

BLUE MOUNTAINS CITY COUNCIL

ORDINARY MEETING

13 MAY 2008

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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, 13 May 2008, commencing at 7:32 pm.

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There were present:

The Mayor (Councillor Jim Angel) in the Chair, and Councillors Brown, Creed, 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 & Corporate, Group Manager Environmental & Customer Services, Executive Officer, Director Major Projects, Manager City Planning, Manager Corporate Planning, Chief Financial Officer, Manager Planning Health and Enforcement, Manager Building and Construction, A/Communications Officer, Strategic Planning Specialist (Environment), Team Leader Community Outcomes, Senior Ranger, Ranger, Project Support Officer Governance Publications.

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Prayer / Reflection:

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

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C00679. Apologies

Nil

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MINUTE NO. 485

C00336. Confirmation of Minutes - Ordinary Meeting – 22 April 2008

RESOLVED UNANIMOUSLY on the MOTION of Councillors X and Y **that the Minutes of the Ordinary Meeting of Date be confirmed.**

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C00336. Declarations of Interest – Ordinary Meeting, 13 May 2008

Nil

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MAYORAL MINUTEMINUTE NO. 486**MM. F00331. Valuation of property, plant and equipment at fair value**

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

1. That the Council note the Department of Local Government requirements as detailed in Circular Number 08-07 and the Council's circumstances in respect of valuing the property, plant and equipment assets of the Council at fair value.
2. That the Council endorse the General Manager writing to the Local Government and Shires Association (LGSA) requesting the LGSA to make strong representation to the Department of Local Government regarding the fair value asset valuations issue, to provide Councils who are unable to meet the 30th June 2008 deadline, dispensation to use Valuer-General valuations in the short term and to delay reporting operational land portfolios at fair value.

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MINUTE NO. 487**1. C00694. Schedule of Invested Monies**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Searle and Van der Kley that the Schedule of Invested Monies as at 31 March 2008 be received.

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MINUTE NO. 488**2. F04014. Tender for Audit Services – RFT No. 2007-007**

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

1. That the Council accept the tender submitted by Morse Group for Audit Services for the period 1 July 2007 and ending 30 June 2013 for the cost of \$48,840.00 (\$44,400.00 + 4,440.00 GST) in the first year, with provision for annual increases in accordance with the tender submission.
2. That the Council approve annual first year expenditure up to \$53,724.00 (which is made up of \$44,400.00 tender plus \$4,440 contingency plus \$4,884.00 GST) which includes a 10% contingency.
3. That the Council approve an expenditure contingency of up to 10% above the annual contract amount for years two to six of the contract period.

MINUTE NO. 488 Contd

- 4. That the Council acknowledge the high standard of service given by PricewaterhouseCoopers over the past 12 years and in particular convey appreciation to Mr Dennis Banicevic, Director of PricewaterhouseCoopers.

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MINUTE NO. 489

3. F02977. Third Quarter 2007-2008 Report – Management Plan (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 2008 – 2007/2008” and “Quarterly Review Budget March 2008 – 2007/2008” (both separately enclosed), be noted and endorsed.
- 2. That the variations of income and expenditure as identified in the accompanying documents be noted and endorsed.

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F00086. Question Without Notice - Third Quarter 2007-2008 Report – Management Plan (including Capital Works Program) and Operating Budget

Councillor McInnes: Can the Draft Sewerage Strategy be brought to an Environmental and Planning Working Party?

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MINUTE NO. 490

4. F00613. Cultural Partnerships Program 2008

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

- 1. That the Council receives and notes this report.
- 2. That the Council endorses the funding recommendations of the Cultural Partnerships Advisory Committee as detailed in this report.

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MINUTE NO. 491

5. F00943. Proposal for the Mid Mountains Sustainability Reference Group

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

1. That the Council endorse the proposed approach for the Mid Mountains Sustainability Reference Group.
2. That the Council notes the financial commitment of \$7,500 per year to service the Mid Mountains Sustainability Reference Group.
3. That the functional review include input from the community.

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MINUTE NO. 492

6. F01154. Adoption of Revised Terms of Reference for Blue Mountains East Timor Friendship Committee

RESOLVED UNANIMOUSLY on the MOTION of Councillors O’Grady and Searle that the Council adopt the attached Terms of Reference for the Blue Mountains East Timor Friendship Committee, a Committee of Council.

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MINUTE NO. 493

7. F03616. Tender for the consultancy services for the design and documentation for the Katoomba Civic Centre and Laneway Connections – RFT 2007-005

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

1. That the Council accepts the tender submitted by McGregor Westlake Architecture Pty Ltd (MWA) for the provision of consultancy services for the design and documentation for the Katoomba Civic Centre and Laneway Connections for the cost of \$307,285 (\$279,350 + \$27,935 GST).
2. That the Council approve expenditure up to \$338,013.50 (which is made up of \$279,350 tender, plus contingency of \$27,935.00, plus \$30,728.50 GST) which includes a 10% contingency.

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MINUTE NO. 494**8. X/239/2007. Development Application No. X/239/2007 for a tourist accommodation on LOT 2 DP 7005, LOT 3 DP 7005 AND LOT 4 DP 7005, 256, 258 AND 260 Katoomba Street, Katoomba**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Searle and Van der Kley that the Development Application No. X/239/2007 for tourist accommodation on Lot 2 DP 7005, Lot 3 DP 7005 and, Lot 4 DP 7005, 256, 258 and 260 Katoomba 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.

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 following plans, prepared by:

- Darren Jackson Architectural Designs, numbered drawing No 07-11-019, sheet No 1 and 2, dated November 2007 (including landscape amendments marked in red).
- G B Meyer & Associates Surveyors, numbered 79-06/5 dated 4 August 2007.
- Environdesign Assoc. drawing S1 and A1 dated 24.9.07.
- RFA Landscape Architects, drawing number L-01 dated 12 February 2007 (refer to condition 16 for limitations of plan).
- The Katoomba trust for H.N.D Pty Ltd, drawing number T.A 006/07 dated February 2007.

and accompanying supportive documentation, except as otherwise provided or modified by the conditions of this consent.

Period of development consent

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

Construction certificate (building)

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

Building Code of Australia

4. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Annual fire safety statement

Each essential fire safety measure in the building

5. 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 dealing 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.

Change to land title

6. To ensure that the overall development is integrated, all lots subject to this consent shall be consolidated into one parcel.

