

BLUE MOUNTAINS CITY COUNCIL

ORDINARY MEETING

30 JANUARY 2007

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BLUE MOUNTAINS CITY COUNCIL

ORDINARY MEETING

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BLUE MOUNTAINS CITY COUNCIL

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, 30 January 2007, commencing at 7:35 pm.

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There were present:

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

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In attendance:

General Manager, Group Manager Community & Corporate, Manager Planning Health & Enforcement, Acting Manager Assets, Manager Contracts & SLA's, Manager Waste & Support Services, Team Leader Recreation Development, Bushland Management Officer, Executive Officer, and Council Meeting Officer.

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Prayer / Reflection:

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

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MINUTE NO. 1

C00679. Apologies

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and O'Grady that the apology tendered on behalf of Councillor Brown for her non attendance at the meeting be accepted.

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MINUTE NO. 2

C00336. Confirmation of Minutes - Ordinary Meeting, 12/12/06

RESOLVED UNANIMOUSLY on the MOTION of Councillors Frappell and Van der Kley that the Minutes of the Ordinary Meeting of 12 December 2006 be confirmed, with the Minute Nos. 821, 832 and 842 and a Question With Notice being amended to read as follows:

MINUTE NO. 821, 12/12/06

- “1. That the Council receives and notes this report.
2. That the Council endorses a Great Western Highway erosion control model involving:
 - Liaison between the RTA, DEC, NPWS and the Council at project design stage to address erosion and sediment issues; and
 - The Council request the RTA to include erosion control upon their agendas for future project, community consultation and the RTA be requested to specifically invite community members with an interest/expertise in erosion issues.
 - That the Council convene meetings of the RTA, DEC, NPWS, BMCC and the community to address environmental issues if no satisfactory resolution has been reached through the RTA liaison meetings.”

MINUTE NO. 832, 12/12/06

“That Development Application No. X06/0529 for a dwelling on Lot 8 DP 24339, No. 99 Bee Farm Road, Springwood be determined pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 by the granting of deferred commencement consent subject to conditions shown in Attachment 1 to this Report as amended by the following:

Conditions of development consent

Part 1 – Deferred Commencement Conditions

Amended Plans

1. Amended plans shall be submitted to Council incorporating the following changes:

Privacy

In order to provide an appropriate degree of privacy to the adjoining properties:

- The height of the window sill in the first floor TV Room shall be increased to 1.5m minimum above the floor level of that room.
- The windows to the stairwell, bathroom and WC on the southern elevation of the building and to the en-suite on the northern side are to be glazed with obscure glass or have obscure film affixed to the windows.

MINUTE NO. 2 Contd.

MINUTE NO. 832, 12/12/06 Contd.

Front Setback

The dwelling shall be setback from the front boundary a minimum of 8.5 metres to reduce the impact of the dwelling on the streetscape.

Driveway Width

The driveway must be not greater than 4.0 metres wide at the front boundary and across Councils road reserve to reduce the impact of the driveway on the streetscape.

Water infiltration

The site development shall include a minimum 60% soft pervious areas that will permit water infiltration.

Time to comply with deferred commencement conditions

2. Evidence that these conditions have been satisfied must be provided to Council within 12 months from (date of deferred commencement consent).

The above conditions are to be satisfied prior to the release of the operational consent.

Part 2 – Operational Conditions

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

Confirmation of relevant plans

1. To confirm and clarify the terms of consent, the development shall be carried out in accordance with the plans prepared by Clarendon Homes P/L numbered dated and accompanying supportive documentation, except as otherwise provided or modified by the conditions of this consent

Period of development consent

2. Physical commencement of construction is required within a two year period from the date of this consent. Should this not occur, the development consent will lapse.

Construction certificate (building)

3. A construction certificate is required prior to the commencement of any site or building works. This certificate can be issued either by Council as the consent authority or by an accredited certifier.

MINUTE NO. 2 Contd.

MINUTE NO. 832, 12/12/06 Contd.

