

BLUE MOUNTAINS CITY COUNCIL

ORDINARY MEETING

5 August 2008

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Minutes of the Ordinary Meeting of the Council of the City of Blue Mountains, held in the Council Chamber, Administrative Headquarters, Civic Place, Katoomba on Tuesday, 5 August 2008, commencing at 7:32 pm.

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There were present:

The Mayor (Councillor Jim Angel) in the Chair, and Councillors Brown, Creed, Frappell, Hamilton, McInnes, McLaren, Myles, O’Grady, Searle, Trindall and Van der Kley.

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In attendance:

General Manager, Group Manager BM City Services, Group Manager Community & Corporate, Group Manager Environmental & Customer Services, Executive Officer, Director Major Projects, Manager Assets and Contracts, Principal Planning Officer, Manager Planning Health and Enforcement, Communications Officer, Team Leader Community Outcomes, Program Leader Property and Facilities, Waste and Resources Engineer, Team Leader Recreation Development, Ranger, Project Support Officer Governance Publications.

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Prayer / Reflection:

The Prayer / Reflection was read by the Mayor, as was the acknowledgement of the traditional owners, the Darug and Gundungurra people.

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C00679. Apologies

Nil

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MINUTE NO. 571

C00336. Confirmation of Minutes - Ordinary Meeting – 15 July 2008

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and McInnes that the Minutes of the Ordinary Meeting of 15 July 2008 be confirmed.

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C00336. Declarations of Interest – Ordinary Meeting, Date

Nil

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MINUTES BY MAYOR
MINUTE NO. 572

S1. F03818. Acknowledgement of 100 years of Scouting in Australia

RESOLVED UNANIMOUSLY on the MOTION of Councillors McLaren and Van der Kley:

1. That the Supplementary Minute by the Mayor be received.
2. That the Council acknowledge 100 Years of Scouting in Australia.
3. That Mayor Jim Angel and Councillor Terri Hamilton each receive a commemorative scarf marking 100 Years of Scouting in Australia.

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MINUTE NO. 573

1. F03847. Blue Mountains Cultural Centre & Katoomba Library Advisory Committee

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Frappell that the Council endorse the appointment of Mark Jarvis to the Blue Mountains Cultural Centre & Katoomba Library Advisory Committee as a community member.

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OFFICERS' REPORTS
MINUTE NO. 574

2. C07643. Local Government Association Annual Conference Call for Motions

RESOLVED UNANIMOUSLY on the MOTION of Councillors McLaren and Myles that the Council receive the following motions for the 2008 Local Government Shires Association Conference from elected representatives:

1. That the LGSA Conference calls on the Federal Government to revisit the Family Day Care funding arrangements with local government as the current funding formula reduced monies needed by Council's by up to 50% impacting on services for local families.
2. That the State Government enact legislation allowing greater Council involvement in the management and control of feral cats.

MINUTE NO. 575

S2. F02653. Pre-Poll facilities for Council Elections

RESOLVED UNANIMOUSLY on the MOTION of Councillors McLaren and Frappell

MINUTE NO. 575 Contd

1. That the Council request the NSW Electoral Commission that a pre-poll facility is required in Springwood for the week prior to the election with operating hours:

- Monday 8 September 9am – 5pm
- Tuesday 9 September 9am – 5pm
- Wednesday 10 September 9am – 5pm
- Thursday 11 September 9am – 8pm
- Friday 12 September 9am – 5pm

2. That the Council request the SEC to also consider a facility in Blaxland.

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MINUTE NO. 5763. F03818. Council Caretaker Government Mode

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Van der Kley:

1. That this report be noted by the Council.
2. That the Council form the view that the business of this meeting should be conducted as usual as relevant business items were before Council and the community prior to the caretaker period.

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MINUTE NO. 5774. F04413. Model Code of Conduct

A MOTION was moved by Councillors Van der Kley and McLaren that the Council adopt the Department of Local Government revised Code of Conduct that was gazetted on 27 June 2008 under S440 of the Local Government Act.

Upon being PUT to the Meeting, the MOTION was CARRIED with Councillor Myles out of the Chamber, the vote being:

For	Against
Councillors	Councillors
Angel	Creed
Brown	
Frappell	
Hamilton	
McInnes	
McLaren	
O'Grady	
Searle	
Trindall	
Van der Kley	

4. F04413. Question Without Notice - Model Code of Conduct

Councillor Myles: Does Section 9.2 (a) of the Model Code still allow for the submission of Councillor CSRs?

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MINUTE NO. 578**5. F00296. Policy for the Management of Unreasonable Complainant Conduct**

A MOTION was moved by Councillors Van der Kley and McLaren:

1. **That the Council adopts the Draft Unreasonable Complainant Policy for the purpose of public exhibition.**
2. **That the exhibition of the Draft Policy be for a period of 35 days and be widely advertised and promoted with submissions being received for 49 days.**
3. **That a report comes back to the Council following the public exhibition period and consolidation of submissions.**

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

For	Against
Councillors	Councillors
Angel	McInnes
Brown Creed	O'Grady
Frappell	
Hamilton	
McLaren	
Myles	
Searle	
Trindall	
Van der Kley	

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MINUTE NO. 579**6. F01286. The Gully Co-operative Management Committee**

The Meeting was addressed by Lynette Stanger, Jean Murphy and David King.

A MOTION was moved by Councillors Hamilton and Van der Kley **that the Council establishes The Gully Cooperative Management Committee under the Terms of Reference attached to this report.**

An AMENDMENT was moved by Councillors McInnes and Brown that the item be deferred to allow the issues raised by Lyn Stanger to be considered.

MINUTE NO. 579 Contd

Upon being PUT to the Meeting, the AMENDMENT was LOST, the vote being:

For		Against	
Councillors	Brown	Councillors	Angel
	McInnes		Creed
	O'Grady		Frappell
			Hamilton
			McLaren
			Myles
			Searle
			Trindall
			Van der Kley

Upon being PUT to the Meeting, the MOTION was RESOLVED UNANIMOUSLY.

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MINUTE NO. 580

7. F00264. Upper Kedumba River Valley Advisory Forum

The Meeting was addressed by Ivan Jeray.

A MOTION was moved by Councillors Hamilton and Van der Kley **that the Council note the proposed way forward in relation to the establishment of the Upper Kedumba River Valley Advisory meetings.**

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

For		Against	
Councillors	Angel	Councillors	Brown
	Creed		McInnes
	Frappell		O'Grady
	Hamilton		Trindall
	McLaren		
	Myles		
	Searle		
	Van der Kley		

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MINUTE NO. 581

8. F01815. Funding possibilities for Lawson Community Hall

The Meeting was addressed by Julius Timmerman, Bruce Quilty and Erst Carmichael.

MINUTE NO. 581 Contd

A MOTION was moved by Councillors Van der Kley and Myles **that the Council note the information on funding possibilities for the Lawson Community Hall in this report.**

An AMENDMENT was moved by Councillors Searle and McInnes that the recommendation be adopted as printed with the following added: “and actively pursues the options identified in the report to secure funding that would facilitate the retention and upgrading of the hall with a further report on this matter to come to Council as soon as practicable.”

