

BLUE MOUNTAINS CITY COUNCIL

ORDINARY MEETING

15 May 2007

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Minutes of the Ordinary Meeting of the Council of the City of Blue Mountains held in the Council Chamber, Administrative Headquarters, Civic Place, Katoomba on Tuesday, 15 May 2007, commencing at 7.31pm.

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There were present:

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

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In attendance:

General Manager, Executive Officer, Group Manager BM City Services, Group Manager Community & Corporate, Group Manager Environmental & Customer Services, Corporate Planning Manager, City Planning Manager, Environmental Management Manager, Information and Customer Services Manager, Planning Health and Enforcement Manager, Communications Manager, Senior Strategic Planner, Program Leader Community Outcomes, Principal Recreation and Community Planner, Program Leader Waste and Resources, Sustainable Asset Management Co-ordinator, Social Planner Sustainable Communities, Team Leader - Compliance, Project Support Officer - Compliance, Senior Environmental Ranger and Environmental Ranger.

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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. 106

C00679. Apologies

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

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MINUTE NO. 107

C00336. Confirmation of Minutes - Ordinary Meeting, 24/04/07

RESOLVED UNANIMOUSLY on the MOTION of Councillors Frappell and Van Der Kley that the Minutes of the Ordinary Meeting of 24 April 2007 be confirmed with the following correction:

Correction to Minute No: 103 from 24 April 2007, in that Councillor McInnes was FOR the Motion and Councillor McLaren was AGAINST.

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MINUTE NO. 108**S1. Management Arrangements – Blaxland High School Sports Centre**

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

1. That the Council accepts Mr Ralph Williams' resignation as a Council appointed community representative on the management committee of the Blaxland High School Sports Centre.
2. That the Council nominates Councillor Kevin Frappell as one of its representatives on the management committee of the Blaxland High School Sports Centre.
3. That Mr Tony Adamski be reaffirmed as a Council appointed community representative on the management committee of the Blaxland High School Sports Centre.
4. That Council authorise the General Manager to nominate an Officer of Council as a Council Support person to assist the Council Representatives on the management committee of the Blaxland High School Sports Centre by attending meetings with the representatives.
5. That Mr Ralph Williams be thanked for his extensive involvement in the development of the Blaxland High School Sports Centre

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MINUTE NO. 109**S2. S04/0034. Signature and Council Seal For Subdivision Plans Lot 1 Dp801786
32-34 Great Western Highway Valley Heights – DA S04/0034**

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

That the Council resolves to apply the Common Seal and sign the linen plans, paper copies and 88b instrument for Development Application No. S04/0034 for a one into two lot subdivision at Lot 1 DP 801786, Nos. 32-34 Great Western Highway, Valley Heights.

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MINUTE NO. 110**1. C00694. Schedule of Invested Monies**

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

That the Schedule of Invested Monies as at 31 March 2007 be received.

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MINUTE NO. 111

2. Goods and Services Tax Compliance

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

1. **That the Council resolve to certify that:**
 - (a) **Voluntary GST has been paid by Blue Mountains City Council for the period 1 May 2006 to 30 April 2007.**
 - (b) **Adequate management arrangements and internal controls were in place to enable the Council to adequately account for its GST liabilities and recoup all GST input tax credits eligible to be claimed.**
 - (c) **No GST non-compliance events by the Council were identified by or raised with the Australian Taxation Office.**

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

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MINUTE NO. 112

4. C07715, F01992. Proposed Lease to Telstra for Telecommunications Facility Great Western Highway, Valley Heights

The meeting was addressed by Jerry Allan.

RESOLVED UNANIMOUSLY on the MOTION of Councillors Trindall and Myles:

That the matter be deferred to the Environmental and Planning Working Party to allow Telstra time to arrange with Optus to co-locate their proposed facility on the Optus tower situated on the opposite side of the Highway at Valley Heights.

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MINUTE NO. 113

5. C01900. Third Quarter 2006/2007 Management Plan Report Including Capital Works Program and Operating Budget

The meeting was addressed by Ivan Jeray.

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

1. **That the General Manager’s report together with the accompanying documents titled “Quarterly Review Management Plan including Capital Works March 2007 – 2006/2007” and “Quarterly Review Budget March 2007 – 2006/2007” (both separately enclosed) be noted and endorsed.**

- 2. That the variations of income and expenditure as identified in the accompanying documents be endorsed and noted, excluding the variation of expenditure for the Katoomba Town Entry project.
- 3. That the Katoomba Town Entry project be referred to the Environment and Planning Working Party for further consideration regarding location, project design elements, implementation and funding.