Evidence of registration with the Land Titles Office must be provided to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

Operation of tourist accommodation

7. To ensure the operation of the tourist accommodation has limited impact on surrounding residential properties:

- a) Accommodation shall be available for short term paid accommodation only.
- b) The development shall not incorporate the serving of food or alcohol.
- c) The use of the development for functions is not permitted
- d) Congregation of guests in outdoor areas (including the barbeque area) within the site is to cease by 9.00 pm.

Sydney Water Section 73 Certificate

8. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, as it can take some time to build water/sewer pipes and this may impact on other

services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to issue of an Occupation Certificate.

Builders details

9. Prior to any works commencing on the site, written advice as to the builder's details (name, address and licence number) is required for the Council records.

Signage

10. 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.

Site management

11. To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during site works:
 - a. Site and building works (including the delivery or removal 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 the 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.

Plans on site

12. A copy of the stamped and approved plans, development consent and the construction certificate

are to be held on site at all times during demolition or construction work.

Advertising sign

13. The dimensions and height of the sign are limited to the details shown on the plan prepared by The Katoomba trust For H.N.D Pty Ltd, drawing No T.A 006/07 dated February 2007. The advertising sign is to be located entirely within the property boundary.

Details of the materials, design, colours and any proposed illumination are to be provided to the Council for approval prior to the erection of the sign.

Any illumination is to be minimised so as to ensure no adverse impact on traffic flow or adjoining properties. Flashing signs are not permitted.

Accessibility certification for constructed building

14. To ensure appropriate access and facilities are provided, certification is required from a suitably qualified Access and Mobility Specialist, certifying that the development (dwelling No 256) as constructed complies with the relevant requirements of Australian Standard 1428.

The certificate shall also certify that an intercom system has been installed to enable a person located outside the primary entrance of No 256 (the accessible dwelling) to communicate with the manager within both the office and manager's quarters within No 260. The intercom system shall be maintained to enable communication at all times.

This certification is to be provided to the Principal Certifying Authority prior to release of an Occupation Certificate.

Tree to be assessed

15. Prior to the commencement of the development, a qualified arborist must assess the condition (SULE) of the Oak tree on the adjoining property (254 Katoomba Street) in order to determine if it is worthy of retention in the landscape, and if so, undertake or oversee any remedial canopy and root pruning necessary to ensure its survival.

Should the tree be considered by the arborist to be of poor health, form or unlikely to benefit from remedial works, the tree should be removed and a super advanced replacement tree of the same species provided.

Completion of landscape works

16. Landscape works, including planting bed preparation, planting out of approved plant species including turf grasses and maintenance requirements shall generally

be carried out in accordance with Landscape Drawing No **L-01** prepared by **RFA landscape architects** and dated **12th February 2007**. The plant schedule and lay out of the plantings shall be carried out in accordance with the Site and Ground Floor Plan, Drawing Number **07-11-019** prepared by **Darren Jackson** and dated **November 2007**, except as amended in red by the following:

- a) The Plant Schedule on this plan supersedes the Plant Schedule on the Landscape Plan;
- b) Plant densities and species selection as amended;
- c) Additional shade tree, *Quercus palustris* or similar to be provided as shown;
- d) Garden beds adjacent to Waratah Avenue to be increased in width and provided with deep soil area to assist with stormwater management;
- e) Existing plantings along Katoomba Street to be supplemented generally as indicated;
- f) Minor substitutions and amendment to the planting layout is permitted provided that the intent of the landscape is not affected;
- g) Single species hedges and other plantings are to be minimised;
- h) A diverse palette of plant material is to be provided along the Katoomba street frontage to achieve a level of screening of the development, but to provide an interesting an interactive street frontage;
- i) Screen planting shall be provided along Northern, Southern and Eastern boundaries in accordance with the amended plans;
- j) Should discrepancies exist between the plan and existing site conditions, further amendment to the planting layout and substitution of plants using approved plant material is permitted, provided that the screening, environmental or amenity function of the landscape is not compromised;
- k) Any plants that die or are removed must be replaced with plants of the same species and of a similar stage of growth;
- l) Trees are to be provided as super advanced specimens - 15 – 35 litre, large and screening shrubs as advanced to super advanced -5-15 litre, and smaller shrubs and ground covers as

semi advanced to advanced – 150mm – 5 litre;

- m) Healthy and vigorous plants must be sighted in the landscape prior to issue of the Occupation Certificate.

Fencing

17. To protect the amenity and streetscape character of the locality, fencing is to be provided as follows:
- A 1.8 metre high 'lapped and capped' timber fence or equivalent is to be erected on the northern (side) boundary of No 256. The fence is to commence from the existing brick wall and taper down to the eastern (rear) boundary to a maximum height of 1 metre.
 - A 1 metre high fence constructed of either masonry or timber ('lapped and capped') is to replace the existing Colorbond fence on the eastern (rear) boundary of all three sites.

All fencing is to be completed prior to the release of the Occupation Certificate.

Lighting

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

ENGINEERING

Compliance with standards

19. All internal and external engineering works required by this development are to be in accordance with 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.

A qualified civil/structural engineer shall supervise all internal works and prior to issue of the Occupation Certificate, certification shall be obtained from a chartered civil/structural engineer submitted to the Principal Certifying Authority confirming all works have been constructed in accordance with the approved plans and specifications.

Sedimentation and erosion control

20. 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'

(Volume 1), dated March 2004 by Landcom NSW.

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.

Supervision of internal engineering works

21. All internal engineering works shall be supervised by a chartered civil/structural engineer. Certification from the supervising engineer shall be submitted to the Principal Certifying Authority to verify that all works have been constructed in accordance with approved plans prior to the release of the Occupation Certificate.

Construction in Council's roads

22. Where works are carried out on Council 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 Council's roads, plans and specifications prepared by a suitably qualified person and endorsed by a chartered civil engineer are to be submitted to and approved by Council under the Roads Act 1993.

Approval of the engineering designs by Council is subject to the payment of the prescribed Engineering Development Fees at the time of lodgement. All works in Council's road are to be at no cost to Council.

- b) An on site meeting is to be arranged with Council's Supervising Engineer prior to the commencement of any work in Council's road for the purpose of a pre-construction meeting. 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 public liability insurance to the value of \$10 million. The policy shall indemnify Council from all claims arising from the execution of the works. Proof of the policy is to be provided to Council's Engineer at the pre-construction meeting.
- d) The person or company carrying out the works shall submit to Council reference demonstrating experience in the type of work proposed to be undertaken. The person or

company shall obtain approval from Council to carry out the works prior to works commencing.

