained in this PIO has been assessed, taking into account the detailed progress for each recommendation, the supporting evidence attached and the associated timeline for completion.

Detailed assessment for each recommendation (where action has commenced) has been included in the attached PIO compliance reports.

Asbestos There were no recommendations assessed as being at risk at the time of this report.

We would acknowledge that several projects were completed during the past month – in particular, ELT approval of Council's short, medium and long-term approach to asset management and preventative maintenance.

We also understand that the planned audit of Council's framework for managing asbestos in Council owned or managed property has also been completed, and an interim report is being considered.

The total number of in progress projects has dropped to nine (i.e. 11% of the total). We also noted that some progress was made regarding the roll-out of training, which is a key component of Council's safety culture program.

Please refer to assessments and commentary in the attached report.

We thank you for the opportunity to be of assistance and look forward to working with you in the future. Please do not hesitate to contact me should you require any further information.

Sincerely,



Dr. Stephen James
SENIOR PARTNER
0411 179 909
stephen.james@centium.com.au



OFFICERS REPORTS

ITEM NO: 5

SUBJECT: QUARTER 3 BUDGET REVIEW STATEMENT 2018-2019

FILE NO: F11894 - 19/77596

Delivery Program Link

Principal Activity: Civic Leadership

Service: Corporate Planning and Reporting

Recommendations:

1. *That the Council endorses this report and the enclosed "Quarter 3 Budget Review Statement 2018-2019"; and*
 2. *That the Council adopts the budget variations to be included in the Budget as detailed in this report and the enclosure.*
-

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

This report provides the legislatively required quarterly budget review statement for Quarter 3 of 2018-2019 (as at 31 March 2019), in accordance with requirements under the clause 203(1) of the *Local Government (General) Regulation 2005*.

The regulation requires the Responsible Reporting Officer to prepare a Budget Review Statement that will:

- Provide fair and reasonable information to Councilors and the community in respect of the budget;
- Report on the impacts of any recommended changes with respect to the Operational Plan including potential impacts on goals, objectives and strategies contained in the plan and the Delivery Program; and
- Indicate how a council is tracking against its original budget as set out in its Operational Plan.

The information presented below, combined with the information provided in the enclosure "Quarter 3 Budget Review Statement 2018-2019", meets these requirements.

Overview of Budget Position**Working Capital Result**

An analysis of actual results and revised projections as at March 2019 leaves working capital unchanged and below target.

The following reconciliation illustrates the projected Working Capital position as at the 31 March 2019 review.

Projected Working Capital Position by 30 June 2019	\$'000
Actual Working Capital Result – 1 July 2018	\$1,349
Original Budget 2018-2019 Forecast Improvement in Working Capital	\$0
September 2018 Quarterly Review (net result)	\$0
December 2018 Quarterly Review (net result)	\$0
March 2019 Quarterly Review (net result)	\$0
Revised Estimated Working Capital Result – 30 June 2019	\$1,349

More detailed information on the Council's budget position, as at 31 March 2019, is provided in the separate enclosure "Quarter 3 Budget Review Statement 2018-2019".

Significant Variations – March 2019

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 3 Budget Review Statement 2018-2019".

Operational Budget Variations	Favourable \$'000	Unfavourable \$'000
Receipt of grant income to fund heritage, environment and community projects	\$555	-\$555
Additional property and community hall rental income	\$53	\$0
Additional expenditure for Natural Areas and Healthy Waterways projects funded from respective grant reserves	\$60	-\$60
Reduction in IT budget due to capital and operating expenditure savings	\$448	-\$338
Reduction in VIISP expenditure due to revised implementation approach, offset by a positive transfer to Pay & Display reserve	\$155	-\$155
Reduction in Fleet budget and decrease in capital income flowing from delayed replacement of vehicles due to changes in operational requirements	\$940	-\$940
Increase operating expenditure budget for Asbestos Response Team, funded partly by internal borrowing from the Waste Management Facility reserve	\$310	-\$575
Reduction in employment budget due to vacancies and work life balance arrangements	\$102	\$0
Net Total	\$0	

Asset Works Program Budget Variations	Favourable \$'000	Unfavourable \$'000
Additional expenditure for the Blaxland Waste Management Facility liner contract, funded by internal borrowing from Tip reserve	\$648	-\$648
Additional budget for construction of Lawson and Blaxland RFS buildings	\$294	-\$294
Removal City Deal Grant funding and associated expenditure from 2018-2019 budget due to State government approval delays	\$5,000	-\$5,000
Additional expenditure for Blackheath Visitor Infrastructure revitalisation funded from BBRF grant income	\$130	-\$130
Additional expenditure for the BM Springwood Hub, funded from the operating budget	\$37	-\$37
Reconsideration and deferral of Echo Point upgrade projects to 2019 2020 (VIC, Katoomba Reids and Katoomba Falls Kiosk)	\$3,298	-\$3,298
Reduction of various Asset Works Program projects that have been deferred to 2019-2020 (full list of deferred projects included in enclosure)	\$1,718	-\$1,718
Net Total	\$0	

Asset Works Program Summary

The following table provides information on the overall 2018-2019 Asset Works Program funding and expenditure status as at 31 March 2019. It also details the percentage of projects on track or completed as at the end of Quarter 3.

2017-2018 Asset Works Program funding and expenditure status as at 31 March 2018

Total annual 2018-2019 budget *	\$18,747,352
Total expenditure as at 31 March 2019	\$9,149,562
Expenditure percentage to date **	48.8%
Percentage of projects on target or completed **	65%

* Includes funding carried over from 2018-2019, recommended/adopted variations and capital funding for Major Projects. Excludes IT assets and plant and equipment.

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

Note: As this is a 12 month program, the majority of construction occurs in Quarter 4.

Sustainability Assessment

Effects	Positive	Negative
Environmental	The Quarterly Budget Review Statement reports on progress against the 2018-2019 budget and service delivery actions that contribute to an environmentally responsible city.	Nil
Social	The Quarterly Budget Review Statement reports on progress against the 2018-2019 budget and service delivery actions that contribute to an inclusive, healthy and vibrant city, a liveable city and an accessible city.	Nil
Economic	The Quarterly Budget Review Statement reports on progress against the 2018-2019 budget and service delivery actions that contribute to an economically sustainable city.	Nil

Effects	Positive	Negative
Governance	The Quarterly Budget Review Statement provides transparent information to the community on how the Council is tracking against its delivery of major projects, the Asset Works Program, Operational Plan actions and how the Council is tracking financially.	Nil

Financial implications for the Council

The recommended budget adjustments from the Quarter 3 Review result in no change to the forecast working capital position.

The optimum level of working capital for the Council has previously been identified in the range of \$1.7M to \$1.9M, which represents the industry standard to allow for stores and the provision of core debtors. Subject to the Council adopting the recommended variations, the estimated working capital of \$1.3M is below the optimum range indicating that working capital needs to be replenished.

Legal and risk management issues for the Council

As at the end of Quarter 3, there are no legal or risk management issues in relation to the Council’s 2018-2019 Operational Plan.

External consultation

No external consultation was undertaken in the preparation of this report.

Conclusion

The Council is performing satisfactorily and has met its Quarter 3 (January to March 2019) service delivery targets. In terms of budget position, as at 31 March 2019 the Council continues to have a working capital position that is below the optimum range for Local Government. The Council has continued to reduce its borrowing debt ahead of target, and has investments of \$27M.

It is recommended that the Council endorse this report, together with the enclosure “Quarter 3 Budget Review Statement 2018-2019”, and approve the Quarter 3 variations.

The Council will receive a more detailed report on the position of the Council’s implementation of the 2017-2021 Delivery Program and 2018-2019 Operational Plan in the 2018-2019 Annual Report.

ATTACHMENTS/ENCLOSURES

1	Draft Enclosure Quarter 3 Budget Review Statement 2018-2019	19/103758	Enclosure
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ITEM NO: 6

SUBJECT: ADOPTION OF A REVISED CODE OF CONDUCT AND PROCEDURES

FILE NO: F11894 - 19/79562

Delivery Program Link

Principal Activity: Civic Leadership

Service: Governance and Risk

Recommendations:

1. *That the Council adopts the revised Code of Conduct; and*
 2. *That the Council adopts the revised Procedures for the Administration of the Code of Conduct.*
-

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

The Model Code of Conduct (Model Code) and Procedures for the Administration of the Model Code of Conduct (Model Procedures) were prescribed by the OLG on 14 December 2018. These must be adopted by councils prior to 14 June 2019.

The Code of Conduct governs the standards of conduct expected of Council officials, while the Procedures for the Administration of the Code of Conduct is a guide to how alleged breaches of the Code of Conduct are to be addressed and managed.

The adoption of these documents are required under ss440 and 440AA of *the Local Government Act 1993* ('the Act').

Background

The original *Model Code of Conduct for Local Councils in NSW* came into effect on 1 January 2005, with further revisions in 2005 and 2013 prior to the changes released at the end of 2018.

The most recent previous adoption by Blue Mountains City Council was triggered by the general local government election in 2016. Minor revisions to the Code were adopted by the Council at the Ordinary Meeting of 13 December 2016 with the Procedures reaffirmed. This resolution stated as follows:

1. *"That the Council adopts the revised Blue Mountains City Council Code of Conduct; and*
2. *That the Council reaffirms the existing Procedures for the Administration of the Code of Conduct."*

[Minute No. 363]

This current review is informed by the release by the OLG of the new model Code and Procedures on 14 December 2018. The existing Code and Procedures are in effect until the Model Code and Procedures are adopted. If the Model is not adopted before 14 June 2019, the Model Code and Procedures will automatically come into effect.

The Council made two submissions to the OLG on the consultation draft, as resolved at the Ordinary Meetings of 14 November 2017 [Min No. 383] and 12 December 2017 [Min No 457]. Since the release of the Model Code and Procedures, Councillors and members of the ELT received training from Local Government NSW on 2 April 2019 concerning the changes that affect them.

Staff were notified in October 2017 that the OLG draft was on consultation and were invited to make personal submissions directly to the OLG. The revised Code represents minimal changes for staff, as staff are already subject to consistent policy positions relating to the new Code content on WHS, harassment, bullying and the like. Communication and implementation of the new Code to staff is anticipated to follow the formal adoption of the Code.

The new Model Code

In accordance with OLG Circular 18-44, the new *Model Code of Conduct for Local Councils in NSW* (the Model Code) and *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* (Model Procedures) were prescribed on 14 December 2018 under the *Local Government (General) Regulation 2005*.

The model was released in four separate formats for two different approaches: (i) three individual models for use separately by Councillors, Council staff, and Council delegates or (ii) a whole-of-organisation Code for application to all relevant council officials. It is the whole-of-organisation Code option that is being put forward to the Council for adoption with this report. This approach has been taken for a number of reasons, primarily in relation to clarity of application and to have a single point of reference for the whole organisation, irrespective of role. It was noted that all three targeted versions of the model Code contained significant overlap, which reduced the anticipated advantages of a multi-Code approach.

The revised Code attached to this report is being proposed without content changes from the Model Code. It should be noted that this version does not contain the optional content on social media, which policy position is being explored separately.

The words 'general manager' have been replaced throughout with 'chief executive officer' consistent with the resolution of the Council at the Ordinary Meeting of 26 March 2019, which resolved in part:

3. *"That the Council approves the retitling of the General Manager position to Chief Executive Officer [...]"*

[Minute No. 80]

A definition of 'chief executive officer' is also included accordingly.

The new Model Procedures

The Procedures primarily relate to administration of allegations against Councillors and the chief executive officer (general manager), while suspected breaches by staff would be investigated under workplace investigation procedures.

From time to time, however, there are occasions when it would be more appropriate for staff matters to be managed under the Code and referred to an external conduct reviewer in accordance with the strict provisions of the Procedures. Factors triggering such a decision might include the seniority of the staff member alleged to have breached the Code, and the seriousness of the suspected breach. Accordingly, an additional clause 5.9a has been added to the Procedures being put forward for adoption.

The Frequently Asked Questions attached to OLG Circular 18-44 states that:

[...] Councils' adopted procedures may contain provisions that supplement the Model Procedures, but a council's adopted procedure has no effect to the extent that it is inconsistent with the Model Procedures prescribed under the Regulation.

As the proposed addition in 5.9a is not inconsistent and not less onerous than the model provisions, and is considered to be an acceptable addition.

The words 'general manager' have been replaced throughout with 'chief executive officer' with corresponding definition update, as per the changes to the Code.

Sustainability Assessment

Effects	Positive	Negative
Environmental	Nil	Nil
Social	The Code of Conduct is the primary policy for Council officials engaged in conducting Council business, and as such is an important guide for their behaviour.	Nil
Economic	Nil	Nil
Governance	Adoption of the revised Code of Conduct assists Council in meeting its compliance obligations under s440 of the Act. Adoption of the revised Procedures is consistent with s440AA of the Act.	Nil

Financial implications for the Council

There are no direct financial implications related to the adoption of the Code of Conduct and Procedures. Associated with the Code and Procedures is an expression of interest process for a panel of Code of Conduct reviewers. This process has been completed and the report on the outcome is being presented separately in this report.

Legal and risk management issues for the Council

The existing Code and Procedures are in effect until the Model Code and Procedures are adopted. If the Model is not adopted before 14 June 2019, the Model Code and Procedures will automatically come into effect, binding Council to their provisions.

If a breach is alleged to have occurred, the Code which was in effect at the time of the alleged breach will apply.

External consultation

Public exhibition is not required, as the Model Code and Procedures are prescribed by the OLG, with the Models to be adopted in their entirety with only a minor additional clause to be added to the Procedures.

Conclusion

Under section 440 of the Act, councils must adopt a Code of Conduct that incorporates provisions of the Model Code. It is recommended that the Council adopts the revised Code of Conduct and *Procedures for the Administration of the Code of Conduct* as enclosed with this report.

ATTACHMENTS/ENCLOSURES

1	Draft Code of Conduct 2019	19/36412	Enclosure
2	Draft Procedures for the Administration of the Code of Conduct 2019	19/37107	Enclosure

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ITEM NO: 7

SUBJECT: OUTCOME OF EXPRESSION OF INTEREST - CODE OF CONDUCT
REVIEWER PANEL

FILE NO: F11894 - 19/98730

Delivery Program Link

Principal Activity: Civic Leadership

Service: Governance and Risk

Recommendations:

1. *That the Council notes that it received twelve (12) responses to the call for expressions of interest for members to the Code of Conduct Reviewer Panel;*
 2. *That the Council appoints the following reviewers to its Code of Conduct Reviewer Panel pursuant to the Model Procedures for the Administration of the Code of Conduct:*
 - *Anti-Corruption Consultants Australia Pty Ltd,*
 - *Maculrob Services (McCullough Robertson),*
 - *O'Connell Workplace Relations Pty Ltd,*
 - *O'Connor Marsden & Associates,*
 - *Procure Group Pty Ltd,*
 - *WEIR Consulting Pty Ltd,*
 - *Winton Consulting Pty Ltd,*
 - *Wise Workplace Services T/A Wise Workplace; and*
 3. *That the Council delegates to the General Manager (or her delegate) the authority to execute and sign documents relating to the appointments to the Code of Conduct Review Panel.*
-

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

The Council has engaged in a public expression of interest process for a panel of Code of Conduct reviewers in accordance with the *Model Procedures for the Administration of the Code of Conduct*.

This report provides details of the expressions of interests submitted and recommends that Council appoint eight (8) members to the panel for execution of documentation under the delegated authority of the General Manager, confirming appointment to the panel accordingly.

Background

On 14 December 2018, the Office of Local Government (OLG) prescribed the revised *Model Code of Conduct* and the *Model Procedures for the Administration of the Code of Conduct* (the *Procedures*), the adoption of which documents are recommended in a separate report to this meeting of the Council.

Following the issue of the Code and Procedures from the OLG, Council commenced a public expression of interest process for a panel of reviewers in accordance with the Procedures, which states in part:

- 3.1 *The council must by resolution establish a panel of conduct reviewers.*
- 3.2 *The council may by resolution enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils.*
- 3.3 *The panel of conduct reviewers is to be established following a public expression of interest process.*

Previously, Council used the WSROC panel for conduct reviewers, and subsequently the Internal Audit Bureau (IAB) until it was disbanded in December 2015. In the period since, the Council has selected reviewers which have been vetted by NSW Procurement (ProcurePoint) in accordance with OLG Circular 16-08. That circular announced the decision by the Acting Chief Executive of the OLG to approve the "investigation services suppliers list specified under the Performance and Management Services Prequalification Scheme administered by NSW Procurement..." for the purposes of 6.2(b) of the model Procedures.

Role of the Panel members

From time to time, conduct reviewers may be requested to examine and review alleged breaches of Council's Code of Conduct, conduct investigations, determine outcomes and produce written reports in relation to breaches or alleged breaches of the Council's Code of Conduct. The panel members may or may not be engaged to provide services, subject to the specific requirements for the reviews during the term of the contract.

A relatively large panel of reviewers is recommended to ensure that there are sufficient vendors to address code of conduct matters as they arise, noting that from time to time panel members may not be in a position to accept a particular referral for reasons as set out under clause 6.4 of the Procedures which states that:

A conduct reviewer must not accept the referral of a code of conduct complaint where:

- a) *they have a conflict of interest in relation to the matter referred to them, or*
- b) *a reasonable apprehension of bias arises in relation to their consideration of the matter, or*
- c) *they or their employer has entered into one or more contracts with the council (other than contracts relating to the exercise of their functions as a conduct reviewer) in the 2 years preceding the referral, and they or their employer have received or expect to receive payments under the contract or contracts of a value that, when aggregated, exceeds \$100,000, or*
- d) *at the time of the referral, they or their employer are the council's legal service provider or are a member of a panel of legal service providers appointed by the council.*

Invitation to Submit an Expression of Interest

The Expression of Interest (EOI) was conducted through Local Government Procurement (LGP) to ensure maximum possible independence. Advertisement commenced 19 March and closed at 2pm on 9 April 2019. The EOI documents were published on LGP's Tenderlink e-tendering web portal (www.tenderlink.com/lgp). Respondents were asked to lodge their responses electronically via this portal. Advertising was via the Sydney Morning Herald, the Blue Mountains Gazette, Council's website and LGP's e-tendering portal.

Through the portal, alert notices were sent electronically to 2739 organisations, 154 organisations viewed the notice online and in total 39 organisations registered to download the EOI documents.

Tender Submissions

The methodology adopted to undertake the evaluation of submissions was based on selection criteria outlined in the expression of interest documentation.

Twelve (12) submissions were received by the appointed time. Listed in alphabetical order, the submissions were from:

1. Anti-Corruption Consultants Australia Pty Ltd
2. Core Integrity Pty Ltd
3. Hones Lawyers Pty Ltd
4. Lighthouse Investigations Pty Ltd
5. Maculrob Services (McCullough Robertson)
6. O'Connell Workplace Relations Pty Ltd
7. O'Connor Marsden & Associates
8. Procure Group Pty Ltd
9. Proven Intelligence
10. WEIR Consulting Pty Ltd
11. Winton Consulting Pty Ltd
12. Wise Workplace Services T/A Wise Workplace

No late submissions were received.

Evaluation criteria

An initial compliance check was conducted by LGP to verify conformance of submissions to the immediate requirements of the EOI. This included compliance with the contractual requirements and the provision of requested information.

All responses were then assessed against the qualitative (non-price) and price evaluation criteria. Specific criteria were weighted according to their importance as specified in the Evaluation and Probity Plan and shown in the table below.

Criteria	Weighting
Experience and Capability <ul style="list-style-type: none"> - Qualifications and Licences - Experience - Specific Experience - Company Capability - PART M – Key Personnel - Demonstrated Experience – Case Studies - Demonstrated Skills 	40%
Methodology <ul style="list-style-type: none"> - Demonstrate methodology on how investigations will be conducted - Timelines, Roles and responsibilities, Reporting 	40%
Price <ul style="list-style-type: none"> - Conduct reviewer, Review time, Hourly rate - Conduct reviewer - travel time - Director (review oversight) - Other (for example, transcription services) 	20%
Total Weighting	100%

Rating scale

All responses were assessed against the qualitative selection criteria using the scoring scale of 0 – 10 as indicated in the table below:

Score	Definitive Answers	Value Judgement
0	Unsatisfactory	Does not meet the minimum requirement. The response poses significant risk
2	Poor	Meets the minimum requirements but is only just satisfactory for this criterion. The response is high risk
4	Satisfactory	Moderately satisfies the requirement. The response has some element of risk
6	Good	Meets a reasonable number of the requirements of an ideal response. The response has acceptable risk
8	Very Good	Satisfies the majority of the requirement. The response has minimal risk
10	Excellent	Fully satisfies the requirement. The response offers little or no risk

Information provided by parties submitting an expression of interest which is commercial-in-confidence has been withheld.

Any information requested by a potential vendor has been duly provided to all potential vendors.

Tender Evaluation

All members of the EoI Evaluation Panel have signed conflicts of interest declarations. No pecuniary interests were noted.

All submissions were assessed in accordance with the approved evaluation criteria as set out above. Of the twelve (12) respondents, four respondents noted minor non-compliances. These non-compliances were resolved via clarifications, hence all twelve (12) respondents progressed to the next level of the evaluation process. There was also an inconsistency identified between the EOI document and the contract which was subsequently clarified to all respondents.

A technical threshold on the weighted technical criteria of 60% was established at the EOI probity planning stage. During the EOI assessment, eight (8) respondents proceeded to the next stage of evaluation, being for price-weighted criteria as having reached the weighted technical criteria of 60%.

The comparative scoring identified eight (8) respondents for recommendation to the panel.