The Mayor ruled that the AMENDMENT conflicted with a previous direction resolved by the Council and was OUT OF ORDER.

A MOTION OF DISSENT against the ruling of the Mayor was moved by Councillors Searle and McInnes. Upon being PUT to the Meeting the MOTION OF DISSENT was LOST, the vote being:

For	Against
Councillors	Councillors
Brown	Angel
McInnes	Creed
O’Grady	Frappell
Searle	Hamilton
Trindall	McLaren
	Myles
	Van der Kley

Upon being PUT to the Meeting, the MOTION was CARRIED UNANIMOUSLY.

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MINUTE NO. 582**9. F02599. Proposal to rename the locality of Megalong to Megalong Valley**

The Meeting was addressed by David Bosworth.

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Van der Kley, with Councillor Searle out of the Chamber:

1. **That the Council note the submissions received to the public exhibition of the proposal to rename the locality of Megalong to Megalong Valley.**
2. **That Council staff prepare an application to the Geographical Names Board of New South Wales to rename the locality of Megalong to Megalong Valley.**

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MINUTE NO. 583**10. F04225. Council Acquisition of Lot 387 DP 17015 Devon Street Bullaburra**

The Meeting was addressed by Ivan Jeray.

A MOTION was moved by Councillors Van der Kley and Creed:

1. That the Council agree to purchase Lot 387 Deposited Plan 17015 being 5 Devon Street, Bullaburra for the sum of \$10,000 (including GST) and that the land be classified as operational.
2. That the land be purchased using funds from the State Government Grant for the purpose of acquisition of environmentally sensitive land.
3. That the land be purchased for the purpose of consolidation and resale with the Council's adjoining land.
4. That following consolidation with adjoining lots and sale, a pro-rata amount received from the sale of the consolidated lot be returned to the grant fund for future environmental purchases.
5. That the Common Seal of the Council be affixed to the necessary documents if required.

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

For	Against
Councillors	Councillors
Angel	Brown
Creed	McInnes
Frappell	O'Grady
Hamilton	
McLaren	
Myles	
Searle	
Trindall	
Van der Kley	

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MINUTE NO. 584**11. X/78/2007. Development Application No. X/78/2007 for Lawson Town Centre redevelopment, a subdivision, and civil infrastructure establishment at Lawson Town Centre**

The meeting was addressed by Erst Carmichael.

A MOTION was moved by Councillors Van der Kley and Frappell:

MINUTE NO. 584 Contd

1. That the Deferred Commencement matters for Development Application No. X/78/2007 for Lawson Town Centre redevelopment, a subdivision, and civil infrastructure establishment have been satisfied pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 and Clause 95 of the Environmental Planning and Assessment Regulation 2000.

3. That Operational Consent pertaining to development consent No. X/78/2007 for Lawson Town Centre redevelopment, a subdivision, and civil infrastructure establishment be issued in accordance with the Conditions included as Attachment 1 to this report.

Attachment 1 - Conditions of development consent

The following conditions will apply to the site development and construction works.

This consent is not an approval to commence building work. The works associated with this consent can only commence following the issue of the Construction Certificate or Roads Act Approval, as relevant to those works.

Confirmation of relevant plans and information

- (1) To confirm and clarify the terms of consent, the development shall be carried out in accordance with the following plans:

Plan #	Rev	Date	Title
Figure 1	C		“Option E” Plan of Proposed Subdivision
Figure 4	A		Regional Context
Figure 5	A		Study Area
Figure 6	B	11/3/08	“Option E” Site Plan, Sheet 1 of 2
Figure 6	A		“Option E” Site Plan – Key Points of Amendments, Sheet 2 of 2
Figure 7	B		Option E” Cut and Fill & Proposed Retaining walls
Figure 8	A		Existing Utilities Plan
Figure 9	A		Proposed Utilities – Stage 1
Figure 10	A		Proposed Utilities – Stage 2
Figure 11	A		Desired Access & Movement
Figure 12	A		Landscape Plan
Figure 13	B		“Option E” Car Parking Plan
Figure 14	A		Special Uses
Figure 15	B		DA Extent of Works
Figure 16	A		Existing ecological buffer and slope constraint areas
Figure 17	A		Bushfire prone areas
Figure 18	A		Tree management plan(excepting trees on the site of Lawson school)
Figure 19	A		Existing stormwater plan
Figure 20	B		Deleted and replaced by Fig 47

Figure 21	B		“Option E” Construction Staging Plan
Figure 27	A		Existing development
Figure 28	A		Natural setting
Figure 29	A		Existing vegetation, open space and site characteristic
Figure 30	A		Existing land uses
Figure 31	A		Existing access and movement
Figure 32	A		Existing parking and servicing plan
Figure 33	A		Existing heritage items
Figure 34	A		Desired uses and gateways
Figure 35	A		Desired location of activities
Figure 36	A		Desired heritage character
Figure 37	A		Turning circles 5m
Figure 38	A		Turning circles 8.8m
Figure 39	A		Turning circles 12.5m
Figure 40	A		Turning circles 19m
Figure 42	A		Existing cadastral plan
Figure 43	A		Means of consent
Figure 45	A		Proposed new street (south) water tank
Figure 47	A		Option E” Drainage/Stormwater Plan
Figure 48	A		Option E” Contour Plan

Confirmation of relevant plans and information (continued)

(2) and supportive documentation as follows:

- Statement of Environmental Effects, dated December 2006, prepared by Complete Urban Solutions;
- Documents included as Appendices to the SEE;
 - Statement of Heritage Impact, dated September 2006, prepared by Patrick O’Carrigan;
 - Conceptual Stormwater Management Plan, dated 20 July 2006, prepared by Morse Mcvey & Associates;
 - Arboriculture Report: Planning Survey and Development Assessment, dated 13 October 2006, prepared by Ian English;
 - Lawson Traffic Study, dated 20 July 2006, prepared by Complete Urban Solutions;
 - Geotechnical Investigations Lawson Town Centre Pavements, dated 25 February 2005, prepared by Coffey;
 - Lawson Town Centre Disability Access Audit, dated 23 August 2006, prepared by Access Design Solutions;
 - Vegetation and Weed Management Plan, dated December 2006, prepared by Australian Wetlands;

- Fauna and Flora Assessment (Ecology Services), dated 11 December 2006, prepared by Australian Wetlands;
 - Fire Management Report, dated 11 December 2006, prepared by Australian Wetlands;
 - Concept Soil and Water Management Plan, dated 27 November 2006, prepared by Complete Urban Solutions;
 - Environmental Assessment, dated 11 December 2006, prepared by Australian Wetlands.
- Additional information provided, including:
 - Addendum to Heritage Impact Statement – The Old Bakery Building, dated April 2007, prepared by Patrick O’Carrigan.