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| <hr/> BASIX | <p>4. Under clause 97A(3) of the Environmental Planning & Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled.</p> <p>In this condition:</p> <p>a. relevant BASIX Certificate means:</p> <p>i. a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or</p> <p>ii. if a replacement BASIX Certificate accompanies any subsequent application for a construction Certificate, the replacement BASIX Certificate; and</p> <p>b. BASIX Certificate has the meaning given to that term in the Environmental Planning & Assessment Regulation 2000.</p> |
| <hr/> Building Code of Australia | <p>5. All building work must be carried out in accordance with the provisions of the Building Code of Australia.</p> |
| <hr/> Erosion & sediment controls | <p>6. To preserve the unique environment of the Blue Mountains and to contain soil and sediment on the property, controls in accordance with Council's <i>Erosion & Sediment Control</i> policy are to be implemented prior to clearing of the site vegetation and the commencement of site works. This will include:</p> <p>a. The installation of a sediment fence with returned ends across the low side of the site so that all water flows through. These shall be maintained at no less than 70% capacity at all times. Drains, gutters, roadways etc., shall be kept clean and free of sediment.</p> <p>b. To prevent the movement of soil off site, a single entry/exit point to the property shall be constructed of 40mm blue metal aggregate or recycled concrete to a depth of 150mm. The length must be at least 5 metres with the width at least 3 metres.</p> <p>Soil erosion fences shall remain and must be maintained until all disturbed areas are restored by turfing, paving, revegetation.</p> |

MINUTE NO. 2 Contd.

MINUTE NO. 832, 12/12/06 Contd.

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| <hr/> Stormwater drainage | <p>7. To control rainwater runoff, roof water shall be connected to stormwater drainage lines discharging to a rainwater tank. Overflow shall be directed to the street gutter.</p> <p>Waters from paved surfaces shall not be disposed of in a manner that gives rise to a nuisance. Concentration of flows at property boundaries must be avoided.</p> <p>It is recommended that the drainage system be installed at the same time as the footings/slab. It must, however, be operational as soon as the roof is clad.</p> |
| <hr/> Site management | <p>8. To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period:</p> <ul style="list-style-type: none">a. Site and building works (including the delivery of materials to and from the property) shall be carried out Monday to Friday between 7am-6pm and on Saturdays between 8am-3pm. Alteration to these hours may be possible for safety reasons but only on the approval of Council.b. Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.c. Building operations such as brickcutting, washing tools, concreting and bricklaying shall be undertaken on the building block. The pollutants from these building operations shall be contained on site.d. Builders waste must not be burnt or buried on site. All waste must be contained and removed to a Waste Disposal Depot. |
| <hr/> Plans on site | <p>9. A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.</p> |

MINUTE NO. 2 Contd.

MINUTE NO. 832, 12/12/06 Contd.

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| <hr/> Materials & colours | 10 To have regard of the amenity of the area, the materials and colours to be used are: <ul style="list-style-type: none">▪ External walls: PGH Sandstock Convict ‘Cadman’▪ Roof: Colorbond Woodland Grey▪ Driveway finish: Dark earth tone. Any outbuildings or other ancillary structures are to be finished in colours and materials of muted bushland tones and low reflective quality to blend with the surroundings. Any variation to the above materials / colours will require the prior approval of Council. |
| <hr/> Cut and fill | 11 To ensure proper regard is given to the existing land form and the adjacent hedge, cut and fill shall be limited to that indicated on the approved site plan and the excavation shall not extend to within 500mm of the Southern boundary. |
| <hr/> Driveway / access | 12 To ensure adequate access, good sight distance and balance in the site design, the driveway: <ul style="list-style-type: none">a. must be no greater than 4.0 metres wide at the front boundary and across Councils road reserve.b. access should intersect the road as near to 90 degrees as possible.c. must be finished in an all weather finish.d. is to include a gutter crossing. Any construction works are to be completed to Council’s adopted standards prior to occupation of the building. |
| <hr/> Landscaping | 13 Landscaping is required to ensure that the development contributes to the character of the Blue Mountains, its environmental sustainability, and maintains an acceptable level of privacy for adjoining properties. In this regard, in addition to works shown on the approved landscape plan: <ul style="list-style-type: none">▪ Vegetated landscape screens are to be provided along the southern boundary of the property between the rear of the dwelling and the workshop, and along the northern boundary extending from the front building setback to the workshop. The plants used are to be fire resistant evergreen species capable of providing an effective screen to a height of between 4.5 and 5.0 metres at maturity.▪ All plants are to be in the advanced stage of growth at the time of planting (minimum 50 litre container for trees and 25 litre container for shrubs).▪ All planting and landscaping on the site is to be maintained at all times. Any plants that die or are removed, must be replaced with plants of the same species and of a similar stage of growth.▪ Only non-invasive species shall be used. |

MINUTE NO. 2 Contd.