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MINUTE NO. 114

7. F02022. Review of the Council Kerbside Bulky Waste Collection and Greenwaste Chipping Services

The MOTION was moved by Councillors Hamilton and Frappell:

- 1. That the Council change the method of delivery of the Kerbside Bulky Waste and Greenwaste Chipping services from zone-based to booked, commencing on 1 July 2007.
- 2. That residents be given the opportunity of determining the services that they utilise in accordance with this report.
- 3. That the changes in staff and equipment resources identified in this report be approved.
- 4. That savings from the under expenditure in the Bulky Waste SLA be carried forward to 2007/2008 to fund the availability of an additional service for those residents in the area of Lapstone to Faulconbridge that will miss out on a service in May and June 2007 due to the change.
- 5. That a progress report be submitted to the Council after completion of the first six months of operation.

An AMENDMENT was put forward by Councillors Myles and McLaren:

- 1. **That the Council maintain the existing service and reaffirm its commitment to kerbside collection and states its full support for the current kerbside was collection arrangements.**
- 2. **That the matter be reported back in 6 months to the Environment and Planning Working Party.**

Upon being put to the Meeting, the AMENDMENT was carried, the vote being:

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

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MINUTE NO. 115**8. The Blue Mountains City Council Prize for Young People Attending The University Of Western Sydney**

The meeting was addressed by Joel Clark.

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

1. That the Council establish an annual “Smart Start Prize” for a young Blue Mountains resident who is completing their HSC year and who will be studying at the University of Western Sydney. The prize will be paid as a one-off grant of \$2,000 annually, commencing in the calendar year 2008.
2. That the prize be awarded in a lump sum just prior to the University census date of March 31 each year.
3. That the prize include the opportunity for the recipient to spend a minimum of two weeks during semester break engaged in work experience with the Blue Mountains City Council.
4. That the prize be named the ‘Blue Mountains Youth Council Smart Start Prize’, in recognition of the Youth Council’s efforts in establishing a scholarship for local young people.
5. That the prize be reviewed after a period of three years in September 2010.

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MINUTE NO. 116**9. F01815. Amended Draft Plan of Management for Lawson Community Hall and RFS**

The meeting was addressed by Colin Steele, John Sheehy and Kathy O’Hara.

A MOTION for deferral was put up by Councillors McInnes and Trindall.

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

1. That the Council adopts the amended Draft Plan of Management for Lawson Community Hall and Rural Fire Service Headquarters for the purpose of public exhibition in accordance with the provisions of the Local Government Act 1993.
2. That the exhibition of the Draft Plan is for a period of 42 days and is widely advertised and promoted.
3. That notification of the exhibition is sent to those people who made submissions on the previously exhibited Draft Plan of Management.
4. That a report comes back to the Council following the public exhibition.
5. That the information provided by written correspondence dated 15 May 2007

from Mr John Samuel Sheehy be dealt with as a submission to the Draft Plan of Management.

Upon being put to the Meeting, the AMENDMENT became the MOTION, the vote being:

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

Upon being put to the Meeting, the MOTION was carried, the vote being:

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

MINUTE NO. 117

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

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

- That the Council approve the following donations from the Councillors’ Minor Local Projects Vote:**

<u>Organisation</u>	<u>Amount</u>
Australian Plants Society –Blue Mountains Group	\$200.00
Blue Mountains City Council	\$256.50

- That the Council approve the following donation from the Mayoral Contingency Fund:**

<u>Organisation</u>	<u>Amount</u>
Blackheath Art Society Inc	\$500.00

MINUTE NO. 118**11. H01442, H00017, A66467. Future Use of Glenbrook Sewerage Treatment Plant, Glenbrook**

The meeting was addressed by Jerry Allan.

