

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, 11 April 2006, commencing at 7:32 pm.

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There were present:

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

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In attendance:

General Manager, Group Manager BM City Services, Group Manager Community and Corporate, Group Manager Environmental and Customer Services, Chief Financial Officer, Acting Executive Officer, Acting Manager Planning, Senior Environmental Health and Building Surveyor, Manager Planning Health and Enforcement, Manager Corporate Planning, Communications Officer and Councillor & Executive Administration 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. 526

C00679. Apologies and Leave of Absence

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and O'Grady **that the apologies tendered on behalf of Councillors Creed and Brown for their non attendance at the meeting be accepted and leave of absence granted.**

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MINUTE NO. 527

C00336. Confirmation of Minutes - Ordinary Meeting, 21/3/06

RESOLVED UNANIMOUSLY on the MOTION of Councillors Searle and Van der Kley **that the Minutes of the Ordinary Meeting of 21 March 2006 be confirmed.**

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DISCLOSURES OF INTERESTS, 11/4/06

MINUTE NO. 528

C00336. Procedural - Disclosures of Interests, 11/4/06

Councillor Trindall made the following declaration with respect to Item 8 - Development Application No. X06/0029 for a Pre-Fabricated Metal Grandstand/Spectator Seating at Summerhayes Park, Part Lot 2 DP 220070 and Part Lot 6 DP 661403, 326-340 Hawkesbury Road, Winnmalee:

“I disclose a pecuniary interest in Item 8. The development is in close vicinity to my daughter’s home and will impact on the value and the amenity. I will not take part in discussion or consideration and will leave the Chamber.”

The General Manager, Michael Willis, made the following declaration with respect to Item 9 - Section 96 Application to Modify Development Consent No. D94/0678 for a Retail Plant Nursery, Child Care Centre and Integrated Housing Development at Lots 12-19, 22-25, 39-48 DP 7047, Lot 8 DP 30397 (Sorensen’s Nursery) No. 8 Herbert Street, Leura:

“I declare an interest in Item 9. My property adjoins that property. I’ll depart the Chamber at that point and my position will be taken by the Group Manager Environmental and Customer Services, Mr Greenwood.”

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MINUTE NO. 529

Letter of Condolence – Mrs May Luchetti

RESOLVED UNANIMOUSLY on the MOTION of Councillors Searle and Van der Kley **that a letter of condolence be written to the Luchetti family on the recent passing of Mrs May Luchetti, widow of the Late Tony Luchetti, Freeman of the City.**

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REPORT BY GENERAL MANAGER, 11/4/06

MINUTE NO. 530

1. Western Sydney Regional Organisation of Councils (WSROC) 2004-08 Strategic Plan Update

RESOLVED UNANIMOUSLY on the MOTION of Councillors Searle and McLaren:

1. That Council note the achievements of WSROC over the past 12 months in the implementation of its 2004-08 Strategic Plan as identified in Attachment 1 to this report.
2. That Council formally acknowledge and congratulate WSROC on both its progress against the strategic goals of its 2004-08 Strategic Plan and in its ongoing advocacy on behalf of the councils of Western Sydney, in particular its continued advocacy for public transport for Western Sydney.

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MINUTE NO. 531

2. C07486. Placement of the Draft 2006-2007 Management Plan including the Draft Revenue Policy on Public Exhibition

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Van der Kley that subject to any amendments arising from Council's consideration of items at this meeting, Council approves the Draft 2006-2007 Management Plan incorporating the Draft 2006-2007 Revenue Policy (contained in the complementary volume) for placement on Public Exhibition.

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MINUTE NO. 532

3. C00694. Schedule of Invested Monies

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Frappell that the Schedule of Invested Monies as at 28 February 2006 be received.

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MINUTE NO. 533

4. Property Disposal & Investment Program (PDIP) and the Property Management Advisory Panel (PMAP)

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

1. That the amended Corporate Property Policy (CPP) of ordinary meeting 10 May 2005 (Item 8) be noted and endorsed.
2. That the Property Management Advisory Panel (PMAP) be established and operate as detailed in this report under sections:
 - 2.1 Purpose
 - 2.2 Role
 - 2.3 Membership (with the addition that all councillors a) be notified of meeting times; and b) be able to be present to observe proceedings)
 - 2.4 Monitoring & review of Corporate Property Policy
 - 2.5 Reporting & Accountability
 - 2.6 Expert Advice
3. That the Council appoint Councillors Myles and Frappell as members of the PMAP, with the remainder of Councillors to be observers.
4. That the Property Disposal & Investment Program (PDIP) operates in accordance with:
 - 3.1 The Corporate Property Policy (CPP)
 - 3.2 Detailed disposal and investment criteria that have regard for social, environmental and economic sustainability
 - 3.3 Community consultation be undertaken and based on:
 - 3.3.1 Utilising the Management Plan to inform the public of the PDIP Objectives, Policies and Principles, as well as those properties that may be acquired or disposed of through the course of the year;
 - 3.3.2 Operational land which has previously been identified as being acquired for community facilities;
 - 3.3.3 Such other sites as may be specifically resolved by Council.
5. That the Council calls for tenders/expressions of interest for the provision of expert advice on the Property Disposal & Investment Program (PDIP).
6. That the Council note and endorse the Finance and Assets Working Party identification of the Property Disposal & Investment Program (PDIP) as the initial priority strategy to redress Council's declining financial position as projected in the Long Term Financial Strategy.