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

A minimum of 24 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 Council as unsatisfactory shall be rectified to Council's satisfaction at no cost to Council. Council inspection and approval shall be obtained prior to the issue of the Occupation Certificate. The applicant's engineer must certify that the work have been constructed in accordance with the approved plans, specifications and relevant Australian Standards.

- f) Prior to issue of the Construction Certificate, a Traffic Management Plan report prepared by a chartered civil engineer with NPER registration is to be submitted to Council for approval. Where the works affect Roads and Traffic Authority controlled roads, the Traffic Management Plan is to be approved by the Roads and Traffic Authority before submission to Council for approval.

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 Council for approval.

- g) Safety devices such as signs, barricades, barriers, warning lights, etc. shall be placed where works affect 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 1998. Details prepared by a qualified person shall be submitted to Council for its approval with the Traffic Management Plan Report.

The contractor shall submit to 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.

- 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.
- i) A prominently displayed sign identifying the contractor responsible for the work shall be erected. A contact telephone number should be provided on the sign.

Bond

23. An **unconditional (open ended)** 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 and after construction in Council's road shall be paid to Council.

This bond shall be retained for twelve (12) months after construction is completed to the satisfaction of Council's Supervising Engineer. The bond period commences generally at the issue of a final inspection by Council and/or subdivision certificate, which ever occurs the latest. The bond will be released upon an application being made by the applicant subject to the payment of a bond release fee and a bond release inspection that indicates all works are satisfactory.

The bond is to be paid prior to the issue of a Construction Certificate.

Relocation of services

24. The applicant at the applicant's expense shall carry out the relocation or alteration of public utilities or any existing services made necessary as a result of this development. Satisfactory arrangements shall be made with the relevant authority concerned and a certificate of clearance shall be obtained from each relevant

authority and submitted to the Principal Certifying Authority prior to release of the Construction Certificate.

Repair of damage

25. The applicant shall repair or reconstruct all damages caused by construction activity relating to the development as required by Council's Supervising Engineer prior to release of the Occupation Certificate.

Driveway crossings

26. For the driveways required across the footpath, new heavy duty concrete laybacks and apron crossings are to be constructed. The surface is to be a featured surface. This construction is to include any necessary alteration to existing infrastructures, drainage, signage, line markings etc. to make the construction effective including transition of the footpath and internal driveway, the adjustment of public utilities and regrading the driveway across the footpath to facilitate quick entry/exit movements and prevent scraping of vehicles.

On site detention

27. An on site detention system to restrict post-development discharges from the site to pre-development discharges shall be provided.

Engineering plans prepared by a qualified person and endorsed by a chartered civil engineer verifying that the above requirements have been met shall be submitted to the Principal Certifying Authority for approval prior to the issue of the Construction Certificate.

On site detention positive covenant

28. To ensure the on site detention system is satisfactorily maintained, a covenant under Section 88E of the Conveyancing Act, 1919 shall be prepared and registered over the subject land.

The terms of the 88E Instrument with positive covenant shall include, but not be limited to, the following:

- a) The Proprietor of the property shall agree to be responsible for keeping clear and the maintenance of all pits, pipelines, trench barriers and other structures;
- b) The Proprietor shall agree to have the on site stormwater detention facilities (OSD) inspected annually by a competent person;
- c) The Council shall have the right to enter upon the land referred to above at all reasonable times to inspect, construct, install, clean, repair

and maintain in good working order all pits, pipelines, trench barriers and other structures in or upon the said land which comprise the OSD or which convey stormwater from the said land and recover the costs of any such works from the Proprietor;

- d) The registered Proprietor shall indemnify the Council and any adjoining landowners against damage to their land arising from the failure of any component of the OSD or failure to clean, maintain and repair the OSD.

The applicant shall bear all costs associated in the preparation of the subject 88E Instrument. The working of the Instrument shall be submitted to and approved by Council prior to lodgement at NSW Land and Property Information. Proof of lodgement with NSW Land and Property Information shall be submitted to Council **prior to the issue of the Occupation Certificate.**

Internal pavement

- 29. 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.

All internal driveway and access shall be designed in accordance with Australian Standards 2890.1/1993.

Works as Executed plans

- 30. Prior to the issue of an Occupation Certificate, a Works as Executed Plan of all external engineering works together with an engineer’s certification confirming that all works have been constructed in accordance with the approved plans shall be submitted to Council for approval.

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MINUTE NO. 495**9. X/923/2007. Development Application No. X/932/2007 for a reservoir/dam and adjoining artificial creek, compost bins, storage shed, flagpole and pergola on Lot 42 DP 751645, 5-7 Hillcrest Avenue, Mount Wilson**

The Meeting was addressed by Carole Haitzler and Bill Ryan.

A MOTION was moved by Councillors Hamilton and Van der Kley **that the Development Application No. X/932/2007 for reservoir/dam with adjoining artificial creek, compost bins, storage shed, flagpole and pergola on Lot 42 DP 751645, 5-7 Hillcrest Avenue, Mount Wilson 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.**

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

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

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 Haviland Architects numbered DA01 & DA02 dated 19.09.07, Landscape plans and details prepared by Scape, Sheets A, B & C, dated 22/2/08 and the plans of the storage shed undated and unnumbered and accompanying supportive documentation, except as otherwise provided or modified by the conditions of this consent. |
| Period of development consent | 2. Physical commencement of construction is required within a two year period from the date of this consent. Should this not occur, the development consent will lapse. |
| Construction certificate (building) | 3. A construction certificate is required prior to the commencement of any site or building works. This certificate can be issued either by Council as the consent authority or by an accredited certifier. |
| Building Code of Australia | 4. All building work must be carried out in accordance with the provisions of the Building Code of Australia. |

Materials & colours

- 5 To have regard of the amenity of the area, the materials and colours to be used are:
- a) External walls of the shed: Woodland Grey;
 - b) Roof of the shed: Woodland Grey;
 - c) Compost Bins: Natural concrete.

Any variation to the above materials / colours will require the prior approval of Council.