MINUTE NO. 832, 12/12/06 Contd.

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| Protection of Vegetation | 14 | To minimise impacts on the Photinia hedge on the adjoining property, any severed roots and exposed root-plate profiles are to be protected by the placement of jute matting or similar to completely cover the exposed surface until such time as backfilling operations provide permanent re-covering of exposed surfaces. The protective fabric should be maintained in a moist condition as far as is practicable. |
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| Roofing | 15 | Roofing shall have leafless guttering and valleys are to be screened to prevent the build up of flammable material. Alternatively guttering shall be fitted with leaf guards having a flammability index of not greater than 5 when tested in accordance with AS1530.2. Screens are to be provided in a manner that enables the regular removal of accumulations of fine material. |
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| Asset Protection Zone | 16 | The entire property shall be managed as an 'Inner Protection Area' as outlined within section 4.2.2 in Planning for Bushfire Protection 2001. |
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| Level of construction | 17 | <p>The dwelling and workshop shall be of minimum Level 3 construction in accordance with AS3959-1999 'Construction of Buildings in Bushfire Prone Areas' with the exception that;</p> <ol style="list-style-type: none">a. entirely non-combustible materials are used on the structures;b. that no exposed timber is permitted;c. all glazing towards the bushfire hazard to windows or external doors shall be fire rated glass capable of withstanding 40kW/m² radiant heat attack for 3 minutes or toughened glass fitted with metal shutters; and,d. the garage door shall be fitted with a suitable protective device to inhibit the entry of embers. |
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| Sprinkler system | 18 | <p>The dwelling and workshop shall be fitted with a sprinkler system with a minimum 22,000 litre dedicated tank water supply together with a petrol or diesel pump with a minimum 5 horsepower or other capacity to operate the system.</p> <p>The tank(s) to be fitted with a 38mm or 65mm storz outlet with ball, gate or shutoff valve.</p> <p>Note: The property shall be fitted with a sign indicating the availability of the static water supply. Such signs are available from local fire services.</p> |
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MINUTE NO. 2 Contd.

MINUTE NO. 832, 12/12/06 Contd.

RFS personnel access	19	Access for fire fighting personnel shall be provided around the building to enable access to all areas of the property.
Trees	20	To prevent the accumulation of leaf litter in roof gutters and valleys, no trees are to overhang or be located within 5m of the dwelling.
Demolition of buildings generally	21	The demolition work to be supervised by a competent person with due regard to safe working practices and in accordance with the requirements of the NSW WorkCover Authority; Such work is to be carried out in accordance with the Occupational Health & Safety Regulations, 2001, and Australian Standard 2601 – 1991.
Demolition of buildings containing asbestos cement	22	The applicant is to notify Council and adjoining residents, in writing, at least ten (10) working days prior to demolition commencing, of their intention to commence demolition works. In the case of adjoining residents, such notification is to be a clearly written note, on at least note pad size paper, giving the date demolition will commence and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately to the rear of the demolition site.
Disposal of Asbestos	23	All asbestos material, including asbestos cement, is to be disposed of to an approved waste management facility licensed to receive asbestos.
Display of signage	24	The developer will display appropriate asbestos/demolition signage prior to and during demolition works.
Demolition management	25	The work is to be executed by a competent person, with due regard for safe working practices and in accordance with the requirements of the Workcover Authority. At all times during demolition a competent person shall directly supervise work. It is the responsibility of the person to ensure that: a. The structure to be demolished and all its components shall be maintained in a stable and safe condition at all stages of the demolition work. . Temporary bracing, guys, shoring or any combination of these, shall be added for stability where necessary.

MINUTE NO. 2 Contd.

MINUTE NO. 832, 12/12/06 Contd.

