

BLUE MOUNTAINS CITY COUNCIL

ORDINARY MEETING

9 October 2007

INDEX

| Minute | File No. | SUBJECT | Page |
|---------------|-----------------|--|-------------|
| | C00679 | Apologies | 2 |
| 263 | C00336 | Confirmation of Minutes - Ordinary Meeting, 18 September 2007 | 2 |
| | C00336 | Declarations of Interest - Ordinary Meeting, 09/10/07 | 3 |
| 264 | C00694 | Schedule of Invested Monies | 3 |
| 265 | C00738 | Completion of Financial Reports for the year ended 30 June 2007 | 3 |
| 266 | F02471 | Code of Meeting Practice | 4 |
| 267 | F00731 | World Heritage International Partnership Model | 4 |
| 268 | C05451 | 2007 National General Assembly of Local Government | 4 |
| 269 | C00944 | Community Assistance / Donations – Recommendations by Councillors | 5 |
| 270 | F00088 | Waiver of Development Application fees for installation of rainwater tanks and solar panel applications | 5 |
| 271 | C07886 | Part 2. State Heritage Listing for Queen Victoria Hospital, Wentworth Falls | 6 |
| 272 | X06/0529 | Section 82A Application for review of determination of Development Application No. X06/0529 for a dwelling on Lot 8 DP 24339, No. 99 Bee Farm Road, Springwood | 6 |
| 273 | S06/0100 | Development Application No. S06/0100 for a one into seven lot subdivision on Lot 3 DP 593545, Nos 85-99 Burrawang Street, Katoomba | 7 |
| 274 | F00570 | Tender endorsement for the supply of one backhoe loader under contract – FS11-07 | 8 |
| 275 | F00088 | Alternative options for the provision of child minding facilities on-site at the Springwood Fitness and Aquatic Centre | 9 |
| 276 | C00680 | Précis of Selected Correspondence, 19/10/2007 | 9 |
| 277 | C01564 | Confidential Business Paper - Bungarrabee | 9 |
| 278 | C01564 | Bungarrabee Inc. – Outstanding Sundry Account | 10 |
| 279 | C07732 | Confidential Business Paper – Tender for court surface work component of tennis courts construction, Summerhayes Park, Winmalee | 10 |
| 280 | C07732 | Tennis Courts, Summerhayes Park, Winmalee | 11 |
| 281 | A61432E | Confidential Business Paper – Proposed purchase of land in Arthur Street, Warrimoo for the purposes of developing a park | 11 |
| 282 | A61432E | Confidential Report – Proposed purchase of land in Arthur Street, Warrimoo for the purposes of developing a park | 12 |
| 283 | C0036 | Procedural – Re-open Meeting to the Public | 13 |
| 284 | C05451 | Recommittal of Item 5 | 13 |
| 285 | C05451 | Recommittal of Item 5, 2007 National General Assembly of Local Government | 13 |
| 286 | C00336 | Procedural – Question that Meeting Close | 13 |

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, 9 October 2007, commencing at 7:33 pm.

* * * * *

There were present:

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

* * * * *

In attendance:

General Manager, A/Group Manager BM City Services, A/Group Manager Community & Corporate, A/Group Manager Environmental & Customer Services, Executive Officer, Manager Corporate Planning, Manager Assets and Contracts, Manager Planning, Health and Enforcement, A/g Manager City Planning, Executive Principal Development Engineering, Project Support Officer Business Systems, Manager Compliance

* * * * *

Prayer / Reflection:

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

* * * * *

C00679. Apologies

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Creed **that the apology tendered on behalf of Councillor Frappell for his non-attendance at the meeting be accepted and a leave of absence granted.**

* * * * *

MINUTE NO. 263

C00336. Confirmation of Minutes - Ordinary Meeting – 18 September 2007

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Van der Kley **that the Minutes of the Ordinary Meeting of 18 September 2007 be confirmed, with an amendment to the first line of Minute Number 243 to read:**

“In accord with Local Government Regulations 2006, Schedule 7, the General”...

* * * * *

End of last Minute on Page

C00336. Declarations of Interest – Ordinary Meeting, 09/10/2007

Nil

* * * * *

MINUTE NO. 264

1. C00694. Schedule of Invested Monies

RESOLVED UNANIMOUSLY on the MOTION of Councillors Trindall and Van der Kley that the Schedule of Invested Monies as at 31 August 2007 be received.