**Soil & Water
Management plan**

- 6 To preserve the unique environment of the Blue Mountains a soil and water management plan in accordance with Council's *Erosion & Sediment Control* policy is to be submitted to and approved by the Principal Certifying Authority, prior to clearing of any site vegetation and the commencement of site works.

This plan is to include scaled drawings and detailed specifications that can be readily understood and applied on site by supervisory staff. Items to be shown on the plan are to include:

- a) locality;
- b) contours (existing and final);
- c) existing vegetation;
- d) existing site drainage;
- e) limit of clearing, grading and filling (location of all earthworks including roads, areas of cut and fill and regrading);
- f) locations and design criteria of erosion and sediment control structures;
- g) site access;
- h) proposed vegetative buffer strips;
- i) location of critical areas (drainage lines, water bodies etc.);
- j) proposed techniques for stabilisation of disturbed ground;
- k) procedures for maintenance of erosion controls;
- l) details for staging works; and
- m) techniques for dust control.

Site management

- 7 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. Alteration to these hours may be possible for safety reasons but only on the approval of Council;

NOTE: No work is permitted on weekends or public holidays without the prior 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.

Plans on site

- 8 A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.

Exclusion zone

Prior to work commencing

- 9 Prior to the commencement of any work on site an exclusion zone must be established and maintained around the immediate perimeter of the approved works to prevent any damage to existing vegetation/site features.

This area is to be clearly identified by the placement of a temporary brightly coloured barrier mesh around the perimeter of the area to be protected and the provision of weatherproof signage to indicate that no entry into the zone or removal of the barrier is permitted.

Within this zone, there is to be:

- a) no placement of temporary buildings or stockpiling of material;
- b) no parking or movement of machinery;
- c) no change to the soil grade or level;
- d) no changes to soil aeration or hydrological capacity;
- e) no open cut trenching; and
- f) no spillage/disposal of building chemicals of any description.

An inspection of these barriers must be arranged with the Principal Certifying Authority

- a) prior to the commencement of site works;
- b) at the first critical mandatory stage inspection.

- Protection of site features**
Prior to work commencing
- 10 To preserve the natural site features and limit site disturbance, all natural landscape features including native bushland (comprising trees, shrubs and groundcovers), natural rock outcrops, caves and soil are to remain undisturbed within the exclusion zone.
- Soil erosion**
Prior to work commencing
- 11 All exposed earthworks and disturbed areas shall have suitable sediment control measures in place as outlined in the Soil & Water Management Plan required to be prepared in accordance with Condition 6 of this Consent **prior** to the commencement of construction. The sediment control measures shall be continually monitored and maintained for the duration of construction and for six months after completion. All disturbed areas shall be revegetated in accordance with the Landscape Plan (except as amended by these conditions) immediately it is possible to do so.
- Reservoir/dam construction**
- 12 The reservoir/dam is to be constructed and revegetated in accordance with the approved Landscape Batter Profiles Sheet A, Landscape Concept Sheet B and Detail Sheet C, prepared by Scape and dated 22/02/08 and as amended by these conditions.
- Bunding of Reservoir/dam**
- 13 To ensure that the reservoir/dam does not adversely impact on the water flow regimes of downstream catchments, earth mounding/bunding shall be provided to the upslope perimeter of the reservoir/dam and the artificial creek to divert the flow of surface waters away from the dam and creek.
- Reservoir/dam safety**
- 14 The reservoir/dam must be constructed in a safe manner and maintained in a safe condition to minimise the potential for damage to the downstream environment or any public or private interest located downstream of the structure.
- To ensure the ongoing integrity of the reservoir/dam structure, groundcover vegetation is to be maintained and the planting of trees is to be avoided within constructed earth walls that are retaining water. Any proposed trees located on such constructed earth walls may be relocated to the base of the wall.
- Reservoir/dam depth**
- 15 To ensure natural groundwater level fluctuations remain uninhibited, the base of the approved reservoir/dam must be no lower than relative level 1032.94 which is equal to or greater than 1.1m above the highest observed groundwater level.

- Water supply for reservoir/dam** 16 The water supply for the approved reservoir/dam is to be limited to the rainfall collected from roofs, terraces and tennis courts collected via a dedicated drainage system and stored and supplied via two 112,000L underground storage tanks.
- The use of groundwater sourced from the adjacent bores is not permitted to supply the approved reservoir.
- Reducing evaporation** 17 To prevent adverse impacts on native aquatic fauna that will colonise the reservoir/dam following its construction, the use of cetyl alcohol to reduce evaporative loss is not permitted. Instead, alternative physical methods to reduce evaporation should be investigated if such measures are required.
- Prevention of groundwater pollution** 18 To prevent potential pollution of groundwater resources the reservoir/dam must be constructed with a suitable lining and remain adequately lined at all times.
- Reservoir/dam spillway and tank overflow watercourse** 19 The reservoir/dam spillway and tank overflow watercourse must be designed and constructed in accordance with the following:
- a) Utilising a soft engineering design by a suitable qualified professional with demonstrated experience in environmentally sensitive stabilisation works;
 - b) Tree loss is to be avoided;
 - c) Rock scour protection work must maintain and emulate the natural contours of the land;
 - d) The extent of rock scour protection is to be the minimum required to prevent soil erosion;
 - e) Rock rip-rap scour protection is to consist of angular run of quarry rock of a range of sizes, overlaying a bedding of angular cobbles laid over geotextile;
 - f) All areas of geotextile are to be adequately covered beneath the rock and cobbles to prevent flows from undermining the structure;
 - g) Voids within the rock are to be topsoil filled and revegetated with local native sedges, rushes or other suitable native groundcover species to be outlined in the Vegetation Management Plan.
- Contingency measures for environmental protection** 20 In the event that groundwater is encountered during excavations, the proponent shall immediately notify Council and the NSW Department of Water and Energy and all work shall cease until advice is provided on the appropriate methods to protect and restore groundwater conditions and/or ensure that any adverse environmental impacts are avoided.

**Vegetation
Management Plan**
*Prior to issue of
construction certificate*

- 2 A Vegetation Management Plan (VMP) is to be
1 prepared by a suitably qualified person with
demonstrated experience in the restoration of natural
bushland and submitted to Council for approval prior
to issue of the Construction Certificate.

The VMP is to detail the diversity and density of local native species to be planted within and around the perimeter of the reservoir and methods and techniques for the restoration of local native flora and a sustainable landscape in accordance with the Landscape Concept Sheet B.

