

BLUE MOUNTAINS CITY COUNCIL

ORDINARY MEETING

7 NOVEMBER 2006

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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, 7 November 2006, commencing at 7:30 pm.

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There were present:

The Mayor (Councillor Jim Angel) in the Chair, and Councillors Brown, Creed, Frappell, Hamilton, 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, Acting Executive Officer, Communications Officer, Manager – Building and Construction, Executive Principal - Planning, Sustainable Asset Management Coordinator, Trainee Council Meeting 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. 767

C00679. Apologies

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and O’Grady that the apology tendered on behalf of Councillor McInnes for her non attendance at the meeting be accepted.

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MINUTE NO. 768

C00336. Confirmation of Minutes - Ordinary Meeting, 17/10/06

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and O'Grady that the Minutes of the Ordinary Meeting of 17 October 2006 be confirmed.

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MINUTE NO. 769

C00336. Confirmation of Minutes - Extraordinary Meeting, 24/10/06

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and O'Grady that the Minutes of the Extraordinary Meeting of 24 November 2006 be confirmed.

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MINUTE NO. 770

1. C00576. Blue Mountains Sister Cities Committee Additional Member

RESOLVED UNANIMOUSLY on the MOTION of Councillors Angel and Van der Kley that Council approve the membership of Mrs. Janne Bent to the Blue Mountains Sister Cities Committee.

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MINUTE NO. 771

2. C07819. Local Aboriginal Wins NSW Parliament Arts Prize

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

1. That the Minute by the Mayor be received.
2. That the Council congratulate Graham Davis King from Woodford for his outstanding achievement in the Parliament of New South Wales Indigenous Arts Prize 2006. That the Council also congratulate the four other artists accepted as finalists, Leanne Tobin, Jean South, John South and Barrina South.

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MINUTE NO. 772

S1. 2006 National General Assembly of Local Government

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

1. That the Minute by the Mayor be received.
2. That the Council representatives attend the 2006 National General Assembly of Local Government to be held at Canberra from 27-30 November 2006.
3. That the Council nominate Kerrin O’Grady as the voting delegate for the 2006 National General Assembly of Local Government.
4. That the Council considers whether it wishes to nominate any further Councillors to the 2006 National General Assembly of Local Government.

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MINUTE NO. 773

S2. Obituary – Joan Cooper AOM

RESOLVED UNANIMOUSLY on the MOTION of Councillors O’Grady and Van der Kley:

1. That the Minute by the Mayor be received.
2. That the Council convey its sympathy to the family of Joan Cooper AOM.

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MINUTE NO. 774

3. C07870. Katoomba Library Technical Advisory Panel

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and McLaren:

1. That the Draft Terms of Reference as contained in this report be adopted as the Terms of Reference for the Katoomba Library Technical Advisory Panel.
2. That the composition of the Katoomba Library Technical Advisory Panel be:
 - (a) Chairperson
 - (b) Cultural Centre Director
 - (c) Community & Corporate Group (Purchaser) representative
 - (d) Group Manager BM City Services
 - (e) Library Manager

MINUTE NO. 774...Contd.

- (f) **Representative of Aboriginal Council or Tribal Authority**
 - (g) **Community member representing Friends of the Library interests**
3. **That the Council selects option 1 (i.e. the Mayor or his nominee) as listed in the report regarding the appointment of a Chairperson.**
 4. **That the Council write to the Wentworth Falls Friends of the Library Group and the Aboriginal Council inviting nominations to the advisory panel.**
 5. **That the names of the nominees, once received, and final composition of the Katoomba Library Technical Advisory Panel then be reported back to the Council.**

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MINUTE NO. 775

4. A47790. Easement Relocation 51-55 Henderson Road, Wentworth Falls

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

1. **That the Council reposition the easement on Lot 39 and 40 Deposited Plan 7609 being 51-55 Henderson Road, Wentworth Falls.**
2. **That the Common Seal of the Council be affixed to the necessary documents.**

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MINUTE NO. 776

5. C00694. Schedule of Invested Monies

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Creed **that the Schedule of Invested Monies as at 30 September 2006 be received.**

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MINUTE NO. 777

6. C07703. Public Exhibition of Draft Blue Mountains Sewage Strategy

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

1. **That the draft Blue Mountains Sewage Strategy be placed on public exhibition for a period of three months for comment.**

MINUTE NO. 777...Contd.

2. That the draft Blue Mountains Sewage Strategy be forwarded for comment to relevant government and non government agencies and made available to the general public at Council Libraries and Business Centres.
3. That submissions received in response to the public exhibition be assessed and reported to the Council for consideration in adopting the final Blue Mountains Sewage Strategy.