	<p>b. Precautions are taken to ensure that the stability of all parts of the structure and the safety of persons on and outside the site are maintained particularly in the event of sudden and severe weather changes. Severe weather changes refer primarily to the localised high winds. In these circumstances loose debris can become airborne, particularly if it is in sheet form.</p> <p>c. The site shall be secured at all times against the unauthorised entry of persons or vehicles.</p> <p>d. Utility services within the structure not required to be maintained during the demolition work shall be properly disconnected and sealed off before any stripping or demolition commences.</p>
<hr/> Order of demolition	<p>26 Unless otherwise permitted by Council, structures shall be demolished in the reverse order to that of their construction. The order of demolition for building shall be progressive, having proper regard to the type of construction.</p>
<hr/> Adjoining buildings	<p>27 In consideration of the proximity of the site's adjoining buildings:</p> <ul style="list-style-type: none">▪ Safe access and egress from adjoining buildings is to be maintained at all times for the duration of the demolition work.▪ No demolition activity is to cause damage to or adversely affect the structural integrity of adjoining buildings. Consideration should be given to the use of shoring and underpinning and to changes in the soil conditions as a result of demolition and appropriate action taken.▪ The effect of vibration and concussion on adjoining buildings and their occupants is to be minimised by selection of appropriate demolition methods and equipment.
<hr/> Dust control	<p>28 The techniques adopted for stripping out and for demolition are to minimise the release of dust into the atmosphere.</p> <ul style="list-style-type: none">▪ Before commencing work, any existing accumulations of dust are to be collected, placed in suitable containers and removed. Selection of appropriate collection techniques, such as vacuuming or hosing down, shall take account of the nature of the dust and the type of hazard it presents (e.g., explosive, respiratory etc).▪ Dust generated during stripping or during the breaking down of the building fabric to removable sized pieces shall be kept damp until it is removed from the site or can be otherwise contained. The use of excess water for this purpose is to be avoided.

MINUTE NO. 2 Contd.

MINUTE NO. 832, 12/12/06 Contd.

It should be borne in mind, that in certain environments and under certain stimuli, deposits of combustible dust on beams, machinery and other surfaces may be subject to flash fires, and suspensions of combustible dusts in the air can cause them to explode violently (see NFPA Handbook).

Removal of material **29** All demolished material and excess spoil from the site shall be disposed of at a location and in a manner approved of by Council. No material is to be burnt on site.

Removal of hazardous waste **30** Removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable State legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia).

- Only competent persons, or competent and registered persons shall carry out removal.
- Removal of asbestos or materials containing asbestos fibres, shall be in accordance with the NOHSC code of practice.
- Precautions to be observed and procedures to be adopted during the removal of dangerous or hazardous materials other than asbestos, shall be in accordance with the relevant State regulations pertaining to those materials.

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

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

MINUTE NO. 2 Contd.

MINUTE NO. 842, 12/12/06

“That the Council receive a report at the first meeting of 2007 on the recent bush fire in the Blue Mountains and that the report contain:

- maps indicating the place of origin of the fire, the containment lines and the progression of the fires over the duration;
- the type of fire (ground, crown etc);
- the numbers of fire fighters deployed, where they came from if out of area, how long they were here and how were they catered for;
- the measures taken to contain and manage the fire;
- any evaluation that the local Rural Fire Service might have to date;
- a Financial Estimate of the S44 emergency and any contributions which council made, financial or in kind;
- an evaluation of the effect of the fire on biological/ecological communities, in particular the Blue Gum forest;
- any community input currently available;
- where was the water which was taken from Glenbrook Lagoon released; and
- what procedures are in place to decontaminate aircraft with regards to potential noxious week contamination.

Upon being PUT to the Meeting the MOTION was LOST, the voting being:

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

QUESTIONS WITH NOTICE

25. C07163. LEP91

Questions by Councillor P McInnes (3/12/06):

- “1. What is the timetable for the review of LEP91?
2. What resources are required?
3. What tasks are planned?”

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End of last Minute on Page

MINUTE NO. 3

C00336. Confirmation of Minutes – Extra-Ordinary Meeting, 19/12/06

RESOLVED UNANIMOUSLY on the MOTION of Councillors Frappell and Van der Kley that the Minutes of the Extra-ordinary Meeting of 19 December 2006 be confirmed.

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MINUTE NO. 4

1. C00576. Blue Mountains Sister Cities Committee

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

1. That the Council thank the long serving Committee Members of the Blue Mountains Sister Cities Committee.
2. That the Council present the long serving Committee Members of the Blue Mountains Sister Cities Committee with appreciation certificates.

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MINUTE NO. 5

C00336. Procedural – Hear Item 18

RESOLVED UNANIMOUSLY on the MOTION of Councillors Myles and Van der Kley that the Council deal with Item 18 first.