* * * * *

MINUTE NO. 265

2. C00738. Completion of Financial Reports for the year ended 30 June 2007

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

1. That the Council form the opinion that:

- a) The Annual Financial Reports and Special Purpose Financial Reports for the financial year ended 30 June 2007 have been drawn up in accordance with:
 - the Local Government Act, 1993 and Regulations,
 - the Local Government Code of Accounting Practice and Financial Reporting, and
 - the Australian Accounting Standards and Professional Pronouncements.
- (b) The Annual Financial Reports and Special Purpose Financial Reports present fairly the Council financial position and operating result for the year;
- (c) The Annual Financial Reports and Special Purpose Financial Reports accord with the Council accounting and other records;
- (d) There are no circumstances known that would make the Annual Financial Reports or Special Purpose Financial Reports false or misleading in any way.

2. That the attached statement be made and signed on behalf of the Council by the Mayor, one other Councillor, the General Manager and the Responsible Accounting Officer.

3. That the 2006/2007 General Purpose and Special Purpose Financial Reports be forwarded to the Council external auditor for audit.

* * * * *

End of last Minute on Page

MINUTE NO. 266

3. F02471. Code of Meeting Practice

The meeting was addressed by Ivan Jeray.

RESOLVED UNANIMOUSLY on the MOTION of Councillors McInnes and Hamilton **that the Council adopt the Code of Meeting Practice 2007 with the following inclusions:**

- **3.3 Order of Business. Include an Acknowledgement of Country as point 2, after the Reflection.**
- **3.5 The form of acknowledgement of Country to be as follows: “I would like to recognise the traditional owners of the Blue Mountains, the Darug and Gundungurra peoples.”**
- **5.3 (e) – Amended to read: “names of Councillors and *titles* of staff in attendance;”**

* * * * *

MINUTE NO. 267

4. F00731. World Heritage International Partnership Model

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

- 1. That the Council note the Report on the World Heritage International Partnership Model;**
- 2. That the Council assist the World Heritage Advisory Council to progress this model which will facilitate their role as the primary broker and relationship manager for World Heritage International Partnerships.**

* * * * *

MINUTE NO. 268

5. C05451. 2007 National General Assembly of Local Government

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and McLaren **that the Council nominate Councillor Angel to be the Voting Delegate, Councillor Hamilton to be an Observer and an additional space for one other Councillor, if required, at the National General Assembly of Local Government Conference in Darwin 2007.**

* * * * *

MINUTE NO. 269

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

RESOLVED UNANIMOUSLY on the MOTION of Councillors McLaren and Trindall:

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

| <u>Organisation</u> | <u>Amount</u> |
|--|---------------|
| Mountains Outreach Community Service | \$500.00 |
| Glenbrook Chamber of Commerce | \$500.00 |
| Friends of Blue Mountains Library | \$ 50.00 |
| Friends of Blue Mountains Library | \$ 50.00 |
| Friends of Blue Mountains Library | \$ 50.00 |
| Friends of Blue Mountains Library | \$ 50.00 |
| Friends of Blue Mountains Library | \$ 50.00 |
| Friends of Blue Mountains Library | \$ 50.00 |
| Friends of Blue Mountains Library | \$ 50.00 |
| Friends of Blue Mountains Library | \$ 50.00 |
| Friends of Blue Mountains Library | \$ 50.00 |
| Mountains Outreach Community Service | \$100.00 |
| Mountains Outreach Community Service | \$100.00 |
| Mountains Outreach Community Service | \$100.00 |
| Mountains Outreach Community Service | \$100.00 |
| Mountains Outreach Community Service | \$100.00 |
| Mountains Outreach Community Service | \$100.00 |
| Women's International League for Peace and Freedom | \$100.00 |
| Love Lawson | \$200.00 |

2. That the Council approve the following donation from the Mayoral Contingency Fund:

| <u>Organisation</u> | <u>Amount</u> |
|--|---------------|
| United Nations Youth Association - Stuart Bryson | \$200.00 |

* * * * *

MINUTE NO. 270

10. F00088. Waiver of Development Application fees for installation of rainwater tanks and solar panel applications

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

1. That the Report be received and noted and that further consideration be given to the small number of applications requiring consent in conjunction with the Councils deliberations on the amendment of Development Control Plan 33 (DCP 33), Exempt & Complying Development.

MINUTE NO. 270 Contd

2. **That the current requirements that exempt most domestic rainwater tanks and solar panel hot water systems be actively communicated to residents.**

* * * * *

MINUTE NO. 271

11. C07886 Part 2. State Heritage Listing for Queen Victoria Hospital, Wentworth Falls

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Searle **that the item be deferred to the next meeting for advice on the surrounding landscape and whether that would include the previously used hospital tip site.**

* * * * *

MINUTE NO. 272

12. X06/0529. Section 82A Application for review of determination of Development Application No. X06/0529 for a dwelling on Lot 8 DP 24339, No. 99 Bee Farm Road, Springwood

The meeting was addressed by Cameron Hill, Mick Fell and Paul Arnold.