Option E” Application (November 2007)

- Amended Application and documentation, including the following provided in November 2007:
 - Car Parking Rationale, Gross Floor Area (GFA) & Tables.
 - Statement of consistency with DCP Part J Objectives.
 - RTA Confirmation Letter & Stormwater Drainage System Schematic Diagrams, dated 5 November 2007.

except as otherwise provided or modified by the conditions of this consent.

B. Works to be carried out as part of the subdivision

The Council’s specifications for engineering works

- (3) All engineering works required by this development (including sediment and erosion controls, road, access, footpath and drainage works) are to be in accordance with the Council's Specification for Engineering Work for Subdivisions and Development, Part 1—Design and Part 2—Construction (Development Control Plan No. 31), Australian Rainfall and Runoff 1987, The Australian Runoff Quality, A Guide to Water Sensitive Urban design 2006 and other relevant Australian Standards.

The design and construction is to include any additional works to make the construction effective.

Provision of services

- (4) To ensure the proposed development is appropriately serviced, the following utility services are to be provided to each lot prior to the release of the Subdivision Certificate:
- a. reticulated water and gravity sewer connections;
 - b. underground electricity supply;
 - c. underground telephone supply;
 - d. underground gas supply.

This work is to include the relocation underground of all existing aerial services within the development site.

Road kerb and gutter and shoulder seal construction Adelaide, Benang & Bellevue Streets

- (5) To minimise impacts upon the Council's assets, vertical concrete kerb and gutter and shoulder pavement and seal is to be constructed for the full Adelaide Street, Benang Street and Bellevue Street frontages of the development site, together with all necessary works and drainage to make the construction effective prior to the release of the Subdivision Certificate.

These works are to include:

- sealed shoulders comprising a minimum 30mm. thick AC10 asphalt seal on a minimum 150mm thick DGB20 base course on an approved subgrade, subject to pavement design in accordance with Council's DCP31;
- The pavement and seal construction of the coach parking bay in Adelaide Street and the parallel parking spaces in Benang Street;
- 2m wide concrete footpath construction in Benang and Bellevue Streets;
- Removal of the obsolete Benang Street pavement and seal between Blind Street and Adelaide Street, and the restoration of the disturbed areas;
- Provision of sealed vehicle access to existing Lots 5 & 6 DP 26492 Benang Street;
- At grade pedestrian crossing with approach ramps on both sides and feature finish sealed footpath construction in Adelaide Street
- Raised pavement pedestrian crossing with approach ramps on both sides in Bellevue Street at Honour Avenue;
- Adjustment as necessary of all existing services and driveways adjacent to the works and provision of driveway laybacks to each adjacent lot;
- Connection of all existing roof drainage into the kerb and gutter via galvanised RHS outlets; and
- All disturbed areas behind the kerb are to be topsoiled and turfed and landscaped as shown on the plans.

Road kerb and gutter and shoulder seal construction Blind Street

- (6) To minimise impacts upon the Council's assets, vertical concrete kerb and gutter and shoulder pavement and seal is to be constructed for the full Blind Street frontages of the development site, together with all necessary works and drainage to make the construction effective prior to the release of the Subdivision Certificate.

These works are to include:

- sealed shoulders comprising a minimum 50mm. thick AC10 asphalt seal on a minimum 150mm thick DGB20 base course on an approved subgrade, subject to pavement design in accordance with Council's DCP31;

- The pavement and seal construction of the angled parking spaces in Blind Street;
- 2m wide concrete footpath construction in Blind Street from Benang Street to New Street;
- At grade pedestrian crossing with approach ramps on both sides adjacent to the intersection of Blind Street and Benang Street;
- Adjustment as necessary of all existing services and driveways adjacent to the works;
- Connection of all existing roof drainage into the kerb and gutter via galvanised RHS outlets; and
- All disturbed areas behind the kerb are to be topsoiled and turfed and landscaped as shown on the plans.

**Construction of proposed roads
New Street,
Unnamed Street &
Staples Street**

- (7) To ensure suitable access, the New Street, Unnamed Street & Staples Street are to be formed, sealed and constructed with concrete vertical kerb and gutter for its full length (in accordance with the approved plans) together with all necessary works and drainage to make the construction effective prior to the release of the Subdivision Certificate.

The works are to include:

- Sealed pavement comprising a minimum 50mm. thick AC10 asphalt seal on a minimum 150.mm thick DGB20 base course on an approved subgrade, subject to pavement design in accordance with Council's DCP31;
- Provision of formed splitter islands and medians at the intersections of New Street with the Great Western Highway, and New Street with Adelaide Street. These intersections are to be designed to ensure 12.5m long vehicles do not encroach upon or overhang the footpaths, splitter islands or medians;
- The pavement and seal construction of the angled and parallel parking spaces in Unnamed Street;
- At grade pedestrian crossing in Unnamed Street, with approach ramps on both sides;
- Feature finish sealed footpath construction in New, Unnamed and Staples Streets;
- Construction of a feature finish sealed footpath & steps (as necessary) from Unnamed Street to the Great western Highway adjacent to proposed Lots 5 & 6;
- Adjustment as necessary of all existing services and driveways adjacent to the works;
- Provision of galvanised RHS outlets within the kerb and gutter to accommodate stormwater drainage from all adjacent proposed lots.
- All verge areas are to be topsoiled and turfed where paved footpaths are not required; and
- Provision of service conduits under the carriageway to accommodate all utility installations. In this regard, service conduits are to extend from 100mm behind the

back of kerb to 100mm behind the back of kerb. The positions of the service conduits are to be clearly marked on the kerbs and on the works as executed plans.

Proposed road stormwater drainage system

- (8) All stormwater runoff from the existing and proposed roads within the development site is to be collected and drained by an appropriately designed gravity underground stormwater system to the proposed outlets in Adelaide Street and Benang Street as appropriate. The Adelaide Street discharge is thence to be connected to the RTA system located in the former Lawson Golf Course. The road stormwater drainage system is to be installed in accordance with the approved plans prior to the release of the Subdivision Certificate.

The works are to include:

- The provision of bike safe grates on all drainage pits;
- 'Enviropod' pit inserts or similar to Council's satisfaction in all stormwater drainage pits; and
- All works required by the resolution of the Deferred Commencement matters including compliance with the revised *Stormwater Management Plan*.

Interallotment drainage

- (9) To ensure legal and practical drainage is available to proposed Lots 16 & 17, a piped interallotment drainage system is to be installed in accordance with the plans approved prior to the release of the Subdivision Certificate.

The interallotment drainage system is to connect directly into a road drainage pit, and shall not discharge directly into the kerb and gutter.

Car park construction Adelaide Street, Mid Mountains Community Centre and proposed Lot 9

- (10) To ensure provision of suitable car parking within the development site, the proposed carparking areas and accesses off Adelaide Street and within proposed Lots 9 & 13 legal are to be formed, sealed and linemarked prior to the issue of the Subdivision Certificate.

The carparking spaces and access aisles are generally to be designed in accordance with AS2890.1. The loading bay and access aisles on proposed Lot 9 is to be designed in accordance with AS2890.2.