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MINUTE NO. 778

7. C05892. Blue Mountains Youth Council Nomination

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Creed that the Council endorse the application of Lucy Harte for membership of the 2006-2007 Youth Council.

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MINUTE NO. 779

8. C01671. New Funding Agreement Between Department of Families, Community Services and Indigenous Affairs and Blue Mountains City Council - Family Day Care

RESOLVED UNANIMOUSLY on the MOTION of Councillors Searle and Van der Kley that the Common Seal of Blue Mountains City Council be affixed to the Funding Agreement between the Australian Government Department of Families, Community Services and Indigenous Affairs and the Blue Mountains City Council for the purpose of obtaining grant funding.

Councillor Hamilton was absent from the Chamber for this item.

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MINUTE NO. 780

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

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and O’Grady:

1. That the Council approve the following donations from the Councillors’ Minor Local Projects Vote:

MINUTE NO. 780 Cont.

<u>Organisation</u>	<u>Amount</u>
Kinship at Christmas Foundation	\$700
Rotary Club of Central Blue Mountains	\$300
Lawson Amateur Swim Club	\$201
Lawson Community Festival 'Love Lawson'	\$300
Wentworth Falls Indoor Netball	\$200
Mid Mountains Neighbourhood Centre Inc.	\$600
Lawson Public School Parents & Citizens Ass.	\$150

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MINUTE NO. 781

10. X05/0680. Development Application No. X05/0680 for Construction of a Commercial Building Accommodating Two (2) Shops for Use as a Bottle Shop and Convenience Store with Associated Car Parking and Landscaping on Lots 48 and 49 DP 25895, No. 80 Murphy Street, Blaxland

The Meeting was addressed by Debbie Wells and Richard Dodds.

RESOLVED UNANIMOUSLY on the MOTION of Councillors Creed and Frappell:

1. That deferral of this item for Councillors to be invited to an onsite meeting to be held within the next 2 weeks.
2. That the matter to be brought back to the Council following this meeting.

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MINUTE NO. 782

11. X06/0007. Development Application No. X06/0007 for Alterations and Additions to Katoomba Neighbourhood Centre at Lot 12 DP 717042, No. 8 Station Street, Katoomba

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Creed that the Development Application No. X06/0007 for alterations and additions to Katoomba Neighbourhood Centre at Lot 12 DP 717042, 8 Station Street, Katoomba be determined pursuant to S.80 of the Environmental Planning and Assessment Act 1979 by the granting of consent subject to conditions shown in Attachment 1 to this Report.

MINUTE NO. 782...Contd.

**Attachment 1
Conditions of development consent**

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 Eco Design Architects numbered 0510CCA1 and 0510CCA2 dated September 2005 and December 2005 respectively 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 three (3) year period from the date of this consent. Should this not occur, the development consent will lapse.
Services	3.	Arrangements must be made with Sydney Water for the extension of services to and within the site. Written evidence of such arrangements are to be submitted prior to the issue of the construction certificate.
Building Code of Australia	4.	All building work must be carried out in accordance with the requirements of the Building Code of Australia.
Signage	5.	<p>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:</p> <ul style="list-style-type: none">a. showing the name, address and telephone number of the principal certifying authority for the work, andb. 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, andc. stating that unauthorised entry to the work site is prohibited. <p>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.</p>
Site management	6.	<p>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.

MINUTE NO. 782...Contd.

- 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 brick cutting, 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 (including felled trees) must be contained and removed to a Waste Disposal Depot.

Soil erosion

7. A sediment and erosion control shall be submitted to Council for approval prior to the issue of the Construction Certificate. This plan is to show the following detail:
- The location and extent of all existing and proposed areas where the natural ground cover will be disturbed.
 - The nature and extent of all earthworks, including the location, extent and depth of any proposed cut and fill.
 - The location of all potential sources of sediment on the site, including any stock piles of soil or building materials or waste.
 - The location and nature of any proposed stormwater or erosion and sediment control measures.
 - Site rehabilitation proposals, including final contours.

All exposed earthworks and disturbed areas shall have suitable sediment control measures in place prior to the commencement of construction to prevent soil erosion and the transport of sediment off the site during rainfall and runoff. The sediment control measures shall be continually monitored and maintained for the duration of construction and for six months after completion.

Stormwater drainage

8. To control rainwater runoff, roof water shall be connected to stormwater drainage lines discharging to the existing stormwater system.

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.