Respondent	Non-Price Effectiveness/ Ranking (from 80%)	Price Ranking	Overall Value for Money Ranking
Procure Group Pty Ltd	71.47%	2	1
O'Connor Marsden & Associates	69.87%	3	2
WEIR Consulting Pty Ltd	69.80%	4	3
Anti-Corruption Consultants Australia Pty Ltd	63.40%	8	4
Maculrob Services (McCullough Robertson)	72.00%	1	5
Wise Workplace Services T/A Wise Workplace	68.00%	5	6

O'Connell Workplace Relations Pty Ltd	65.40%	7	2	7
Winton Consulting Pty Ltd	66.40%	6	7	8
Lighthouse Investigations Pty Ltd	56.93%	9		
Core Integrity Pty Ltd	52.87%	10		
Proven Intelligence	51.87%	11		
Hones Lawyers Pty Ltd	33.73%	12		

Council's Tender Review Panel was involved in the initial probity planning for this Eol process, and had oversight of the final recommendations.

Performance Management

The Council will ensure that the performance standards are met through the demonstration of reviewers' ongoing compliance with the Procedures.

Sustainability Assessment

Effects	Positive	Negative
Environmental	Nil	Nil
Social	The Code of Conduct is the primary policy for Council officials engaged in conducting Council business, and the use of external reviewers forms part of the organisational mechanism to address allegations of non-compliance.	Nil
Economic	Nil	Nil
Governance	A resolution to appoint a panel of reviewers is consistent with the Procedures for the Administration of the Code of Conduct.	Nil

Financial implications for the Council

Any complaints made under the Code of Conduct about the General Manager/Chief Executive Officer or Councillors, will trigger a range of possible processes as prescribed by the Procedures, which will have a cost in terms of staff time and external conduct reviewer expenses.

The financial implications of managing reviews under the Procedures is subject to reports received, however in the development of the budget an estimate is applied based on precedent, with adjustments applied as required.

Legal and risk management issues for the Council

Probity risk is generally reduced through the effective implementation of the Code of Conduct. The appointment of external reviewers for the consideration of allegations can be an effective part of this implementation.

External consultation

The services of Local Government Procurement (LGP) were used in relation to this Eol so as to ensure additional oversight and independence.

Conclusion

This report recommends that appoints eight (8) members to its Code of Conduct reviewer panel pursuant to the Model Procedures for the Administration of the Code of Conduct, being Anti-Corruption Consultants Australia Pty Ltd, Maculrob Services (McCullough Robertson), O'Connell Workplace Relations Pty Ltd, O'Connor Marsden & Associates, Procure Group Pty Ltd, WEIR Consulting Pty Ltd, Winton Consulting Pty Ltd and Wise Workplace Services T/A Wise Workplace.

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ITEM NO: 8

SUBJECT: ADOPTION OF A REVISED CODE OF MEETING PRACTICE

FILE NO: F11894 - 19/80360

Delivery Program Link

Principal Activity: Civic Leadership

Service: Governance and Risk

Recommendation:

That the Council adopts the revised Code of Meeting Practice.

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

This report is to facilitate the adoption of the revised Code of Meeting Practice ('this Code'). The adoption of this Code is in accordance with section 360 of the *Local Government Act 1993* (NSW) ('the Act').

The new Model Code of Meeting Practice for Local Councils in NSW, was prescribed on 14 December 2018, under the *Local Government (General) Regulation 2005* ('the Regulation'), for adoption by Council by 14 June 2019. Existing meeting provisions in the Regulation have been repealed.

Background

At the Ordinary Meeting of the Council on 26 February 2019 it was resolved:

1. *"That the Council endorses the draft Code of Meeting Practice for the purposes of public exhibition, with exhibition occurring for a period of 28 days and public submissions received up to 42 days; and*
2. *That the Council receives a further report on the completion of the public exhibition period."*

[Minute No. 45]

The draft Code of Meeting Practice was placed on public exhibition for 28 days (commencing 6 March 2019), with a public submission period of a total of 42 days. The submission period passed without Council receiving any public submissions.

It is noted that this Code of Meeting Practice will be reviewed within the twelve months following the next general election of the Council, as per section 360 of the Act.

Differences to the model Code of Meeting Practice

Proposed changes and optional selections made against the model Code of Meeting Practice were communicated through the consultation draft. These have been retained in the final draft unless otherwise referenced below.

A detailed report on factors for and against key options was provided to Council at the Ordinary Meeting of 26 February 2019, and that report should be referenced for those details. A summary also follows:

Topic	Option proposed	Reasons
Webcasting method & timing	Post meeting upload of an audio file. This option is reflected in clauses 5.19 to 5.22a.	Cost to benefit considerations do not support video webcasting or livestreaming.
Public participation vs. public forums	Public participation within the Council meeting (status quo). This option is reflected in Part 4.	Public participation in the Council meeting has become an expectation for members of the public and Councillors alike, and decision making by the Council after public representations is usually immediately known by public attendees. The public forum options represented significant logistical issues, however was explored as an option pending confirmation from the OLG that in-meeting public participation remained an option.
Operational responses to Notices of Motion	OLG optional wording in 3.12 and 3.13 has been proposed in this draft. The effect of these clauses is to potentially require an operational report to be developed in response to Councillor Notices of Motion, to appear in the same business paper.	The Council considered a status quo approach to notice of motion. However, following consultation with the OLG, the Council sought to align to the model wording.

Changes made to the consultation draft

In addition to the removal of drafting and consultation notes and colour coding, the following substantive changes were made to the document since the consultation draft was placed on public exhibition:

Ref	Description of change	Reason for change
Definitions	The words 'general manager' have been replaced throughout with 'chief executive officer'	To be consistent with the resolution of the Council at the Ordinary Meeting of 26 March 2019, which states in part: 3. <i>That the Council approves the retitling of the General Manager position to Chief Executive Officer [...]</i> [Min No. 80]
3.10	'Executive Officer' changed to 'chief executive officer'	This ensures consistency with responsibilities of the chief executive officer.
3.10	16 days updated to 22 days	To reflect that 3.13a has been removed and 3.12 & 3.13 reinstated. A 22-day lead period is required to permit operational response within internal

		<p>timeframes, while maintaining existing 7-day public notification of the business paper.</p> <p>This process is recommended as it is outlined in the model; furthermore, it demonstrates good governance by supporting the internal processes that lead to informed decision making.</p>
3.12 & 3.13	Optional OLG wording reinstated	See below re 3.13a.
3.13a	BMCC additional wording deleted.	Consultation with the OLG suggested that this proposed wording may be inconsistent with 3.10 of the CoMP and the wording has reverted to the model, with 3.13a removed.
3.34	Updated to state that the mayor or deputy mayor is to chair briefing sessions	To incorporate consultation with Councillors.
Part 4	Option 2 on public forums has been deleted and Option 1 re status quo public participation has been retained.	<p>To maintain status quo approach, following confirmation through OLG consultation that this approach is permissible.</p> <p>As reported to the Council in February 2019, this is the preferred approach because it is:</p> <ul style="list-style-type: none"> • Well understood by members of the public; • Already resourced and planned for; and • Maintains discussion flow in the Council meeting.
4.6, 4.8, 4.11 & 4.22	Decision making regarding public speakers updated to be made by the chairperson instead of the chief executive officer (general manager).	To incorporate consultation with Councillors.
4.9	Decision making on increasing the number of public speakers changed from general manager (chief executive officer) role to decision by Council by way of procedural motion.	To incorporate consultation with Councillors.
5.19a	This clause, which was additionally drafted, has been deleted.	This clause was included in the consultation draft in the event that Option 2 for Part 4 was required. It related to public forums and therefore is not required.
10.9	This clause, which was an optional clause from the OLG, has been deleted.	To incorporate consultation with Councillors.

Sustainability Assessment

Effects	Positive	Negative
Environmental	Nil	Nil
Social	Demonstrates Council’s commitment to ensuring that the tools used to govern meetings by which Council operates are reviewed and revised, promoting contemporary practices and appropriate engagement with our community.	Nil
Economic	Nil	Nil
Governance	Ensures Council’s Code of Meeting Practice is consistent with the model document prescribed by the Office of Local Government.	Nil

Financial implications for the Council

The financial implications of the recommendations put forward in this paper and draft document are negligible, however there may be significant financial implications associated with further options, such as webcasting.

Legal and risk management issues for the Council

There are no known legal or risk management issues for the council in relation to adopting this Code of Meeting Practice.

External consultation

In accordance with section 361 of the Act, the draft Code of Meeting Practice was recommended for public exhibition to ensure public input into the direction of Council on this matter.

The minimum period of public exhibition is specified within section 361 of the Act. Public exhibition was for a period of 28 days (commencing 6 March 2019) with submissions received for an additional 14 days, ensuring that 42 days elapsed for the receipt of submissions from the day of advertising. Advertising occurred through the Blue Mountains Gazette and Have Your Say.

There were no submissions received from members of the public on or prior to the final date for submissions, being 16 April 2019.

In addition to public exhibition, key questions were referred to the Office of Local Government, with a reply received dated 7 March 2019. This information has informed some of the content changes to the document and has been communicated to Councillors.

Councillors also received training from LGNSW on 2 April 2019, and information received through that session has also informed changes to the consultation draft.

Conclusion

It is recommended that the Council endorses the Blue Mountains City Council Code of Meeting Practice, as enclosed.

ATTACHMENTS/ENCLOSURES

1	Draft Code of Meeting Practice 2019	19/80356	Enclosure
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ITEM NO: 9

SUBJECT: MAYORAL REFERENCE GROUP FOR BLUE MOUNTAINS BUSINESS

FILE NO: F11894 - 19/90874

Delivery Program Link

Principal Activity: Sustainable Economy

Service: Economic Development and Tourism

Recommendations:

1. *That the Council endorses the Draft Terms of Reference including membership, of the Mayoral Reference Group for Blue Mountains Business;*
 2. *That the Council endorses \$8,000 per annum to cover costs associated with the delivery of the Mayoral Reference Group for Blue Mountains Business;*
 3. *That the Council endorses Councillor Schreiber as Chair of the Mayoral Reference Group for Blue Mountains Business for this term of Council as the Mayor's representative; and*
 4. *That the Council nominates a Councillor as deputy Chair for the Mayoral Reference Group for Blue Mountains Business.*
-

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

This report advises Council of the outcomes of the first Mayoral Reference Group for Blue Mountains Business and seek endorsement for the Terms of Reference (ToR) including membership.

Background

At the Ordinary Meeting of the Council on 18 September 2018, it was resolved:

1. *"That the Council notes the establishment of a Mayoral Reference Group for Businesses, and that an initial meeting will be convened with business representatives to guide the establishment of such a group including its membership, Terms of Reference and likely agenda items, and that this initial meeting will be chaired by Councillor Schreiber;*
2. *That the Council receives a report by December 2018 detailing the outcomes of the initial Mayoral Reference Group meeting including recommendations regarding membership, Terms of Reference, together with an identification of likely resources implications and indicative agenda items once an initial meeting with business representatives has been held; and*
3. *That, should the Mayoral Reference Group for Businesses be established, the Council notes the Mayor's nominated permanent representative as Chair of this Reference Group will be Councillor Schreiber."*

[Minute No. 332]

This report relates to Item 2 above and also seeks Council nominate a Councillor as Deputy Chair as per Section 6.2 of the Draft ToR. Note an extension to June 2019 was sought due unexpected delays in hosting the first meeting.

This Council report aligns with Community Strategy Plan Thrive Objectives, specifically 6.1b which states “Support and strengthen local businesses and their contribution to local employment growth”.

Initial Mayor Reference Group for Blue Mountains Business Meeting

Council held the first meeting of the Mayoral Reference Group for Blue Mountains Business on Thursday, 14 March 2019. The meeting was chaired by Councillor Schreiber and invitations were sent out to each of the Blue Mountains Chambers of Commerce, township associations, Blue Mountains Combined Chamber and the Blue Mountains Economic Enterprise (BMEE). Ten nominations were received with eight attending.

Terms of Reference

As per the attached Draft ToR, it was agreed that meetings will be held on a quarterly basis for 18 months to September 2020. Meetings will be held in the evening in Katoomba with membership open to presidents of local Chambers of Commerce, township associations together with the CEO of Blue Mountains Economic Enterprise and a representative of the Blue Mountains Combined Chamber. (See Attachment 1).

Resource implications

In hosting the initial meeting, Council staff were able to determine the resources required to cover the cost to deliver these quarterly meetings. A cost estimate of \$8,000 per annum has been calculated which accommodates catering, staff overtime and secretariat support.

Agenda items

Agenda items were discussed at this initial meeting and it was agreed that Council would always have the opportunity to discuss Council related matter and initiatives (of interest to members) other potential agenda items for discussion at future meetings include: Local Environmental Plan, Local Strategic Planning Statement and Ageing Population and impacts on town centres. Items on the initial meeting’s agenda included a presentation from Service NSW on ‘Easy to Do Business’, discussions on Draft ToR and member declarations of interest/confidentiality forms. The role of council staff and the BMEE were also discussed.

It should be noted that it is not intended for staff to report back to Council on this reference Group.

Sustainability Assessment

Effects	Positive	Negative
Environmental	Nil	Nil
Social	The Mayoral Reference Group supports better utilisation of services by enabling an opportunity to discuss local business needs.	Nil
Economic	The Mayoral Reference group will: <ul style="list-style-type: none"> • strengthen and diversify the local economy; • support local businesses; and • support sustainable business practices; 	There is a minor costs implication with the delivery of the Mayoral Reference Group of approximately \$8,000 per annum.

Effects	Positive	Negative
Governance	The Mayoral Reference Group strengthens and grows our partnerships with local business add transparency to Council's role in economic development / business engagement.	Nil

Financial implications for the Council

The financial implications for delivery of the Mayoral Reference Group are estimated to cost \$8,000 per annum, to be sourced through a reallocation of Council's Operational budget.

Legal and risk management issues for the Council

There are no known legal and risk management issue for the Council associated with the establishment of the Mayoral Reference Group.

External consultation

The Draft ToR were tabled at the initial Mayoral Reference Group meeting and input sought from representatives in attendance on the evening. No comments were received. Representatives at the meeting were informed that this Council report would be presented to the May 2019 Council meeting seeking endorsement on behalf of the group.

Conclusion

This group provides an opportunity for Council to engage local businesses and enhance Council's previous commitment to the Office of Small Business Commissioner, in being a Small Business Friendly Council. As a result of holding the initial meeting of the Mayoral Reference Group for Blue Mountains Business, it is recommended that, Council endorse the Terms of Reference associated with the group and allocate funds to ensure its delivery.

ATTACHMENTS/ENCLOSURES

1	DRAFT Mayoral Reference Group for Blue ~ Business Advisory Committee Terms of Reference	19/111724	Attachment
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Attachment 1 - DRAFT Mayoral Reference Group for Blue ~ Business Advisory Committee Terms of Reference



Mayoral Reference Group for Blue Mountains Business

Terms of Reference

HPE RM (TRIM) reference: F11830 – 19/94979

Committee established/endorsed:	18 September 2018, Council Minute No. 332
Terms of Reference endorsed by Committee:	TBA
Terms of Reference endorsed by the Council:	[[Date, Council Min No]]

1. Purpose and Role

The purpose of the Mayoral Reference Group for Blue Mountains Business is to act in an advisory capacity to the Council with respect to the following matters:

- Provide an opportunity for Council to develop a mechanism for effective stakeholder engagement with local businesses, complementing the work of BMCC and the work delivered by Blue Mountains Economic Enterprise (BMEE);
- Provide a valuable forum for consultation and communication between Council and the business community;
- Identify and further new opportunities for partner activities for improved growth and improved employment in the local area; and
- Enhance Council's commitment to the Office of Small Business Commissioner, in being a Small Business Friendly Council.

The Mayoral Reference Group for Blue Mountains Business aligns with the Community Strategic Plan's key direction of Thrive, in striving to create a sustainable economy. In particular, key direction Objective 6.1 which states: *The City's economy is diverse, vibrant, strong and environmentally sustainable with increased local employment.*

As an advisory committee, the Mayoral Reference Group for Blue Mountains Business does not:

- act on behalf of the Council;
- make decisions which are binding on the Council; and
- represent the Council.

The Mayoral Reference Group for Blue Mountains Business will be limited to an advisory role, and will not have any budget attached to its responsibilities.

2. Establishment and dissolution of the committee

The Council may, through resolution of the Council, establish advisory committees for the purposes it sees fit. Recommendations made by the Committee are not automatic, but are conditional on endorsement by a further Council resolution. The Council retains the right to dissolve a committee at any time by resolution of the Council.

3. Term of Committee

The Mayoral Reference Group for Blue Mountains Business will conclude in 18 months in September 2020, and may be dissolved sooner as determined by the Council. A further resolution of Council would be required to extend the operation of the Mayoral Reference Group for Blue Mountains Business.



4. Conduct, governance and confidentiality

Councillors, Council officers and all committee members must comply with the Council's Code of Conduct. Committee members will be issued with a copy of the Council's Code of Conduct on endorsement to the committee's membership by the Council and at such times as the Code of Conduct is reviewed.

Committee members will notify the Chair and/ or a Council Support Officer immediately upon identifying any real or perceived conflicts of interest. They will also be required to sign an annual statement regarding conflicts of interest and confidentiality agreement upon commencement of membership.

The committee's governance processes are set out in these Terms of Reference.

5. Membership

The membership of the Mayoral Reference Group for Blue Mountains Business comprises:

- One Councillor as the Mayor's nominated permanent representative and Chair of this Reference Group and a non-voting Councillor Deputy Chair.
- One representative from each of the BM Chambers of Commerce and township associations; and
- One representative from Blue Mountains Economic Enterprise (BMEE).

Any member may resign from the Mayoral Reference Group for Blue Mountains Business by writing to the Chair.

Committee membership is reported to Council at the commencement of the committee. Any changes in the business representative membership during the term, are to be voted upon by the committee and endorsed by Council resolution. Membership is terminated by resignation or automatically following non-attendance for two consecutive meetings without prior leave of absence. Membership may also be terminated due to a breach of the Code of Conduct.

In addition, the Mayoral Reference Group for Blue Mountains Business will be supported by a Manager/Program Leader, to be nominated by the CEO who are not members. The role of the Council support officers is to facilitate the meeting venue, document the meeting outcomes and provide advice on Council's Economic Outcomes activities. The Council Officers are not considered committee members and are not entitled to vote.

5.1 Register of committee members

Council will maintain a register of members. The register of members will contain the following information for each committee member:

- Name and contact details (contact details for committee purposes only and not for public release); and name and contact for any alternate representative.
- Dates of commencing and vacating membership.

5.2 Formal nomination process

Committee vacancies are to be notified via notification direct to the Chambers of Commerce and township associations or BMEE, as required. At any meeting, the committee may vote to recommend that a new member is accepted into the committee and this change in membership will be included in the next report to the Council. Alternate representatives may attend a meeting of the Mayoral Reference Group for Blue Mountains Business when a committee member is unable to attend. The Chambers of Commerce, township association and BMEE representative serve on the Mayoral Reference Group for Blue Mountains Business in a voluntary capacity.



5.3 Leave of absence

Committee members may apply for a leave of absence to the committee Chair. This leave of absence will be recorded in the minutes of the meeting. Committee members will continue to receive communications relating to the committee during a leave of absence unless they express otherwise.

5.4 Attendance of non-members

Other community representatives, Council Officers or guests may be invited to attend meetings from time to time when a specific purpose is nominated.

Any invited guest who is not a member of the Mayoral Reference Group for Blue Mountains Business is not entitled to:

- a) Give notice of business for inclusion in the agenda for the meeting;
- b) Move or second a motion at the meeting; or
- c) Vote at the meeting.

6. Committee Structure and Duties

Office bearer positions of Chair and Deputy Chair will be reviewed by the Council every 12 months or as needed.

The following positions are considered standing committee positions:

- Chairperson (Councillor appointed by the Mayor)
- Deputy Chairperson (appointed by the Mayor, or by Council)
- Chamber of Commerce and township association representatives with one (1) representative per Chamber or Association, and an alternative representative (optional)
- BMEE with one (1) representative

6.1 Chair

The role of the Chair is to manage meetings of the Mayoral Reference Group for Blue Mountains Business by:

- Directing debates;
- Ensuring that members are afforded the opportunity to address the meeting equally; and
- Ensuring that resolutions are understood by the members.

Additional functions of the Chair include:

- Ensuring that the Terms of Reference, Confidentiality and Code of Conduct are maintained and followed;
- Welcoming and inducting new members; and
- Mediating disputes between members.

In relation to any procedural matter, the ruling of the Chairperson shall be final.



6.2 Deputy Chair

A Councillor Deputy Chair may be appointed by the Mayor or if the Mayor sees fit, referred back to Council for nomination and appointment.

The role of the Deputy Chair is to support the Chair in their functions and to act as Chair during periods of absence. It is expected that the Deputy Chair will have a sound understanding of the functions of the committee and the role of Chair.

6.3 Council Support Officer

The Council Support Officer is an employee of the Council, who provides the secretariat support to the committee by the Council. The Council Support Officer will support the committee to meet the administrative, reporting requirements of the committee.

Furthermore, the Council Support Officer will provide advice and support to the Committee to comply with the Council's policy and procedures. In particular, the Council Support Officer will act as the committee secretary, to ensure:

- Meeting agendas are prepared and distributed via email;
- Meeting minutes are taken and distributed;
- Reporting obligations are met, including the preparation of reports to Council;
- Committee minutes, documentation, correspondence and reports are saved to the Council record;
- The register of members is maintained; and
- Committee and public access to information is actioned, in consultation with the Council Information Officer, as required under the *Government Information Public Access Act 2009* (NSW).

The Council Support Officer may be substituted from time to time with an alternative Council staff member, as required.

We will seek funding for catering and overtime for Council Staff. No funding or resourcing is available from Council to undertake projects on behalf of the Mayoral Reference Group for Blue Mountains Business.

7. Committee Meetings

The Committee will meet on a quarterly basis for 18 months up to September 2020. Meetings will be conducted in accordance with these Terms of Reference, or otherwise in accordance with the Council's Code of Meeting Practice if a matter is not covered in these Terms of Reference.