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MINUTE NO. 6

C00336. Procedural – Camera Crew

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Frappell that camera crews be allowed to film within the Council Chambers on 30 January 2007.

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End of last Minute on Page

MINUTE NO. 7

18. C01095. Grose Valley Fire

A MOTION was moved by Councillors Hamilton and Myles:

1. **That the Council gratefully acknowledges the efforts of all the volunteers, professionals and agencies that worked together to control the recent Grose Valley fire.**
2. **That the Council, in order that improvements in fire management can continue for the Blue Mountains and other parts of NSW, as a matter of urgency, writes to the Premier of New South Wales, the Hon Morris Iemma, stating it supports the call of concerned residents on the New South Wales Government, which appeared on page 13 of the Blue Mountains Gazette of 6 December, 2006, as follows:**
 - “1. Undertake a thorough, independent review of the Grose Valley fire, involving all stakeholders with particular attention to the following questions:*
 - *Were fire detection and initial suppression timely and adequate?*
 - *Were resources adequate, appropriate and supported?*
 - *Were the adopted strategies the best available under the circumstances?*
 - *Could other strategies of closer containment have offered lower risk to the community, better firefighter safety, higher probabilities of success, lower costs and less impact on the environment?*
 - *Was existing knowledge and planning adequately utilised?*
 - *Is fire management funded to the most effective way?*
 - 2. Ensure adequate funding is available for post-fire restoration, including the rehabilitation of environmental damage.*
 - 3. Fund more research to improve understanding of fire in the Blue Mountains landscape and methods for fire mitigation and suppression.*
 - 4. Improve research and training in strategies for controlling fires in large bushland areas.*
 - 5. Improve pre-fire planning to support decision-making during incidents.*
 - 6. Improve systems to ensure that local fire planning and expertise is fully utilised during incidents, and that the protection of the natural and cultural values of World Heritage areas and other bushland are fully considered.”*
3. **That the independent review includes addressing the questions raised by Blue Mountains Conservation Society:**
 - a. **The Blue Mountains City Council therefore supports the following adopted position of the Blue Mountains Conservation Society and would like the review to address the following questions:**
 - i. **In what circumstances are back burning from the “Northern Strategic Line” and the Bells Line of Road appropriate?**
 - ii. **What can be improved to ensure that lightning strikes or arson fires are contained as quickly as possible?**

MINUTE NO. 7 Contd.

- iii. **What can be done to better manage fire risk in the Grose Valley in terms of preparation and suppression to minimise damage to people, property and biodiversity?**
- iv. **What is needed to allow remote area fire teams to be able to work at night when conditions are more benign?**
- v. **How can funding of bushfire management and suppression be changed to reduce overall costs to the community. (Federal funding of suppression under section 44 means funding for trail maintenance and planning is limited.)**
- b. **If practicable, would the review also address the following?**
 - i **The World Heritage Area contains a number of threatened species and ecological communities that, in addition to the direct threats associated with climate change, are particularly vulnerable to increased fire frequency and intensity.**
 - ii **The effects on biodiversity of the fire regimes in the Grose Valley over the last 40 years, where there has been a succession of large intense wild fires without sufficient interval between them.**
 - iii **Climate change predictions suggest a probability of more frequent and more intensive fire events, with significant implications for fire management and integrity of ecosystems.**
 - iv **The Blue Mountains City Council also supports and requests involvement in the forum being organised by the Director of the Central Branch of the National Parks and Wildlife Service, bob Conroy, on the 17 February 2007.**
- 4. **That the Council emphasises that the requested review should be of a scientific and technical nature.**
- 5. **That a copy of this letter be forwarded to the Minister for Emergency Services, the Hon Tony Kelly, the Member for the Blue Mountains, the Hon Bob Debus, and the New South Wales Opposition Leader, Peter Debnam.**

An AMENDMENT was moved by Councillors Van der Kley and Frappell:

- 1. That the Blue Mountains City Council gratefully acknowledges the efforts of all the volunteers, professionals and agencies that worked together to control the recent Grose Valley fire.
- 2. That the Blue Mountains City Council supports the recent position adopted by the blue Mountains Conservation Society in relation to the Grose Valley fire in November 2006.

We note and support the position of the Society when it says, “the circumstances of the bushfire are complex and it is not in anyone’s interest for criticism or blame to be apportioned. However, there is much to be gained by looking at what was done and how it can be improved. The Society does not therefore support a large public inquiry and its attendant politicisation. Instead, the Society advocates an interagency and technical review process, to tease out the lessons learned.”