Finishes site levels and retaining walls

9. A detailed plan is to be submitted to Council for approval prior to the issue of the Construction Certificate detailing the exact extent of all earthworks for the proposed courtyard and play area. This is to include the following:
- Details of all finished levels, in the form of site contours or spot levels.
 - Details as the height of all proposed retaining walls.

MINUTE NO. 782...Contd.

- Details as to the proposed method of stormwater disposal and direction of overland flow.

All earthworks, finished ground levels and retaining walls are to be designed so as not to cause a stormwater or overland flow nuisance to adjoining properties.

Annual fire safety statement

Each essential fire safety measure in the building

10. Each year, within 12 months of the previous statement or after a certificate of installation has been issued for the building (whichever is applicable), the owner of the building must ensure the Council receives a fire safety statement. This is to be in the format of Form 15A (copy attached) and must deal with each essential fire safety measure in the building.

As soon as practicable after the statement is issued, a copy of the statement (together with a copy of the current fire safety schedule) is to be given to the Commissioner of New South Wales Fire Brigades. A further copy is to be prominently displayed in the building.

Floodlighting

11. To protect the amenity of the local area, the floodlighting is to be positioned, directed and shielded so that it does not interfere with traffic safety or cause nuisance to adjoining and nearby properties.

External Finishes

12. External finishes for the development are to be in accordance with the following schedule:

Roof: corrugated Colorbond “Jasper”

Walls: corrugated Colorbond “Paperbark” and mini-orb Colorbond “Shale Grey”

Brickwork: to match existing

Fencing Details

13. Details as to the style, height and colour of proposed fencing around the play area retaining wall are to be submitted to Council for approval prior to its installation.

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MINUTE NO. 783

12. S04/0012. Development Application No. S04/0012 for Lots 1-13 DP 270422, Nos. 1-18 and 22-25, The Escarpments and No. 227 Cliff Drive, Katoomba (Formerly Lot 3 DP 1026915, No. 227 Cliff Drive, Katoomba)

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

1. That the Council officers enter into negotiations with Reed Constructions Australia Pty Ltd to extend the expiry date of the performance bond (Bond number GPFB-R7-76) lodged in respect of the construction of the roundabout at the southern access point to the Katoomba Golf Course redevelopment at the intersection of Acacia Street and Cliff Drive, Katoomba, from 31 December 2006 until 31 December 2007.
2. That if, by 5.00 pm on 21 November, the bond not be extended, the Council forward a letter of demand to Great Lakes Reinsurance (UK) PLC calling upon the performance bond (Bond number GPFB-R7-76) lodged in respect of the subject works.
3. That the Council attach its Common Seal to certification required to accompany the letter of demand as required under the terms of the performance bond, as necessary.

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MINUTE NO. 784

13. X05/0117. Development Application No. X05/0117 for a Residential Unit Development Comprising Fifteen (15) Units Under the Provisions of State Environmental Planning Policy (SEPP) Seniors Living on Lots 1, 2 And 4 DP 348689, Lot 3 DP 348529, Lot B DP 103274 and Lot A DP 313254, Nos. 346 and 348 Katoomba Street, Katoomba (Three Sisters Motel)

The Meeting was addressed by Lloyd Sharp, Colin Marr and Jennifer Marr.

A MOTION was moved by Councillors Van der Kley and Myles that Development Application No. X05/0117 for a residential unit development comprising fifteen (15) units under the provisions of SEPP Seniors Living on Lots 1 to 4 DP 348689, Lots B DP 103274 and Lot A DP 313254, Nos. 346 and 348 Katoomba Street, Katoomba (Three Sisters Motel) be determined pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 by the granting of consent subject to conditions shown in Attachment 1 to this Report.

MINUTE NO. 784...Contd.

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

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

**Attachment 1
Conditions of development consent**

Conditions are generally organised in relation to the following stages of the development process:

- A. Preliminary
- B. Priro to issue of Construction Certificate
- C. Prior to commencement of works on site
- D. During construction
- E. Prior to issue of Occupation Certificate
- F. Advice

A: Preliminary

<u>Period of development consent</u>	1.	Physical commencement of construction is required within a three (3) year period from the date of this consent. Should this not occur, the development consent will lapse.
<u>Development consent</u>	2.	To confirm and clarify the terms of consent, the development shall be carried out in accordance with the plans prepared by: <ul style="list-style-type: none">▪ Flower & Samios Pty Ltd numbered 04130, A002C to A005C, dated 9/2/06 and A008A dated Oct 05▪ Taylor Brammer Landscape Architects Pty Ltd numbered LA01A and LA02A dated 19/1/05 as amended in red and accompanying supportive documentation, except as otherwise provided or modified by the conditions of this consent.
<u>Construction certificate (building)</u>	3.	A construction certificate is required prior to the commencement of any site or building works. This certificate can be issued either by the Council as the consent authority or by an accredited certifier.
<u>Building Code of Australia</u>	4.	All building work must be carried out in accordance with the provisions of the Building Code of Australia.