As considered best practice, at the commencement of each meeting the committee Chair shall ask for declarations of interest. Declarations will form part of the meeting minutes.

7.1 Attendance and quorum for meetings

Committee members are expected to advise of their apology at their earliest convenience to the Council Support Officer to ensure that there is likely to be a quorum at the meeting, and should also seek a leave of absence. If there will not be quorum at the meeting, the meeting will be cancelled. The Council Support Officer will contact all members to notify them of the cancellation.



7.2 Agenda

Following endorsement by the Chair, the Council Support Officer will distribute a meeting agenda by email at least two (2) working days prior to each meeting. Committee members may request the Council Support Officer include additional items on the agenda. The final decision on matters to be included on the agenda is the decision of the Chair.

The meeting agenda will commence with standing items for attendance, apologies, confirmation of previous meeting minutes and declarations of interest. Following this, the committee will address items for action and finally, items for noting will be allocated time on the agenda.

7.3 Minutes

The Council Support Officer will take minutes at committee meetings and distribute the draft minutes to committee members and other persons who attended the meeting. Minutes will be limited to actions and key outcomes.

Corrections or additions may be suggested by any person who attended the meeting. Revised minutes will be distributed to all committee members with the agenda and will be ratified as true and correct on or before the subsequent meeting.

7.4 Meeting venue

The Council Support Officer will arrange an appropriate venue for the meeting. This will usually be at the Blue Mountains City Council office in Katoomba however other locations may be used from time to time.

8. Media and committee public relations

The Mayoral Reference Group as a Council function operates within the provisions of Council's media policy. All media representation, press contact and publications shall be directed through the Council's Communications Officer via the Council Support Officer.

9. Amendment of Terms of Reference

These Terms of Reference are to be reviewed after 12 months if required. The Terms of Reference are expected to provide a full overview of the management of all aspects of the Reference Group administration and other functions. Any member of the Reference Group can request an amendment to these Terms of Reference, however such a request should be tabled as a committee agenda item and any agreed changes recorded in the meeting minutes. To become effective, any amendment to the Terms of Reference must be endorsed by the Council.

ITEM NO: 10

SUBJECT: PERFORMANCE OF INVESTMENTS FOR APRIL 2019

FILE NO: F11894 - 19/96541

Delivery Program Link

Principal Activity: Civic Leadership

Service: Finance Management

Recommendation:

That the Council notes the performance of invested monies for April 2019, including:

- *That as at 30 April 2019 funds held in investments total \$24.8 million and,*
 - *The enclosed certificate of the Responsible Accounting Officer.*
-

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

This report on the performance of invested monies for April 2019 is submitted for the purpose of financial accountability and to satisfy the investment reporting requirements of the Local Government (General) Regulation 2005 (clause 212), the Local Government Act 1993 (Section 625) and the BMCC Investment Policy.

The report certifies that the Council's investments comply with the forms of 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 on February 2011.

Council Investment Portfolio Analysis (refer table 1)

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

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

The current investment portfolio includes a total of \$3M invested in Environmentally and Socially Responsible Institutions (ESRI) including \$2M with ME Bank and \$1M with Bendigo Bank. Environmentally and Socially Responsible Institutions avoid investing in industries that negatively affect the environment.

The investment portfolio complied with the Investment Policy limits when the investments were placed:

- Credit rating – the majority of the portfolio, 64% is invested in AA rated institutions, (refer table 1)
- Term to Maturity – currently 88% of the portfolio <1 year to maturity (policy maximum is 100%).

(Table 1)

Maximum Thresholds		
Credit Rating	% of Portfolio	% at 30 April 2019
AAA	Maximum 100%	0%
AA	Maximum 100%	64%
A	Maximum 30%	24%
BBB	Maximum 10%	12%
Unrated	Maximum 0%	0%

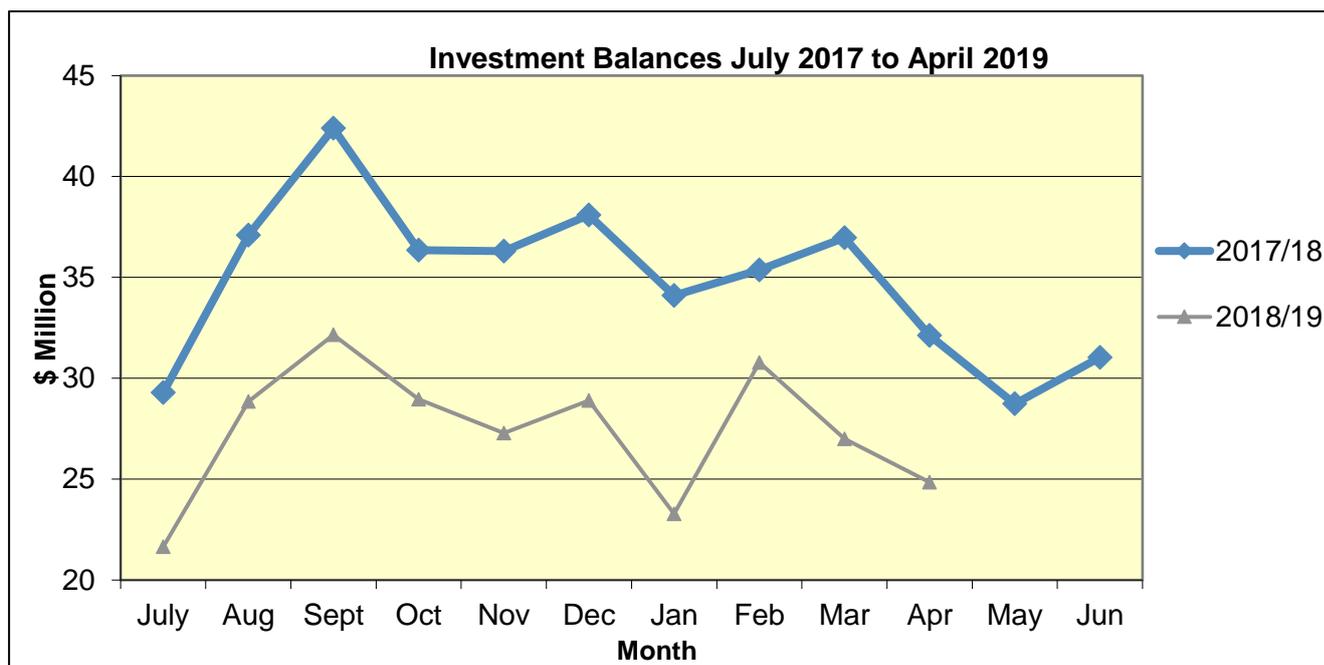
The schedule of investments for April 2019 is provided in Table 2. The total funds held in investments are \$24.8 million, which has decreased from \$27 million held in investments in March 2019. Cash inflows during this time of the year are lower, with total income received for April 2019 of \$12.4 million, and outflows for April 2019 of \$15.3 million. The reduction in the investment portfolio has caused the BBB maximum threshold to be exceeded by 2%, but at the time the investments were made they were within the threshold. If the total investment portfolio does not increase, then divestment will be made in this category as any investments mature.

(Table 2) SCHEDULE OF INVESTED MONIES FOR APRIL 2019

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	1.71%	2,846	4,992	-2,146	Cashflow transfers
CBA	28/06/2019	AA-	2.72%	2,000	2,000	0	No movement
National Aus Bank	27/06/2019	AA-	2.80%	3,000	3,000	0	No movement
National Aus Bank	2/10/2019	AA-	2.75%	1,000	1,000	0	No movement
National Aus Bank	24/02/2020	AA-	2.65%	2,000	2,000	0	No movement
Westpac	28/06/2021	AA-	3.02%	1,000	1,000	0	No movement
Westpac	19/06/2020	AA-	2.89%	2,000	2,000	0	No movement
Westpac	22/11/2019	AA-	2.75%	2,000	2,000	0	No movement
AMP Bank	22/11/2019	A	2.80%	2,000	2,000	0	No movement
AMP Bank	26/09/2019	A	2.80%	2,000	2,000	0	No movement
AMP Bank	23/04/2019	A	2.70%	2,000	0	2,000	New Investment
Suncorp	23/04/2019	A	2.70%	0	2,000	-2,000	Investment Withdrawal
ME Bank	28/08/2019	BBB	2.75%	1,000	1,000	0	ESRI Investment
ME Bank	3/06/2019	BBB	2.80%	1,000	1,000	0	ESRI Investment
Bendigo Bank	2/10/2019	BBB	2.80%	1,000	1,000	0	ESRI Investment
Totals				24,846	26,992	-2,146	

Notes:

Balances as at 30 April 2019



Interest Income (refer table 3)

Actual interest income to 30 April 2019 is \$564K which is \$86K lower than the budgeted figure for 2018-2019 financial year. The Bank Bill Swap Rate (BBSW) is the bench mark for interest rates. The investment strategy rate of return is 40% higher than the BBSW. Interest returns are summarised in table 3.

(Table 3)

Interest Income Accrued - Budget vs. Actual

	Actual \$,000	Budget \$,000	Variation
Income to 30 April 2019	564	650	-86
Estimate for remainder of year	216	130	86
Total for 2018/2019	780	780	0

90 Day Bank Bill Swap Rate	1.56%
Target Rate of Return:BBSW +40%	2.18%
Average Investment Rate of Return for April 2019	2.79%

Investment Categories (refer table 4)

Currently 89% of Council’s Investments are held in term deposits and 11% is held in the cash at call account to manage day to day expenditure requirements.

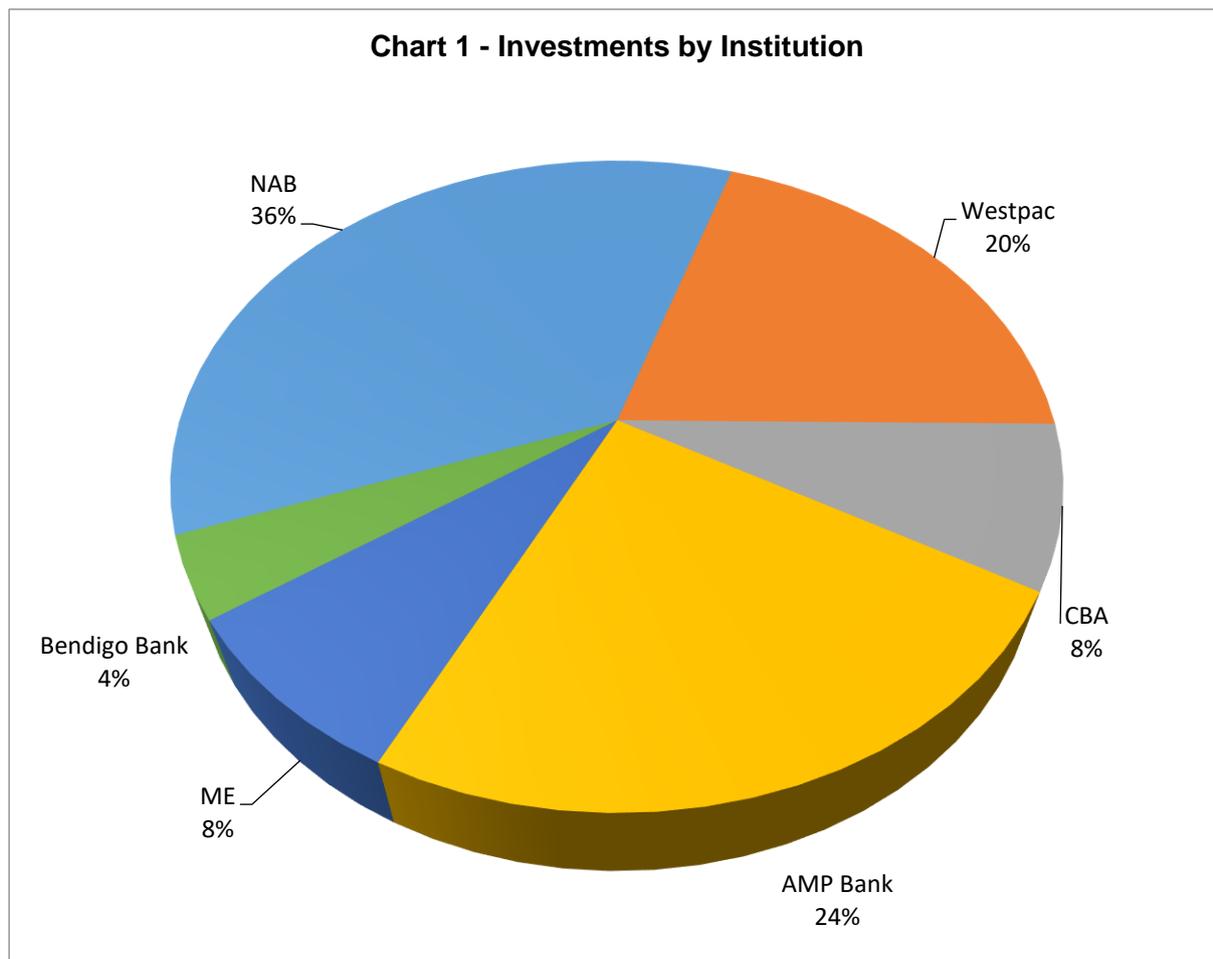
(Table 4)

Investment Categories

Cash at Call	11.45%
Term Deposits	88.55%

Investments by Institution (refer chart 1)

Council’s Investment portfolio by financial institution is displayed in Chart 1 below. The Investment Policy places a 45% limit on investments in any one institution, as a measure of risk. The current portfolio includes investments in 6 institutions with investments held in National Australia Bank, Commonwealth Bank, Westpac Bank, AMP Bank, ME Bank, and Bendigo Bank.



Sustainability Assessment

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

Financial implications for the Council

Adoption of the recommendations in this report fulfils 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 current budgeting processes and Long Term Financial Planning.

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

Legal and risk management issues for the Council

Nil

External consultation

Nil

Conclusion

The performance of Invested Monies Report for April 2019 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 \$24.8 million invested, which reinforces and supports the Council's financial sustainability. The \$24.8 million in investments as at 30 April 2019 are placed in term deposits and the at-call account with major banks and their subsidiaries. These investments are projected to earn \$780K in interest revenue in the 2018-2019 financial year and contribute to funding Council's services. The majority of these funds are restricted for specific purposes to fund known future expenditure and cover identified risks.

Certification of the Responsible Accounting Officer

I hereby certify that the investments listed in 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.



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

* * * * *

ITEM NO: 11

SUBJECT: LOCAL GOVERNMENT REMUNERATION TRIBUNAL: FEES PAYABLE TO THE MAYOR AND COUNCILLORS 2019-2020

FILE NO: F11894 - 19/98634

Delivery Program Link

Principal Activity: Civic Leadership

Service: Governance and Risk

Recommendations:

1. *That the Council adopts the recommended NSW Local Government Remuneration Tribunal determination of a 2.5% increase in fees payable to Councillors and the Mayor;*
 2. *That the Council sets aside 10% of the Mayoral Fee for the Deputy / Alternate deputy Mayor, for such time as the Deputy/ Alternate Deputy Mayor acts in the office of the Mayor;*
 3. *That the Council endorses the Deputy/ Alternate Deputy Mayor reserve be paid to the Councillor holding the Deputy/ Alternate Deputy Mayor position during times of absence of the Mayor; and*
 4. *That the Council endorses the unused portion of the Deputy/ Alternate Deputy Mayor reserve to be paid to the Councillor holding the position of Mayor in the last fee period of the financial year, proportional to the time in the role of Mayor.*
-

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

The NSW Local Government Remuneration Tribunal (the Tribunal) has set the range of fees for all Councillors and Mayors in NSW for 2019-20, under Sections 239 and 241 of the *Local Government Act 1993* (LG Act). The Tribunal has determined that an increase of 2.5% for Councillors and Mayors is warranted. This increase is effective from 1 July 2019.

For the current Local Government Remuneration Tribunal Annual Report and Determination see:

<https://www.remtribunals.nsw.gov.au/ArticleDocuments/210/2019-Annual%20Determination-LGRT.pdf.aspx>

Background

On 27 June 2011, the Parliament passed amendments to the Act to apply the same Government public sector wages cap that binds the Industrial Relations Commission to the determination of ranges of fees for Councillors and Mayors.

Section 242A of the LG Act states in part:

(1) In making a determination, the Remuneration Tribunal is to give effect to the same policies on increases in remuneration as those that the Industrial Relations Commission is required to give effect to under section 146C of the Industrial

Relations Act 1996 when making or varying awards or orders relating to the conditions of employment of public sector employees.

(2) The policies referred to in subsection (1) do not include any policy that provides for increases in remuneration based on employee-related savings.

The Tribunal is responsible for making annual determinations of categories of councils and minimum and maximum fees payable to Mayors, Councillors and Chairpersons and members of county councils in NSW. The Tribunal is required to report to the Minister for Planning and Public Spaces by 1 May each year as to its determination. Section 239 of the Local Government Act 1993 (the Act) requires the Tribunal to determine the categories of Councils and Mayoral Offices once every three years.

Historical Context

Historically, the Council has generally awarded the maximum fee percentage increase to Councillors and the Mayor as recommended by the Tribunal. There have been two exceptions, as outlined in the annual payment summary below.

At the Ordinary Council meeting of 15 July 2008, the Council adopted the maximum fees payable, representing a 4% increase:

- 1. That Councillors adopt the maximum fees payable allowed by the NSW Local Government Remuneration Tribunal, which is \$15,120 for Councillors, \$33,010 fee for the Mayor of which \$3300 is set aside for the Deputy Mayor when acting in the role of the Mayor.*
- 2. That the Deputy Mayor Fee be paid during periods of absence of the Mayor.*

[Minute No. 553]

Similarly, at the Ordinary Council meeting of 7 July 2009, the Council adopted the maximum fees payable, representing a 2.5% increase, and resolved as follows:

- 1. That Councillors adopt the maximum fees payable allowed by the NSW Local Government Remuneration Tribunal, which is \$15,500 for Councillors, \$33,840 fee for the Mayor of, which \$3384 is set aside for the Deputy Mayor when acting in the role of the Mayor;*
- 2. That the Deputy Mayor Fee be paid during periods of absence of the Mayor; and*
- 3. That the unused portion of the Deputy Mayoral Fee be paid to the Mayor in the last fee period of the Financial Year proportional to the time in the role.*

[Minute No. 263]

For the 2010-11 year, the Tribunal set the maximum increase at 3%, however the Council adopted a NIL increase at the Council Meeting 8 June 2010, thereby aligning with rate pegging for the Blue Mountains City Council, and resolved as follows:

- “1. That Council receive no increase in fees payable for Councillors and the Mayor and set aside 10% of the Mayoral Fee for the Deputy Mayor when acting in the role of the Mayor in alignment with the under the NSW Local Government Remuneration Tribunal annual review;*
- 2. That the Deputy Mayor Fee be paid during periods of absence of the Mayor; and*

3. *That the unused portion of the Deputy Mayoral Fee be paid to the Mayor in the last fee period of the Financial Year proportional to the time in the role.*

[Minute No. 235]

For the 2011-12 year, the Tribunal set the maximum increase at 4.2%, however at the 19 July 2011 Council Meeting, the Council adopted a 2.15% increase to align with the general staff increase which was set at 2.15%, and resolved as follows:

1. *That Council adopt Option 3, in line with the current general staff increase of 2.15%, in fees payable for Councillors and the Mayor and set aside 10% of the Mayoral Fee for the Deputy Mayor, when acting in the role of the Mayor, in alignment with the NSW Local Government Remuneration Tribunal annual review*

[Minute No. 281]

In subsequent years the Tribunal recommended a 2.5% increase. Accordingly, Council has adopted the maximum percentage (%) increase of 2.5%. Owing to the percentage difference applied in 2010-11 and 2011-12 financial years, in subsequent years when Council applied the Tribunal's recommended percentage increase of 2.5%, the actual fee increase was always within the Tribunal's minimum and maximum fee increase range.

Current Payments

At the Ordinary Meeting of the Council on 29 May 2018, it was resolved:

"1. That Council adopts the recommended NSW Local Government Remuneration Tribunal increase of 2.5%, in fees payable for Councillors and the Mayor and set aside 10% of the Mayoral Fee for the Deputy Mayor, when acting in the role of the Mayor, in alignment with the NSW Local Government Remuneration Tribunal annual review;

2. That the Council endorses the Deputy Mayor Fee be paid to the Councillor holding the Deputy Mayor position during periods of absence of the Mayor; and

3. That the Council endorses the unused portion of the Deputy Mayoral Fee be paid to the Councillor holding the position of Mayor in the last fee period of the financial year, proportional to the time in the role of Mayor."

[Minute No. 193]

Categories

In 2019, the Tribunal did not undertake a broad review of the categorisation of councils and considered only those requests where an individual submission was made. The Tribunal found that the current allocation of councils into the current categories is appropriate. Blue Mountains City Council is a Regional Rural category Council for the purposes of the Tribunal categorisations. The categories are as follows:

Metropolitan

- Principal CBD
- Major CBD
- Metropolitan Large
- Metropolitan Medium
- Metropolitan Small

Non-Metropolitan

- Regional City
- Regional Strategic Area

- Regional Rural
- Rural

The Tribunal will consider the model, the criteria applicable to each group and the allocation of councils in detail in 2020. The criteria applicable to each of the categories of the determination and are unchanged from 2018.

Fees

The Tribunal has determined that the minimum and maximum fees applicable to each category will be increased by 2.5 per cent, which is consistent with the government’s policy on wages.

The fees payable to the Mayor and Councillors, as set by the Tribunal, are considered stipend payments. Stipends are usually lower than what would be expected as a permanent salary for similar work. However, the fee is complemented by other reimbursements and support services, as specified in the *BMCC Councillor Facilities and Expenses Policy*. (See section 2 Payment of Annual Fees: <https://www.bmcc.nsw.gov.au/councillor-facilities-and-expenses-policy>).

The 2.5% Mayor and Councillor Fee increase pertinent to the Tribunal’s 2019-20 determination is in bold in the table below.