MINUTE NO. 7 Contd.

3. That the Blue Mountains City Council therefore supports the following adopted position of the Blue Mountains Conservation Society and would like the review to address the following questions:
 1. In what circumstances are back burning from the “Northern Strategic Line” and the Bells Line of Road appropriate?
 2. What can be improved to ensure that lightning strikes or arson fires are contained as quickly as possible?
 3. What can be done to better manage fire risk in the Grose Valley in terms of preparation and suppression to minimise damage to people, property and biodiversity?
 4. What is needed to allow remote area fire teams to be able to work at night when conditions are more benign?
 5. How can funding of bushfire management and suppression be changed to reduce overall costs to the community. (Federal funding of suppression under section 44 means funding for trail maintenance and planning is limited.)If practicable, would the review also address the following?
 1. The World Heritage Area contains a number of threatened species and ecological communities that, in addition to the direct threats associated with climate change, are particularly vulnerable to increased fire frequency and intensity.
 2. The effects on biodiversity of the fire regimes in the Grose Valley over the last 40 years, where there has been a succession of large intense wild fires without sufficient interval between them.
 3. Climate change predictions suggest a probability of more frequent and more intensive fire events, with significant implications for fire management and integrity of ecosystems.
4. That the Blue Mountains City Council also supports and requests involvement in the forum being organised by the Director of the Central Branch of the National Parks and Wildlife Service, Bob Conroy, on the 17 February 2007.

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

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

MINUTE NO. 7 Contd.

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

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

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MINUTE NO. 8

2. C00694. Schedule of Invested Monies

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Van der Kley that the Schedule of Invested Monies as at 31 December 2006 be received.

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MINUTE NO. 9

3. F00296 Policy for the Payment of Expenses and the Provision of Facilities to the Mayor, Deputy Mayor and Councillors

The meeting was addressed by Ivan Jeray.

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Creed that the revised Policy for the Payment of Expenses and the Provision of Facilities to the Mayor, Deputy Mayor and Councillors be adopted as outlined in the Enclosure.

Councillor McLaren was absent from the Chamber for this matter.

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End of last Minute on Page

MINUTE NO. 10

4. C07871. Historical Development of Local Government in the City of Blue Mountains

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

1. That the Council receives and notes this report.
2. That the brief history of local government in the City of Blue Mountains be forwarded to the Blue Mountains Historical Society Inc for any additional information and a simple article to appear in the Blue Mountains Gazette, Lithgow Mercury and Penrith Press.
3. That as the renaming of the Kanimbla Shire Council to Blue Mountains Shire Council on 23 January 2007 does not appear to be more significant than one of a number of similar structural events for local government in the Blue Mountains up to 1947 and in view of the \$15,500 cost of organising a celebratory program, no further action be taken on this matter.

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MINUTE NO. 11

5. C07874. Adoption of Pesticide Use Notification Plan for the Blue Mountains Local Government Area

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

1. That the Council receive the report and note the information.
2. That the Council resolve to adopt the Pesticide Use Notification Plan for the Blue Mountains Local Government Area.

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MINUTE NO. 12

6. C00944. Community Assistance / Donations – Recommendations by Councillors

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

That the Council approve the following donations from the Councillors' Minor Local Projects Vote:

MINUTE NO. 12 Contd.

<u>Organisation</u>	<u>Amount</u>
Westcare	\$150.00
Blue Mountains COPD Foundation (Australian Lung Foundation)	\$200.00
Zonta Club of the Blue Mountains	\$200.00

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MINUTE NO. 13

7. H01442. Knapsack Reserve Draft Plan of Management – Adoption for the Purpose of Public Exhibition

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

1. That the Council adopts the Draft Plan of Management for Knapsack Reserve for the purpose of public exhibition in accordance with the provisions of the Local Government Act, 1993.
2. That the exhibition of the draft Plan be widely advertised and promoted and be for a period of not less than eight (8) weeks.
3. That a report comes back to the Council following the public exhibition.

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MINUTE NO. 14

8. H00050. Replacement of Vandalised Play Equipment

RESOLVED UNANIMOUSLY on the MOTION of Councillors Searle and Van der Kley that the Council fund the replacement of play equipment at Gloria Park (Hazelbrook) and Wentworth Falls Lake (Wentworth Falls) as specified in this report through a variation to the 2006/07 Capital Works Program (CWP) at the 2006/07 Second Quarter Review.