MINUTE NO. 784...Contd.

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| Compliance with standards | 5. All internal and external engineering works required by this development 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 and other relevant Australian Standards. The design and construction is to include any additional works to make the construction effective. |
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B. Prior to Issue of Construction Certificate

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| Amended plans | 6. An amended landscape plan is to be provided to the Council prior to issue of the Construction Certificate, incorporating the amendments as noted in condition 2 and is to include details of fencing to the northern and eastern boundaries. |
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| Ventilation of car parking area for the removal of odour | 7. The point of discharge of emissions has the potential to create an odour nuisance and an assessment of the point of discharge is required. Details are to be provided and appropriate measures proposed to the Council prior to issue of the Construction Certificate. |
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| Services | 8. Arrangements must be made with Integral Energy, Sydney Water and an approved telecommunications service provider for the extension of services to and within the site. Written evidence of such arrangements is to be submitted prior to the issue of the construction certificate. |
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In this regard, a Section 73 Certificate from Sydney Water shall be supplied to the Council prior to the issue of the Construction Certificate.

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| Site stormwater system | 9. All stormwater runoff from the site are to be collected and piped to Katoomba Street. Provision shall be made for an emergency overland flow path capable of conveying all surcharge flows up to and including the 1 in 100 years ARI storms to the public road.

The system shall be designed to incorporate the following: <ul style="list-style-type: none">▪ All habitable and garage floor levels are to be located a minimum 300 mm and 100 mm above the 1 in 100 year ARI top water levels. |
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| Sedimentation and erosion control | 10 The applicant shall engage a qualified person to prepare a sediment and erosion control plan in accordance with the principles outlined in the 'Managing Urban Stormwater Soils and Construction' Manual by the Department of Housing, dated March 2004. |
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MINUTE NO. 784...Contd.

The applicant shall ensure sedimentation and erosion control measures are installed prior to commencement of construction and that these measures are also maintained at all times during construction in accordance with the plan.

Prior to release of the Occupation Certificate, all disturbed areas are to be stabilised and all redundant sediment and erosion control structures are to be removed.

Waste storage

- 11
- A communal garbage and waste storage area is to be graded and drained to the reticulated sewerage system to ensure that no waste runoff enters any stormwater drain. Full details are to be submitted to the Principal Certifying Authority as part of the construction certificate documentation.
 - To enable occupants of residential units to be able to wash their cars in an environmentally satisfactory manner, a designated car wash bay is to be provided with a water supply through a hose tap and paved with an impervious material and graded and drained to an approved waste disposal system and constructed to the requirements of Sydney Water

Bush fire conditions

- 12
- a. A Bush Fire Evacuation Plan is to be submitted to the NSW Rural Fire Service – Development Control Services for approval. The evacuation plan is to detail the following:
 - Under what circumstances will the complex be evacuated.
 - Where will all persons be evacuated to.
 - Roles and responsibilities of persons co-ordinating the evacuation.
 - Roles and responsibilities of persons remaining with the complex after evacuation.
 - A procedure to contact the NSW Rural Fire Service District Office / NSW Fire Brigade and inform them of the evacuation and where they will be evacuated to.
 - b. Water supply for firefighting purposes shall be in accordance with section 6.4.3 of Planning for Bushfire Protection 2001. A minimum 10,000L onsite storage tank is required if mains water is not accessible.
 - c. Locations of fire hydrants, where available, are to be delineated by blue pavement markers offset 100mm from the centre of the road. The direction of offset should indicate on which side of the road the hydrant is located.

MINUTE NO. 784...Contd.

- d. Construction shall comply with AS3959 – 1999 level 1 ‘Construction of Buildings in bushfire prone areas’.
- e. The structure shall incorporate gutterless roofing or leafless guttering and valleys are to be screened to prevent the build up of flammable material.
- f. Roller doors, tilt-a-doors and the like shall be sealed to prevent the entry of embers into the structure.
- g. All glazing on the structures facing the bushfire hazard shall be screened with non corrosive metal screening.
- h. The entire property shall be managed as an ‘Inner Protection Area’ as outlined within section 4.2.2 in Planning for Bushfire Protection 2001.
- i. Trees, with a potential to grow higher than the level of guttering, that are within the inner protection area shall have a separation of 2m between mature canopies and not overhang within 5m of the roof.