Year	Councillor Fee	Mayor Additional Fee*	Deputy Mayor Fee (a component of the Mayoral Fee)	Total Mayoral Fee
2017-18	\$18,361.43	\$40,088.27	\$4,008.83	\$58,449.70
2018-19	\$18,820.47	\$41,090.48	\$4,109.05	\$59,910.94
2019-20	\$19,290.98	\$42,117.74	\$4,211.77	\$61,408.72

*This fee must be paid in addition to the fee paid to the Mayor as a Councillor (s. 249(2)).

In accordance with the *BMCC Councillor Facilities and Expenses Policy* the fees must be paid monthly in arrears, to the Councillors and the Mayor, for each month the Councillors and Mayor holds office.

Deputy Mayor / Alternate Deputy Mayor allowance

The Tribunal does not recognise that there is a position of a Deputy Mayor / Alternate Deputy Mayor. It is therefore not within the jurisdiction of the Tribunal to determine the fee for the Deputy Mayor / Alternate Deputy Mayor.

However, section 249(5) of the LG Act references a fee to the Deputy Mayor:

“A council may pay the deputy mayor (if there is one) a fee determined by the council for such time as the deputy mayor acts in the office of the mayor. The amount of the fee so paid must be deducted from the mayor’s annual fee.”

In accordance with the *BMCC Councillor Facilities and Expenses Policy*, Council must pay a fee to the Deputy/ Alternate Deputy Mayor for such time as the Deputy/ Alternate Deputy Mayor acts in the office of the Mayor. Payment of the fee occurs during times of absence of the Mayor with any remaining monies at the end of the year being paid to the Mayor.

That is, the Mayor, at the end of the financial year, is then paid any monies that are not attributed to the Deputy / Alternate Deputy Mayor for acting as the Mayor in that financial year.

The Deputy/Alternate Deputy Mayoral reserve is historically determined by Council at 10% of the Tribunal’s annual determination of the Mayoral fee. The Deputy mayoral fee for 2019-20 is in bold in the table below:

Year	Deputy Mayoral Reserve **
2017/18	\$4,109.05
2018/19	\$4,211.78
2019/20	\$4,425.00

** The Deputy/ Alternate Deputy Mayoral Reserve is a component of the Mayoral fee.

Sustainability Assessment

Effects	Positive	Negative
Environmental	Nil	Nil
Social	Enables members of the public to understand the entitlements of Councillors.	Nil
Economic	Nil	Nil
Governance	Provides for accountability and transparency in terms of payments received by Councillors.	Nil

Financial implications for the Council

The 2019-20 draft budget contains an increase in fees for the Mayor and Councillors commensurate with this increase, with a total budget allocation of \$273,609.00.

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

The NSW Local Government Remuneration Tribunal increased the fees for Mayors and Councillors setting a 2019-20 annual increase at 2.5%. This report seeks that the Council adopts this increase. In addition, the Council determines the payment of fees for the Deputy Mayor/ Alternate Deputy Mayor from the Mayoral Allowance: in line with current practice this is set at 10% of the Mayoral Allowance. The Council may note the 2019-20 Draft Operational Plan budget allocation, currently being publically exhibited, accommodates the 2.5% annual increase to the Mayor and Councillors’ fees.

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ITEM NO: 12

SUBJECT: COMMUNITY ASSISTANCE DONATIONS RECOMMENDATION BY COUNCILLOR

FILE NO: F11894 - 19/110625

Delivery Program Link

Principal Activity: Civic Leadership

Service: Governance and Risk

Recommendation:

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

Organisation	Amount
<i>Springwood Community Garden</i>	<i>\$500.00</i>
<i>Blaxland Hockey Club</i>	<i>\$500.00</i>
<i>Blackheath Art Society</i>	<i>\$250.00</i>

Report by Acting Group Manager People & Systems:

Reason for report

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

Minor Local Projects

Recommending Councillor	Organisation	Purpose	Amount
Cr Myles	Springwood Community Gardens	To assist with the Bush Tucker Garden	\$150.00
Cr Foenander	Springwood Community Gardens	To assist with the Bush Tucker Garden	\$150.00
Cr Fell	Springwood Community Gardens	To assist with the Bush Tucker Garden	\$200.00
Cr Bowling	Blaxland Hockey Club	To assist with development & promotion	\$500.00

Mayoral Contingency

Recommending Councillor	Organisation	Purpose	Amount
Cr Greenhill	Blackheath Art Society	To assist with the art prize for the Winter Open	\$250.00

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ITEM NO: 13

SUBJECT: SEWER SYSTEM UPGRADE TO LAPSTONE SPORTS PRECINCT AND
CHILD CARE CENTRE, 2-4 EXPLORERS ROAD, LAPSTONE

FILE NO: F11894 - 19/68269

Delivery Program Link

Principal Activity: Looking After Environment

Service: Water Resource Management

Recommendations:

1. That the Council notes this report and the changes proposed to the design for a gravity discharge sewer system the Lapstone Reserve and the childcare centre at 2-4 Explorers Road, Lapstone;
 2. That the Council notes that upgrading of the sewer system serving the Lapstone Reserve and the childcare centre at 2-4 Explorers Road, Lapstone will need be deferred and added to the 2019/20 AWP; and
 3. That the Council receives a further report in 2019/20 financial year following the tender for the construction of a gravity discharge sewer system serving Lapstone Reserve and the childcare centre at 2-4 Explorers Road, Lapstone.
-

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

This report advises Council in relation to investigations undertaken to develop a more cost-effective solution to connect Lapstone Reserve and the childcare centre located at 2-4 Explorers Road, Lapstone with a gravity discharge connection to the Sydney Water main located in Governors Drive, Lapstone.

Background

At its Ordinary Meeting of the Council on the 13 November 2018, it was resolved:

- “1. That the Council, in accordance with clause 178(1)(b) of the Local Government (General) Regulation 2005 declines the tender received to upgrade the sewer system located at Lapstone Reserve and formally closes the tender process; and
2. That the Council receives a further report in 2019 for consideration after further investigations to assess whether a more cost effective solution can be developed that will meet the project budget and the future requirements of the precinct.”

[Minute No 422]

This report responds to item two of this resolution.

The 2018/19 asset works program included a project to upgrade the sewer system serving Lapstone Reserve and childcare centre located at 2-4 Explorers Road, Lapstone. The existing system is a pump-to-sewer arrangement that is towards the end of its operable life and identified for replacement. Demands on the system has significantly increased since its installation and there are ongoing liabilities in relation to its maintenance.

A hydraulic design consultant was engaged to investigate the direct connection of the system to the existing Sydney Water sewer main, situated in Governors Drive approximately 800m south of the onsite system. This was identified as the preferred option as it significantly reduces ongoing maintenance, caters for increased capacity and eliminates potential environmental problems that result from effluent overflow due to equipment failure. Tenders were subsequently sought for this option.

When tenders closed on the 11 July 2018, only one submission was received. The tendered sum was in the order of \$980,000, significantly exceeding Council’s budget of \$200,000. Given the disparity, the Council declined the submitted tender and investigated more cost effective solutions that meet the project budget and the future requirements of the precinct.

Current Situation

Council officers reviewed the potential options for the disposal of sewerage from the site including increasing the onsite capacity and renewal of the current system. However, both of these solutions require ongoing recurrent maintenance and servicing. They would also not eliminate the risk of potential effluent overflow.

In conjunction with hydraulic engineers, officers have undertaken further investigations of the gravity discharge system and have developed an option that will significantly reduce the extension of Sydney Water infrastructure through positioning the majority of the pipe-line within Council managed land, effectively creating a ‘private main’. This significantly reduces Sydney Water infrastructure, and can be constructed by an appropriately licensed plumbing contractor rather than a contractor registered and approved to work on Sydney Water infrastructure.

This proposal results in a significantly more competitive tender process as the work can be tendered to a much broader market. However, it should be noted that a portion of the work that will need to be undertaken by a Sydney Water contractor. Council’s consultants have provided a detailed cost estimate of circa \$420,000 for this option, which includes a 15% contingency fee.

Sustainability Assessment

Effects	Positive	Negative
Environmental	The installation of a gravity discharge system at will eliminate potential effluent overflow incidences at Lapstone Reserve.	Nil
Social	The development of a solution for upgrading the sewer system at Lapstone Reserve is a continuation of Council’s ongoing work to improve sporting facilities for the community.	Nil
Economic	The installation of the new system will reduce ongoing maintenance costs associated with the existing pump-to-sewer system.	Nil
Governance	Nil	Nil

This proposal aligns with the Community Strategic Plan Objective 1.3b *“Improve the management of the City’s built infrastructure and natural assets within available resources.”*

Financial implications for the Council

There is currently \$200,000 allocated within the 2018/19 Asset Works Plan for the Lapstone Reserve Sewer System Upgrade project. Given the shortfall, the project will need to be deferred and added to the 2019/20 AWP. The balance of the required funds will be sourced through a reorganisation of recreational capital works priorities in 2019/20.

Legal and risk management issues for the Council

There are no identified legal or risk management issues for Council in adopting the recommendations of this report.

External consultation

No external consultation has occurred to inform this report.

Conclusion

In accordance with the Council resolution from the ordinary Council meeting on the 13 November 2018, Council officers have undertaken further investigations into the design of the sewer system serving Lapstone Reserve and the childcare centre located at 2-4 Explorers Road, Lapstone.

An option has been developed that will significantly reduce the extension of Sydney Water infrastructure through positioning the majority of the pipeline within Council managed land, effectively a creating a 'private main'.

Council's consultants have provided a detailed cost estimate of \$419,380 for this option, which includes a 15% contingency fee. It is intended that this work package will be put to market in 2019/20, with the outcome reported to the Council.

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ITEM NO: 14

SUBJECT: BLUE MOUNTAINS ECONOMIC STATEMENT

FILE NO: F11894 - 18/282019

Delivery Program Link

Principal Activity: Sustainable Economy

Service: Economic Development and Tourism

Recommendations:

1. *That the Council endorses the Blue Mountains Economic Statement, as a summary of Council's current actions and strategic direction for economic growth in the City;*
 2. *That the Council delegates authority to the General Manager to make minor amendments to the Blue Mountains Economic Statement prior to finalising and making public via Council's website; and*
 3. *That the Council receives a report on the draft Blue Mountains Economic Strategic Plan by December 2019 seeking endorsement for public exhibition.*
-

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

This report introduces the Blue Mountains Economic Statement; a snapshot of the draft Blue Mountains Economic Strategic Plan currently in development. The statement is intended to be a user-friendly précis of the key messages and actions within the emergent draft Blue Mountains Economic Strategic Plan.

The Blue Mountains Economic Statement is attached as an enclosure to this report.

Background

The Economic Statement aligns with the Thrive key directions of the Community Strategic Plan, notably objective 6.1, to support a diverse, vibrant, strong and sustainable economy with increased local employment. It also has relevance for some Live and Care Objectives in the Community Strategic Plan, including 3.3 Community resilience to disaster, and Vibrancy and Identity of town centres (4.1 and 4.2).

In 2016, Council commenced initial consultation on its Economic Strategic Plan with the Blue Mountains community at an Economic Roundtable. This group comprised of representatives from the following organisations:

- Blue Mountains Economic Enterprise (BMEE);
- Blue Mountains Regional Business Chamber (BMRBC);
- The Liquor Accord;
- National Parks & Wildlife Services (NPWS);
- Mountains Community Resource Network;
- Blue Mountains Nepean Area Health;
- Blue Mountains Accommodation and Tourism Associations (BMATA);
- Education providers (TAFE and Torrens University);
- Greystanes Disability Service;

- The Cottage (Childcare);
- Australian Unity (Aged Care provider);
- Mountains Youth Services Team (MYST); and
- The Greater Sydney Commission.

This roundtable discussion provided Council with useful information about challenges and opportunities for the business community in the Blue Mountains and further strengthened our links with a number of these industry representatives.

Additionally, both at this session and more recently, officers have sought to clarify the Council’s role as opposed to that of BMEE. With Council providing a focus on local government roles and remit, together with inter-governmental projects and programs as a focus for its actions.

The Blue Mountains Economic Statement

The document is intended to be a user-friendly précis of the key messages and actions within the draft Blue Mountains Economic Strategic Plan, now in development. It is envisaged that this document will be promoted through Council’s website and used in discussion with external stakeholders such as the local business community and state and federal government agencies ahead of the full Strategic Plan being endorsed by Council later in 2019. Once the Blue Mountains Economic Strategic Plan has been adopted this Economic Statement will be superseded and require updating to align with the Strategic Plan.

Sustainability Assessment

Effects	Positive	Negative
Environmental	The Economic Statement outlines Council’s support for sustainable business, given our unique position as a city located in a World Heritage National Park.	Nil
Social	The Economic Statement notes that we seek to achieve economic outcomes which simultaneously achieve good social outcomes (e.g. it aspires to be inclusive, to achieve positive social outcomes: for example, seeks to increase training and employment options for young people in the Blue Mountains, thus retaining them in area).	Nil
Economic	The Economic Statement is underpinned by a vision in which by 2035 our local economy is stronger and more sustainable. It states, “Our economy is diverse, robust and inclusive, encouraging a variety of sustainable industries and businesses, and benefitting local residents.”	Nil
Governance	The Economic Statement actively advocates on issues of importance to the community, it further supports partnerships with other levels of government.	Nil

Financial implications for the Council

There are no known financial implications with endorsing this Blue Mountains Economic Statement. The delivery of projects and programs noted within the document will be subject to best value allocation of funds.

Legal and risk management issues for the Council

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

External consultation

As noted above, the Blue Mountains Economic Statement commenced with consultation from external stakeholders, as detailed above.

Conclusion

It is recommended that Council endorse the Blue Mountains Economic Statement that will form a valuable basis of consultation and communication with the community and clearly articulate our intentions to stimulate the local economy and grow jobs.

ATTACHMENTS/ENCLOSURES

1	BMCC-EconomicStatement-DRAFT	19/71272	Enclosure
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ITEM NO: 15

SUBJECT: TENDER REPORT - DESIGN CONSULTANCY SERVICES FOR AN UPGRADE TO THE SPRINGWOOD DISTRICT LIBRARY

FILE NO: F11894 - 19/62435

Delivery Program Link

Principal Activity: Looking After People

Service: Libraries and Information

Recommendations:

1. *That the Council notes that it received thirteen (13) tender submissions in relation to design consultancy services for the upgrade of Springwood District Library;*
 2. *That the Council accepts the tender submitted by Ingrid Donald Architect Pty Ltd for the design consultancy services for the upgrade of Springwood District Library, for the sum of \$229,570 exclusive of GST; and*
 3. *That the Council delegates to the General Manager (or her delegate) authority to execute and sign documents relating to the contract for design consultancy services to upgrade Springwood District Library.*
-

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

This report seeks the approval of the Council to enter into a contract with Ingrid Donald Architect Pty Ltd for the design consultancy services for the upgrade to Springwood District Library, in accordance with section 55 of the Local Government Act 1993 (the Act).

Background

Council is seeking the services of a suitably qualified consultant to undertake the detailed design and documentation for the proposed upgrade of the district library located in Macquarie Road, Springwood that forms part of the Blue Mountains Theatre and Community Hub facility.

The upgrade to the Springwood District Library is one of the eleven projects recently announced for funding under the State and Federal Governments City Deal, Liveability Program.

The Springwood District Library is an important community facility and requires an upgrade to provide better services to the local community and broader population of the Blue Mountains. Information, journals and books are becoming increasingly more accessible in electronic format and the requirement to enlarge the area to hold the physical book and journal collection may diminish over the next twenty years; however, the requirement for areas enabling public electronic access to information is expected to increase.

In addition, the demand for areas for social interaction is anticipated to grow as the general population ages. The demand for group study areas along with training rooms and areas for small groups of community is expected to increase.

To meet these future demands and enhance the user experience to the Springwood District Library, the following improvements are proposed:

- Create a void between the two floor levels for visual and physical connection;
- Remove the brick façades on the southern side of the library and replace with full height glazing to enhance the visual aspects of the views over the mountains and allow more natural light to enter the library to create a better user experience;
- Reconfigure book displays and provide new seating areas in the general library area to allow more activity to occur in the general library space;
- Reconfigure and update the lower ground floor with new fit-out to accommodate additional library services on the lower ground floor such as community media room and new reading and study areas;
- Relocate family history to lower ground floor to provide larger space for computer access and shelving;
- Provide comfortable reading areas and install a new fully accessible lift between the lower ground floor and the ground floor to allow accessibility to the new proposed library facilities which will also cater for larger wheel chairs (reclining and tilting variations); and
- Provide a rendered (or similar) finish to all remaining external areas of the library to create a new upgraded appearance that “fits” with the historic Braemer Gallery and the Blue Mountains Theatre and Community Hub facility.

Invitation to Tender

Open tenders were called on 19 February 2019 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. The Request for Tender (RFT) document was also available at no-charge from the WSROC e-Tendering portal on the NSW Government Department of Commerce website.

Tender Submissions

Twelve (12) submissions were received from the following companies, when tenders closed at 2pm on Wednesday 13 March 2019:

- Breakspear Architects Pty Ltd, Manly NSW;
- Buck and simple, Manly NSW;
- Conrad Gargett Pty Ltd, Ultimo NSW;
- DTB Architects Pty Ltd, New Town NSW;
- Giles Tribe Architects, Sydney NSW;
- Gray Puksand Pty Ltd, Sydney NSW;
- Ingrid Donald Architect, Blackheath NSW;
- Mode Design Corporation Pty Ltd, Surrey Hills NSW;
- NBRS & Partners Pty Ltd, Milsons Point NSW;
- Panovscott Architects Pty Ltd, Paddington NSW;
- The SJB Architecture NSW Unit Trust, Surrey Hills NSW; and
- TwoForm Pty Ltd, Paramatta NSW.

One late submission was received from Archer Office. At 2.03pm, a call to the Chair of the Tender Evaluation Committee from Archer Office Pty Ltd advised that they were experiencing technical difficulties in lodging their on-line tender form. An email notice from the APET 360 System (e-tendering) indicated that the tender was 30 seconds late. The group provided all the necessary documentation clearly indicating the tender was submitted prior to the closing time but had failed to save one of the sections correctly. As a result, the submission was accepted for evaluation by the Tender Evaluation Panel.

The other twelve tenders were submitted prior to the closing time and were deemed compliant.

Tender Evaluation

A Tender Evaluation Panel (TEP) comprising four (4) 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 predetermined criteria to determine which tender represents that best value for money in accordance with Council’s Strategic Procurement Policy. Proponents were required to address the following criteria in their tender submission;

- capability & capacity and financial capacity;
- project methodology and construction program;
- environmental management;
- work health and safety;
- critical assumptions;
- innovation; and
- 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 as below.

Final Technical Worth Assessment

Tenderer	Non-Price Effectiveness/ Ranking		Price Ranking	Overall Value for Money Ranking
Ingrid Donald Architect	79.5%	3	5	1
NBRS & Partners Pty Ltd	72%	4	4	2
Breakspear Architects Pty Ltd	42.5%	12	2	3
Panovscott Architects Pty Ltd	39.5%	13	1	4
Mode Design Corporation Pty Ltd	54%	8	3	5
Gray Puksand Pty Ltd	82.5%	2	10	6
Buck and simple	46%	10	6	7
Conrad Gargett Pty Ltd	83.5%	1	13	8
Archer Office Pty Ltd	53%	9	7	9
The SJB Architecture NSW Unit Trust	56.5%	5	9	10
Giles Tribe Architects	56%	6	8	11
DTB Architects Pty Ltd	54.5%	7	12	12
Two Form Pty Ltd	44%	11	11	13

Evaluation Recommendations

Following tender evaluation, the TEP unanimously agreed that the tender for the design consultancy services for an upgrade to the Springwood District Library should be awarded to Ingrid Donald Architect for the sum of \$229,570 ex GST.

Performance Management

The Council will ensure that the performance standards of the contract are met through:

- appointing an independent quantity surveyor to review and price design costs at 30%, 50% and pretender lodgement at 100% of the detailed design process to ensure design aligns with approved budget;
- peer reviewing all Part 5 environmental control documentation including heritage reports;
- conducting regular meetings with the lead consultant; and
- ensuring the works are in accordance with the tender documents specifically the Pricing schedule and Statement of Requirement that forms part of the contract terms and conditions.

Sustainability Assessment

Effects	Positive	Negative
Environmental	Design will comply with all environmental and heritage DA terms and conditions when received. The design will look to incorporate energy efficiency and sustainable design.	Nil
Social	The Library upgrade will provide significant social benefits to the Blue Mountains community	Nil
Economic	The design will look to incorporate elements to improve the energy efficiency of the building to reduce operating costs	Nil
Governance	The Tender has been developed and assessed in accordance with Council procurement policy and guidelines and Section 55 of the Local Government Act.	Nil

This project directly links to the Community Strategic Plan Core Objective 3.1a *“Facilitate community access to cultural and community facilities that meet needs and support health and wellbeing”*.

Financial implications for the Council

Project funds have been allocated within Councils Asset Works Program for the proposed works and the tendered sum of \$229,570 (ex GST), is within the cost-plan for this project.

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 consultant will be engaged under a standard form of contract developed in consultation with Council’s legal representatives.

Referee checks were undertaken as part of the tender assessment and resulted in favourable feedback, which confirmed that Ingrid Donald Architect Pty Ltd is capable of undertaking the works as set out in the tender documentation.

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

It is anticipated that the design for this project will be completed by March 2020 should the Council endorse the recommendations within this report.

Conclusion

Based on the assessment of the tenders received, it is recommended that the Council accepts the tender submitted by Ingrid Donald Architect for the design consultancy services for an upgrade to the Springwood District Library for the sum of \$229,570 exclusive of GST.