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7. That this matter be referred to the Finance and Assets Working Party as a standing item.

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MINUTE NO. 534

5. H00244. C02585. Land Sale and Status of 32-34 Great Western Highway, Valley Heights, and 5 Churchill Street, Springwood

The Meeting was addressed by Thelma Murphy.

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

1. That loan funds of \$960,000 raised for land acquisitions under LEP 2005 in 2005/6, be diverted to fund the shortfall in construction costs of the Springwood Aquatic Centre.
2. That additional borrowings of \$960,000 be included in the 2006/7 Management Plan.
3. That, on the sale of 32-34 Great Western Highway, Valley Heights, the proceeds of the sale be put into the proposed Property Investment Fund.

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MINUTE NO. 535

6. C07644. Tender for Consultancy to Undertake an Occupational Health and Safety Audit of Council Buildings

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

1. That Council receives and notes this report.
2. That the tender of Echelon Australia Pty Ltd for the contract sum of \$121,000 (being \$110,000 plus \$11,000 GST) be accepted.
3. That the General Manager or the Public Officer be authorised to sign the contract on behalf of Council.

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MINUTE NO. 536

7. X05/0125. Section 82A Application to Review the Determination of Development Application No. X05/0125 for an Enlargement of the Carport and Rear Deck and a Pergola/Awning over the Deck on Lot 48, DP 207235, No. 22 Bellbird Crescent, Blaxland

The Meeting was addressed by Stephen Watson.

RESOLVED UNANIMOUSLY on the MOTION of Councillors Myles and Searle:

1. That this matter be deferred pending an on-site meeting with BMCC Councillors, BMCC staff, the applicant and the affected neighbour.
2. That this matter be reported back to the Council after the meeting has occurred.

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MINUTE NO. 537

8. X06/0029. Development Application No. X06/0029 for a Pre-Fabricated Metal Grandstand/Spectator Seating at Summerhayes Park, Part Lot 2 DP 220070 and Part Lot 6 DP 661403, 326-340 Hawkesbury Road, Winmalee

The Meeting was addressed by Bruce Smith.

RESOLVED UNANIMOUSLY on the MOTION of Councillors McLaren and Myles that Development Application No. X06/0029 for a pre-fabricated metal grandstand/spectator seating at Summerhayes Park, Part Lot 2 DP 220070 and Part Lot 6 DP 661403, 326-340 Hawkesbury Road, Winmalee be determined pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 by the granting of consent subject to conditions shown as Attachment 1 to this Report.

Attachment 1—Conditions of development consent

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| 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 Parkequip Pty Ltd numbered 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. |

MINUTE NO. 537 (CONTD.)

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| 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. |
| Building Code of Australia | 4. All building work must be carried out in accordance with the provisions of the Building Code of Australia. |
| Access for the disabled | 5. To ensure access for disabled people is provided, a statement from the applicant is required certifying that the development complies with the provisions of the <i>Disability Discrimination Act 1992</i> ; the <i>Australian Standard AS1428</i> and Part C5.7 of Council's <i>Better Living Development Control Plan</i> . This statement is to form part of the construction certificate documentation, and is to address access from the carpark to the grandstand, and within the grandstand. |
| Site management | 6. To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period: <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 washing tools, concreting and bricklaying shall be undertaken on the building block. The pollutants from these building operations shall be contained on site. |
| Workers amenities | 7. Before work starts, toilet facilities must be provided for construction personnel on the site on the basis of 1 toilet for every 20 workers. Amenities are to be installed and operated in an environmentally responsible and sanitary manner. Toilets cannot remain on site for any longer than 12 months, without the further approval of Council. |

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| <u>Limits of use in relation to spectator seating</u> | 8. To reduce adverse impacts from traffic generation, during those times when spectator seating and the associated playing field are being used for Division 1 Games of the Springwood Soccer and Sports Club or for sporting events of a similar nature, no other organised games/activities are to be conducted on the other playing fields in Summerhayes Park. |
| <u>Hours of use for organised sporting events with spectators</u> | 9. To limit impacts on residential amenity, spectator seating and the associated playing field are not to be used any later than 8pm for Division 1 Games of the Springwood Soccer and Sports Club or for other sporting events involving spectators. |

Councillor Trindall was not present in the Council Chamber when this matter was considered.