Demolition

- (11) Any proposed demolition works shall be carried out in accordance with the requirements of AS2601-1991 The Demolition of Structures.

Amongst others, precautions to be taken shall include compliance with the requirements of the WorkCover Authority of New South Wales, including but not limited to:

1. Protection of site workers and the general public.
2. Erection of hoardings where appropriate.
3. Asbestos handling and disposal where applicable.
4. Any disused service connections shall be capped off.

Council is to be given 48 hours written notice of the destination/s of any excavation or demolition material. The disposal of refuse is to be to an approved waste disposal depot.

Archaeological assessment and demolition of the Old Bakery Building

(12) Prior to the commencement of works the applicant is to provide the following:

- An archaeological assessment must be prepared in relation to proposed areas of excavation, by a qualified archaeological with historic sites experience in accordance with the Archaeological Assessment Guidelines (1996) published by the Heritage Office. Based on the results of this assessment, an application under S.139 or S.140 shall be submitted and approved by the Heritage Office and a copy of the archaeological assessment and approval supplied to Council prior to the commencement of works
- An archival record of all heritage items affected by the proposal must be prepared by a qualified heritage practitioner prior to and following completion of the redevelopment. The record should be prepared in accordance with NSW Heritage Office guidelines on How to Prepare Archival Records of Heritage Item (1998) and Photographic Recording of Heritage Items using Film or Digital Capture (2006). A copy of the archival record is to be provided to Council prior to the issue of the Subdivision Certificate.
- An Interpretation Plan is to be prepared by a qualified heritage practitioner in accordance with Interpreting Heritage Places and Items Guidelines (2005) and submitted to the Heritage Office for approval and a copy of the Interpretation Plan and approval supplied to Council prior to the commencement of works. Once approved, the plan should be incorporated into relevant urban design and landscape plans prepared for the redevelopment.

Structural engineering details

(13) Structural Engineering details relating to footings, retaining walls and any other structural items are to be submitted to the Accredited Certifier or Council prior to release of the Construction Certificate. Each plan/sheet is to be signed by a qualified practising Structural Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or

- who is eligible to become a corporate member and has appropriate experience and competence in the related field.
- Street signage** (14) To ensure appropriate definition of the road, parking and loading areas, street name signs and stems, and other signage and stems are to be erected prior to the release of the Subdivision Certificate.
- Weed removal** (15) To minimise the potential for spreading of weeds, all environmental and noxious weeds shall be removed from the site to the satisfaction of the Council's Landscape Officer in accordance with the approved Weed Management Plan prior to the issue of the Subdivision Certificate.
- No pollution** (16) No water pollution shall result from the operation of any plant or equipment or activity carried out.
- Noise control** (17) Noise from the operation of any plant or equipment at the premises shall not exceed 10dB(A) above the background noise level.
- Signage** (18) Any identification signage is to be the subject of a separate development application.
- No timber retaining walls** (19) Timber log retaining walls are not permitted and are not to be included in the proposed development.
- Street lighting** (20) Street lighting facilities to the development street frontages of the site and to the existing Public Road reserve are to be provided at the full cost of the developer and in accordance with the requirements of the relevant authorities being Integral Energy and Blue Mountains City Council.
- Street lighting shall be in accordance with AS1158.3.1 and include slot vela lighting as required by the NSW Police, or similar to the satisfaction of Blue Mountains City Council.
- Public access** (21) The public footways and roadways adjacent to the site are to be maintained in a safe condition at all times during the construction phase. Pedestrian and vehicle access is to be maintained to all lots at all times during the construction phase to adjacent sites.
- Works associated with excavation** (22) A Schedule of Works prepared by a qualified practising Structural Engineer with corporate membership of the Institute of Engineers Australia (M.I.E), or who is eligible to become a corporate member and has appropriate experience and competence in the related field is to be submitted to the Accredited Certifier or Council in respect of the following items:

1. The details and location of all intercept drains, provided uphill of the excavation, to control runoff through the cut area.
2. The proposed method of disposal of collected surface waters is to be clearly detailed;
3. Procedures for excavation and retention of cuts, to ensure the site stability is maintained during earthworks.

Access (23) Certification from the Accredited Access Adviser that design details and specifications comply with the Accessibility Control and the DA Access Report, must be submitted to the Accredited Certifier or Council with the Construction Certificate application.

Excavated material (24) Any excavated material that is proposed to be used on site is to be assessed for contamination and is also to be assessed for reuse by a qualified geotechnical engineer. Subject to this contamination assessment and validation that this soil can be reused as foundation material, such soil may be reused on site as fill. Any material that is not deemed to be suitable for reuse shall be removed from the site and disposed of in an appropriate fashion.

Copies of all geotechnical assessments are to be provided to Council prior to the reuse of any approved material.

Excavation and backfilling (25) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

Excavation protection (26) All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

Excavations adjacent to buildings (27) Where excavations extend below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation must preserve and protect the building from damage and, if necessary, underpin and support the adjoining building in an approved manner.

Waste management plan (28) Waste materials generated through demolition, excavation and construction works are to be minimised by re-use on-site, recycling or where reuse or recycling is not practical, disposal at an appropriate authorised waste facility.

In this regard, a Waste Management Plan shall be prepared which outlines the manner in which waste is to be treated and disposed and submitted to and approved by Council prior to the commencement of works onsite.

- Works in road reserve** (29) No works are to be carried out in Councils Road Reserve without the written approval of the Council.
- Road opening permit** (30) A Road Opening Permit, issued by Council, must be obtained for any road openings, or excavation within Councils Road Reserve associated with the development on the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site.
- A Road Opening Permit does not allow the commencement of road and drainage works within the road reserve. An approval pursuant to Section 138 of the Roads Act 1993 is required prior to the commencement of any road and drainage works within the road reserve.
- Site management** (31) A clearly legible Site Management Sign is to be erected and maintained throughout the course of the works. The sign is to be centrally located on the main street frontage of the site and is to clearly state in legible lettering the following:
- (1) The builders name, builders telephone contact number both during work hours and after hours;
 - (2) That no works are to be carried out in Council Road Reserve without the written approval of the Council;
 - (3) That a Road Opening Permit issued by Council must be obtained for any road openings or excavation within Councils Road Reserve associated with development of the site, including stormwater drainage, water, sewer, electricity, gas and communication connections. During the course of the road opening works the Road Opening Permit must be visibly displayed at the site; and
 - (4) That no skip bins or materials are to be stored on Councils Road Reserve without the consent of the Council.
- Stamped plans** (32) A stamped copy of the approved plans is to be kept on the site at all times, during construction.
- Toilet facilities** (33) Toilet facilities are to be provided in a location which will not detrimentally affect the amenity of any adjoining residents at or in the vicinity of the work site during the duration of the development.
- Fill material validation** (34) Any fill material imported to the site is to be the subject of testing and monitoring throughout the course of the works, and is to consist of clean fill inert material only, that is, non

contaminated excavated material and soil, and suitable material. Putrescible and non putrescible solid waste (including demolition material) is not permitted. All imported fill must be sourced locally where practicable to reduce traffic movements. A report certifying that fill complies with the requirements of this condition prepared by a suitably qualified person is to be provided to the Private Certifying Authority on completion of the filling works.