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ITEM NO: 16

SUBJECT: NEW APPOINTMENTS TO THE BRAEMAR GALLERY MANAGEMENT COMMITTEE

FILE NO: F01268 - 19/80338

Delivery Program Link*Principal Activity:* Looking After People*Service:* Blue Mountains Cultural Centre**Recommendation:**

That the Council accepts the applications of Drew Taylor, Sally Gersbach and Susan Ruming to fill three vacancies on the Braemar Gallery Management Committee as recommended by the committee.

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

The purpose of this report is to seek Council's endorsement to appoint Drew Taylor, Sally Gersbach and Susan Ruming to fill three vacancies on the Braemar Gallery Management Committee.

Background

As per the Terms of Reference of the Braemar Gallery Management Committee, vacancies on the Committee are to be advertised and applicants assessed by the existing Committee with recommendations for appointment forwarded to Council.

Advertising for new members for the Committee was undertaken in February and March 2019, resulting in 3 applications being received. The Braemar Gallery Management Committee wish to recommend all applicants, Drew Taylor, Sally Gersbach and Susan Ruming to the Committee, based on their extensive volunteering experience and appreciation of the visual arts.

Sustainability Assessment

Effects	Positive	Negative
Environmental	Nil	Nil
Social	Advertising vacancies on the Committee enables enthusiastic community members the opportunity to take part in the management of the Braemar community gallery.	Nil
Economic	Committee members participate in a voluntary capacity.	Nil
Governance	The process of recruiting for vacancies on the Committee has been undertaken in accordance with the Committee's Council endorsed Terms of Reference.	Nil

Financial implications for the Council

Nil

Legal and risk management issues for the Council

Nil

External consultation

A call for applications to the vacant positions was made through the Blue Mountains Cultural Centre website, Braemar Gallery Facebook Page and the Gazette newspaper throughout the months of February and March 2019.

Conclusion

The Braemar Gallery Management Committee is highly productive and provides a valuable service to the Arts community of the Mountains by coordinating the Braemar Gallery exhibition spaces, exhibition program and volunteer invigilators.

The Committee looks forward to welcoming Drew Taylor, Sally Gersbach and Susan Ruming to the group and utilising their extensive skills and experience in community gallery management to maintain the high standards of programming and services that the Braemar Gallery has come to represent.

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ITEM NO: 17

SUBJECT: SYDNEY WATER REFILL STATIONS

FILE NO: F11894 - 19/93802

Delivery Program Link

Principal Activity: Looking After People

Service: Sport and Recreation

Recommendation:

That the Council receives and notes this report.

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

This report overviews the outcome of the installation of Sydney Water refill stations, which have now been in place for a number of months.

This report aligns with the Care objectives of the Community Strategic Plan, specifically 3.2 which states: *"The Blue Mountains community is healthy and active"*.

Background

At the Ordinary Meeting of the Council held on 19 September 2017, it was resolved;

"1. That the Council endorses entering into a partnership with Sydney Water to establish water refill stations, at the following locations:

- Summerhayes, Winmalee;*
- Lapstone Oval, Lapstone;*
- Knapsack Park, Glenbrook;*
- Glenbrook Park, Glenbrook;*
- Pitt Park, Wentworth Falls;*
- Maple Grove, Katoomba;*
- Wentworth Falls Lake, Wentworth Falls; and*
- Wilson Park, Wentworth Falls;*

2. That the Council notes that in entering this agreement that it becomes responsible for the installation, maintenance and water costs associated with the stations; and

3. That the Council receives a report by mid-2019 identifying the costs and benefits from entering into the partnership, together with a review of future roll-out options."

[Minute No.310]

This report responds to Item 3 above.

Sydney Water Refill Stations

Sydney Water contacted the Council and proposed a partnership to provide co-branded water refill stations at no cost to the Council; however, Council was required to pay for the installation and ongoing maintenance.

Water refill stations help reduce the environmental impact of drinking bottled water by decreasing litter and the number of plastic bottles going to landfill. Providing easy access to high quality tap water also gives adults and children a healthy alternative to sugary drinks.

The Council resolved to install eight drinking water refill stations at high use locations across the city. This work has been completed, and this report provides information in relation to the costs and benefits from entering into the partnership, and provides a plan for future roll out of drinking water facilities in Council's Recreational Spaces.

Costs

The partnership contract with Sydney Water required Council to seek legal advice before entering the contract. This cost was borne through the Recreation operational budget.

The installation of the bubblers was originally thought to require minimal modification to the existing locations. Following installation of a trial unit, this was found to not be the case. Council committed to installing each bubbler at a cost of approximately \$1,500 each, for a total estimated installation cost of \$12,000. An additional \$9,000 was required to complete the installation in line with the requirements of Council's Public Domain Technical Manual.

The additional costs were covered from the Recreation Capital budget.

Benefits

The Sydney Water bubblers have proven popular with users, allowing water bottles to be filled while recreational activities such as sport and bushwalking are being undertaken.

Sydney Water have advised Council that the drinking water refill stations have refilled approximately 5600 containers since installation, preventing a further 72kg of plastic waste entering Council's waste streams. This information is based on a Sydney Water audit of the systems since installation. Council and Sydney Water will continue to monitor the benefits of the water refill stations across the city.

Future Roll Out

Of the sites selected for installation of new bubblers, six locations had existing bubblers replaced. These bubblers, of Council's standard type, are intended to be installed in local and neighborhood parks in line with the adopted Open Space and Recreation Strategy.

Additional units may be used to replace end of life water bubblers across the city, while others may be used to provide drinking water within parks that currently do not provide drinking water. Sydney Water is not currently offering any further instances of the program, should the program be continued a further report to the Council will be prepared seeking endorsement to participate and potential sites would be nominated at this time.

Sustainability Assessment

Effects	Positive	Negative
Environmental	Water refill points have been identified to promote bottle re-use and reduce littering.	Nil
Social	The refills stations are used to help encourage people to drink water instead of sugary drinks and promote a healthier lifestyle.	Nil
Economic	The rollout of water refill stations supports Blue Mountains City Council as a leader in environmental sustainability.	Nil
Governance	The proposed partnership with Sydney Water has been a success and positively received by the public.	Nil

Financial implications for the Council

As noted above, the costs for installing the Sydney water bubblers were underestimated by \$9,000, with the program ultimately costing \$21,000. Council continues to maintain the bubblers for the expected lifespan of the assets.

Legal and risk management issues for the Council

There are no legal or risk management issues in noting this Council Report.

External consultation

No external consultation was undertaken in preparing this report.

Conclusion

Council, in partnership with Sydney Water, has installed eight drinking water and bottle refill stations across the city. These water stations assist in promoting sustainability and allow residents and visitors to maintain healthy lifestyles while using popular recreational locations.

Bubblers that were removed as part of this program will be re-used across the city to provide drinking water within Council’s recreational spaces.

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ITEM NO: 18

SUBJECT: ADDITION OF GRAVES AT MOUNT VICTORIA CEMETERY TO
COUNCIL'S SIGNIFICANT GRAVES LIST

FILE NO: F11894 - 19/94119

Delivery Program Link

Principal Activity: Using Land

Service: Burials and Ashes Placement

Recommendation:

That the Council endorses adding the graves of John Berghofer and Henry Rienits to Council's Significant Graves List, as per Schedule 1 of the Cemeteries Policy.

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

Following a heritage review, two graves within Mount Victoria Cemetery have been identified as being significant. This report provides information and reasons for adding the graves of John Berghofer and Henry Rienits to Council's list of Significant Graves.

Background

Whilst Council does not own the monumental work on graves and responsibility for these remains with the relatives and descendants of the person interred, Council does maintain and ensure they are safe for the public to visit.

In the case of graves which are not being maintained but have significant heritage value, Council may choose to maintain those graves to ensure that they retain the value that they offer to the community. Restoration and maintenance works for graves can require the services of specialist trades, depending on construction type and materials. Costs associated with such works can be significant and the Blue Mountains Cemeteries Conservation Management Plan provides direction on which graves are of particular historic value. Further, the Burra Charter provides direction on retention of heritage values over time, and reference to this ensures work is suitable to the site.

Proposed Additions to the Significant Graves List

Two additions to the significant graves list (Schedule 1 of the Cemeteries Policy) are proposed; if endorsed Council will take on responsibility for their future maintenance.

John Berghofer

Council's adopted Cemeteries Conservation plan provides the following information about John Berghofer:

"John William Berghofer (1840-1927), who died a year before his friend Rienits, was also German born and also came to Australia to join a father already established in the Sydney area. John Berghofer first crossed the Blue Mountains in 1870 when he went gold-seeking at Hill End and Gulgong and in 1876 he became manager of Ebenezer Vickery's sheep station in Kanimbla. After thirteen years in Kanimbla, the Berghofers moved back to their parents' suburb of Kogarah but in 1892 they bought

the old Victoria Inn at the bottom of Victoria Pass and, like Rienits and his wife, bought investment property in Mount Victoria, capitalizing on the tourist trade.

Berghofer built leasing cottages close to Rienits' The School in Montgomery Street and Selsdon Street and a general store on the corner of Selsdon Street and the highway. The Berghofers, however, continued to live in the former Victoria Inn, renamed Rosenthal and later Rosedale, except for the years 1898 to 1903 when Berghofer resumed his position as manager of Kanimbla station. When Blaxland Shire, which included Rosedale but not Mount Victoria, was created in 1906, Berghofer became its first President and gained lasting fame as the creator of Berghofer's Pass as an alternative route to Victoria Pass in 1907. Like Rienits, Berghofer suffered from anti-German sentiment during World War I and was obliged to resign from his position as Shire President, but he continued to have close links with Mount Victoria and, after his death in 1927, his widow lived in a Mount Victoria house at 2 Selsdon Street which they had built as an investment in the 1880s. She was buried beside her husband at Mount Victoria when she died at the age of 95 in 1945."

John William Berghofer was a prominent local who was instrumental in the development of Mount Victoria and constructed a number of buildings in the township.

Henry Rienits

Council's adopted Cemeteries Conservation plan provides the following information about Henry Rienits:

"A noted, though controversial, educator, Henry Rienits came to Australia from north Germany in 1863 to join his parents, Dietrich and Christine, who had already settled in the Monaro ten years before. He became a public school teacher in 1873, first at Hill End, then at Bourke and at Cooyal near Mudgee, finally coming to Mount Victoria in 1880, where he and his wife had a stormy career, which ended in 1885 when he opened his own private premises, The School, in Montgomery Street, Mount Victoria. Despite competition from both the public school and other private schools, Rienits succeeded in maintaining The School until 1913, when he retired at the age of 62 but continued to take a forceful role in the local Progress Association. His wife Kate Terry died in 1924, Henry four years later, and both were buried in the cemetery beside Henry's father and mother who had come to Mount Victoria in their old age and died there, Dietrich in 1891 and Christine in 1920."

Henry Rienits was a prominent local who played a critical role in the education of young people in the area.

Addition of graves to Significant Graves List (Schedule 1)

Council adopted the Cemeteries Conservation Management Plan in 2003. In 2013, Council adopted the Cemeteries Policy. Part 4 of this Policy deals with Maintenance of Significant Graves. The objectives of this policy are to:

- To ensure that the value to the community of significant graves is not lost over time.
- To give direction on the resourcing of the maintenance of graves in Blue Mountains Cemeteries.

The policy allows that additional graves be added to the schedule by Council resolution. Graves that are listed on the schedule shall have maintenance undertaken, as resources permit and as required by condition assessment. Where Council can contact relatives or descendants of the deceased, works shall be determined collaboratively, and with reference to the Burra Charter.

Given the significant contribution of both John Berghofer and William Rienits to the Blue Mountains and in particular Mount Victoria, it is recommended that Schedule 1 of the Council's Cemeteries Policy be updated to include their graves (Attachment 1).

Sustainability Assessment

Effects	Positive	Negative
Environmental	Nil	Nil
Social	Significant graves are maintained for future generations and historic links are maintained.	Nil
Economic	Knowledge of the condition of significant graves allows Council to plan for required conservation works.	Additional graves will require a reprioritisation of existing work plans, potentially delaying other required works on identified significant graves.
Governance	Provides clarity as to which graves Council will maintain.	Nil

Financial implications for the Council

Following inspection of the graves of Berghofer and Rienits, Council's heritage advisors and stonemasons estimate that the cost of required, short term conservation works would be approximately \$35,000. This estimate informs future asset works programs.

Legal and risk management issues for the Council

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

External consultation

External consultation with heritage masons, conservation architects and Council's Heritage Advisor has been undertaken in preparing this report.

Conclusion

Both John Berghofer and Henry Rienits were residents of Mount Victoria who made a significant contribution to the development of this village. Their graves, located within the Mount Victoria Cemetery, should be added to the Significant Graves list, as per Schedule 1 of the Cemeteries Policy and maintained in accordance with this adopted policy.

ATTACHMENTS/ENCLOSURES

1	Significant Graves List	19/94142	Attachment
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Attachment 1 - Significant Graves List

BLUE MOUNTAINS CITY COUNCIL
 LIST OF SIGNIFICANT GRAVES


Cemetery	Name on grave
Springwood Cemetery	Norman Lindsay (1874-1964)
Springwood Cemetery	William John Curtis (1874-1964)
Springwood Cemetery	Francis Smith (1793-1836)
Faulconbridge Cemetery	Henry Parkes (1815-1896)
Wentworth Falls Cemetery	Sir William Cullen (1855-1935)
Wentworth Falls Cemetery	Elizabeth Lilla Murray (1852-1916)
Wentworth Falls Cemetery	Somerville Murray (1832-1919)
Wentworth Falls Cemetery	Ehrenreich (Harry) Andreas (1879-1955)
Wentworth Falls Cemetery	Peter Board (d.1945)
Wentworth Falls Cemetery	Dr Malcom Sinclair (d.1941)
Wentworth Falls Cemetery	Dr Robert Lamb (1862-1907)
Wentworth Falls Cemetery	Rev. Stephen (1845-1928)
Wentworth Falls Cemetery	Mrs Harriet Childe (1853-1910)
Blackheath Cemetery	Francis Boyce (1844-1931)
Blackheath Cemetery	Caroline Stewart (1840-1918)
Blackheath Cemetery	Francis Boyce (1872-1940)
Blackheath Cemetery	Mel Ward (1903-1966)
Blackheath Cemetery	Nicholas Delany (1855-1928)
Blackheath Cemetery	Henry Mortlock (1845-1915)
Blackheath Cemetery	John Cliff (18-45-1902)
Blackheath Cemetery	Lucy Cliff (1840-1905)
Blackheath Cemetery	Thomas Cliff (1866-1943)
Blackheath Cemetery	Eleanor Dark (1901-1985)
Mount Victoria Cemetery	John Berghofer (1840-1927) (Proposed For Addition)
Mount Victoria Cemetery	Henry Rienits (1851-1928) (Proposed For Addition)

ITEM NO: 19

SUBJECT: TENDER REPORT - PROVISION OF QUANTITY SURVEYING SERVICES

FILE NO: F11894 - 19/96945

Delivery Program Link

Principal Activity: Looking After People

Service: Community Development

Recommendations:

1. *That the Council notes that it received eleven (11) tenders submitted for the provision of quantity surveying services for the Western Sydney City Deal - Liveability Program;*
 2. *That the Council accepts the tender submitted by Kue-S-Services Pty Ltd for the provision of quantity surveying services for the sum of \$150,360 (exclusive of GST) for the Western Sydney City Deal - Liveability Program; and*
 3. *That the Council delegates to the General Manager (or her delegate) the authority to execute and sign documents relating to the contract for the provision of quantity surveying services for the Western Sydney City Deal - Liveability Program.*
-

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

This report seeks Council approval to enter into a contract with Kue-S-Services Pty Ltd for the provision of quantity surveying services for the Western Sydney City Deal - Liveability Program, in accordance with Section 55 of the Local Government Act 1993 (the Act).

Background

Council is seeking to appoint a quantity surveying consultant to undertake a range of quantity surveying services across the following projects that form the Liveability Program.

- Katoomba Sports and Aquatic Centre - outdoor toddler and learn to swim pool removal, renewal with accessibility and associated works.
- Blackheath Town Centre Upgrade Works - footpaths, road, drainage, new town square and associated civil / traffic works.
- Blackheath Soldiers Memorial Park - new toilet block and other works focused on core play facility upgrades, connectivity and accessibility.
- Eastern Scenic Escarpment - projects at various locations incorporating associated walking track works and lookout upgrades.
- Lawson Crown Lands - construction of accessible pathways, dog off leash area, seating and associated landscaping works.
- Buttenshaw Park - play facility upgrades connectivity and accessibility.
- Springwood Town Centre Upgrade Works - upgrades to pedestrian crossings, renewal of garden surrounds, expanded pavements areas and landscaping.
- Springwood Library Upgrade - demolition and construction works, installation of accessible lift catering for larger wheel chairs, internal fitout, full height glazing on ground floor, increase in public library space and rendered finish to the external façade.

- Glenbrook Park Stage Two Playground Works - construction of a new inclusive accessible interactive play area catering for seven to twelve year age groups.
- Wentworth Falls Lake - core play facility upgrades connectivity and accessibility.

It is important to note that Council is required to retain the services of a Quantity Surveyor to review and certify reports of expenditure as part of the Liveability Program claims process.

Invitation to Tender

Open tenders were called on 2 April 2019 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. The Request for Tender (RFT) document was also available at no-charge from the WSROC e-Tendering portal on the NSW Government Department of Commerce website.

Tender Submissions

Eleven (11) submissions were received from the following companies, when tenders closed at 2pm on Wednesday 24 April 2019:

- Altus Group Cost Management Pty Ltd, Sydney NSW;
- Bellwether Consulting Services Pty Ltd, Brisbane QLD;
- Donald Cant Watts Corke (NSW) Pty Ltd, Sydney NSW;
- Kue-S-Services Pty Ltd, Mount Druitt NSW;
- MBMpl Pty Ltd, Sydney NSW;
- Mitbrand NSW ACT Pty Ltd, Miranda NSW;
- North Projects Pty Ltd, North Sydney NSW;
- Tracey Brunstrom & Hammond Pty Ltd, North Sydney NSW;
- Wilde and Woollard Pacific Pty Ltd, Chatswood NSW;
- WTP Australia Pty Ltd, Sydney NSW; and
- Xmirus Pty Ltd, Sydney NSW.

All tenders were submitted prior to the closing time and deemed compliant.

Tender Evaluation

A Tender Evaluation Panel (TEP) comprising three (3) 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 are evaluated against predetermined criteria to determine which tender represents that best value for money in accordance with Council's Strategic Procurement Policy. Proponents are required to address the following criteria in their tender submission:

- capability & capacity and financial capacity;
- project methodology and construction program;
- environmental management;
- work health and safety;
- critical assumptions;
- innovation; and
- 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 results of the Technical Worth Assessment are as below.

Final Technical Worth Assessment

Tenderer	Non-Price Effectiveness/ Ranking		Price Ranking	Overall Value for Money Ranking
Kue-S-Services Pty Ltd	71%	6	3	1
Xmirus Pty Ltd	61.5%	9	2	2
Wilde and Woollard Pacific Pty Ltd	78%	3	7	3
Donald Cant Watts Corke (NSW) Pty Ltd	71.5%	5	6	4
Altus Group Cost Management Pty Ltd	63%	8	5	5
WTP Australia Pty Ltd	70%	7	8	6
Tracey Brunstrom & Hammond Pty Ltd	43.5%	11	1	7
MBMpl Pty Ltd	85%	1	9	8
Mitbrand NSW ACT Pty Ltd	44%	10	4	9
North Projects Pty Ltd	73%	4	10	10
Bellwether Consulting Services Pty Ltd	85%	1	11	11

Evaluation Recommendations

Following evaluation, the TEP unanimously agreed that the tender for the provision of quantity surveying services should be awarded to Kue-S-Services Pty Ltd for the sum of \$150,360 ex GST.

Performance Management

The Council will ensure that the performance standards of the contract are met through:

- regularly reviewing consultant performance against the key criteria of the role;
- ensuring that program timeframes are met or exceeded;
- ensuring any variations to the contract are justified and are increases to the tender form scope of works and contract document.
- undertaking random peer reviews of bill of quantities and cost estimates; and
- ensuring the works are in accordance with the tender documents specifically the Pricing schedule and Statement of Requirement, which forms part of the contract terms and conditions.

Sustainability Assessment

Effects	Positive	Negative
Environmental	Nil	Nil
Social	Nil	Nil
Economic	The appointment of the quantity surveyor will ensure individual project scope aligns with allocated budget.	Nil

Effects	Positive	Negative
Governance	<p>Council is required to provide reports of expenditure that have been reviewed and evidenced by a Quantity Surveyor as part of the City Deal Projects payment claims process.</p> <p>The Tender has been developed and assessed in accordance with Council procurement policy and guidelines.</p>	Nil

The appointment of a Quantity Surveyor for the Liveability Program of projects directly links to the Community Strategic Plan Lead Objective 1.2c *“Implement effective and efficient governance and risk management”*.

Financial implications for the Council

Project funds have been allocated within Councils Asset Works Program for the proposed works and the tendered sum of \$150,360 (ex GST), is within the funding allocation for the provision of quantity surveying services.

Legal and risk management issues for the Council

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

Referee checks were undertaken as part of the tender assessment and resulted in favourable feedback, confirming that Kue-S-Services Pty Ltd is capable of undertaking the works as set out in the tender documentation.

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.

Conclusion

Based on the assessment of the tenders received, it is recommended that the Council accepts the tender submitted by Kue-S-Services Pty Ltd for provision of quantity surveying services for the sum of \$150,360 exclusive of GST.