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MINUTE NO. 538

9. D94/0678. Section 96 Application to Modify Development Consent No. D94/0678 for a Retail Plant Nursery, Child Care Centre and Integrated Housing Development at Lots 12-19, 22-25, 39-48 DP 7047, Lot 8 DP 30397 (Sorensen's Nursery) No. 8 Herbert Street, Leura

The General Manager, Michael Willis, vacated the Council Chamber and the Group Manager Environmental and Customer Services, Robert Greenwood took the General Manager's seat for consideration of this item.

The Meeting was addressed by John Hockney, Jerry Allen, James Ian McMillan and Ron Dunkley.

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

1. That Development Consent No. D94/0678 granted by Council on 14 October 1997 for a retail plant nursery, child care centre and integrated housing development on Lots 12-19, 22-25, 39-48 DP 7047, Lot 8 DP30397 (Sorensen's Nursery) No. 8 Herbert Street, Leura be modified pursuant to Section 96 (2) of the Environmental Planning and Assessment Act 1979 as set out in Attachment 1 to the Enclosure (Report to Council Ordinary Meeting 31 January 2006).
2. That Councillors be advised of the outcome of investigations being undertaken in relation to issues which, while not being relevant to the determination of the above application, have been raised in public submissions following the notification of the above s.96 (2) application and are considered to be in the public interest.

MINUTE NO. 538 (CONTD.)

An AMENDMENT was moved by Councillors McInnes and O'Grady that Council defer this matter for consideration and seek advice from its heritage advisor, or suitably qualified heritage consultant, to ensure that all heritage issues have been taken into account.

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

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

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

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

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MINUTE NO. 539

10. C00944. Community Assistance / Donations - Recommendations by Councillors

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Frappell that Council approve the following donations from the Councillors' Minor Local Projects Vote:

<u>Organisation</u>	<u>Amount</u>
Rock Against Racism	\$200
Mid Mountains Neighbourhood Centre	\$594
Faulconbridge Rural Fire Service	\$200
Lawson Combined Services at Lawson	\$150
Mountains Community Resource Network	\$200
Mt Riverview Guides	\$500
Valley Heights Progress Association	\$100
Braemar Gallery	\$100

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MINUTE NO. 540

11. C00131. C00322. New Appointment to the Braemar House and Gallery Committee

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Frappell that Council appoint Ms Julie Parkin as a member of the Braemar House and Gallery Committee.

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MINUTE NO. 541

12. C00534. Local Traffic Committee

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

1. That Council receives and notes this report.
2. That the items 2006.02, 2006.03, 2006.05 and 2006.06 contained in the report of the Local Traffic Committee meetings held on 14 February 2006 be approved by Council.
3. That the Director Client Services - Roads and Traffic Authority Blacktown, the Superintendent of Police - Blue Mountains Area Command and the Local Member's Representative be notified of Council's approval.
4. That the items 2006.01, 2006.04, 2006.07, 2006.08 and 2006.09 are noted by Council.

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NOTICE OF MOTION, 11/4/06

MINUTE NO. 542

13. C07515. Exhibition of Draft Cultural Strategy

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Frappell that the exhibition period for the exhibition of the draft Cultural Strategy be extended for one month from April till the end of May 2006.

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PRECIS OF SELECTED CORRESPONDENCE, 11/4/06

MINUTE NO. 543

14. C00680. Precis of Selected Correspondence, 11/4/2006

The Meeting was addressed by Thelma Murphy.

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

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MINUTE NO. 544

C00336. Procedural – Matter of Urgency

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Myles **that Council now consider a matter concerning CityRail’s proposal to the Independent Pricing and Regulatory Tribunal of NSW (IPART) to increase off-peak train fares, such matter having been ruled by the Mayor to be a matter of great urgency.**

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MINUTE NO. 545

Matter of Urgency - Proposal by CityRail to the Independent Pricing and Regulatory Tribunal of NSW (IPART) to Increase Off-Peak Train Fares

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Myles **that Council writes to the Hon Bob Debus, Member for Blue Mountains, and Peter Debnam, Leader of the Opposition, expressing its strong opposition to CityRail’s proposal to the Independent Pricing and Regulatory Tribunal of New South Wales (IPART) to increase off-peak train fares by 25%, due to the adverse impact on the following:**

- the unemployed and those on low incomes;
- those who work part time;
- residents who rely on off-peak train services to access Katoomba, Lithgow, Penrith, Westmead and beyond for medical and other important services;
- tourism in the Blue Mountains as tourists, particularly backpackers and recreational visitors, tend to travel during off-peak periods.

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MINUTE NO. 546

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 8:33 pm on Tuesday, 11 April 2006.

The Ordinary Meeting of the Council then closed.

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