The fill shall be deposited and works carried out in strict compliance with the N.S.W. Department of Land and Water Conservation's Urban Erosion and Sediment Control manual.

- Demolition works** (35) Demolition works must be carried out in compliance with WorkCovers Short Guide to Working with Asbestos Cement and Australian Standard AS 2601 1991 The Demolition of Structures.

In this regard, a Demolition Plan must be prepared and approved by Council or an appropriately qualified Certifier before the release of the Construction certificate. Such Plan is to identify the manner in which demolition is to be carried out, the safeguards proposed and measures to address AS 2601 1991.

The site must be provided with a sign containing the words DANGER ASBESTOS REMOVAL IN PROGRESS measuring not less than 400mm x 300mm and be erected in a prominent visible position on the site. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site and disposed to a lawful waste disposal facility.

All asbestos laden waste, including flat, corrugated or profiled asbestos cement sheets must be disposed of at a lawful waste disposal facility. Upon completion of tipping operations the applicant must lodge to the Principal Certifying Authority, all receipts issued by the receiving tip as evidence of proper disposal.

C. Prior to issue of a Construction Certificate

- Approval under the Roads Act 1993** (36) Prior to issue of a Construction Certificate, detailed engineering plans and specifications of all proposed works within the Council's road reserves are to be submitted to and approved by Blue Mountains City Council pursuant to the Roads Act 1993.

These plans shall have regard to the findings of the Road Safety Audit submitted with the development application and particularly ensure that turning movements by vehicles up to

12.5 metre can be accommodated within the road system without overhangs into pedestrian footpaths or verge areas.

Design plans and specifications are to be submitted with the Roads Act application, and are to be certified by a chartered Civil Engineer with NPER registration as complying with the Council Design and Construction Standards contained within DCP31.

**Erosion and
sediment control**

- (37) Provision of an Erosion and Sediment Control Plan (ESCP) for consideration and approval by an appropriately accredited Certifier prior to the issue of a construction certificate that is prepared to comply with clause 56 (Site disturbance) of LEP 2005. The ESCP is to satisfy sub-clauses (3), (4) and (5) and is to also specifically address the disposal of sediment laden runoff during the bulk earthworks stage of the construction.

Control over discharge of stormwater and containment of runoff and pollutants leaving the site/premises shall be undertaken through the installation of erosion control devices such as catch drains, diversion drains, energy dissipaters, level spreaders and sediment control devices such as hay bale barriers, filter fences, filter dams, sedimentation basins. Such plan is to be accompanied by a certification from an appropriately qualified person, that the plans/ details have been designed in accordance with the requirements of the N.S.W. Department of Land and Water Conservations Urban Erosion and Sediment Control manual.

**Pedestrian and
Traffic
Management Plan
Report**

- (38) Prior to the commencement of works, a Pedestrian and Vehicle Traffic Management Plan prepared by a suitably qualified person is to be submitted with the Roads Act application for consideration and approval of Blue Mountains City Council.

The Management Plan is to address but not be limited to the following:

- All construction works within the road reserves, which may affect pedestrian and vehicle movement in public places.
- Staging of the works that demonstrates how the town functions will be maintained, and how safe and legal pedestrian and vehicle access will be maintained to all lots at all stages of the construction process
- Safety of public;
- Materials storage and handling for works both internal and external to the site;
- Deliveries and construction traffic for works both internal and external to the site ;

Safety devices such as signs, barricades, barriers, warning lights etc. shall be placed where works affect the Council roads and shall be in accordance with Australian Standard No. 1742—Manual of Uniform Traffic Control Devices and Roads and Traffic Authority Manual—Traffic Control at Work Sites 1998. Details are to be included in the Traffic Management Plan Report.

The Pedestrian and Vehicle Traffic Management Plan shall specifically include pedestrian and cyclist facilities along that portion of Benang Street that is proposed to be closed to vehicles.

Landscaping

- (39) All existing vegetation is to be retained on the site as part of the approved development, apart from trees approved for removal.

Detailed landscaping plans prepared by a suitably qualified professional are to be submitted to and approved by an appropriately accredited Certifier prior to the issue of the Construction Certificate.

Landscape Plans are to comply with Council's Draft Street Tree Masterplan in regard to species and location; and landscape details are to be consistent with Council's Public Domain Technical Manual.

The landscaping plans are to detail:

- a. the proposed street tree planting and treatments;
- b. the proposed temporary and feature finish footpath treatments;
- c. proposed street furniture locations and style; and
- d. Detail where vegetation is to be removed from and retained within the site and method of protection of vegetation to be retained.

Weed management plan

- (40) Prior to the issue of the Construction Certificate, a Weed Management Plan prepared by a suitably qualified professional is to be submitted to and approved by an appropriately accredited Certifier.

The Weed Management Plan is to include the following details:

- Identification of the types of noxious and environmental weeds onsite.
- A plan showing the location and extent of the noxious and environmental weeds onsite
- Method of removal of the various weeds
- Timing of the weed removal in relation to the other onsite works
- On going management to ensure the weed removal is successful
- Details of any required stabilisation works.

**Remediation
action plan**

- (41) A Remedial Action Plan (RAP) shall be prepared in accordance with SEPP No. 55 – remediation of Land shall be submitted to and approved by an appropriately accredited Certifier prior to the commencement of site works.

In addition to the requirements of SEPP 55, the RAP shall also address:

- (a) Excavated material from the site;
- (b) Material imported to the site

**Construction
Process Plan of
Management**

- (42) Prior to issue of the Construction Certificate a comprehensive Construction Process Plan of Management (CPPM) is to be submitted to the Council that outlines statutory obligations and regulatory requirements affecting all site works and procedures that will be implemented for the duration of all works associated with the approved development that will ensure the safety and amenity of the surrounding residents and the environment are not adversely affected. In particular, the CPPM must address the following requirements:

- (a) The CPPM must ensure that no adverse noise impacts on surrounding residential properties results from construction activities. There must also be no delivery of machinery, trucks, plant or equipment to the site outside of the approved work hours.
- (b) Site management in terms of delivery of materials, parking for workers (including No Parking provisions as relevant), removal of excavated materials, temporary power, and stabilisation of any temporary structures, stockpiles and stored materials.
- (c) Measures for air quality management and in particular the control of airborne dust, litter and other contaminants in relation to the neighbouring properties.
- (d) Waste management methodology including details of quantities of material to be transported and implementation of recycling measures (eg mulching of vegetative matter).
- (e) Stormwater, sediment and erosion control methodology.
- (f) Provision of site management signage including contact names and telephone numbers for 24 hour contact by the public relating to site issues including the name and telephone contact of the prescribed certifying authority.
- (g) The CPPM must ensure there is a process of 'site induction' to be the responsibility of the site manager whereby each employee or contractor is advised of the procedures relating to the requirements of the CPPM.