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- Building dilapidation report** 13 A dilapidation report on the three (3) surrounding buildings (195 Lurline Street, 2 Birdwood Avenue, 344 Katoomba Street) is to be prepared by the applicant and submitted to the Principal Certifying Authority and the Council prior to issue of the Construction Certificate.(See page 8 of Geotechnical Investigation Report dated 5 November 2004.)

C. Prior to Commencement of Works on Site

- Signage** 14 To ensure that the site is easily identifiable for deliveries and provides information on the person responsible for the site, a sign displaying the following information is to be erected:
- The statement “*Unauthorised access to the site is not permitted*”.
 - The names of the builder or another person responsible for the site along with an out of hours contact number.
 - Lot or Street number.
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- Soil erosion** 15 All exposed earthworks and disturbed areas shall have suitable sediment control measures in place prior to the commencement of construction to prevent soil erosion and the transport of sediment off the site during rainfall and runoff. The sediment control measures shall be continually monitored and maintained for the duration of construction and for six months after completion.
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- Archival recording** 16 Prior to demolition an archival recording, following the Guidelines of the NSW Heritage Office is to be undertaken of the site. This recording is to be deposited with Blue Mountains City Council Local Studies Librarian.

MINUTE NO. 784...Contd.

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| Display of signage | 17 The developer will display appropriate asbestos/demolition signage prior to and during demolition works. |
| Demolition of Buildings containing asbestos cement | 18 The applicant is to notify the 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. |
| Construction in the Council's roads | 18 Where works are carried out on the Council's or public lands (ie. roads, parks etc.) by or on behalf of the applicant, the following conditions shall be satisfied:

a. Before work commences in the Council's roads, plans and specifications prepared by a chartered civil engineer with NPER registration are to be submitted to and approved by the Council under the Roads Act 1993.

Approval of the engineering designs by the Council is subject to the payment of the prescribed Roads Act approval fee at the time of lodgement. All works in the Council's road are to be at no cost to the Council.

b. An on site meeting is to be arranged with the Council's Supervising Engineer prior to the commencement of any work in the Council's road for the purpose of a pre-construction meeting. The Council's inspection fee is to be paid prior to the meeting.

c. The person or company carrying out the works will be required to carry workers compensation and public liability insurance to the value of \$10 million. The policy shall indemnify the Council from all claims arising from the execution of the works. Proof of the policy is to be provided to the Council's Development Engineer at the pre-construction meeting.

d. The person or company carrying out the works shall submit to the Council reference demonstrating experience in the type of work proposed to be undertaken. The person or company shall obtain approval from the Council to carry out the works prior to works commencing. |

MINUTE NO. 784...Contd.

- e. **The applicant will be required to pay for inspections in accordance with the Council's fees and charges. The specific stages of inspection required will be advised at the pre-construction meeting.**

A minimum of 48 hours notice shall be given to Council when arranging for an inspection. Work is not to proceed further until the works, or activity covered by the inspection has been approved.

Following the final inspection, any work considered by the Council as unsatisfactory shall be rectified to the Council's satisfaction at no cost to the Council. The Council's inspection and approval shall be obtained prior to the issue of the Occupation Certificate.

- f. **Prior to the issue of the Roads Act Approval, a Traffic Management Plan report prepared by a qualified person is to be submitted to and approved by the Council.**

The Traffic Management Plan is to address but not be limited to the following: loss of on street parking, construction vehicle travel routes, safety of the public, materials storage and handing, deliveries and construction traffic and parking.

A minimum of seven (7) days notice shall be given to residents if access by residents will be affected. A copy of the letter to residents and a list of addresses notified shall be submitted to and approved by Council.

- g. **Safety devices such as signs, barricades, barriers, warning lights, etc. shall be placed where works affect the Council and Roads and Traffic Authority 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 (Sep 2003). Details prepared by a qualified person shall be submitted to the Council for its approval with the Traffic Management Plan Report.**

The contractor shall submit to the Council the names of proposed traffic controllers with a signed declaration that they are appropriately trained in the duties of traffic controllers and Roads and Traffic Authority accredited.

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- h. The applicant shall indicate the extent of any service adjustments necessary and submit with the design proof of approval by the relevant service authorities. The applicant shall bear all responsibility and costs associated with the proposed relocation of services.**

Bond

- 20 A performance maintenance bond to the value of five (5) percent of the engineering construction or a minimum of \$10,000, whichever is the greater, to guarantee the safety of the public, environmental protection performance and maintenance during construction in the Council's road shall be paid to the Council.**

This bond shall be retained for twelve (12) months after construction is completed to the satisfaction of the Council's Supervising Engineer.