A MOTION was moved by Councillors Myles and Creed *that the DA Consent No. X06/0529 for a dwelling on Lot 8 DP 24339, No. 99 Bee Farm Road, Springwood be confirmed.*

AN AMENDMENT was moved by Councillors Trindall and Searle:

That the application for review of Condition 13 of Development Application No. X06/0529 for a dwelling on Lot 8 DP 24339, No. 99 Bee Farm Road, Springwood, be determined pursuant to Section 82A of the Environmental Planning and Assessment Act 1979 by amending Condition 13 to read:

- “13. **Landscaping is required to ensure that the development contributes to the character of the Blue Mountains and its environmental sustainability, and maintains an acceptable level of privacy to adjoining properties. In this regard,**
- **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 rear corner of the double garage 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, except where that planting is within 5 metres of a dwelling, in which case the planting shall achieve a height of 2.5-3 metres.**

- All plants are to be in an 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 features on the site are 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.”

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

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

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

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

* * * * *

MINUTE NO. 273

13. S06/0100. Development Application No. S06/0100 for a one into seven lot subdivision on Lot 3 DP 593545, Nos 85-99 Burrawang Street, Katoomba

The meeting was addressed by Neil Stuart and Ivan Jeray.

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

1. That Development Application No. S06/0100 for a one into seven lot subdivision on Lot 3 DP 593545, Nos. 85-99 Burrawang Street, Katoomba be determined pursuant to Section 80 (3) of the Environmental Planning and Assessment Act 1979 by the

granting of a deferred commencement consent subject to conditions shown in Attachment 1 to this Report with the following additions:

Condition 26 l. Details of the fencing to protect the Development Excluded Land within Lot 4 as required by the Sydney Catchment Authority conditions of concurrence (following pp 115, k).

Condition 60: In response to the applicant's offer of a \$3,000.00 contribution for native screen landscaping in Carlton Street, opposite 30 to 34 Carlton Street, the applicant is to undertake that screen landscaping in a location and of a type as agreed by the Council, prior to the issue of the Subdivision Certificate.

- 2. That the General Manager be granted the delegated authority to determine whether the Council is satisfied that the deferred commencement matters (identified in Part A of Attachment 1) pertaining to development consent No. S06/0100 for a one into seven lot subdivision on Lot 3 DP 593545, 85-99 Burrawang Street Katoomba have been satisfied pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 and Clause 95 of the Environmental Planning and Assessment Regulation 2000.**

MINUTE NO. 273 Contd

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

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

* * * * *

MINUTE NO. 274

14. F00570. Tender endorsement for the supply of one backhoe loader under contract – FS11-07

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

- 1. That the Council accepts the tender submitted by Hitachi Construction Machinery for the John Deere model 315SG Backhoe at a unit cost of \$122,210 (GST inclusive).**
- 2. That the replaced Backhoe is disposed of through Public Auction.**

* * * * *

End of last Minute on Page

MINUTE NO. 275

15. F00088. Alternative options for the provision of child minding facilities on-site at the Springwood Fitness and Aquatic Centre

RESOLVED UNANIMOUSLY on the MOTION of Councillors McLaren and Searle **that the Council investigate options to increase the space available for fitness classes at the Springwood Fitness and Aquatic Centre and a report comes back to the Council outlining the options and associated costs.**

* * * * *

MINUTE NO. 276

16. C00680. Précis of Selected Correspondence, 19/10/2007

RESOLVED UNANIMOUSLY on the MOTION of Councillors Trindall and Van der Kley **that the Précis of Selected Correspondence be received and appropriate letters forwarded where necessary.**

* * * * *

MINUTE NO. 277

6. C01564. Confidential Business Paper - Bungarrabee

A MOTION was moved by Councillors Searle and Myles:

- 1. That the Business Paper be deferred for consideration until all other business of this meeting has been concluded.**
- 2. That the Council close part of the Council Meeting for consideration of the Business Paper pursuant to the provisions of Section 10A(2)(d)(i) of the Local Government Act 1993, as the report contains, and discussion is likely to involve commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.**

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

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

* * * * *

End of last Minute on Page

MINUTE NO. 278

C1. C01564. Bungarrabee Inc. – Outstanding Sundry Account

RESOLVED UNANIMOUSLY on the MOTION of Councillors Myles and Searle **that, in accordance with Regulation 213 of the Local Government (General) Regulation 2005, the Council write-off outstanding amount deemed to be unrecoverable subject to a secured caveat as detailed in this report.**