The construction must be carried out in accordance with the CPPM approved by the Council as satisfactory to it.

- Access to Department of Housing properties** (43) Amended plans shall be submitted to and approved by an appropriately accredited Certifier prior to the issue of the Construction Certificate that provides appropriate and safe pedestrian and vehicular access to the Department of Housing properties (Lots 5 & 6 DP 26492) located in Benang Street.
- Disabled access** (44) Amended plans shall be submitted to and approved by an appropriately accredited Certifier prior to the issue of the Construction Certificate that provides for all works to be designed and constructed in accordance with AS 1428.1 – 2001.
- Temporary car parking** (45) Amended plans shall be submitted to and approved by an appropriately accredited Certifier prior to the issue of the Construction Certificate that provides all relevant engineering details and specifications for the construction and operation of the temporary car parking for 36 spaces, on the site of Mid Mountains Community Centre, proposed lots 13 and 14.

Such temporary car parking is to be maintained until the car park in Adelaide Street is constructed and operational.

D. Prior to commencement of works

- Construction Certificate for internal works** (46) Prior to commencement of any works a Construction Certificate for all internal works (works not within an existing road reserve) is to be issued by an appropriately accredited Certifier.
- Notification to the Council of commencement of Works** (47) At least 2 days prior to commencement of works, written notice of the intention to commence site works is to be provided to Blue Mountains City Council in accordance with the Environmental Planning and Assessment Regulations.
- Inspections** (48) Critical stage inspections are to be carried out in accordance with clause 162A of the Environmental Planning & Assessment Regulation 2000. To allow a Principal Certifying Authority or another certifying authority time to carry out critical stage inspections required by the Principal Certifying Authority, the principal contractor for the building site, or the owner-builder must notify the Principal Certifying Authority at least 48 hours before building work is commenced and prior to further work being undertaken.
- Installation of sediment and erosion controls** (49) Sediment and erosion controls are to be installed in accordance with the approved Erosion and Sediment Control Plan prior to the commencement of works.

- Installation of pedestrian and traffic controls** (50) All pedestrian and traffic controls are to be installed in accordance with the approved Pedestrian and Traffic Management Plan prior to the commencement of works.
- Installation of site safety fencing** (51) To minimise the risk of unauthorised entry onto the site, temporary site safety fencing is to be erected around the site perimeter prior to the commencement of works in accordance with Work Cover Authority guidelines.
- Installation of tree protection fencing** (52) To minimise the impacts of onsite works on the existing vegetation, tree protection fencing is to be erected around the construction areas in accordance with the approved Tree Protection Fencing details prior to commencement of works.
- Preconstruction meeting** (53) Prior to commencement of works, a preconstruction meeting is to be held with the Council's Supervising Engineer in relation to works within the public road reserves.
- Insurance** (54) All contractors working in the road reserve or future road reserve shall be covered for workers' compensation and public liability insurance to the amount of \$10 million. The policy shall specifically indemnify the Council from all claims arising from the execution of the works. Written evidence of this insurance shall be supplied to the Council's Supervising Engineer prior to commencement of works within the road reserve.
- Signage** (55) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- a. showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - b. showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - c. stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

E. During Construction

- Plans on site** (56) A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.

Inspections of engineering works within the road reserve.

- (57) To ensure all works are completed in accordance with the appropriate specifications and approved plans, compliance certificates are to be issued at significant stages throughout the construction period.

The inspections are to be carried out by the Council's Engineer, and an inspection fee will be payable in accordance with the Council's current schedule of fees and charges.

The Council's Engineer will require a minimum of 48 hours notice to conduct an inspection.

Inspections are required at the following hold points:

- (a) Pre construction meeting.
- (b) Pavement and seal and footpath
 - After setout (prior to any excavation)
 - Laying and compaction of subgrade
 - Compaction of roadbase or placing reinforcement for concrete works
 - During sealing of pavements
 - Final – all disturbed areas revegetated.
- (c) Kerb construction
 - After setout (prior to any excavation)
 - Laying and compaction of subgrade
 - Placement of stringline
 - During placement of kerb
 - Compaction of roadbase to existing road
 - During sealing of pavements
 - Final – all disturbed areas revegetated.
- (d) Stormwater drainage
 - After setout (prior to any excavation)
 - After installation of pits and pipes, prior to backfilling
 - Final – all disturbed areas revegetated.
- (e) Final inspection of completed development.

Inspections of engineering works within the site.

- (58) To ensure all works are completed in accordance with the appropriate specifications and approved plans, compliance certificates are to be issued at significant stages throughout the construction period.

The inspections can be carried out by the Council's Engineer or an appropriately Accredited Certifier.

Inspections are required at the following hold points:

- a. Pre construction meeting
 - Roads, driveways, turning areas, car parking areas and passing bays;
 - After setout (prior to any excavation);

- Laying and compaction of subgrade;
 - Compaction of roadbase or placing reinforcement for concrete works;
 - During sealing of pavements; and
 - Final – all disturbed areas revegetated.
- b. Kerb construction
- After setout (prior to any excavation);
 - Laying and compaction of subgrade;
 - Placement of stringline;
 - During placement of kerb;
 - Compaction of roadbase to existing road;
 - During sealing of pavements; and
 - Final – all disturbed areas revegetated.
- c. Stormwater drainage
- After setout (prior to any excavation);
 - After installation of pits and pipes, prior to backfilling; and
 - Final – all disturbed areas revegetated.
- d. Final inspection of completed development.

Bio-retention media bed certification

- (59) Should it be required, prior to the installation of the bio-retention media bed material, certification is to be provided to the Principal Certifying Authority from a NATA registered laboratory confirming that the bio-retention bed material complies with the 'Specifications for Soil Media in Bio-retention Systems' prepared by the Facility for Advanced Water Bio Filtration (Monash University).

Supervision of all works

- (60) All works are to be supervised by a suitably qualified and experienced professional on behalf of the applicant.

Site management

- (61) To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period, all works are to be managed in accordance with following:
- a. Site and construction works (including the delivery or removal of materials) shall only be carried out on Monday to Friday between 7am-6pm and on Saturdays between 8 am and 3 pm with no work permitted on Sundays or public holidays;
 - b. Stockpiles of topsoil, sand, aggregate, spoil or other material shall be wholly contained within site, and stored clear of any drainage path or easement, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site; and
 - c. Construction operations such as brick cutting, washing

tools, concreting and bricklaying shall be undertaken wholly within the development site. The pollutants from these building operations shall be contained on site.

Disposal of material offsite

- (62) All demolished material and excess spoil from the site shall be disposed of at a location and in a manner approved of by Blue Mountains City Council. No material is to be burnt on site. All trees removed to facilitate the works are to be mulched onsite and used to stabilise disturbed areas onsite.

It should be noted that disposal of excess spoil at a location within the Blue Mountains LGA, other than an approved waste disposal depot, will require the lodgement of a separate Development Application.