Councillors Hamilton and McInnes was absent from the Chamber for this matter.

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End of last Minute on Page

MINUTE NO. 15

9. C07749. Enforcing the Proper Disposal of Cigarette Butts

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

1. That existing ranger staff continue to be utilised to enforce cigarette butt littering as part of their normal range of duties.
2. That the enforcement action by the Council be complemented by:
 - a) Awareness raising measures such as inclusion in the newsletters circulated with the rates notices, commencing with the next practicable newsletter; and
 - b) Negotiation and if necessary, enforcement of pollution clean-up and/or prevention directions to have proper disposal facilities installed and implemented by owners of known hot spots.
3. That appropriate education action be considered for inclusion in the wider education strategies and future education programs conducted under the 4 year Management Plan.

Councillors Hamilton and McInnes was absent from the Chamber for this matter.

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MINUTE NO. 16

10. C00987. Revised Arrangements for Site Specific LEPs / Rezonings

The meeting was addressed by Ivan Jeray.

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

1. That the Council adopt a full fee for service procedure for the preparation of site specific Draft Local Environmental Plans where Council staff resources are not available and an applicant wishes to proceed with a rezoning application on the basis that:
 - Council engages the private consultant;
 - the applicant agrees to pay the full consultancy fee and advertising costs;
 - the applicant pays a Council Administrative fee of 20% of the consultative fee; and
 - all fees are paid in advance.
2. That the full fee for service, where the Draft Local Environmental Plan is prepared by a private consultant, be incorporated in the draft 2007/2008 Fees and Charges.

MINUTE NO. 16 Contd.

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

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

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MINUTE NO. 17

11. H00362/C02479. Springwood Bowling and Recreation Club

The meeting was addressed by Bruce Walker, Barri Morland, Thelma Murphy and Eddy Harris.

RESOLVED UNANIMOUSLY on the MOTION of Councillors Myles and McLaren **that a report be bought to the first available Council Meeting detailing means by which Positive Covenant 6666939 can be amended, or lifted, and any possible effects or implications.**

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MINUTE NO. 18

12. F00241. Springwood Town Centre Revitalisation

The meeting was addressed by Thelma Murphy.

RESOLVED UNANIMOUSLY on the MOTION of Councillors McLaren and Myles:

- 1. That the Council endorses Option 2, which includes a report to the Council following an expression of interest process by December 2007, to progress the use of certain land within Springwood for future development opportunities.**
- 2. That \$50,000 be re-allocated at the March 2007 Budget Review to fund the Springwood Town Centre Revitalisation project.**

MINUTE NO. 18 Contd.

3. That the 2006/2007 and draft 2007/2008 Management Plans be amended to reflect the priority given by the Council to the Springwood project.
4. That this matter be oversighted by the Finance and Assets Working Party and the Springwood Town Centre revitalisation be a standing item on the agenda until this matter is finalised.

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MINUTE NO. 19

13. C06881. Sale of Council Land - Lots 84 & 85 of Deposited Plan 31895 being 19-21 Redfern Street, Wentworth Falls

The Meeting was addressed by Ivan Jeray.

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

1. That the Council sells Lots 84 & 85 of Deposited Plan 31895 (being 19-21 Redfern Street, Wentworth Falls) to the owner of Lots 99 & 100 of Deposited Plan 31895 (being 16 to 18 Clarendon Street, Wentworth Falls) for \$100,000.
2. That the conditions of sale include:
 - a) that the Lots be consolidated at the purchaser's expense; and
 - b) that a detailed flora and fauna assessment be prepared prior to settlement.
3. That the Common Seal of the Council be affixed to the necessary documents.

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

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

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End of last Minute on Page

MINUTE NO. 20

14. R15/0004. Restoration of Bowen Creek Road

The Meeting was addressed by Ray Harrington and Libby Raines.

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Myles:

1. **That the Blue Mountains' portion of Bowen Creek Road remain open to a 4WD standard.**
2. **That the gate remain open subject to the findings of the bridge assessment report currently being undertaken by the Hawkesbury City Council.**
3. **That the Council receives feedback on the bridge assessment report when it becomes available from the Hawkesbury City Council.**
4. **That the Council write to the Hawkesbury City Council outlining the outcomes of this report and seek comment on their ongoing intentions for the road.**

Councillor McLaren was absent from the Chamber for this matter.