* * * * *

MINUTE NO. 279

8. C07732. Confidential Business Paper – Tender for court surface work component of tennis courts construction, Summerhayes Park, Winmalee

A MOTION was moved by Councillors Searle and Myles:

1. That the Business Paper be deferred for consideration until all other business of this meeting has been concluded.
2. That Council close part of the Council Meeting for consideration of the Business Paper Tender for Civil Work component of the Tennis Courts Construction, Summerhayes Park, Winmalee, pursuant to the provisions of Section 10A(2)(c), (d) and (g) of the Local Government Act 1993, as the report contains, and discussion is likely to involve:
 - information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting business;
 - commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it; and
 - advice concerning litigation or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

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

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

* * * * *

End of last Minute on Page

MINUTE NO. 280

C2. C07732. Tennis Courts, Summerhayes Park, Winmalee

RESOLVED UNANIMOUSLY on the MOTION of Councillors McLaren and Myles:

1. That the Council receives and notes this report.
2. That the Council resolves to accept the amended tender price submitted by Court Craft, Kenthurst for the Court Surfacing work component of the Two (2) new Championship Tennis Courts at Summerhayes Park, Winmalee for the lump sum price of \$167,838 (\$152,580 + \$15,258 GST).
3. That a contingency of \$9,174, part of the remaining \$263,754 budget be approved for staff to manage variation payments.

* * * * *

MINUTE NO. 281

9. A61432-E. Confidential Business Paper – Proposed purchase of land in Arthur Street, Warrimoo for the purposes of developing a park

A MOTION was moved by Councillors Searle and Myles:

1. That the Business Paper be deferred for consideration until all other business of this meeting has been concluded.
2. That the Council close part of the Council Meeting for consideration of the Business Paper to discuss information related to the potential Council purchase of land in Arthur Street, Warrimoo for the purposes of developing a park pursuant to the provisions of Section 10A(2)(c) of the Local Government Act 1993, as the report contains and discussion is likely to involve, information that would if disclosed, confer a commercial advantage on an organisation with whom the Council is conducting business.

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

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

* * * * *

MINUTE NO. 282

C3. A61432-E. Confidential Report – Proposed purchase of land in Arthur Street, Warrimoo for the purposes of developing a park

RESOLVED UNANIMOUSLY on the MOTION of Councillors McLaren and Trindall:

1. That the Council adopt Option 3 of this report being the purchase of all of 14 Arthur Street Warrimoo, re-subdivision and the sale of residual surplus land, not required for park development.
2. That the Council negotiate the purchase of 14 Arthur Street Warrimoo, being Lots 2, 3 and 4 in Deposited Plan 0011486, from the Anglican Church Property Trust under the terms and conditions contained in this report.
3. That consistent with Section 31 of the Local Government Act the subject land be classified operational upon purchase to allow the on-sale of the residual surplus land.
4. That the residual surplus land identified in Option 3 be sold at auction in accordance with the Council's adopted Corporate Property Policy.
5. That the funds achieved from the sale of the residual surplus land be deposited in the Property Investment Fund in accordance with the Council adopted Corporate Property Policy.
6. That the General Manager or his assignee be delegated the authority to set the reserve price for the sale of the residual surplus land in consultation with a registered valuer and local agent.
7. That if the residual surplus land does not sell at auction it be immediately placed on the open market at the reserve price or an alternative price agreed to by the General Manager or his assignee.
8. That the Common Seal of the Council be affixed as required, to documents relating to this matter.
9. That a submission be made for funding of \$100,000 in the 2008/09 Capital Works program for the purposes of developing a passive recreation park on the subject land.
10. That a further report be provided to the Council on the outcome of the proposed land purchase by March 2008.

* * * * *

End of last Minute on Page

MINUTE NO. 283

C00336. Procedural – Re-open Meeting to the Public

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Trindall **that the Meeting be re-opened to Public participation.**

* * * * *

MINUTE NO. 284

C05451. Recommittal of Item 5

RESOLVED UNANIMOUSLY on the MOTION of Councillors Myles and Searle **that Item 5 be recommitted for the Council consideration.**

* * * * *

MINUTE NO. 285

C05451. Recommittal of Item 5, 2007 National General Assembly of Local Government

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and McLaren **that the Council nominate Councillor Angel to be the Voting Delegate and Councillor Hamilton, Brown and O’Grady as Observers at the National General Assembly of Local Government Conference in Darwin 2007.**

* * * * *

MINUTE NO. 286

C00336. Procedural – Question that Meeting Close

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

The ordinary Meeting of the Council closed at 8:45pm on Tuesday 9 October 2007.

* * * * *

End of last Minute on Page