Protection of onsite vegetation

- (63) In order to minimise the loss of vegetation and adverse impact on the function of the local centre during the subdivision construction all work, construction, stockpiles, materials, plant, parking site and amenities shed are to be contained wholly within the areas approved for works on the site.

Maintenance of sediment and erosion controls

- (64) Sediment and erosion controls are to be maintained in accordance with the approved Erosion and Sediment Control Plan for the duration of the works, and until all disturbed areas are stabilised to the satisfaction of the Principal Certifying Authority.

Maintenance of pedestrian and traffic controls

- (65) All pedestrian and traffic controls are to be maintained in accordance with the approved Pedestrian and Traffic Management Plan for the duration of the works.

Maintenance of site safety fencing

- (66) To minimise the risk of unauthorised entry onto the site, temporary site safety fencing is to be maintained around the site perimeter for the duration of the works.

F. Prior to issue of the Subdivision Certificate

Completion of all works

- (67) All works required by this consent, are to be completed to the Principal Certifying Authority's satisfaction prior to the issue of the Subdivision Certificate (or works appropriate to the partial release as is relevant) with the exception of the Adelaide Street car park which may be completed at a later stage subject to the maintenance of the 36 car parking spaces immediately to the north of the Mid-Mountains Community Centre until such time that the Adelaide Street car parking becomes operational. .

Accordingly, the applicant is to submit certification from the Council's Engineer confirming that all works within the Council's road reserve are completed in accordance with the approved plans, and a Compliance Certificate from an

appropriately Accredited Certifier or the Council's Engineer certifying that all internal works are completed in accordance with the approved plans.

- Bio-retention works Operation and Maintenance Manual** (68) To ensure appropriate ongoing operation of the water quality control devices, the applicant is to prepare and lodge to Blue Mountains City Council for consideration and approval, separate bio-retention works Operation and Maintenance Manuals for works within the road reserve should these be provided.
- Access compliance** (69) Certification from an Accredited Access Adviser that the completed development complies with the requirements of the development consent.
- Certification** (70) Certification is to be provided to Council, by an experienced civil engineer who is NPER accredited by the Institution of Engineers Australia, that all roads, drainage and other civil engineering works have been carried out and completed in accordance with the engineering plans and specifications required under conditions of this consent.
- Validation of remediation** (71) A "contamination validation Assessment of the site" in accordance with SEPP No. 55 – remediation of Land shall be prepared by an appropriately qualified person, submitted to and approved by an appropriately accredited Certifier prior to the issue of the Subdivision Certificate.
- This includes any remediation of land that was required to be prepared as a result of the preparation of the RAP and any material that was imported to the site.
- Works as Executed plans** (72) Prior to the issue of the Subdivision Certificate, a Works as Executed Plan of all internal and external engineering works prepared by a registered surveyor shall be submitted to the Principal Certifying Authority for approval.
- Restore disturbed area** (73) All disturbed earthworks and/or batters are to be restored, stabilised, topsoiled and turfed/revegetated to the Principal Certifying Authority's satisfaction prior to release of the Subdivision Certificate.
- Repair of damage** (74) The applicant shall repair or reconstruct all damages caused by construction activity relating to the development as required by the Council's Supervising Engineer prior to release of the Subdivision Certificate.

Certificates from authorities (75) To ensure satisfactory effluent disposal and utility services are provided to all lots on the subdivision, you are required to submit to the Council compliance certificates from:

Early contact with these authorities is recommended

Sydney Water

- A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained indicating all proposed lots are serviced by reticulated water and gravity sewer systems.
- The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of the subdivision certificate for the development.
- Application must be made through an authorised Water Servicing Coordinator. For details, see the Sydney Water web site at www.sydneywater.com.au or telephone 132 092.
- Following application, a 'Notice of Requirements' will be forwarded detailed water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

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

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

AGL stating that satisfactory arrangements have been made for the provision of underground gas services to each lot in the subdivision.

The compliance certificates are to be submitted to the Council prior to the issue of the Subdivision Certificate.

Dedication of proposed Road

(76) To ensure suitable and safe access is available, the proposed roads are to be dedicated as Public Road and be shown on the Subdivision Certificate.

Onsite Stormwater Detention 88B Instrument

(77) To minimise the downstream impacts of future development on the site, an instrument setting out Terms of Restriction on the use of land intended to be created, pursuant to Section 88B of the Conveyancing Act, 1919 shall be submitted in a form acceptable to the Council indicating the following:

- All future development on all proposed lots shall incorporate on site stormwater detention systems that

restrict post-development discharge rates to pre-development discharge rates for storms between and including the 1 in 1 year Return Period to the 1 in 100 year Return Period, and

- the drainage system is to be designed so as to ensure no increase in downstream flood levels, and
- the onsite detention systems are to be located upstream of any bio-retention or water quality control works (as relevant), and are to discharge into such systems as required.

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

The 88B Instrument shall be submitted with the Subdivision Certificate application to and approved by the Principal Certifying Authority prior to lodgement at NSW Land and Property Information.

**Onsite stormwater (78)
detention
Positive covenant**

To ensure the on site detention system is satisfactorily maintained, a covenant under Section 88E of the Conveyancing Act, 1919 shall be prepared and registered over all proposed lots.

The terms of the 88E Instrument with positive covenant shall include, but not be limited to, the following:

- a. The Proprietor of the property shall agree to be responsible for keeping clear and the maintenance of all pits, pipelines, trench barriers and other structures;
- b. The Proprietor shall agree to have the on site stormwater detention facilities (OSD) inspected annually by a competent person;
- c. The Council shall have the right to enter upon the land referred to above at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all pits, pipelines, trench barriers and other structures in or upon the said land which comprise the OSD or which convey stormwater from the said land and recover the costs of any such works from the Proprietor; and
- d. The registered Proprietor shall indemnify the Council and any adjoining landowners against damage to their land arising from the failure of any component of the OSD or failure to clean, maintain and repair the OSD.

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

The 88E Instrument shall be submitted with the Subdivision Certificate application to and approved by the Principal Certifying Authority prior to lodgement at NSW Land and Property Information.

**Active street
frontage
Positive covenant**

- (79) To ensure that relevant allotments have buildings and development that contributes to an active street frontage, a covenant under Section 88E of the Conveyancing Act, 1919 shall be prepared and registered over proposed lots 1-8.

The terms of the 88E Instrument with positive covenant shall include, but not be limited to, the following:

- a. The Proprietor of the property shall agree to be responsible for ensuring that future development and any development application shall have the frontage of any buildings or land uses facing the Great Western Highway and/or the unnamed street parallel with the highway, or in the case of proposed lot 8, New Street. Where staged DA's are submitted for only part of the lot, the Proprietor shall ensure that such staged development will achieve the intent of shops having frontage to those roads referred to above;
- b. The Proprietor shall agree to have the terms of this covenant transferred in title to all allotments created from the subdivision of the allotment to which this covenant applies regardless of the type of proposed subdivision including, but not limited to, torrens, strata and community title subdivision; and
- c. The Council shall have the right to enforce the terms of this covenant in any manner relevant to the maintenance of the terms herein.