Within the Plan, the following principles are to be observed;

- a) In order to protect and enhance the integrity of the scheduled vegetation communities occurring on site, planting within restoration areas is to be consistent with the composition and form of the locally occurring Moist Basalt Cap Forest and/or *Ceratopetalum apetalum* – *Doryphora sassafras* Rainforest vegetation community, and where possible be of local provenance stock;
- b) Any additional plant species used within landscaped and particularly ‘buffer’ areas should preferably be locally indigenous but must otherwise be non-invasive species where the proposed community type is novel to the site (e.g. wetland community);
- c) The VMP must detail weed control and maintenance requirements for a period of at least 2 years to ensure successful establishment of the planted areas;
- d) No additional tree or other vegetation removal is to be proposed or undertaken in order to provide the reservoir or other structures;
- e) Ensure strategies proposed within the plan are not incompatible with the restoration of an indigenous plant community. For example the use of turf grass and deep mulch will inhibit the spontaneous recovery and ecological function of the Moist Basalt Cap Forest;
- f) The remaining remnant vegetation on the site is to be promoted through the maintenance of ecosystem processes that facilitate recruitment and natural succession of endemic vegetation species;
- g) Due to the likely habitat creation (a water body), and in order to protect local wildlife potentially utilising this habitat feature, any additional turf areas must not contain plastic mesh backing.

- Extent of vegetation removal** 22 No additional or further tree or other vegetation clearing is to be undertaken on the property without the prior approval of Council.

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MINUTE NO. 496

10. X/65/2008. Development Application No. X/65/2008 for the demolition of the existing dwelling and outbuildings and the construction of a new two storey dwelling on Lot 452 DP 787613, 28 High Street, Glenbrook

The Meeting was addressed by Carolyn Foxton.

A MOTION was moved by Councillors Van der Kley and Creed **that the Development Application No. X/65/2008 for the demolition of the existing dwelling and outbuildings and the construction of a new two storey dwelling on Lot 452 DP 787613, 28 High Street, Glenbrook 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.**

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

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

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 Chateau Constructions sheets numbered 1, dated 23 August 2007, 3 & 4, dated 20 August 2007, and 5 & 6, dated 6 March 2008, and the Sediment and Erosion Control Plan and Stormwater Drainage Plan and details prepared by Healey Castle & Associates, Drawing Nos. C01-A & C02-A, dated 11 December 2007 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.

**Sydney Water
Stamping of plans**

3. The approved plans must be submitted to a Sydney Water Quick Check agent or Water Servicing Coordinator to determine whether the development will affect any Sydney Water Asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the web site www.sydneywater.com.au for:

- Quick Check agent details – see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see Building Developing and Plumbing then Building and Renovating

or telephone 13 20 92.

A copy of the stamped plans or other documentary evidence from Sydney Water's accredited agent demonstrating that the plans have been stamped by them is to be submitted to the Principal Certifying Authority prior to construction commencing.

**Construction certificate
(building)**

4. 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**

5. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

**Home owners warranty
insurance**

6. It is the responsibility of property owners to ensure that Home Owners Warranty insurance has been obtained in accordance with the Home Building Act 1989. Prior to any works commencing on the site, a copy of the Home Warranty Insurance Certificate for the property is to be submitted to the Principal Certifying Authority. Information on this insurance scheme can be obtained from the Department of Fair Trading.

Builders details

7. Prior to any works commencing on the site, written advice as to the
- a) builder's details (name, address and licence number); or
 - b) owner / builder permit

is required for Council records.

Stormwater management design

8. The stormwater management design is to be certified in accordance with *Australian Rainfall and Runoff 1987 (AR&R)*, prepared by the Institution of Engineers, Australia, as being capable of managing stormwater flows so that maximum post development flow into the watercourse does not exceed pre development flows for a 1 in 100 year return period.

Erosion & sediment controls

9. To preserve the unique environment of the Blue Mountains and to contain soil and sediment on the property, controls in accordance with Council's *Better Living Development Control Plan* are to be implemented prior to clearing of the site vegetation and the commencement of site works. This will include:
 - a) The installation of a sediment fence with returned ends across the low side of the site so that all water flows through. These shall be maintained at no less than 70% capacity at all times. Drains, gutters, roadways etc., shall be kept clean and free of sediment.
 - b) To prevent the movement of soil off site, a single entry/exit point to the property shall be constructed of 40mm blue metal aggregate or recycled concrete to a depth of 150mm. The length must be at least 5 metres with the width at least 3 metres.

Soil erosion fences shall remain and must be maintained until all disturbed areas are restored by turfing, paving, revegetation.

Signage

10. 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.

Site management

11. 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.

Workers amenities

12. 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.

Plans on site

13. A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.

Stormwater drainage

14. To control rainwater runoff, roof water shall be connected to a stormwater drainage system conforming with the Stormwater Drainage Plan & Details prepared by Healey Castle and Associates, Drawing No. C02-A dated 11 December 2007

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.

External finishes

15. To ensure that the development is compatible with the surrounding environment colours and finishes are to be muted bushland tones.

Any outbuildings or other ancillary structures are to be finished in colours and materials of natural earthy tones and low reflective quality to blend with the surroundings. The driveway is to be finished in dark earth tones.

- Demolition of Buildings generally** 16. The demolition work to be supervised by a competent person with due regard to safe working practices and in accordance with the requirements of the NSW WorkCover Authority;
- Such work is to be carried out in accordance with the Occupational Health & Safety Regulations, 2001, and Australian Standard 2601 – 1991.
- Demolition of Buildings containing asbestos cement** 17. The applicant is to notify Council and adjoining residents, in writing, at least ten (10) working days prior to demolition commencing, of their intention to commence demolition works. In the case of adjoining residents, such notification is to be a clearly written note, on at least note pad size paper, giving the date demolition will commence and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately to the rear of the demolition site.
- Disposal of Asbestos** 18. All asbestos material, including asbestos cement, is to be disposed of to an approved waste management facility licensed to receive asbestos.
- Display of signage** 19. The developer will display appropriate asbestos/demolition signage prior to and during demolition works.
- Demolition management** 20. 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 and Australian Standard 2601-1991.
- 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.

Removal of material 21. All demolished material and excess spoil from the site shall be disposed of at a location and in a manner approved of by Council. No material is to be burnt on site.