The bond is to be paid prior to the issue of a Roads Act Approval.

D. During Construction

Excavations

- 21 All excavations are to be guarded and protected to prevent them from being dangerous to the public and surrounding properties.**

Site management

- 22 To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period:
 - 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.****

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|---|-----------|--|
| Plans on site | 23 | A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times. |
| Demolition management | 24 | 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. | | |
| 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. | | |
| c. The site shall be secured at all times against the unauthorised entry of persons or vehicles. | | |
| 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. | | |
| Order of demolition | 25 | Unless otherwise permitted by the 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. |
| Dust control | 26 | The techniques adopted for stripping out and for demolition are to minimise the release of dust into the atmosphere. <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 (eg., explosive, respiratory etc). |

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- **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.**

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).

<hr/> Demolition of Buildings generally	27	<p>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;</p> <p>Such work is to be carried out in accordance with the Occupational Health & Safety Regulations, 2001, and Australian Standard 2601 – 1991.</p>
<hr/> Disposal of Asbestos	28	<p>All asbestos material, including asbestos cement, is to be disposed of to an approved waste management facility licensed to receive asbestos.</p>
<hr/> Internal pavement and Car parking	29	<p>Kerbs and formation paving and sealing of access driveways and car parking areas in the development site together with any necessary drainage, retaining walls and other engineering works that may be required to make the construction effective shall be provided. All driveways and sealed areas are to have a featured surface.</p> <p>All internal driveway and access shall be designed in accordance with Australian Standards 2890.1/2004.</p>
<hr/> Disposal of material offsite	30	<p>All demolished material and excess spoil from the site shall be disposed of at a location, and in a manner, approved of by the Council. No material is to be burnt on site.</p> <p>It should be noted that disposal of excess spoil at a location other than an approved waste disposal depot will require the lodgement of a separate Development Application.</p>

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Section 94 Development Contributions 31 The payment to the Council of the following contributions pursuant to Section 94 of the Environmental Planning and Assessment Act, 1979, prior to issue of the subdivision certificate for the provision of:

		\$
Open Space	Area No. 2	3,552.30
Bush Fire Services	Area No. 2	2,106.00
Administration	Area No. 2	276.50
Total contribution due		5,934.8

The above amounts will remain fixed for a period of three months from the date of this consent after which time they will be indexed in accordance with the Council's Development Contributions Plan.

The Development Contributions Plan is available for inspection at the Council's Katoomba Office, Civic Place, Katoomba or the Council's Springwood Office, Macquarie Road, Springwood, Monday to Friday, 8.30 am to 5.00 pm.

Fencing 32 All new fencing provided to boundaries shall be installed at the full cost to the developer.

Excavation 33 Excavation of the site is to occur in accordance with the Geotechnical Investigation Report by Jeffery and Katauskas Pty Ltd dated 5 November 2004.

E. Prior to Issue of Occupation Certificate

Certification by Council 34 Prior to the issue of the Occupation Certificate, a certificate shall be obtained from the Council to verify that all external works have been completed in accordance with the approved plan and to the Council's satisfaction.

Change to land title 35 To ensure that the overall development is integrated, all lots subject to this consent shall be consolidated into one parcel.
Evidence of registration with Land and Property Information must be provided to the Principal Certifying Authority prior to occupation.

Restriction as to user (88E) 36 A restriction as to user is to be registered against the title of the property in accordance with Section 88E of the Conveyancing Act 1919, limiting the use of the development, including any dwellings within that development to either:

- a. seniors or people who have a disability;

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- b. people who live within the same household with seniors or people who have a disability; or
- c. staff employed to assist in the administration of and provision of services to housing provided under SEPP SL.

**The Council's works
(Engineering)**

37 To facilitate vehicular and pedestrian access to and from the site the following engineering works shall be constructed by the applicant at the applicant's expense prior to issue of Occupation Certificate:

- a. The removal of the existing kerb and gutter along the entire site frontage to Katoomba Street and Birdwood Avenue and its replacement with 150mm vertical kerb and gutter
- b. The re-sheeting and adjustment of the existing asphalt footpath, including the reconstruction of the existing concrete converter and associated stormwater drainage in Katoomba Street
- c. The replacement of all redundant vehicular crossings with vertical kerb and gutter along the entire site frontage to Katoomba Street and Birdwood Avenue
- d. The construction of a heavy duty, featured surface, reinforced concrete layback and apron crossing across the footway area in Katoomba Street.
- e. To ensure the required inspections are conducted a "Standard Gutter Crossing Application" must be lodged with the Council prior to the construction of the driveway crossings. The applicant shall make arrangement with the Council's Development Engineer for inspection prior to placement of concrete.
- f. The above construction shall include any other necessary works to make the construction effective

Detailed engineering plans prepared by a chartered civil engineer with NPER registration shall be submitted to and approved by the Council prior to the issue of the Construction Certificate.