RESOLVED UNANIMOUSLY on the MOTION of Councillors Frappell and Creed:

1. **That the Council defer consideration of this matter.**
2. **The restoration and future use of the site be referred to the Community Services and Facilities Working Party for consideration and further investigation prior to the matter being return to Council for decision.**

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MINUTE NO. 119**12. X05/1101. Development Application No. X05/1101 For A Mixed Residential And Commercial Development Comprising 60 Dwellings In A Residential Flat Building Constructed Above 14 Commercial Premises With Basement Car Parking At Lot 3 Dp 705910, Lots 12 And 13 Dp 236340, Lot 4 Dp 656607 And Lots 51 And 52 Dp 827236, Nos. 3-7 Goldsmith Place, Katoomba**

The meeting was addressed by Ivan Jeray and Michael Badaoui.

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

1. That Development Application No. X05/1101 for a mixed residential and commercial development comprising 60 dwellings in a residential flat building constructed above 14 commercial premises with basement parking at Lot 3 DP 705910, Lots 12 and 13 DP 236340, Lot 4 DP 656607 and Lots 51 and 52 DP 827236, Nos. 3-7 Goldsmith Place, Katoomba, 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.
2. That the balcony panels on units visible from the Great Western Highway, Goldsmith Place/Katoomba Railway Station and the Yeaman Bridge to be of a translucent material.
3. That the displaying of washing and the like shall not be visible from units with balconies visible from the Great Western Highway, Goldsmith Place / Katoomba Railway Station and the Yeaman Bridge.

An AMENDMENT was moved by Councillors McInnes and Brown:

That the matter be deferred for preparation of a report on Groundwater issues for the site.

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

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

The revised AMENDMENT was moved by Councillors Myles and Van der Kley:

1. **That Development Application No. X05/1101 for a mixed residential and commercial development comprising 60 dwellings in a residential flat building constructed above 14 commercial premises with basement parking at Lot 3 DP 705910, Lots 12 and 13 DP 236340, Lot 4 DP 656607 and Lots 51 and 52 DP 827236, Nos. 3-7 Goldsmith Place, Katoomba, 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.**

2. **That the outcome of discussions between the Council and the applicant in relation to Condition 22 (page 91) shall be reported to the Environmental Planning Working Party prior to the issuing of the Occupation Certificate.**

Upon being put to the Meeting, the AMENDMENT was carried and became the MOTION, the vote being:

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

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MINUTE NO. 120**13. Z11/147. Finalisation of the Review Process for Draft Amendment 5
(Former Leura Golf Clubhouse Precinct) To Local Environmental Plan 2005**

The meeting was addressed by Jerry Allan, Barry Marshall, Colin Ross Parker and Matt Keady.

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

1. That the Council note the nature of the public response to the public exhibition of Blue Mountains Local Environmental Plan 2005, Draft Amendment 5 (Former Leura Golf Clubhouse Precinct).
2. That the Council receive this report and the document "Review of Public Submissions to the Former Leura Golf Clubhouse Precinct Draft LEP" (the 'Review Document'), which is provided as a separate Enclosure.
3. That the Council adopt the following recommendations contained within the document "Review of Public Submissions to the Former Leura Golf Clubhouse Precinct Draft LEP" (the 'Review Document') as the basis for making alterations to Draft Amendment 5 (Former Leura Golf Clubhouse Precinct) to Local Environmental Plan 2005:

(a)	Recommendation	A	(Aims of the plan),
(b)	Recommendation	B	(Desired future character),
(c)	Recommendation	C	(Building height),
(d)	Recommendation	D	(Building setback),
(e)	Recommendation	E	(Site coverage),
(f)	Recommendation	F	(Development density),
(g)	Recommendation	G	(Character preservation),
(h)	Recommendation	H	(Built form and landscape setting),
(i)	Recommendation	I	(Vehicular access),
(j)	Recommendation	J	(Heritage conservation),
(k)	Recommendations	K1&K2	(Miscellaneous).
4. That pursuant to Section 68 and 69 of the Environmental Planning and Assessment Act 1979, the Golf Clubhouse Precinct DLEP (as altered in response to the Recommendations referred to in 3 above) and the required supporting information be forwarded to the Department of Planning with a request that the Minister for Planning make the Golf Clubhouse Precinct Amendment.
5. That the Council delegate authority to the General Manager to undertake and authorise such incidental changes to the revised Golf Clubhouse Precinct DLEP as may be required for the purpose of legal drafting and other requirements of the Director- General to facilitate gazettal of the revised Golf Clubhouse Precinct DLEP where those changes do not affect the intent or substance of the draft plan.