Asset Protection Zone 22. At the commencement of building works and in perpetuity the property around the asset is to be managed as an Asset Protection Zone as outlined in Section 4.1.3 and Appendix 2 in Planning for Bushfire Protection 2006 as well as the RFS Standards for Asset Protection Zones (available electronically at www.rfs.nsw.gov.au) as follows:

North, West and East Aspects

Manage as an Inner protection Zone from the dwelling to the property boundary.

South Aspect

Manage as an Asset Protection Zone for a distance of 25m from the dwelling including an Inner Protection Area of 15m and an Outer Protection Area of 10m

The Inner Protection Area (IPA) shall comprise the following:

- minimal fine fuel at ground level;
- vegetation that does not provide a continuous path to the building for the transfer of fire;
- shrubs and trees that do not form a continuous canopy;
- vegetation that is cleared into clumps rather than continuous rows;
- species that retain dead material or deposit excessive quantities of ground fuel area to be avoided;
- shrubs and trees are pruned or removed so they do not touch or overhang the building; and
- vegetation is located far away enough from the building so that plants will not ignite the building by direct flame contact or radiant heat emission.

The **Outer Protection Area (OPA)** shall comprise the following:

- vegetation that does not provide a continuous path for the transfer of fire;

AND

- fuel loadings are maintained below 8 tonnes per hectare by mowing, slashing or other approved hazard reduction methods.

NOTE: Total clearance of all vegetation is not acceptable. Vegetation management undertaken to establish the required Asset Protection zone shall be the absolute minimum level of pruning and/or thinning required to comply with PBP guidelines.

This work is to be completed prior to the issue of an Occupation Certificate.

The Asset Protection Zone is to be maintained on a permanent basis.

Water, electricity and gas

23. Maintain water, electricity and gas supply to comply with section 4.1.3 of Planning for Bush Fire Protection 2006.

Static water supply

24. In recognition of the potentially unreliable reticulated water supply in the locality a 10, 000 litre dedicated water supply tank shall be provided. The tank shall be provided with a minimum 3kW (5hp) petrol or diesel powered pump and associated fittings including a 38mm storz fitting and ball or gate valve.

NOTE: The proposed 107,000 litre rainwater storage tank can be utilised to provide this supply provided it is designed and constructed to provide a minimum 10,000 litres dedicated for bush fire fighting purposes.

Static Water Supply marker

25. Obtain a Static Water Supply (SWS) marker from the Blue Mountains NSW Rural Fire Service as part of the District's Static Water Supply Program once the dedicated tank water supply has been installed. The marker once issued is to be:
- fixed in a suitable location so as to be highly visible;
 - positioned adjacent to most appropriate access for the static water supply;
 - fixed facing the roadway on a gatepost, fence or dedicated post, at the right hand side of the entranceway to the Static Water Supply;
 - markers not to be fixed less than 600mm from the ground surface to the base of the sign and not higher than 1200mm from the ground surface to

the base of the sign; and

- should be fixed with suitable screws or nails.

- RFS personnel access** 26. Unrestricted access for fire fighting personnel shall be provided around the property.
- Level of construction** 27. The building shall be of minimum Level 3 Construction in accordance with AS3959-1999 'Construction of Buildings in Bushfire Prone Areas' with the exception that on the east and south aspects shall be that entirely non-combustible materials are utilised (eg. Steel, masonry based building materials) and no exposed timber is permitted.
- Roofing and guttering** 28. Roofing shall be gutterless or have leafless guttering and valleys which are screened to prevent the build up of flammable material. Screening to be installed in such a manner that permits the removal of fine fuel accumulation within roof gutters and valleys. Any materials used shall have a flammability Index not greater than 5 when tested in accordance with AS1530.2. "Methods for Fire Tests on Building materials, components and Structures – Test for Flammability of Materials."
- Windows and doors** 29. All window and door units on the east and south aspects are to have both the framework and glazing (being toughened glass or equivalent) to be entirely enclosed with a non-combustible shutter OR All window units on the south and east aspects to have both the framework and glazing (being fire rated glass) to perform to a radiant heat flux of 40kW/m².
Roller Doors, tilt doors and the like shall be sealed to prevent the entry of embers into the structure.
- Landscaping and fencing** 30. Any new landscaping to the site is to comply with Appendix 5 in Planning for Bushfire Protection 2006.
- Structure and shade material** 31. Structure and shade material shall be non combustible or have a flammability index of not greater than 5 when tested in accordance with AS1530.2. "Methods for Fire Tests on Building materials, components and Structures – Test for Flammability of Materials."

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MINUTE NO. 497**11. X/28/2008. Development Application No. X/28/2008 for a dwelling on Lot 244 DP 714269, 30A Ross Crescent, Blaxland**

The meeting was addressed by Ivan Jeray and Leigh Ebzery.

A MOTION was moved by Councillors Frappell and Creed that the Development Application No. X/28/2008 for a dwelling on Lot 244 DP 714269, 30A Ross Crescent, Blaxland 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.

AN AMENDMENT was moved by Councillors Myles and Frappell:

1. **That the item be deferred to discuss screening options for the property and a site visit for Councillors be organised.**
2. **That a further report be brought back to the Council.**

Upon being PUT to the Meeting, the AMENDMENT was CARRIED UNANIMOUSLY and became the MOTION.

Upon being PUT to the Meeting by Councillors Myles and McLaren the MOTION was CARRIED UNANIMOUSLY.

Attachment 1 – Proposed 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 Country Kit Homes, Job Reference “Custom”, sheets numbered 1-4 dated 24 August 2008 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 (2) year period from the date on which the consent becomes operational pursuant to s.95 (Lapsing of Consent) of the *Environmental Planning and Assessment Act 1979*. This period may only be extended by a period of one (1) year in accordance with s.95A of the Act.

Sydney Water Stamping of plans

3. The approved plans must be submitted to a Sydney Water Quick Check agent or Water Servicing Coordinator to determine whether the development will affect any Sydney Water Asset’s sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the web site www.sydneywater.com.au for:

- Quick Check agent details – see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see Building Developing and Plumbing then Building and Renovating

or telephone 13 20 92.

A copy of the stamped plans or other documentary evidence from Sydney Water's accredited agent demonstrating that the plans have been stamped by them is to be submitted to the Principal Certifying Authority prior to construction commencing.

Building Code of Australia

4. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Survey report

5. To ensure that the building does not encroach on the minimum required setbacks and is located within the boundaries of the property, a *survey report by a* registered Land Surveyor must be provided to the Principal Certifying Authority prior to the work proceeding beyond footing excavation.