Approval of the engineering designs by the Council is subject to the payment of the prescribed Engineering Development Fees, the amount of which will be advised at the time of lodgement.

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Certification of compliance with SEPP SL

38 The development shall comply with the requirements of Clause 52 to 72 of SEPP SL. Certification of the above is to be supplied to the Council prior to occupation.

Maintenance of garage management areas

39 To enable waste garbage bins and storage areas associated with the development to be effectively cleaned and to prevent foul odours, garbage bin washing area is to be provided to the development and provided with a water supply through a hose tap and paved with an impervious material and graded and drained to an approved waste disposal system in accordance with the Council's *Better Living DCP*.

F. Advice

Advice

1 You are advised that the LA10* noise level emitted from the mechanical exhaust systems and airconditioning systems should not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz – 8 Hz inclusive) by more than 5 dB at the boundary of any affected residence.

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MINUTE NO. 785

14. X06/0529. Development Application No. X06/0529 for a Dwelling on Lot 8 DP 24339, No. 99 Bee Farm Road, Springwood

The Meeting was addressed by Tracey Arnold, Diana Levy and Karen Newton.

A MOTION was moved by Councillors Trindall and McLaren **that the Council defer this application to allow an on site meeting and then report back to Council.**

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

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

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MINUTE NO. 786

15. X06/0921. Development Application No. X06/0921 for Screening of an Outdoor Movie at Glenbrook Swim Centre on Lot 701 DP 93187, Wascoe Park, R208, No. 37 Wascoe Street, Glenbrook

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Creed that Development Application No. X/921/2006 for the screening of an outdoor movie on 25 November 2006 as a one off event at Glenbrook Swim Centre on Lot 701 DP 93187, Wascoe Park, R208, No. 37 Wascoe Street, Glenbrook be determined pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 by the granting of consent subject to conditions shown in Attachment 1 to this Report.

**Attachment 1
Conditions of development consent**

Confirmation of relevant plans	14. To confirm and clarify the terms of consent, the development shall be carried out in accordance with the plans and accompanying supportive documentation, except as otherwise provided or modified by the conditions of this consent.
Period of development consent	15. This Consent is valid for the duration of the event on 25 November 2006. At the conclusion of the event it will be necessary to obtain a further Consent should it be proposed to carry out any further events.
Hours of operation	16. The duration of the event is limited to the day of the event up until 9.30 pm. The site is to be vacated by 11.00pm.
Number of Patrons	17. The number of patrons is limited to a maximum of 500.
Traffic Control	18. All parking and vehicular and pedestrian traffic movement shall be supervised by traffic marshals. The traffic marshals shall:- <ul style="list-style-type: none">▪ Direct traffic to park in the off street parking areas prior to using street parking.▪ Direct overflow parking to Wascoe Street.▪ Ensure vehicles are parked so as not to obstruct access of residential premises, the road carriageway and road sight distances.
Noise Control	19. Noise levels generated by the event shall not exceed 5dBA above background noise level at the boundary of the nearest residential premises.
Light Spillage	20. Temporary lighting to the on site overflow parking area shall be suitably shielded to prevent any light spillage or glare to residential premises.

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Waste Management

21. Arrangements shall be made for collection and removal of additional rubbish generated by the event. Any litter in the street parking areas shall be collected and removed at the conclusion of the event.

Event Notification

22. A leaflet advising the date, times and nature of the event shall be letterbox dropped to neighbouring residential premises likely to be affected, at least 14 days prior to the event.

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MINUTE NO. 787

16. A45338. L11/103. Fire Safety Assessment of The Ritz Nursing Home. Nos 203-223 Leura Mall, Leura

RESOLVED UNANIMOUSLY on the MOTION of Councillors O'Grady and Van der Kley:

1. That Council adopt the recommendations from the New South Wales Fire Brigade provided in their letter dated 24 August 2006.
2. That Council prepare notices of intention to serve fire safety orders (Order No. 6) under the Environmental Planning and Assessment Act 1979 for the Ritz Nursing Home to complete the works identified in Attachment No. 2 to this report (NB: Two (2) separate notices of intention will be served). In a covering letter to the owner of the premises, Council will stipulate that the top floor of the building can only be used for plant and services and must not be occupied.
3. That Council write to the New South Wales Fire Brigade thanking them for their assistance in this matter. A copy of the notices of intention will also be sent to the Brigade for their records.
4. That Council write to the Commonwealth Department of Health and Aging and the Aged Care Standards Accreditation Agency Limited advising them on the fire safety issues for the premises. A copy of the notices of intention will also be sent to these organisations for their records.