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MINUTE NO. 121**14. Incoming Funds pertaining to the Temporary Use of Land near The Elsie Langford Centre**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Frappell:

1. That the Council notes the following funds it has received and will be receiving in connection with the temporary use of land near the Elsie Langford Centre,

Medlow Bath:	
RTA:	\$2,920
Sydney Water:	\$1,041 per month
(Commencing 5 February 2007 until termination)	
Currently available:	\$2,839

2. That the Council receives a report on the allocation of funds to be used for facilities and/or improvements for the local community and the Medlow Bath Community Association be fully consulted regarding the use of these funds.

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MINUTE NO. 122**15. Report on the Implementation of Adaptable Housing under the Equity of Access and Housing Choices**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Trindall and McLaren:

1. That the Council receive a report on the implementation of adaptable housing under the Equity of Access and Housing Choices when considering development applications.

2. That a report comes to Council assessing the effectiveness of the LEP 2005 provisions for Adaptable Housing.

3. That this report addresses:
 - Whether all dual occupancy, granny flats and multi dwelling housing are complying strictly with the standards outlined in the DCP.

 - Whether all dwellings in the Accessible Housing Areas are complying strictly with the standards outlined in the DCP.

 - What procedures does Council have in place to ensure DAs are assessed by an officer who has a thorough understanding of the requirements of AS 4299-1995?

 - What procedures does Council have in place to ensure that building inspections are undertaken by an officer who has a thorough understanding of the requirements of AS 4299-1995, to ensure on the ground results?

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MINUTE NO. 123

16. Dog Day Out

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

That a Report come to the Council on the feasibility of a Dog Day Out that is a collaboration between the Council, the Glenbrook Chamber of Commerce and the local Dog Club. This report should outline the benefits of such a day as an educational forum in light of recent Companion Animal legislation and the costs associated with managing the event. The event, if feasible, should be held in the Spring.

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MINUTE NO. 124

17. Road Safety at the Intersection of Hawkesbury Road and Halcyon Avenue, Winmalee.

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

That the Council ask the Local Traffic Committee and the RTA to examine options for improving road safety at the intersection of Hawkesbury Road and Halcyon Avenue, Winmalee.

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RESOLVED UNANIMOUSLY on the MOTION of Councillors Creed and Frappell **that Council move into Confidential Meeting.**

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MINUTE NO. 125

3. C06540, A61432. Confidential: Sale of 3 Wascoe Street, Glenbrook

RESOLVED UNANIMOUSLY on the MOTION of Councillors Creed and Frappell:

- 1. That Council sell to the Anglican Church Lot L 2 Deposited Plan 966721 being 3 Wascoe Street, Glenbrook for \$100,000 subject to successful negotiations for the purchase of the required land in South Warrimoo.**
- 2. That Council continue to negotiate for the land at 14 Arthur Street, Warrimoo for a neighbourhood park.**
- 3. That the Common Seal of Council be affixed to the necessary documents relating to this matter.**

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MINUTE NO. 126

6. Confidential: Replacement of Echo Point Pay and Display Parking Meters

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

- 1. That the existing pay and display parking meters at Echo Point be replaced with new generation meters that accept credit card payments.
- 2. That a contract be developed for the acquisition of 30 Reino MX Pay and Display meters under Government Contract from Reino International at the cost set out in the Executive Summary of this report.
- 3. That the new meters be purchased and that the funding is sourced from the Echo Point parking reserve.

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RESOLVED UNANIMOUSLY on the MOTION of Councillors Creed and Frappell that Council return to the Ordinary Meeting.

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MINUTE NO. 127

18. C00680. Précis of Selected Correspondence, 15/05/2007

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

That the Précis of Selected Correspondence be received and appropriate letters forwarded where necessary.

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MINUTE NO. 128

Matter of Urgency: Loftus Street, Lawson

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

That, subject to safety considerations and consultation with the local traffic committee, the Council close Loftus Street, Lawson, to through traffic pending a report to the Council regarding options for Loftus Street, Lawson, including:-

- sealing the remainder of the road; and/or
- permanent closure of the road to through traffic.

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MINUTE NO. 129

C00336. Procedural – Question that Meeting Close

RESOLVED UNANIMOUSLY on the MOTION of Councillors Creed and Frappell:

That as there was no further business before the meeting, the Council Meeting now close.

The Ordinary Meeting of the Council closed at 9:50 pm on Tuesday, 15 May 2007.

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