Erosion & sediment controls

6. To preserve the unique environment of the Blue Mountains and to contain soil and sediment on the property, controls in accordance with Council's *Better Living* Development Control Plan are to be implemented prior to clearing of the site vegetation and the commencement of site works. This will include:
 - a) The installation of a sediment fence with returned ends across the low side of the site so that all water flows through. These shall be maintained at no less than 70% capacity at all times. Drains, gutters, roadways etc., shall be kept clean and free of sediment; and
 - b) To prevent the movement of soil off site, a single entry/exit point to the property shall be constructed of 40mm blue metal aggregate or recycled concrete to a depth of 150mm. The length must be at least 5 metres with the width at least 3 metres.

Soil erosion fences shall remain and must be maintained until all disturbed areas are restored by turfing, paving, revegetation.

Site management

7. 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 (including felled trees) must be contained and removed to a Waste Disposal Depot.

Signage

- 8. 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.

Plans on site

- 9. A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.

Stormwater drainage

- 10. To control rainwater runoff, roof water shall be connected to stormwater drainage lines discharging to
 - a) rainwater tanks having a minimum capacity of 42,000 litres comprising;
 - 22,000 litres for re-use on site; and
 - 20,000 litres bush fire supply.

Overflow to:
 - b) stormwater infiltration trench in accordance with Condition 11 below. Pits shall be located at least 4m from any building or property boundary).

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.

**Stormwater
Management**

11. Stormwater must not be released from the development as an erosive concentrated surface flow and pollutants must be removed from water leaving the development area prior to it entering the receiving watercourse.

To ensure soil erosion does not occur stormwater runoff from the driveway is to be distributed evenly by a single cross fall design and dispersed across adjacent stable vegetated areas or otherwise effectively dissipated utilising soft-engineering designs compatible with the surrounding natural environment.

An infiltration trench designed by a suitably qualified professional is to be established to capture overflows from the water tanks. Overflows from the infiltration trench are to be distributed evenly to stable vegetated areas located down slope of the trench. The infiltration trench is to be inspected annually to ensure it is in good working order.

Details of the infiltration trench, prepared by a suitably qualified hydraulic or environmental engineer, are to be submitted to and approved by the Principal Certifying Authority prior to construction commencing.

The stormwater drainage system must be inspected by the principle certifying authority and satisfactorily completed prior to issue of the occupation certificate.

**Vegetation
Management
*Asset Protection Zones***

12. The required inner protection zones are to be implemented in a manner that is sensitive to maintaining the stability of the site's steep slope and in a manner that is sensitive to the protection of the receiving river ecosystem on and adjacent to the subject site.

Vegetation modification for the purpose of establishing the inner protection zone must be in accordance with the mitigation measures detailed in the Flora and Fauna Assessment by BCS dated January 2008 (as amended by these conditions) and in addition must:

- a) be the absolute minimum level of disturbance to existing vegetation (ie. slashing, pruning, thinning or removal) required to comply with Planning for Bushfire Protection (2006),
- b) retain elements of all stratum (groundcover/shrub/canopy) of the existing native vegetation community on the site, including the retention of significant canopy or shrub species where such can be incorporated into the establishment of the landscaped area upslope of the main rock ledge,

- c) ensure retained shrub and tree clumps do not form a continuous canopy within the required asset protection zone,
- d) ensure a minimum of fine fuel is retained at ground level whilst still retaining a continuous groundcover across the steep slope,
- e) be undertaken using hand methods without soil disturbance or bare soil left exposed,
- f) involve the pruning of selected limbs (absent of hollows) in preference to complete tree removal,
- g) involve the removal of only those trees absent of hollows (retaining stumps in-situ) as determined during site consultation with Council's Environmental/Landscape Assessment Officer prior to issue of the construction certificate,
- h) all trees to be removed are to be sectionally dismantled, and
- i) be undertaken by a qualified horticulturalist/ arborist.

**Vegetation
Management
*Protected Area –
Ecological Buffer Area***

13. Vegetation Management within a Protected Area - Ecological Buffer Area (located on areas of the site generally east of the main rock ledge) shall be carried out in accordance with the following:
- a) Bush regeneration methods shall be utilised to remove weeds and maintain the health of retained bushland areas within the Protected Area – Ecological Buffer Area. Any areas displaying spontaneous recovery/regeneration are to be protected and their complete recovery facilitated,
 - b) locally occurring native plant species are to be selected for any planting within disturbed areas of the Protected Area – Ecological Buffer Area, and
 - c) any decision to modify approved vegetation management should only be undertaken in consultation with Council's Environmental/ Landscape Assessment Officer.

**Vegetation
Management
*Landscaped Areas***

14. Vegetation Management within the landscaped area to be located upslope of the main rock ledge shall be carried out in accordance with the following:
- a) Existing significant native vegetation is to be retained (in accordance with the Vegetation Management Asset Protection Zone condition no. 12) where such can be incorporated into the establishment of the landscaped area, and

- b) Any landscape planting within the curtilage of the dwelling (as defined by the Landscape Plan) shall consist of non-invasive plant species, and
- c) The Landscaping Plan shall be modified to include the following:
 - Delete *Festuca glauca* from the proposed plant selection. Substitute with other indigenous grasses.
- d) Any decision to modify approved vegetation management should only be undertaken in consultation with Council's Environmental/Landscape Assessment Officer.

Exclusion zone

Prior to work commencing

15. Prior to the commencement of any work on site, including clearing, an exclusion zone must be established and maintained down-slope of the location of the sediment fence shown on the approved Site and Sedimentation Plan by Country Kit Homes to prevent damage to existing vegetation/site features.

This area is to be clearly identified by the placement of a temporary brightly coloured barrier mesh around the perimeter of the area to be protected and the provision of weatherproof signage to indicate that no entry into the zone or removal of the barrier is permitted.

Within this zone, there is to be:

- a) no placement of temporary buildings or stockpiling of material;
- b) no parking or movement of machinery;
- c) no change to the soil grade or level;
- d) no changes to soil aeration or hydrological capacity;
- e) no open cut trenching; and
- f) no spillage/disposal of building chemicals of any description.

An inspection of these barriers must be arranged with the Principal Certifying Authority

- a) prior to the commencement of site works; and
- b) at the first critical mandatory stage inspection.