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ITEM NO: 20

SUBJECT: TENDER REPORT - CIVIL DESIGN CONSULTANCY SERVICES FOR AN UPGRADE TO THE SPRINGWOOD AND BLACKHEATH TOWN CENTRE PRECINCTS

FILE NO: F11894 - 19/97035

Delivery Program Link

Principal Activity: Looking After People

Service: Community Development

Recommendations:

1. *That the Council notes that it received twelve (12) tender submissions for design consultancy services for the Springwood and Blackheath Town Centre Precinct Upgrades;*
 2. *That the Council accepts the tender submitted by Jones Nicholson Pty Ltd for design consultancy services for the Springwood and Blackheath Town Centre Precinct Upgrades, for the sum of \$480,014 exclusive of GST; and*
 3. *That the Council delegates to the General Manager (or her delegate) the authority to execute and sign documents relating to the contract for the design consultancy services for the Springwood and Blackheath Town Centre Precinct Upgrades.*
-

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

This report seeks the approval of the Council to enter into a contract with Jones Nicholson Pty Ltd for the detailed design consultancy services for an upgrade of the Springwood and Blackheath Town Centre Precincts in accordance with Section 55 of the Local Government Act 1993 (the Act).

Background

The upgrade to the Springwood and Blackheath town centres are two of the eleven projects recently announced for funding under the State and Federal Governments City Deal, Liveability Program. Council is now seeking to appoint the services of a suitably qualified consultant to lead and undertake the detailed design and documentation of these to upgrades.

Springwood Town Centre Works

The proposed town centre works are elements of the Springwood Town Centre Public Domain Plan that aim to build on existing street and landscape features to provide more attractive public space and encourage pedestrian activity to boost the local economy through greater activation of shop frontages.

Blackheath Town Centre Works

The proposed Blackheath town centre works will see a range of significant pedestrian pathway upgrades, improvements to the intersection of Wentworth Street and Govetts Leap

Road and the installation of bollard lighting to the footpath in Neate Park. The project will also include drainage improvements and additional street tree planting

Invitation to Tender

Open tenders were called on 26 March 2019 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. The Request for Tender (RFT) document was also available at no-charge from the WSROC e-Tendering portal on the NSW Government Department of Commerce website.

Tender Submissions

Twelve (12) submissions were received from the following companies, when tenders closed at 2pm on Wednesday 17 April 2019:

- Cardno (NSW/ACT) Pty Ltd, St Leonards NSW;
- Complete Urban Pty Ltd, Chippendale NSW;
- J. Wyndham Prince Pty Ltd, Penrith NSW;
- JHA Consulting Engineers (NSW) Pty Ltd, North Sydney NSW;
- Jones Nicholson Pty Ltd, Sydney NSW;
- Lanco Group Pty Ltd, Bundoora VIC;
- Meinhardt Infrastructure & Environment Pty Ltd, Sydney NSW;
- Northrop Consulting Engineers Pty Ltd, Sydney NSW;
- S&G Consultants Pty Ltd, St Leonards NSW;
- SCP Consulting Pty Ltd, Sydney NSW;
- Sustainability Workshop Pty Ltd, Blackheath NSW; and
- Tonkin Consulting Pty Ltd, North Sydney NSW.

The tenders were submitted prior to the closing time and were deemed compliant.

Tender Evaluation

A Tender Evaluation Panel (TEP) comprising five (5) 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 are evaluated against predetermined criteria to determine which tender represents that best value for money in accordance with Council's Strategic Procurement Policy. Proponents are required to address the following criteria in their tender submission:

- capability & capacity and financial capacity;
- project methodology and construction program;
- environmental management;
- work health and safety;
- critical assumptions;
- innovation; and
- 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 as below.

Final Technical Worth Assessment

Tenderer	Non-Price Effectiveness/ Ranking	Price Ranking	Overall Value for Money Ranking	
Jones Nicholson Pty Ltd	83.5%	1	3	1
J. Wyndham Prince Pty Ltd	80%	3	4	2
Complete Urban Pty Ltd	75%	4	6	3
Northrop Consulting Engineers Pty Ltd	69%	7	7	4
Sustainability Workshop Pty Ltd	74%	5	9	5
Cardno (NSW/ACT) Pty Ltd	71%	6	8	6
SCP Consulting Pty Ltd	80.5%	2	12	7
Lanco Group Pty Ltd	28.5%	10	1	8
Tonkin Consulting Pty Ltd	47.5%	9	5	9
Meinhardt Infrastructure & Environment Pty Ltd	48.5%	8	11	10
JHA Consulting Engineers (NSW) Pty Ltd	22%	11	2	11
S&G Consultants Pty Ltd	18%	12	10	12

Evaluation Recommendations

Following tender evaluation, the TEP unanimously agreed that the tender for the design consultancy services for an upgrade to the Springwood and Blackheath Town Centre Precincts should be awarded to Jones Nicholson Pty Ltd for the sum of \$480,014 excl GST.

Performance Management

The Council will ensure that the performance standards of the contract are met through:

- appointing an Independent quantity surveyor to review and price design costs at 30%, 50% and pretender lodgement at 100% of the detailed design process to ensure design aligns with approved budget;
- peer reviewing all Part 5 environmental control documentation including heritage reports;
- conducting regular meetings with the lead consultant; and
- ensuring the works are in accordance with the tender documents specifically the Pricing schedule and Statement of Requirement that forms part of the contract terms and conditions.

Sustainability Assessment

Effects	Positive	Negative
Environmental	Design to comply with all environmental and heritage DA terms and conditions when received	Nil
Social	The town centre precincts upgrade will provide significant social benefits to the Blue Mountains community	Nil
Economic	The proposed improvement will improve street activation, which in-turn will have a positive impact on the local economies.	Nil
Governance	The Tender has been developed and assessed in accordance with Council procurement policy and guidelines.	Nil

Financial implications for the Council

Project funds are allocated within Councils Asset Works Program for the proposed works and the tendered sum of \$480,014 (ex GST), is within the cost plan allocation for this project.

An independent third party assessment has been completed to substantiate that Jones Nicholson Pty Ltd have the financial capacity to undertake these works. The assessment states, "The subject is trading in a profitable manner and the size of its annual revenue indicates that the contract in question is within appropriate capacity and risk-based thresholds".

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 consultant will be engaged under a standard form of contract developed in consultation with Council's legal representatives.

Referee checks were undertaken as part of the tender assessment and resulted in favourable feedback, which confirmed that Jones Nicholson Pty Ltd is capable of undertaking the works as set out in the tender documentation.

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

It is anticipated that the design for this project will be completed by February 2020 should the Council endorse the recommendations within this report.

Conclusion

Based on the assessment of the tenders received, it is recommended that the Council accepts the tender submitted by Jones Nicholson Pty Ltd for the design consultancy services for an upgrade to the Springwood and Blackheath Town Centre Precincts for the sum of \$480,014 exclusive of GST.

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ITEM NO: 21

SUBJECT: PROPOSED CLASSIFICATION OF CROWN LAND AS A CONSEQUENCE OF THE CROWN LAND MANAGEMENT ACT 2016

FILE NO: F10371 - 19/30069

Delivery Program Link

Principal Activity: Using Land

Service: Land Use Management

Recommendations:

1. That the Council endorses the proposed initial classification and categorisation of Crown Land as identified in Enclosure 1; and
 2. That the Council endorses the General Manager (or her delegate) to finalise the information in Enclosure 1 and Enclosure 7 to this report, and to provide written notification to the Minister on the proposed classification and proposed categorisation of Crown land for which Council is to be appointed as Crown Land Manager in accordance with Section 3.23 of the Crown Lands Management Act 2016.
-

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

The Crown Land Management Act 2016 (CLM Act) came in to effect 1 July 2018. The CLM Act authorises Council to manage certain Crown Land as if it were public land under the Local Government Act 1993 (LG Act). Under the legislation, Council is required to classify Crown Land as either Community Land or Operational Land (subject to Ministerial approval), similar to the Council owned land managed under the LG Act. Council is further required to provide an initial categorisation for the Community land. Finally, Council is also required to prepare, present and implement Plans of Management (POM) for the Crown land.

Background

The legislation affecting Crown land that Council manages has changed. The *Crown Lands Act 1989* was repealed and replaced with the CLM Act, which commenced on 1 July 2016. The government body administering the CLM Act is the Department of Industry – Land and Water (DOI).

The DOI has provided a list of 153 Crown land reserves for Council to manage as Crown Land Manager as required under the CLM Act. The Crown lands offered to Council have been either dedicated or reserved for certain purposes in accordance with a gazettal or Ministerial direction by the NSW State Government that guides their use and management by Council. The Crown Land includes land held by the government to be utilised for specific purposes including: fire services, waste sites, open space, parks, sportsgrounds, community facilities or halls, tourist sites, natural areas and cemeteries.

The CLM Act requires Council, as Crown Land Manager, to:

1. Nominate a classification for the Crown Land as either Community land or Operational land (similar to how Council land, is classified under, the LG Act);

2. Nominate an initial categorisation of the Community Land that reflects the reserve purpose (similar to how Council land is categorised under the LG Act); and then
3. Prepare POM(s) for Community land, to coincide with the deadline of June 2021.

Currently Council, as appointed Trustee or with management devolving to Council, manages three (3) types of Crown Reserves. These are:

- Dedicated - land or reserves dedicated by the Minister for a specific purpose by public notice in the Government Gazette. The dedication can be revoked or removed by public notice.
- Reserved - land set aside on behalf of the community for a wide range of public purposes including environmental and heritage protection, recreation and sport, open space, community halls, special events and government services
- Devolved - Crown land where control of the land defaults to Council in accordance with section 48 of the LG Act. Council carries the liability and risk attached to land while not being appointed Crown land manager.

It should be noted that Council believes there remain a number of reserves and parcels of land within reserves which have not been identified by DOI in this process but which Council currently manages. Enquiries are ongoing with DOI regarding the future management status of these lands. In the meantime it is assumed that control of these lands will devolve to Council.

Classification of Crown Land

Crown land is required to be classified as either 'Operational' or 'Community' land. The default classification for Crown Land managed by Council is Community land.

In a limited number of circumstances, it is possible for Council to request the Minister for Lands and Forestry permissions for Crown Land to be managed as if it were Operational Land under the LG Act. Where the Minister gives written consent to classify the land as Operational land, Council has almost all the functions it has under the LG Act in relation to Operational land. However Council cannot sell the land without further Ministerial consent, nor do anything that contravenes:

- Any condition of the Councils' appointment instrument as Crown Land Manager;
- The Crown Land Management Regulation 2018; or
- Any applicable Plan of Management adopted under Division 3.6 of the CLM Act.

The DOI will only issue Ministerial consent to manage land as Operational where a Council manager can demonstrate that either the land:

- Does not fall within any of the categories for Community Land under the LG Act, or
- Cannot continue within any of the categories for Community Land under the LG Act, or
- Cannot continue to be used and dealt with as it currently can, if it were required to be used and dealt with as Community land.

The DOI has provided advice that the following uses or developments may not fall within the categories of Community land (and may be approved as Operational land):

- Caravan parks
- Cemeteries
- Coastal infrastructure
- Emergency services
- Quarries and gravel pits
- Reservoirs

- Sanitary purposes
- Sewage works
- Urban services
- Water infrastructure.

Unless and until written consent is given, Council must continue to manage the land as Community land and adhere to the applicable requirements of the CLM Act. Written consent under the CLM Act provides authorisation for Council to manage land as Operational from that point forward.



Figure 1: Public Land under the Local Government Act 1993 – Classification and Categorisation

Initial Categorisation of Crown Land

Under the CLM Act, all Crown Reserves that are classified as ‘Community land’ require an ‘initial categorisation’ that relates to the purpose of the Crown land reserve. In determining the category that applies to the reserve, Council must refer to the LG Act provisions and consider how these would preserve and facilitate use of the land for the purpose for which it was originally dedicated or reserved and for its current use if this differs.

The LG Act Community land categories and Natural Areas sub-categories are shown in Figure 1 above.

Further Categorisation of Crown Land

Where reserves contain more than one clear land use (in reference to categories) Council can later apply alternative categories or sub-categories to specific parts of the land through the Plan of Management (POM). This will ensure reserves with multiple uses can be identified and managed within a standard framework. The proposed Plan of Management is to be submitted to the Minister for approval prior to Council placing the POM on public display for public comment. A public hearing is required to hear public submissions on the proposed changes to categorisations. This would be held during the public exhibition period.

Example: Reserve 1000486 Katoomba Park (also known as Katoomba Falls Reserve) includes a tourist park, kiosk, public recreation area, sporting fields and natural areas including bush, watercourse and escarpment.

To address Katoomba Park Reserve, the initial category of *General Community Use* best aligns with the range of uses of the site, and additional categories would be applied as required through the POM process. For example: the sporting fields may have a category of 'Sportsground', and the category of 'General Community' may continue to apply to the tourist park.

Plans of Management

A Plan of Management (POM) is required for Crown land classified as 'Community' to guide its' management. The POM sets out the core objective of each Category (see Figure 1) required by the LG Act. To utilise and manage the land effectively Council is required to prepare, exhibit and adopt POMs for all Crown land it manages as Community land by 31 June 2021.

The LG Act permits POMs to cover a number of areas of Community land. In the past Council has prepared POMs for large precincts of generally contiguous reserves, such as for Mount York. Council has also prepared POMs on a generic spatial basis such as the Community Land Plan of Management for Area 3.

The LG Act requires that specific POMs are prepared for an area of Crown land which:

- a) Is declared by resolution of Council to be of Aboriginal, historical or cultural significance;
- b) Is declared by resolution Council to contain significant natural features;
- c) Comprises habitat of threatened species; or
- d) Comprises habitat of endangered species.

To prepare POMs for the majority of Crown reserves by 31 June 2021, Council proposes the development of five (5) generic POMs which spatially align reserves within the five Planning Areas across the City. Further investigation is underway to identify those areas that require specific POMs, and to scope their preparation.

This will be a significant project and this approach is recommended as the most effective use of resources, providing a useful integrated public land management framework which complies with legislative requirements within the available timeframe.

Crown Land Classification Proposal

As noted, Council is to be appointed as the Crown Land Manager for 153 Crown Reserves which cover 4,430 hectares. A significant number of reserves are made up of multiple allotments. The following points outline the proposed classification of the reserves, and proposed categorisation of community land:

- 1) 145 (one hundred and forty five) reserves are proposed to be classified as Community land in their entirety (see Enclosures 1 to 6).
 - a) Enclosure 1 to this report lists each reserve proposed to be classified as community land and the proposed initial category for each Crown reserve in this process.
 - b) Enclosures 2 to 6 to this report provide more detail with maps to assist in recognition of each reserve. They are organised on a geographical basis in accordance with the Spatial Hierarchy for Service Planning adopted by Council in September 2014. The areas covered within each enclosures are as follows:
 - i) Enclosure 2: Planning Area 1: includes Blackheath, Megalong, Bell, Mt Victoria, Mount Irvine, Mount Tomah, and Mount Wilson
 - ii) Enclosure 3: Planning Area 2: includes Katoomba, Leura, Wentworth Falls and Medlow Bath;

- iii) Enclosure 4: Planning Area 3: includes Lawson, Hazelbrook, Bullaburra, Linden and Woodford;
 - iv) Enclosure 5: Planning Area 4: Springwood, Faulconbridge, Valley Heights, Winmalee, Yellow Rock, Hawkesbury Heights
 - v) Enclosure 6: Planning Area 5: includes Blaxland, Glenbrook, Lapstone, Warrimoo and Mt Riverview.
- 2) No reserves are proposed to be classified as part Community land and part Operational land; and
- 3) Eight (8) reserves proposed to be classified Operational land in their entirety (see Enclosure 7 which lists the reserves and a short justification for classifying them as Operational. Enclosure 8 provides more detail with maps to help in recognition of each reserve).

Crown Land Reserve Initial Categorisation Proposal

As part of the initial reporting to the Minister, Council is required to nominate an initial category for each Crown Reserve proposed to be classified as Community land. (As noted within all enclosures).

As noted, where a reserve has multiple uses (and would require additional categories) Council will assess application of additional categories during the POM process. Council is required to hold a public hearing for POMs which propose alteration to the initial categorisation.

Sustainability Assessment

Effects	Positive	Negative
Environmental	Potential for improved contiguous land, water and bushfire management	The area of natural area land to be managed by Council is vast. Council will incur continuing costs to maintain their integrity and to manage risks such as fire, weeds and pests.
Social	Strong sense of local identity and inclusion through caring for bushland	Potential constraints to activation of Crown land during Native Title investigations
Economic	Council can seek to improve activation of tourism, business activation to service delivery, and local activation of education programs	Council may incur increased financial risk and liability as Crown Land Manager
Governance	CLM Act through LG Act advocates for positive use of land for the community	Lack of resources to effectively manage land in line with legislation

Financial implications for the Council

Council will continue to manage the Crown lands it currently manages, and be required to fund the majority of management actions. Small amounts of grant funding are available from the NSW government on a competitive basis for the management of Crown lands.

The resources required for Council to implement the changes to management of Crown lands under the CLM Act are significant. Extensive work has been undertaken in preparation of the content of this report as well as implementing associated changes to the corporate management framework. There is also a substantial body of work to be undertaken in preparation of compliant POMs. A grant from the Office of Local Government of \$88,000 has

been received by Council to assist with this work. The Draft Delivery Program 2017-2021 and Operational Plan 2019-2020 proposes allocation of \$50,000 per annum for two (2) years for this project.

Stage 2 of the project involves completion of POMs for the Crown land reserves and will commence in July 2019. Initial project planning has been undertaken but further scoping is required to prepare a detailed cost estimate for the project. Development of POMs for the suite of Crown lands in itself is an extensive exercise requiring input from staff across Council.

There will also be a need for consideration of increased resources to manage Crown reserves into the future. Additional requirements include the reporting and community consultation associated with maintaining and implementing compliant POMs, and provision of advice on Native Title matters.

Legal and risk management issues for the Council

This report seeks to identify and partially address requirements of the CLM Act. This includes the requirement for Council to deliver timely classification and categorisation notification to the Minister, whilst also ensuring resources are provided to deliver timely and accurate POMs. As part of the POM process Council may consider undertaking a risk assessment of all lands within the care and control of Council and assess the level of service appropriate to the level of risk accepted as a manager of Crown land.

It is important to note Council is required to have a POM over Crown Land before it can issue any new leases of Crown Land (if the land was not under lease as of 30 June 2018). Licenses longer than 12 months cannot be issued without a POM as the transitional provisions do not apply to licenses, unless the DOI has determined the license is a lease under the Crown Land Act 1989 or the CLM Act.

Additionally it should also be noted that after Council is appointed Crown Land Manager the liability for Native Title compensation for Crown lands managed is now passed from the State Government to Council. In order to ensure Aboriginal people's procedural rights under native title are recognised when making decisions about the use and management of Crown Land, Council is required to appoint a suitably trained Native Title Manager. The role must observe legal obligations relating to native title have been met and provide advice to ensure any risks are effectively managed. Resourcing requirements are currently being investigated.

Specifically the Native Title Manager will:

- Act as Council's point of contact with the Native Title Tribunal, Federal Court proceedings and representatives of native title claimants etc.;
- Undertake land status searches for excluded land, Native Title determinations and registered Indigenous Land Use Agreements
- Provide verbal and written advice in resolving issues and problems relating to native title encountered by Council staff; and
- Validate dealings and activities (future acts as defined by the NT Act) by Council on Crown Land where Council is Crown Land Manager or has devolved management responsibility.

Policy and planning impact

This report contributes to the delivery of '*Blue Mountains Community Strategic Plan 2035*' guiding principles to improve our decision making, strengthen our assets, and deliver a partnership approach, social justice and sustainability.

External consultation

Communication with the Office of Local Government and the Departments’ Crown Land unit has occurred during this process.

At the POM development stages Council will have the opportunity to apply more Community land categories to the land than are available during the “initial” Community land categorisation process. Public exhibition of the future draft POMs over Crown Land will enable Council to obtain the community’s views on how to manage these significant lands. Public hearings will also be required for lands to which alternative additional categories are proposed.

Conclusion

It is recommended the Council endorses the initial classification as Community or Operational land and initial categorisation of Crown lands as outlined in this report and the enclosures to this report.

It is also recommended that the General Manager (or her delegate) is authorised to finalise the information in Enclosures 1 and 7, and to provide written notification to the Minister of the proposed classification and proposed categorisation of Crown land under management of Council as Crown Land Manager in accordance with Section 3.23 of the Crown Lands Management Act 2016.

ATTACHMENTS/ENCLOSURES

1	Enclosure 1 - Crown Land to be managed as Community Land with initial category	19/99490	Enclosure
2	Enclosure 2 - Maps of Crown Land to be managed as Community Land - Planning Area 1	19/81050	Enclosure
3	Enclosure 3 - Maps of Crown Land to be managed as Community Land - Planning Area 2	19/81047	Enclosure
4	Enclosure 4 - Maps of Crown land to be managed as Community Land - Planning Area 3	19/81045	Enclosure
5	Enclosure 5 - Maps of Crown Land to be managed as Community Land - Planning Area 4	19/81042	Enclosure
6	Enclosure 6 - Maps of Crown Land to be managed as Community Land - Planning Area 5	19/81041	Enclosure
7	Enclosure 7 - Classification of Crown Land as Operational - Requested	19/99502	Enclosure
8	Enclosure 8 - Maps of Crown Land requested for classification as Operational Land	19/99995	Enclosure

* * * * *

ITEM NO: 22

SUBJECT: LEASE EXTENSION FOR THE FORMER KATOOMBA GOLF COURSE

FILE NO: F09537 - 19/92831

Delivery Program Link

Principal Activity: Using Land

Service: Land Use Management

Recommendation:

That the Council endorses a Lease extension of the former Katoomba Golf Course for a further 5 year term, to Positively Geared Pty Ltd at the end of their current lease term, which ends in December 2020.

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

This report seeks endorsement of a 5 year lease extension for the current lease that expires in December 2020.