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MINUTE NO. 788

17. H01475. Deed of Agreement for Construction and Licence of New Amenities Building at Warrimoo Oval, 128-142 Rickard Road, Warrimoo

RESOLVED UNANIMOUSLY on the MOTION of Councillors Myles and McLaren:

1. That the Council and Lower Mountains Junior Rugby League Club Inc. finalise detail in a deed of agreement and licence.
2. That the Council enter into a deed of agreement for the construction of a new amenities building and associated works at Warrimoo Oval with Lower Mountains Junior Rugby League Club Inc.
3. That on completion of the building works, the Council enter into a licence for use of the new amenities building at Warrimoo Oval with Lower Mountains Junior Rugby League Club Inc. under terms and conditions as set out in this report.
4. That the Council acknowledges that it will be responsible for the demolition of the old amenities building at Warrimoo Oval and a capital works program bid is submitted for the 2008/09 program year.
5. That the Common Seal of the Council is affixed to all necessary documents relating to this matter.

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MINUTE NO. 789

18. C07715. Telecommunication Facilities on Council Land

RESOLVED UNANIMOUSLY on the MOTION of Councillors Myles and McLaren:

1. That the General Manager writes to the relevant telecommunications providers to determine their likely future plans for installation of mobile telecommunications infrastructure within the Blue Mountains.
2. That, upon receipt of the information from the telecommunications providers, a further briefing to the Environment and Planning Working Party is undertaken to determine the necessity of preparing a policy for the consideration of mobile telecommunication infrastructure on Council-owned land.

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MINUTE NO. 790

19. H00938. Sydney Water Corporation - Use of the Council Owned Land for the Construction of the Upper Blue Mountains Sewerage Scheme

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Trindall:

1. That the Council acknowledge that Sydney Water Corporation will enter the Council owned, land Part Lot 25 Deposited Plan 663856, Part Lot 3 DP 116033, Part Lot 2, DP 166578, Blackheath for the purpose of establishing a compound/site office.
2. That the Council notes that Sydney Water will pay an ex gratia payment of \$1215 per month for the period of occupation.
3. That Sydney Water be advised that there is a need to minimise the impacts of noise and speed from extra traffic movement on the residents of Hat Hill Road, Blackheath.
4. That funds received from the occupation be used to assist in the provision of community facilities in the Blackheath Memorial Park and Garden and/or Pool.

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MINUTE NO. 791

20. A78410. Proposed Sale of 3 Wascoe Street, Glenbrook, and Purchase of Land at 14 Arthur Street, Warrimoo

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

1. That the Council rescinds its previous decision of 8 March 2005 to negotiate with both adjoining owners.
2. That the Council negotiate the sale of Lot 2 Deposited Plan 966721 being 3 Wascoe Street, Glenbrook with the Anglican Church Glenbrook subject to a valuation by an independent registered Valuer.
3. That the Council jointly negotiate the sale of 3 Wascoe Street with the purchase of 14 Arthur Street, Warrimoo.
4. That the adjoining property owners be informed of the Council decision.
5. That the Common Seal of the Council be attached to the necessary documents relating to this matter.

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MINUTE NO. 792

21. R11/0049. Drainage Issues in Myall Avenue, Leura

RESOLVED UNANIMOUSLY on the MOTION of Councillors O’Grady and Brown **that the Council, as a matter of priority, review the drainage issues in Myall Avenue, Leura, including an assessment of the stormwater run off from the Great Western Highway.**

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MINUTE NO. 793

22. C00680. Precis of Selected Correspondence, 7/11/2006

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

Item 7. 9/10/2006 – Hawkesbury City Council

That the Council takes the necessary steps to support Hawkesbury City Council in seeking a safety audit by the Roads & Traffic Authority on the Bells Line of Road.

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MINUTE NO.794

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 8:55 pm on Tuesday, 7 November 2006.

The Ordinary Meeting of the Council then closed until 7:30 pm on Tuesday, 21 November 2006 in the Council Chamber, Council Headquarters, 2 Civic Place, Katoomba.

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