Protection of site features

Prior to work commencing

16. To preserve the natural site features and limit site disturbance, all natural landscape features including native bushland (comprising trees, shrubs and groundcovers), natural rock outcrops, caves and soil are to remain undisturbed within the exclusion zone.

This does not apply to any trees or vegetation required to be removed as part of any identified Asset Protection Zone to be established and managed in accordance with the Asset Protection Zone condition number 21.

Any vegetation requiring removal shall be immediately mulched or chipped and stockpiled on site to be used for the restoration at the completion of the works.

Bushrock relocation

17. Should any bushrock be removed from the building envelope or logs be removed from the asset protection zone, they should be retained within the site and placed down slope from the dwelling or asset protection zone as appropriate to provide habitat for ground dwelling fauna.

Soil erosion

Prior to work commencing

18. 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. All disturbed areas shall be revegetated in accordance with the Landscape Plan (except as amended by the Vegetation Management Landscaped Area condition number 14) immediately it is possible to do so.

Asset Protection Zone

19. To improve the protection of property in the event of a bushfire, an Asset Protection Zone (APZ) as described in Planning for Bushfire Protection 2006 is required surrounding the development on all elevations and shall consist of:
- East Aspect -
An Inner Protection Area (IPA) of 20m, and
 - North, West and South Aspects -
An Inner Protection Area (IPA) from the dwelling to the boundary.

Individual trees may be retained within the IPA. Trees within the IPA must not be continuous and must not overhang the buildings on site. There must be a minimum 2 metre separation between tree canopies.

NOTE: Total clearance of all vegetation is not acceptable.

This work is to be completed prior to the issue of an Occupation Certificate.

The Inner Protection Area is to comprise of the following:

- minimal fine fuels at ground level;
- vegetation that does not provide a continuous path to the building for the transfer of fire;

- shrubs and trees that do not form a continuous canopy and vegetation is planted/cleared into clumps rather than continuous rows;
- species that retain dead material or deposit excessive quantities of ground fuel are avoided;
- shrubs and trees are pruned or removed so they do not touch or overhang within 5 metres of the building; and
- vegetation is located far enough from the building so that plants will not ignite the building by direct flame contact or radiant heat emission.

The Asset Protection Zone is to be maintained on a permanent basis.

Water and utilities

20. Maintain water, electricity and gas supply to comply with section 4.1.3 of Planning for Bush Fire Protection 2006.

Static water supply

21. In recognition of the potentially unreliable reticulated water supply in the locality a minimum 20,000 litre dedicated non-combustible water supply tank shall be provided. The tank shall be of such capacity and provided with a minimum 3kW (5hp) petrol or diesel powered pump and associated fittings including a 38mm storz fitting and ball or gate valve suitable to ensure the system is capable of providing a dedicated water supply to meet the minimum requirements for the sprinkler/drenching bar system over all shuttered windows and doors in the north, east and south elevations (as required by Condition 25) to function continuously for a minimum period of 1 hour.

Static Water Supply marker

22. Obtain a Static Water Supply (SWS) marker from the Blue Mountains NSW Rural Fire Service as part of the District's Static Water Supply Program once the dedicated tank water supply has been installed. The marker once issued is to be:
- fixed in a suitable location so as to be highly visible;
 - positioned adjacent to most appropriate access for the static water supply;
 - fixed facing the roadway on a gatepost, fence or dedicated post, at the right hand side of the entranceway to the Static Water Supply;
 - markers not to be fixed less than 600mm from the ground surface to the base of the sign and not higher than 1200mm from the ground surface to the base of the sign;
 - should be fixed with suitable screws or nails.

RFS personnel access 23. Unrestricted access for fire fighting personnel shall be provided around the property.

Level of construction 24. The building shall be of minimum Level 3 Construction in accordance with AS3959-1999 'Construction of Buildings in Bushfire Prone Areas', except that on the north, south and east aspects the construction shall utilise entirely non-combustible materials. (eg. Steel, masonry based building materials) and no exposed timber is permitted.

Window and door units 25. All window units on the north east and south aspects are to have both the framework and glazing (being toughened glass or equivalent) to be entirely enclosed with a non-combustible shutter.

A sprinkler or drenching bar system is to be provided across the top of all shuttered windows and doors on the north, east and south aspects of the dwelling which is supplied by a minimum 20 000 litre dedicated non-combustible water supply tank in accordance with condition 21.

- Controls are to be accessible to firefighters. Clear operating instructions are to be displayed near the controls;
- Sprays to provide 100 per cent overlap around the protected window/door area;
- Water discharge rates shall be of sufficient pressure to ensure droplet size that allow for high winds that accompany bushfires;
- All exposed piping and sprinkler/drenching bars to be non-combustible.

Design details for the proposed drencher/sprinkler system and water supply tank, including tank capacity, pipe sizes, flow rates, pump details, drencher/spray nozzle locations etc, prepared by a hydraulic engineer or other suitably qualified person, are to be submitted to and approved by the Principal Certifying Authority prior to installation.

Roofing 26. Roofing shall have leafless guttering and valleys which are screened to prevent the build up of flammable material. Screening to be installed in such a manner that permits the removal of fine fuel accumulation within roof gutters and valleys. Any materials used shall have a flammability Index not greater than 5 when tested in accordance with AS1530.2. "Methods for Fire Tests on Building materials, components and Structures – Test for Flammability of Materials."

- Landscaping** 27. Landscaping to the site is to comply with the principles of Appendix 5 of Planning for Bush Fire Protection 2006.
- Connection to sewer** 2 Effluent from the development is to be pumped to the
8 reticulated sewer in accordance with the requirements of the Sydney Water Corporation.
- Materials & colours** 2 To have regard of the amenity of the area, the materials
9 and colours to be used are:
a) External walls: To be advised
b) Roof: To be advised
Any outbuildings or other ancillary structures are to be finished in colours and materials of muted bushland tones and low reflective quality to blend with the surroundings. Any variation to the above materials / colours will require the prior approval of Council.

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MINUTE NO. 498

S1. C03156. Goods and Services Tax Compliance

RESOLVED UNANIMOUSLY on the MOTION of Councillors Searle 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 2007 to 30 April 2008.**
 - (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. 499

C00336. Procedural – Question that Meeting Close

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

The ordinary Meeting of the Council closed at 8:34 pm on Tuesday 13 May 2008.

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