Background

At the Ordinary Meeting of the Council of 19 May 2015, it was resolved in part;

- “2. *That the Council delegates to the General Manager the authority to negotiate conditions and execute a lease, for a term of up to 5 years, over Lot 5 DP1026915 (Lot 5), with Katoomba Escarpments Estate Pty Ltd (KEE);*
3. *That the Council notes that initial provision of formal recreation opportunities on part of Lot 5 DP 1026915 during the term of the proposed lease will be a Golfing Facility not a Golf Course;*
4. *That Council, prior to the cessation of the proposed 5 year lease, will complete an independent master planning process for future uses of Lot 5 DP 1026915, which will be publicly exhibited; and*
5. *That the Council uses the results of master planning process to determine any future uses of Lot 5 DP 1026915.”*

[Minute No. 540]

A new interim 5 year lease commencing 22 December 2015 was issued to Katoomba Escarpments Estate, a Reed Group company.

On 14 October 2016, Positively Geared Pty Ltd purchased the former Katoomba Golf Clubhouse, previously owned by the Reed Group of Companies, in conjunction with five development lots along The Escarpments (private road) which also has development approval for 48 townhouses. As part of the sale Positively Geared Pty Ltd agreed to also take on the lease of the former Katoomba Golf Course.

Since taking on the Katoomba Golf Course Lease the current lessee, Positively Geared Pty Ltd, has had many organisations approach them to consider alternative uses that are permissible under the current Public Recreation Zoning. The current lease tenure limits investment in the golf course by Positively Geared Pty Ltd, who assert that the alternative uses would create significant benefit for Council and the local community. It is considered that these cannot be achieved within the current lease timeframe, due to expire 22 December 2020.

It should also be noted that the land associated with the Katoomba Golf Course is subject to a Master Planning evaluation of the entire site, which will commence with opportunities and constraint mapping, to be supported by a number of studies such as traffic, flora etc. The first stage of the Master Plan is currently not expected to be completed/drafted until late 2020, and will consider a broad range of potential uses. It is worthwhile noting that the intended master planning process has been significantly impacted by Council’s engagement in the Greater Sydney Commissions Metropolitan Planning program, notably Katoomba’s classification as a strategic centre within the Western City District Plan. As such, it is considered that Council’s position may take a number of years to resolve; therefore, the proposed 5 year lease extension is reasonable.

Katoomba Golf Course – Property Matters

Following the lease assignment, Positively Geared Pty Ltd undertook a number of improvements to the property, including the construction of a golf driving range. Under the existing lease arrangement, Positively Geared Pty Ltd maintains the former golf course to parklike standards and their staff work in conjunction with Council’s staff to implement effective weed management plans. Positively Geared Pty Ltd estimates their current costs to maintain the former Katoomba Golf Course land is approximately \$55,000 per year, as the site covering some 29 Hectares (or 72 acres) of land.

Sustainability Assessment

Effects	Positive	Negative
Environmental	Land will be maintained by lessee in conjunction with Councils environmental team.	Nil
Social	Land is and can be used by the public for various uses.	Nil
Economic	If alternate uses are approved for the site, then this will encourage more visitations to the Blue Mountains.	Nil
Governance	Requesting the Council to approve the extension of the current lease term and under the Local Government Act 1993 as Operational land.	Nil

This proposal aligns with the Community Strategic Plan objectives of Thrive, specifically 6.3; “The City’s infrastructure supports diverse and sustainable economic development”.

Financial implications for the Council

There are no known cost implications associated with the proposal except some legal costs to extend the lease. However, should the Council takes back control of the site when the current lease ends in December 2020, and while the Master Planning process is ongoing, this would require Council to invest approximately \$55,000 per annum to maintain the site.

Legal and risk management issues for the Council

There are no known legal issues with the above proposed lease extension. As this is Council Operational land, Council can manage the site as required, under the Local Government Act 1993. It also complies with Council’s adopted Commercial Property Policy.

External consultation

No external consultation has occurred in writing this report; however, discussions with the lessee are ongoing.

Conclusion

It is recommended that the Council endorse the Lease extension of the former Katoomba Golf Course by a further 5 year term, to Positively Geared Pty Ltd at the end of their current lease term, which expires on 22 December 2020.

This further Lease term will save Council the costs to maintain the former Katoomba Golf Course with an estimated cost saving to Council of \$275,000 over a 5 year period. The lease extension will also allow time for Positively Geared Pty Ltd, with appropriate approvals, to develop new uses on the site until Council is in a position to resolve its future use through the Master Planning process.

* * * * *

ITEM NO: 23

SUBJECT: COMPULSORY ACQUISITION OF RIGHT OF WAY OVER PART LOT 1, IN
DP 565405 - KNOWN AS 6-12 KUKE ROAD, BLACKHEATH

FILE NO: F05224 - 19/53032

Delivery Program Link

Principal Activity: Moving Around

Service: Transport and Public Access

Recommendations:

1. *That the Council proceeds with the compulsory acquisition of a Right of Way described as Lot 1 in Deposited Plan 565406 for the purpose of connecting pre-existing sections of the Great Blue Mountains Trail in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991;*
 2. *That the Council makes an application to the Minister of Local Government, The Hon Shelley Hancock, MP, or any other Minister(s) or Governor(s) as required for the approval to acquire a Right of Way in Lot 1 in Deposited Plan 565406 by the compulsory acquisition process under section 186(1) and 186(2)(a) of the Local Government Act 1993; and*
 3. *That the Council notes that it is not required to classify the Right of Way described as Lot 1 in Deposited Plan 565406 as either community or operational land, as the land will remain in private ownership.*
-

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

This is a further Council Report seeking a Council resolution in order to satisfy the requirements of the Office of Local Government (OLG) necessary for Council's application to compulsorily acquire a right of way (ROW) over part of Lot 1, DP 565406. This right of way is required to connect pre-existing parts of the Great Blue Mountains Trail (GBMT).

This reports advises Council that officers are also in discussions with the property owner of 6-12 Kuke Road Blackheath to ascertain whether a settlement can be negotiated outside of the compulsory acquisition process. These discussion continue in parallel with the compulsory acquisition to ensure that the acquisition on the right of way is not protracted. A further report will be brought back for the consideration of Council in the event that a negotiated settlement is agreed.

Background

At the Ordinary Meeting of the Council of 27 February 2018, it was resolved:

"That the Council approves the compulsory acquisition of a Right of Way over part of land at 6-12 Kuke Road, DP 565406, Blackheath"

[Minute No. 73]

This Council Resolution did not contain the requirement to make application to the Minister of Local Government, to continue the compulsory acquisition of a Right of Way over 6-12 Kuke Road, Blackheath as required by the Office of Local Government (OLG).

At the Ordinary Meeting of the Council of 27 March 2018, it was resolved:

“That the Council authorises the making of an application to the Minister for Local Government, The Hon Gabrielle Upton, for the compulsory acquisition of a Right of Way over part of land at 6-12 Kuke Road, DP 565406, Blackheath”

[Minute No. 119]

The Office of Local Government have since advised that there is a further requirement that Council’s application be provided to the Governor of NSW, the Hon. David Hurley. This report seeks Council’s approval to make application to the required Governor(s) or Minister(s) to permit the compulsory acquisition of a right of way of 6-12 Kuke Road Blackheath to ensure the GBMT can be connected.

The ROW runs along the south western boundary of the subject property, has a length of 148 metres and is approximately 5 metres in width. This approximates to a total area of 741 metres.

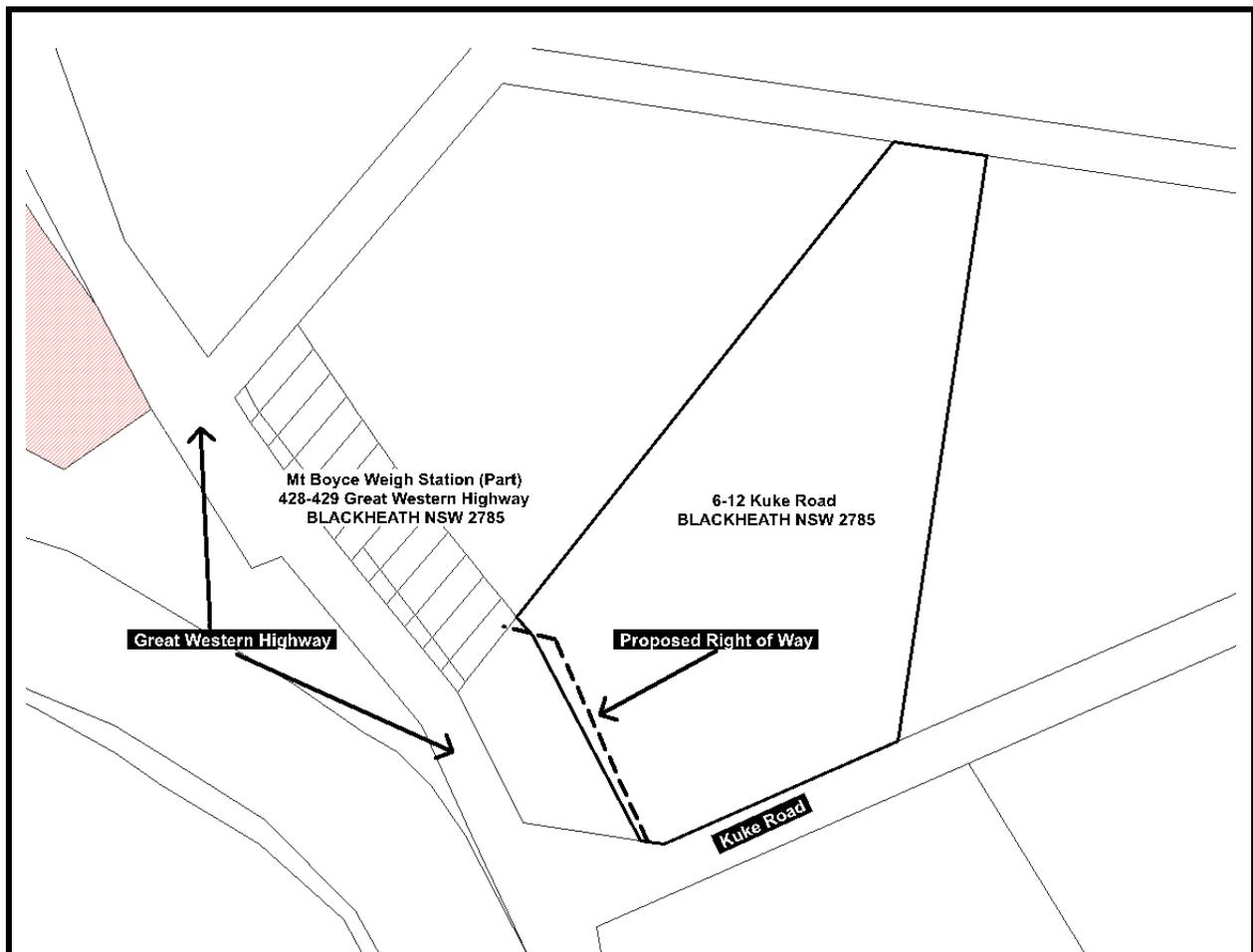


Image: 6-12 Kuke Road, Blackheath

Sustainability Assessment

Effects	Positive	Negative
Environmental	Supports greater opportunities for cycling and bushwalking activities between townships.	Potential impacts on existing bushland.
Social	Promotes a healthy lifestyle by encouraging exercise.	Potentially impacts adjoining owners.
Economic	Encourages more tourist activity.	Cost of establishing and maintaining infrastructure.
Governance	Acquisition of the ROW will be undertaken in accordance with the Just Terms Compensation Act 1991. It supports the development and delivery of a major Council asset.	Nil

This report responds to objective 5.4a of the Community Strategic Plan; *“Provide safe and accessible active transport networks that improve connectivity and encourage increased confidence in walking and cycling”*.

Financial implications for the Council

Cost incurred can be accommodated within the project budget.

Legal and risk management issues for the Council

Advice obtained by Council confirms Council is empowered by the operation of Section 186 of the Local Government Act 1993 to acquire land for the purpose of exercising any of its functions. This advice also confirms that the land can be acquired for the purpose of constructing the GBMT. Importantly, this advice has determined Council has satisfied due process requirements for proceeding to compulsory acquisition with the Office of Local Government.

It is noted the requirement to classify the land as either community or operational land is not required as the land will remain in private ownership.

External consultation

Council has liaised with Office of Local Government and sought advice regarding their requirements.

Conclusion

Advice has indicated that a resolution of the Council is required to proceed to compulsory acquire a Right of Way over 6-12 Kuke Road, Blackheath.

The Office of Local Government requires that Council make application to the NSW Governor as well as the Minister for Local Government for their approval to acquire a Right of Way in Lot 1 in Deposited Plan 565406 by compulsory process under section 186 (1) and 186(2)(a) of the Local Government Act 1993.

* * * * *

ITEM NO: 24

SUBJECT: TRAFFIC MANAGEMENT AND ENFORCEMENT ACTIVITIES - LEURA
PRECINCT

FILE NO: F11894 - 19/100615

Delivery Program Link

Principal Activity: Moving Around

Service: Transport and Public Access

Recommendations:

1. That the Council notes this report; and
 2. That the Council notes that a local area Traffic Management Plan for Leura is scheduled to be presented to the Council by January 2020.
-

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

At the Ordinary Meeting of the Council on the 30 April 2019 the following matter of urgency was resolved:

“That the Council receives a report to the next Ordinary meeting of Council setting out current traffic control, in particular bus and coach activity, and Ranger activities at Leura Mall and surrounding areas”.

[Minute No. 130]

The above resolution is understood to cover two areas of concern, namely current traffic control, particularly for bus and coach activity at Leura Mall, and secondly, Ranger activities at Leura Mall and surrounding areas to enforce parking restrictions.

Existing Parking Controls

The Leura precinct currently has a high level of parking controls in place which are monitored by Council’s enforcement resources. These include sensor parking (restricted locations) timed parking, bus parking, no stopping areas and unrestricted parking. These controls have been installed and approved in accordance with relevant guidelines and legislation.

Current Transport Planning

Council is in the process of developing a Local Area Traffic Management (LATM) study for the south Leura village precinct. The LATM is driven by the high number of concerns raised by the local community and businesses. Such was the Council’s concerns on this matter, it resolved at the Ordinary Council meeting in November 2017, to commence development of a LATM for Leura.

A LATM can be defined as a system-based approach to reduce the impacts of vehicles upon the safety, accessibility, liveability and amenity of neighbourhoods. This is achieved by managing the quantity, speed or other characteristics particular to the area. Options are developed to resolve identified issues and to monitor their effectiveness in the context of

improving the safety of all road users, particularly the more vulnerable, such as pedestrians and cyclists.

The concept of 'Link (Movement) and Place' provides a basis for this approach and recognises that roads serve an important 'place' function. Places for people, like Leura Mall, perform intense and complex place functions with highly significant local pedestrian movements.

A general review of parking in the Leura village is being considered as part of this plan, through the development of a Parking Precinct Plan. This plan is being developed concurrently with the LATM to better manage the demand for resident and visitor parking. The previously completed Leura Tourist Bus Strategy is being incorporated into this body of work.

Additional to the above studies, a recently drafted 'Visitor Economy, Retail and Employment Studies Report (Urbis Report)' commissioned as part of the emergent Local Strategic Planning Statement, will provide valuable information on the drivers and impact of tourism within this precinct.

It has been identified through the ongoing development of the LATM that a research component should be undertaken directly with businesses to gather evidence of the economic impact of 'bus tourism' on their business. This work will commence in the near future.

Future Actions

A Councillor briefing delivered on 21 May 2019 provided an update on the development of the Draft LATM. This included a summary of community engagement, technical assessment, future studies, actions and reporting timeframes. The table below outlines the process for the development and delivery of this project.

Action	Date
Councillor Briefing	21 May 2019
Response to Urgent NoM in relation to Ranger activity	28 May 2019
Advise the Community & LVA in relation to next steps	3 June 2019
Internal workshop	August 2019
Councillor workshop	August 2019
Community & LVA update	September 2019
Council report – Draft LATM	November 2019

Ranger Activities

Council rangers currently undertake parking enforcement across the Local Government Area as well as other duties related to animal control and public space enforcement. In respect to Leura village and surrounding areas, regular parking patrols are carried out with the aid of electronic parking sensors located within Leura Mall (between Railway parade and Megalong Street and part of Megalong Street). These sensors are located in the ground and detect the time a vehicle has commenced occupation of the parking space and therefore does not require the vehicle to be chalked marked in the first attendance by the Rangers, which is the normal practice for area not covered by electronic sensors.

During subsequent patrols by the Rangers, they receive an alert of vehicles that have overstayed the allotted time, the Rangers investigate the circumstance of the alleged overstay and determine if enforcement action is required. Typically, the results in the issuing of a Penalty Notice or a warning. In some instances, for example if a disabled permit is displayed on the vehicle, there is no time limit for the occupation of the parking space.

Patrols of the surrounding areas beyond Leura Mall are carried out to chalk mark the vehicles and revisit after the permitted time period to investigate any overstays identified.

The monitoring of bus parking turnover in Megalong Street is a continual enforcement issue for the Rangers, to ensure buses are only occupying the space for the set down and pick up of passengers. Buses observed to be occupying this area longer than permitted are dealt with via current enforcement methods.

The following table records parking patrols undertaken in Leura

Period	Number of Patrols	Average
1/7/2017 – 30/6/2018 (12 months)	996 – general 206 – Bus Zones	23 patrols per week
1/7/2018 – 30/4/2019 (43 weeks)	529 – General 111 – Bus Zones	14.8 patrols per week

As a result of these patrols, approximately 640 Penalty Notices and 65 Warnings were issued in the 12 month period 1 May 2018 -1 May 2019 for parking offences identified at Leura Village.

Council Rangers will continue to enforce current parking restrictions within the Leura village and surrounding areas within its operational capacity.

Parking Surveillance Technologies

Council is currently investigating options around current and new technologies to employ across the City. Types of technology, including Licence Plate Recognition (LPR) Cameras allows parking officers/rangers/authorities to enforce parking restrictions and issue a fine without physically travelling to the location of the parked vehicles. Fines can be issued with evidence of the license plate record.

LPR cameras can be fixed at locations to continuously monitor parking areas (such as bus parking at Echo Point) or, a mobile mounted camera can be used to monitor restricted parking zones throughout the day. The use of these types of technologies will allow Council to optimise its available resources in the area of parking enforcement and management at Leura and across the City.

Sustainability Assessment

Effects	Positive	Negative
Environmental	The recommended approach provides opportunities to manage and protect our natural environment from the impacts of increasing visitation.	Nil
Social	Address the challenges associated with increasing visitor numbers and impacts on residents and local businesses.	Nil
Economic	Ensure a quality visitor experience, managing parking demand and provide parking equity across the precinct.	Nil
Governance	Enforcement of current parking restrictions.	Nil

Strategic Context

The development of the Leura LATM strongly aligns with the Key Direction of 'Move' in the Community Strategic Plan (CSP) and is directly informed by relevant national and international best practice and research. It accords with directions 5.1.a; 5.1.c; 5.1.3; 5.2.a and 5.4.a of the CSP.

The development of LATM's is a key action from the Blue Mountains Integrated Transport Strategic Plan, and will assist in improving safety and minimising traffic issues within the Leura precinct.

Financial implications for the Council

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

Legal and risk management issues for the Council

There are no legal implications for Council in adopting the recommendation in this report.

Internal Consultation

A Councillor briefing session was held on 21 May 2019.

External Consultation

No external consultation was completed for this report. However, the development of the Leura LATM, as highlighted in this report, has to date involved extensive engagement with community, business and other key stakeholders which will continue.

Conclusion

Council's Rangers will continue to undertake enforcement operations in line with current activities and resource commitments are detailed in this report. The integration of new technologies would expect to deliver a higher level of enforcement across the City.

The development of the LATM and the Parking Precinct Plan provide for an integrated approach to vehicular and pedestrian safety, parking demand and supply for the Leura precinct.

* * * * *

NOTICES OF MOTION

ITEM NO: 25

SUBJECT: BUS SHELTER ON RUSDEN ROAD, EAST BLAXLAND

FILE NO: F11894 - 19/92439

Delivery Program Link

Principal Activity: Civic Leadership

Service: Governance and Risk

Notice of Motion by Councillor Greenhill:

That the Council receives a report regarding the construction of a bus shelter on Rusden Road at East Blaxland near the entrance to Bellbird Court retirement village where the current bus seat is located.

* * * * *

ITEM NO: 26

SUBJECT: DELAYED IMPLEMENTATION OF DEVELOPMENT CONSENTS

FILE NO: F11894 - 19/110577

Delivery Program Link

Principal Activity: Civic Leadership

Service: Governance and Risk

Notice of Motion by Councillor Schreiber:

That the Council writes to the Minister for Planning, the Hon. Robert Stokes, to seek regulatory reform of the NSW planning system to address the delayed implementation of development consents, which presently permit development some 30 or more years after the consent was secured, without obligation to review against contemporary planning and environmental standards or the views of the present community.

Background

The community has been concerned to observe the extensive clearing associated with a Flora and Fauna Park at Wentworth Falls on the basis of a development consent issued in 1989 and secured with physical commencement in 1992. No development of the site had occurred since that time and it had been understood that the development would not proceed. Under the planning legislation, however, once a development consent has been secured it can be implemented at any time in the future.

Where there are undue delays, in this case some 30 years, that development should be required to adhere to the present planning standards and the current community's expectation for development. There is a need to provide for a sunset provision on consents to avoid unreasonable delays in implementation of development consents and/or a review against present standards.