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MINUTE NO. 21

15. C00534. Local Traffic Committee

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

1. **That Council receives and notes this report.**
2. **That the items 2006.46 to 2006.53 contained in the report of the Local Traffic Committee meeting held on 28 November 2006 be approved by Council.**
3. **That the Director Client Services - Roads and Traffic Authority Blacktown, the Superintendent of Police - Blue Mountains Local Area Command and the Local Member's Representative be notified of Council's approval.**
4. **That the items 2006.54 to 2006.56 are noted by Council.**

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End of last Minute on Page

MINUTE NO. 22

16. R18/0095. Road Dedication - Cassilis Street Mt Victoria

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

1. That pursuant to the provisions of Sections 16 and 17 of the Roads Act 1993 the Council give 28 days notice of its intention to dedicate for road purposes land identified as 1 foot reserve in Deposited Plan 2135 and adjacent to Cassilis Street, Mount Victoria.
2. That following the period of notification for 28 days, if no objections are received the Council publish a notice in the Government Gazette of NSW dedicating the land as a public road.
3. The Council Common Seal be affixed as required to any documents relating to this matter.

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MINUTE NO. 23

17. R16/0042. Proposed Concrete Footpath Opposite Mt Riverview Public School

The Meeting was addressed by Mrs K Kelaher.

RESOLVED UNANIMOUSLY on the MOTION of Councillors Creed and Frappell **that the request for inclusion of a new footpath opposite Mt Riverview Public School be considered against existing new footpath priorities at the Councillor Workshop on the 2007-08 Capital Works Program scheduled for 6 March 2007.**

Councillor Frappell was absent from the Chamber for the decision on this matter.

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MINUTE NO. 24

19. F00598. Costs to the Council of Grose Valley Fires

A MOTION was moved by Councillors O'Grady and McInnes:

1. That the Council receive a report, when compiled by the RFS, on the costs to the Council of the November 2006 Grose Valley fire and that the report include, but not be limited to:
 - a. the estimated expenditure by the Council during the fire fighting stage;
 - b. the estimated cost to repair or replace damaged Council assets, including nature based recreation amenities;

MINUTE NO. 24 Contd.

- c. an evaluation of the long term effect of the fire on the environment and the resource and other implications for the Council e.g. use of water from the Glenbrook Lagoon; and
- d. which of the immediate or long term costs will be covered by S44?

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

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

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MINUTE NO. 25

20. F00606. Human Resources Award

RESOLVED UNANIMOUSLY on the MOTION of Councillors Creed and Hamilton:

1. That the Council acknowledge the good work of the Human Resources Department of the Council in achieving the 'Best Strategic Human Resources Plan' at the National Human Resources Awards 2006.
2. That a briefing on the progress of the implementation of the Human Resources Plan be provided at the first available Briefing Session.

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MINUTE NO. 26

21. C00680. Precis of Selected Correspondence, 30/1/2007

RESOLVED UNANIMOUSLY on the MOTION of Councillors McInnes and Hamilton **that the Precis of Selected Correspondence be received and appropriate letters forwarded where necessary.**

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Questions Without Notice

- **Councillor McInnes:**
Can we ensure the number of petitioners be included in any relevant correspondence for the Precis of Correspondence?
- **Councillor Searle:**
Could it be ensured that the replacement of the burnt softfall under the slippery dip is included in the repairs and ongoing replacement works of the Wentworth Falls play area?
- **Councillor Myles:**
Can a letter be sent from Acting GM to John Low and John Merriman on the quality and efficiency with which information on the historical development of local government in the Blue Mountains was executed?
- **Councillor McInnes:**
Can I request a policy framework be developed for BMCC where items placed on public exhibition over the Xmas/New Year period are extended for that period?

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MINUTE NO.27

C00336. Procedural - Question that Meeting Close

As there was no further business before the meeting, the Mayor then PUT the QUESTION “that the Council Meeting now close”.

Upon being PUT to the meeting, the QUESTION was AGREED TO UNANIMOUSLY, the time being 10:08 pm on Tuesday, 30 January 2007.

The Ordinary Meeting of the Council then closed until 7:30 pm on Tuesday, 20 February 2007 in the Council Chamber, Council Headquarters, 2 Civic Place, Katoomba.

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