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

The 88E Instrument shall be submitted with the Subdivision Certificate application to and approved by the Principal Certifying Authority prior to lodgement at NSW Land and Property Information.

**Compliance with
NSW RFS
Bushfire Safety
Authority**

- (80) All conditions within the Rural Fire Service Bushfire Safety Authority applying to this development dated 25 March 2008, a copy of which are attached as "Annexure 1" to these conditions, are to be complied with to the satisfaction of the Rural Fire Service prior to the issue of the Subdivision Certificate.

Subdivision Certificate (81) An application for a subdivision certificate is required on completion of all conditions of Development Consent. The application is to be lodged with and approved by the Principal Certifying Authority. The application is to include the original plan of subdivision plus five (5) copies.

In accordance with Section 109J of the Environmental Planning and Assessment Act, partial Subdivision Certificate releases are permissible subject to the satisfaction of all conditions and works relevant to that partial release. Any partial Subdivision Certificate release will be contingent upon safe and legal access and drainage, services and car parking associated with the lots within that stage, and the remaining existing and residue lots being provided.

The stages of partial release shall generally be in accordance with the Construction Staging Plan unless otherwise justified.

G. Advice

Failure to comply (82) Failure to comply with the relevant provisions of the Environmental Planning and Assessment Act, 1979 (as amended) and/or the conditions of this Development Consent may result in the serving of penalty notices (on-the-spot fines) under the summary offences provisions of the above legislation or legal action through the Land and Environment Court, again pursuant to the above legislation.

Underground services (83) The applicant is also advised to contact the various supply and utility authorities to enquire whether there are any underground utility services within the proposed excavation area.

Issue of certificates (84) It is the applicant's responsibility to ensure that all of the Component Certificates/certification issued during the course of the project are lodged with the Principal Certifying Authority. Failure to comply with the conditions of approval or lodge the Component Certificates/certification will prevent the Principal Certifying Authority issuing an Occupation Certificate.

Effective date (85) To ascertain the date upon which the determination becomes effective, refer to Section 83 of the Environmental Planning and Assessment Act, 1979 (as amended).

Reconsideration (86) Should any of the determination not be acceptable, you are entitled to request reconsideration under Section 82A of the Environmental Planning and Assessment Act, 1979. Such request to Council must be made in writing together with a \$500 fee, within 1 year from the date of determination.

- Dissatisfaction** (87) If you are dissatisfied with this decision, Section 97 of the Environmental Planning and Assessment Act, 1979, gives you a right of appeal to the Land and Environment Court within 12 months of the date of endorsement of this Consent.
- Car parking** (88) This consent does not operate to confer rights over car parking spaces in the public realm. Car parking not provided on site will be subject of merits assessment and may be subject to special requirements in the future.

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

For	Against
Councillors Angel	Councillors Brown
Creed	McInnes
Frappell	O'Grady
Hamilton	
Myles	
McLaren	
Searle	
Trindall	
Van der Kley	

* * * * *

NOTICES OF MOTION
MINUTE NO. 585

12. F00088. Privatisation of the NSW Power Industry

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Van der Kley with Councillors McInnes and McLaren out of the Chamber:

That the General Manager, as a Matter of Urgency, writes to the Premier Morris Iemma stating.

- (a) That the Council strongly opposes the State Government's proposal to privatise and lease the NSW power industry.**
- (b) That the Council supports its community and, in particular, the significant number of people employed in the power industry by expressing its opposition to the State Government's proposal to privatise and lease the NSW power industry.**
- (c) That the Council calls on the NSW Government to better manage NSW's future energy needs and take urgent action in response to climate change by investing in energy efficiency in homes and businesses and increasing its renewable energy targets.**

MINUTE NO. 585 Contd

- (d) **That a copy of this letter be forwarded to the Member for the Blue Mountains, Mr Phil Koperberg, asking for his support in this matter.**

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MINUTE NO. 586**13. F03480. Précis of Selected Correspondence, 5 August 2008**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Hamilton **that the Précis of Selected Correspondence, with the exception of Item 2, be received and appropriate letters forwarded where necessary.**

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MINUTE NO. 587**13. F03480. Item 2, Précis of Selected Correspondence, 5 August 2008**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Hamilton **that Item 2 of the Précis of Selected Correspondence be received.**

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MINUTE NO. 588**C00336. Procedural – Matter of Urgency**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Creed **that the Council consider a matter relating to the closure of the Maternity Unit at Katoomba Hospital, having been ruled by the Mayor to be a matter of urgency.**

* * * * *

MINUTE NO. 589**C00336. Matter of Urgency – Closure of Maternity Unit, Katoomba Hospital**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Creed:

That the General Manager, as a matter of urgency, writes to the Minister for Health, the Hon. Reba Meagher:

- 1. Expressing Council's profound outrage at the latest closure of the maternity unit; and**

MINUTE NO. 589 Contd

- 2. **Stating that Council strongly urges the Minister to reopen the maternity unit at the earliest possible opportunity, thus ensuring the sustained wellbeing of our mothers, fathers and babies in the Blue Mountains.**
- 3. **That a copy of this letter be forwarded to the Member for the Blue Mountains, Mr Phil Koperberg, asking for his assistance in this matter.**

* * * * *

MINUTE NO. 590

C00336. Procedural – Matter of Urgency

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Creed **that Council now consider a matter concerning the Rural and Remote Metropolitan Area Classification System for the Blue Mountains, having been ruled by the Mayor to be a matter of great urgency.**

* * * * *

MINUTE NO. 591

C00336. Matter of Urgency– RRMA Classification System for Blue Mountains

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Creed

- 1. **That the Council, as a matter of urgency, writes to the Hon. Nicola Roxon MP, Minister for Health and Aging, requesting that, during the review of the Rural and Remote Metropolitan Area Classification System, the Blue Mountains area of the Blue Mountains Division of General Practice be upgraded from RRMA category 1(capital cities) to the more appropriate RRMA category 3 (large rural centres).**
- 2. **That the Council sends a copy of this letter to the Hon. Bob Debus MP, Minister for Home Affairs and Member for Macquarie, requesting his valuable assistance in this matter.**

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MINUTE NO. 592

C00336. Procedural – Matter of Urgency

RESOLVED UNANIMOUSLY on the MOTION of Councillors Myles and Brown **that Council now consider a matter concerning control of feral cats, having been ruled by the Mayor to be a matter of great urgency.**

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MINUTE NO. 593

C00336. Matter of Urgency – Control of feral cats

RESOLVED UNANIMOUSLY on the MOTION of Councillors Myles and Brown **that the Council add the following to the 2008 LGSA conference motions:**

That the State Government enact legislation allowing greater Council involvement in the management and control of feral cats.

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MINUTE NO. 594

17. C00336. Procedural – Question that Meeting Close

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Frappell **that as there was no further business before the meeting, the Council Meeting now close.**

The ordinary Meeting of the Council closed at 9:24 pm on Tuesday 19 February 2008.

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