* * * * *

ITEM NO: 27

SUBJECT: SUBMISSION ON KATOOMBA AIRFIELD

FILE NO: F11894 - 19/111930

Delivery Program Link

Principal Activity: Civic Leadership

Service: Governance and Risk

Notice of Motion by Councillor Brown:

1. *That the Council notes:*

- a. *The licence and proposed lease of Katoomba Airfield in Medlow Bath for commercial use by Blackbird Aviation has caused intense community concern;*
- b. *Crown Lands will soon be engaging in community consultation on the proposed lease;*
- c. *Crown Lands considers Blue Mountains City Council a key stakeholder along with other government bodies including the Rural Fire Service and National Parks, and seeks its engagement and input in the consultation process; and*

2. *That, for the purposes of making a submission to Crown Lands on the proposed lease to Blackbird Aviation, the Council receives a report responding to the information published by Crown Lands for the community consultation and that this report take into account views expressed by the local community.*

* * * * *

PRECIS OF SELECTED
CORRESPONDENCE

ITEM NO: 28

SUBJECT: PRECIS OF SELECTED CORRESPONDENCE

FILE NO: F11894 - 19/110011

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

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

Correspondence Received by Council**1. 6 March 2019 – Michelle Rowland, MP, Federal Member for Greenway**

Letter to the A/General Manager regarding the 5G network.

2. 3 May 2019 – Hon. Penny Sharpe, Shadow Minister for the Environment & Heritage

Letter to the General Manager regarding the raising of the Warragamba Dam wall.

3. 14 May 2019 – Dr Gillian Hirth, Chief Radiation Health Scientist

Letter to the A/General Manager regarding the 5G network.

Correspondence Sent by Council**4. 3 May 2019 – Candidates for electoral division of Macquarie, NSW**

Letter from the Mayor regarding Fairer Funding for Local Government.

Copies to: Susan Templeman – Labor; Sarah Richards – Liberal; Kingsley Liu – The Greens; Greg Keightley – Animal Justice Party; Tony Pettitt – United Australia Party.

5. 6 May 2019 – Hon. Andrew Constance, MP, Minister for Transport and Roads

Letter from the General Manager regarding the request for speed cameras on the GWH Blackheath.

6. 10 May 2019 – Hon. Matthew Kean, MP, Minister for Energy and Environment

Letter from the General Manager regarding BMCC support for the Gundungurra Cultural Landscape – Coxs to Wollondilly Rivers Aboriginal Place Nomination.

ATTACHMENTS/ENCLOSURES

1	Response from Michelle Rowland MP regarding 5G network technologies.	19/52329	Attachment
2	Response from The Hon Penny Sharpe: Raising of Warragamba Dam Wall	19/101547	Attachment
3	Letter from Dr Gillian Hirth Chief Radiation Health Scientist	19/106406	Attachment

4	Letter from the Mayor to Susan Templeman regarding Fairer funding for Local Government	19/98954	Attachment
5	Letter for GM's signature to Minister for Transport & Roads - Speed cameras at Blackheath	19/94980	Attachment
6	BMCC support for Gundungurra Cultural Landscape Aboriginal Place nomination	19/98666	Attachment

* * * * *

Attachment 1 - Response from Michelle Rowland MP regarding 5G network technologies.



Michelle Rowland MP Federal Member for Greenway

4 March 2019

F12082

William Langevad
A/General Manager
Blue Mountains City Council
LOCKED BAG 1005
KATOOMBA NSW 2780

Rec'd Records	6 MAR 2019	BMCC
Refer	R. Dillon	
Receipt No.		

Dear Mr Langevad

Thank you for your email regarding the resolutions made by the Blue Mountains City Council in relation to 5G network technologies, and I do appreciate the time the Council has taken to engage with the community on the matter.

The Australian Government regulates public exposure to electromagnetic emissions from communications equipment, including mobile and 5G deployments.

Exposure to EME is both an important health issue and a highly technical area. For this reason, governments appropriately rely on the advice of its scientific and technical regulators.

The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) is the expert body on the health effects from EME produced by communications equipment and other sources.

Once ARPANSA set an EME exposure limit, the Australian Communications and Media Authority (ACMA) then incorporates these limits into licence conditions that apply to mobile and other operators that use the radiofrequency spectrum.

The ACMA is the regulator responsible for managing the radiofrequency spectrum, but the ACMA is not an expert body on the health effects of human exposure to EME.

Before building new mobile phone base stations, mobile phone companies must generally:

- Consult with communities (the Communications Alliance industry code C564:2011 Mobile Phone Base Station Deployment)
- Produce an environmental EME report—the reports are published at the Radio Frequency National Site Archive.



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These regulations and safeguards are in place to ensure that proper process is followed in circumstances where mobile infrastructure is deployed.

If the Council has questions or concerns about the adequacy of the ARPANSA limits, in minimising potential human health effects, including in relation to 5G, it is possible to contact ARPANSA on [1800 022 333](tel:1800022333).

ARPANSA offers opportunities for members of the public to speak directly with their scientists, and this could be a useful opportunity to facilitate a conversation with concerned members of the local Blue Mountains community.

Thank you for writing to me about this issue. I hope this is of assistance in your engagement with local residents.

Yours sincerely



Michelle Rowland MP
Federal Member for Greenway

Attachment 2 - Response from The Hon Penny Sharpe: Raising of Warragamba Dam Wall



The Hon Penny Sharpe MLC
Interim Leader of the NSW Labor Party
Shadow Minister for the Environment & Heritage
Shadow Minister for Trade

NSW Parliament
Macquarie Street
Sydney NSW 2000
T (02) 9230 2741
Penny.Sharpe@parliament.nsw.gov.au
www.pennysharpe.com

Rec'd Records	08 MAY 2019	BMCC
Refer		
Receipt No.		

3 May 2019

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

Dear Ms Dillon,

Thank you for your email regarding the raising of Warragamba Dam wall.

Last year Labor opposed the legislation that would allow for the flooding of the Blue Mountains National Park due to the raising of the dam wall.

Labor acknowledges the significant concerns that the Berejiklian Government's proposal to raise the Warragamba Dam wall will see significant impacts on threatened species and heritage, as well as threatening the World Heritage status of the Blue Mountains National Park.

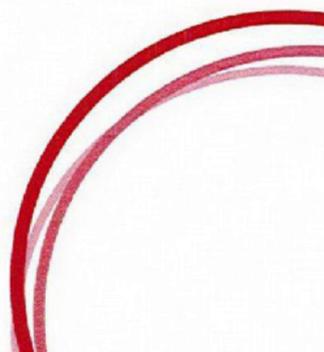
The Government has failed to fund evacuation routes in the Nepean Valley, yet they are planning for urban development to house a further 134,000 new residents on the floodplain.

Please find attached a media release further outlining Labor's position on this issue.

Thank you for contacting our office about this important matter.

Yours sincerely,

The Hon. Penny Sharpe MLC
NSW Opposition Leader



MEDIA RELEASE

Chris Minns MP

Shadow Minister for Water

Penny Sharpe MLC

Shadow Minister for the Environment



Thursday, 20 September 2018

LABOR OPPOSES GOVERNMENT LAWS THAT WILL DROWN WORLD HERITAGE PROTECTED BLUE MOUNTAINS NATIONAL PARK

Labor will oppose new legislation that would allow the inundation of 65 kilometres of the World Heritage protected Blue Mountains National Park, as part of the proposed project to raise the Warragamba Dam wall.

These laws are being rushed through prior to the government even releasing the Environmental Impact Statement for the project which is due later this year. The NSW Government introduced the legislation into the Legislative Council yesterday.

Community groups, scientists, local councils and environmental groups have raised concerns about the project suspecting that it may be related to a planning proposal which would rapidly increase the population on flood prone land in Sydney's North West by more than 100,000 people.

They accuse the Government of using the Warragamba Dam wall proposal to allow developers in to previously restricted flood prone land.

While the legislation is being rammed through the Parliament the Berejiklian government has refused to provide any meaningful public information about the cost of the proposed dam project. Experts put the price tag at a whopping \$670 million (though other estimates put it as high as \$1 billion) the equivalent of \$268 for each Sydney household in construction costs alone.

If the aim of the project is flood mitigation and not opening up flood prone land for development, the Government should look at peer-reviewed research by the University of Technology that identified lowering Warragamba Dam's full storage level as a favourable option for creating flood mitigation space in the dam, thereby negating the need for the dam wall raising.

Other research on flooding in the Sydney basin shows that half of the modern floods in the Valley have come as a result of flooding on the Nepean River which suggests that funding evacuation routes must be the primary goal of any flood mitigation strategy.

Quotes attributable to Shadow Minister for Water Chris Minns

"It is remarkable that the Government refused to lift a finger on flood preparedness for seven and a half years, even when Warragamba Dam was near full capacity, yet they now expect us to believe that scientific research and an EIS process should be junked even though the dam's capacity is at just 66 per cent today.

"Labor will oppose this reckless legislation that will cause untold damage to this priceless piece of Australia's natural heritage.

"The NSW Government has done next to nothing to examine enhanced evacuation routes or come up with a detailed emergency management plan in the event of a catastrophic flood in their seven and a half years in office.

"This approach is last minute, blunt and will do untold damage to the World Heritage protected park."

Quotes attributable to Shadow Minister for the Environment Penny Sharpe

"These laws are an appalling attack on one of our greatest national parks. If passed they risk the world heritage status of the Blue Mountains National Park.

"World Heritage Protection is the highest level of protection given to precious natural areas. This proposal is the equivalent of dredging the corals of the Great Barrier Reef.

"These laws jump the gun on the government's own environmental process and should not."

Attachment 3 - Letter from Dr Gillian Hirth Chief Radiation Health Scientist



Australian Government
 Australian Radiation Protection
 and Nuclear Safety Agency



F12164

3 May 2019

Ref: MC19-006141

Mr William Langevad
 A/General Manager
 2 Civic Place
 Locked Bag 1005
 KATOOMBA NSW 2780

Rec'd Records	14 MAY 2019	BMCC
Refer	w. langevad	
Receipt No.		

Re: 5G Network Technologies

Dear Mr Langevad

Thank you for your letter of 15 February 2019 to the Minister for Regional Services, Minister for Sport, Minister for Local Government and Decentralisation, Senator the Hon Bridget McKenzie, regarding the infrastructure rollout of 5G network technologies and the health effects of radiofrequency (RF) electromagnetic energy (EME). I am responding on behalf of the Minister as the Government is now in a caretaker role pending the outcome of the federal election on 18 May 2019. Please accept my apologies for the delay.

The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) provides expert advice on radiation protection and nuclear safety matters to the Australian Government. In order to provide the best advice on the protection of the Australian public from the effects of radiation, ARPANSA undertakes its own research and reviews the relevant scientific research. This includes research and reviews of exposure to radiofrequency RF EME emissions from mobile telecommunications sources. ARPANSA also publishes the *Radiation Protection Standard for Maximum Exposure Levels to Radiofrequency Fields - 3 kHz to 300 GHz* ('ARPANSA RF Standard'). The ARPANSA RF Standard includes the frequency ranges that 5G technology will use.

Consideration of all of the current scientific evidence does not support the likelihood of health effects from the low level radiofrequency electromagnetic energy that 5G and other telecommunications sources emit. Exposure from 5G is expected to be well within the limits set in the ARPANSA RF Standard, which reflects international best practice. In a recent Australian review, a panel of independent scientific experts concluded that the ARPANSA RF Standard continues to provide a high degree of protection.

The Australian Communications and Media Authority (ACMA) regulates RF EME from telecommunications facilities and other wireless devices used for communication, including mobile phones, mobile phone base stations, and modems. The ACMA's regulatory arrangements require facilities and wireless devices to comply with the exposure limits set by ARPANSA RF Standard.

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 arpansa.gov.au

I understand that you are also concerned about the deployment and consultation processes used for 5G telecommunications infrastructure and facilities in your area. The Department of Communications and the Arts (DOCA) has assured me that 5G devices and facilities, as regulated by ACMA, must adhere to the same Government regulations as previous mobile generations. Further information I have received from DOCA in relation to your concerns includes that:

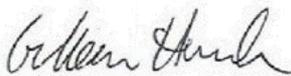
- Telecommunications carriers have some powers and immunities under the *Telecommunications Act 1997* (the Act) to undertake inspections and to install and maintain facilities. These powers primarily relate to low-impact facilities, which are specified in the *Telecommunications (Low-impact Facilities) Determination 2018* (LIFD). In exercising their powers and immunities, carriers must adhere to strict requirements, including a requirement to provide landowners and occupiers with notice before entering land.
- In addition to the conditions in the Act, the *Telecommunications Code of Practice 2018* (Code of Practice) sets out further obligations on carriers. For example, under the Code of Practice, carriers must comply with good engineering practice and consider noise limits, the environment, obstruction of essential services when installing or maintaining facilities, and details the objection rights and processes for landowners and land occupiers.
- Telecommunications carriers installing mobile phone networks are also required to comply with the *Industry Code for Mobile Phone Base Station Deployment C564:2018* (the Industry Code). The Industry Code sets out additional processes that mobile carriers are to follow when they are installing low-impact facilities, including requirements for site selection, community notification and consultation processes, and responding to requests from the public.
- The ACMA is the telecommunications industry regulator. If you are concerned that a carrier may not have met its mandatory obligations under the Act or the Industry Code, you should raise your concerns with the carrier in the first instance. If your concerns remain you can contact the ACMA to make a complaint. You can access the ACMA website at www.acma.gov.au.

For further information about the carrier deployment obligations under the Act, including carriers' powers and immunities, please contact DOCA at powersandimmunities@communications.gov.au.

Further ARPANSA advice and information on 5G is also available at: www.arpansa.gov.au/news/5g-new-generation-mobile-phone-network-and-health.

Thank you for writing on this matter and I trust this information will be of assistance.

Yours sincerely



Dr Gillian Hirth
Chief Radiation Health Scientist

Attachment 4 - Letter from the Mayor to Susan Templeman regarding Fairer funding for Local Government

3 May 2019

Office of the Mayor

Reference File: F09299

Susan Templeman
PO Box 855
Windsor NSW 2756
Susan.templeman.mp@aph.gov.au

Dear Ms Templeman,

SUBJECT: Fairer Funding for Local Government

I am writing to you on behalf of Blue Mountains City Council, to express our concern about the level of funding available for local governments to provide essential services and infrastructure for our communities.

Local councils are responsible for 33% of public infrastructure, including 75% of roads, but raise only 3.6% of Australian tax revenue. This level of funding is neither adequate nor sustainable, and is having a negative impact on the safety of our roads, the quality of our facilities, and the health and wellbeing of our communities.

The most significant contribution from the Australian Government to local governments is via the Financial Assistance Grants. In 1996, Financial Assistance Grants were equal to around 1 per cent of Commonwealth tax revenue. This has declined by around 43% in relative terms over the past 20 years, and now they amount to approximately 0.55% of Commonwealth tax revenue.

At the same time, the roles and responsibilities of local governments have grown significantly as a result of increasing community demand, requirements to build and maintain infrastructure to a higher standard, cost-shifting from other levels of government, and the need to address market failure (particularly in rural areas where it is commonly not financially viable for the private sector to provide essential services such as aged care or childcare).

That's why we are asking the Commonwealth Government to restore a fairer share of funding, so we can deliver appropriate services, facilities and infrastructure for our community. Specifically, we are calling for a commitment to restore the national value of Financial Assistance Grants funding to at least 1% of Commonwealth tax revenue.

We are also calling for your commitment to support a partnership approach with local government, and to support the Australian Local Government Association's 12 policy initiatives in the upcoming federal election. These initiatives are summarised below:

1. Repair federal funding to local government
2. Realise the productive potential of Australia's freight routes
3. Boost safety on local roads
4. Promote equitable access to community services
5. Protect communities from the impacts of natural disasters
6. Support communities with their climate change response
7. Promote healthier communities
8. Foster Indigenous well-being and prosperity
9. Support communities on their digital transformation journeys
10. Strengthen Australia's circular economy
11. Support local government's current work in addressing affordable housing and homelessness issues
12. Address the South Australian road funding anomaly

We believe the Commonwealth Government must make the funding of local communities a priority, regardless of who is at the helm. We urge you to show your support for this campaign by issuing a statement or using your social media to highlight the importance of federal funding to local government and its need to be increased. Your support is crucial. We need your declaration that in the next Parliament you will commit to supporting a fairer share for local communities.

If you would like further information on local government and funding, you can find it on the Australian Local Government Association website: www.alga.asn.au. Thank you for your consideration. We look forward to receiving a response and hopefully, your commitment to support this vital campaign.

Yours faithfully



MARK GREENHILL OAM
Mayor

Attachment 5 - Letter for GM's signature to Minister for Transport & Roads - Speed cameras at Blackheath

6 May 2019

Office of the General Manager

Reference File: F05049- 19/94980

The Hon. Andrew Constance MP
Minister for Transport and Roads
GPO Box 5341
SYDNEY NSW 2000

Dear Minister

SUBJECT **Request for Speed Cameras on Great Western Highway
Blackheath**

I am writing on behalf of Blue Mountains City Council to request that the Roads and Maritime Services consider the installation of speed monitoring safety cameras in Blackheath NSW with the intention of improving safety during the current Great Western Highway upgrade works.

The scale of construction works in Blackheath is having a significant impact on the town for both residents and highway users. The temporary loss of the road shoulder along the highway in several places is also causing new safety risks for highway users.

Council has concerns about the speed of highway users, (particularly long and heavy haulage vehicles) travelling through the works area. It is also noted that the affected area includes additional risk factors including multiple traffic signals, variable school speed limits, railway level crossing on a side street and retail area with parallel parking.

Such is the Council's ongoing concern for action, at the ordinary council meeting of 26 March 2019, it resolved:

"That the Council writes again to the Minister for Transport and Infrastructure, Andrew Constance, requesting that speed cameras be installed in Blackheath, as a matter of urgency with the upgrade of the highway given that the safety of residents and other users of the highway is a matter of great public concern."

[Minute No 96]

If you require further information from Council then please contact Andy Turner, A/Director, City & Community Outcomes on 4780-5000 or aturner@bmcc.nsw.gov.au

Yours faithfully

A handwritten signature in black ink, appearing to read "R. Dillon".

ROSEMARY DILLON
General Manager

Attachment 6 - BMCC support for Gundungurra Cultural Landscape Aboriginal Place nomination

10 May 2019

Office of the General Manager

Reference File: F03402 – 19/98666

The Hon. Matthew Kean MP
Minister for Energy and Environment
GPO Box 5341
SYDNEY NSW 2001

Dear Minister Keen

SUBJECT Blue Mountains City Council support for the Gundungurra Cultural Landscape – Coxs to Wollondilly Rivers Aboriginal Place nomination

Blue Mountains City Council has developed a strong partnership with the Gundungurra people, embodied in Council's recognition of, and respect for their deep, abiding and unbroken connection to Gundungurra Country within the Blue Mountains Local Government Area.

This has been formally recognised in the Gundungurra Indigenous Land Use Agreement, to which Council is an active and enthusiastic party, working closely with the Gundungurra Traditional Owners to care for Country.

Recently, Gundungurra Traditional Owners have asked that Council support their nomination for the *Gundungurra Cultural Landscape – Coxs to Wollondilly Rivers Aboriginal Place* to protect a most significant and sacred part of their Country.

Gundungurra Traditional Owners have advised Council that the Coxs and Wollondilly Rivers and Burragorang Valley are the living embodiment of the significant stories about the creation of those rivers by ancestral beings. In particular, the creation story known as *'The Journey of Gurangatch and Mirrigan'* shaped, and continues to shape, how Gundungurra people understand this part of Country, and has been retold over countless generations.

The Council further understands that in the view of the Gundungurra Elders, the raising of the Warragamba Dam wall will inundate and irreparably damage the landscapes in which this story is enshrined, which will have significant detrimental cultural impacts.

Blue Mountains City Council supports this view and accordingly, at its Ordinary Meeting of 26 February 2019, the Council resolved:

'That the Council writes to the NSW Minister for the Environment expressing its support for the protection and preservation of tangible and in-tangible Aboriginal Cultural Values within the Warragamba Dam Catchment, as detailed in the Aboriginal Place nomination'

Min No. 53

Council accepts and supports the view that the inundation of the proposed area will do irreparable harm to the Aboriginal cultural values of that landscape, and that its gazettal as an Aboriginal Place under the *NSW National Parks & Wildlife Act 1974* will afford an appropriate level of protection and recognition of the Aboriginal cultural values embodied in that landscape.

I am therefore writing to you to ask that you favourably consider, and approve, the nomination for the *Gundungurra Cultural Landscape – Coxs to Wollondilly Rivers Aboriginal Place*, thereby protecting in perpetuity this highly significant part of Gundungurra Country.

Yours faithfully



ROSEMARY DILLON
General Manager

RESPONSES TO QUESTIONS WITH NOTICE

ITEM NO: 29

SUBJECT: KATOOMBA CIVIC CENTRE PRECINCT

FILE NO: F11894 - 19/81134

Delivery Program Link

Principal Activity: Civic Leadership

Service: Governance and Risk

Recommendation:

That the Council notes the response to the Questions With Notice.

Report by Acting Director City & Community Outcomes:

Questions With Notice

At the Ordinary Meeting of Council on 29 January 2019, Councillor Brown asked the following questions:

1. *How the money was spent and the outcomes of the \$120,000 allocated from the 2016/17 budget to fund " investigations, precinct planning and design and feasibility assessment of options for redevelopment of the Katoomba Civic Centre;" and*
2. *Who participated in the "consultation with stakeholders as part of the feasibility assessment of the options." [Min 212, 26 July 2016].*

Response to Questions With Notice

Funding allocated during the 2016/17 financial year primarily focussed on investigations into the drainage issues at the site. This funding delivered drainage design improvements and drainage remediation works, including water leak injection to assist in preventing future leaks across the precinct. Further, an audit on asset conditions throughout the precinct was undertaken, resulting in an up to date Dilapidation assessment and an associated Quantity Surveyors report.

No feasibility work was undertaken, as, in 2017, Council commenced pursuing the Regional Growth grant program. This sought delivery of a comprehensive redevelopment of the precinct with a projected cost in excess of \$20m. Council was informed late 2018 that we had been unsuccessful in this grant. Unspent funds of approximately \$30,000 were returned to Council's revenue.

No stakeholders were consulted on the delivery of the above work.

Council staff continue to work on the future planning of this precinct and will shortly provide a Councilor Briefing. A Council report on future uses of the precinct is planned for Quarter Two 2019/20.

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