

BLUE MOUNTAINS CITY COUNCIL

ORDINARY MEETING

3 April 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, 03 April 2007, commencing at 7.33pm.

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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, 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, Senior Environmental Ranger, Environmental Ranger, Executive Principal (Planning), Chief Financial Officer, Executive Principal (Development Engineering), Program Leader Community Outcomes, Manager Corporate Planning, Sustainable Asset Management Coordinator, Manager Planning Health & Enforcement, Executive Support & Project Officer and Councillor & Executive Support Officer.

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Prayer / Reflection:

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

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MINUTE NO. 71

C00336. Confirmation of Minutes - Ordinary Meeting, 13/03/07

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Creed that the Minutes of the Ordinary Meeting of 13 March 2007 be confirmed.

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MINUTE NO. 72

C00336. Declarations of Interest - Ordinary Meeting, 13/03/07

Councillor Trindall declared a Conflict of Interest in relation to Item 5: Review of Community Donations Program 2007, as she is the Co-ordinator of Winmalee Neighbourhood Centre. She declared she will leave the Chambers when the Item is considered.

Councillor Myles made a declaration of interest in relation to Item 9: Springwood Bowling and Recreation Club, as he is the member of the Club. However, he did not believe this was a Conflict of Interest in relation to the Item and did not absent himself from the Chambers when the matter was considered.

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MINUTE NO. 73

F00366. Blue Mountains Cultural Centre & Katoomba Library Advisory Committee

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

That the Council endorse the outcomes of the Expression of Interest for community members and the Appointment process for regional organisation members of the Blue Mountains Cultural Centre & Katoomba Library Advisory Committee.

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MINUTE NO. 74

1. I01930. Application to Minister to Formalise United Independent Insurance Pools

RESOLVED UNANIMOUSLY on the MOTION of Councillors Creed and Frappell:

That the Council supports an application to the Minister for Local Government under section 358 of the Local Government Act to consent to the formation of United Independent Pools and endorse the existing strategic alliances of Westpool and Metro Pool.

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MINUTE NO. 75

2. C06023. Delegation under Trees (Disputes between Neighbours) Act 2006

RESOLVED UNANIMOUSLY on the MOTION of Councillors Creed and Frappell:

That in accordance with Section 377 of the Local Government Act, the General Manager or his nominee, has delegation under the Trees (Disputes between Neighbours) Act 2006 to authorise officers to enter land and undertake work in accordance with the Act and any directives resulting from a Court Order.

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MINUTE NO. 76

3. C00694. Schedule of Invested Monies

RESOLVED UNANIMOUSLY on the MOTION of Councillors Creed and Frappell:

That the Schedule of Invested Monies as at 28 February 2007 be received.

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MINUTE NO. 77

4. C07857. Placement of The Draft 2007-2008 Management Plan Including Draft Revenue Policy On Public Exhibition

RESOLVED UNANIMOUSLY on the MOTION of Councillors Creed and Frappell:

- 1. That subject to any amendments arising from Council’s consideration of items at this meeting, the Council approves the Draft 2007-2008 Management Plan and the complementary volume ‘Detailed Financial Information’ (containing the Revenue Policy, Capital Works Program, Budget and Fees and Charges) for placement on Public Exhibition.**
- 2. That the documents be publicly exhibited from Thursday 5 April until Friday 4 May 2007.**
- 3. That three public information sessions be held on Monday 23 April 2007, 7.30pm at Springwood Library, on Thursday 26 April 2007, 12 noon at the Council Chambers, Katoomba and on Thursday 26 April 2007, 7.30pm at the Council Chambers, Katoomba.**

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MINUTE NO. 78**5. F00328. Review of Community Donations Program 2007**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and O'Grady:

1. That the Council notes the results of the review of the Community Donations Program.
2. That the Council adopt the recommended changes to the Community Donations Program as detailed in Attachment 1 Community Donations Guidelines but alter the closing date for applications to 11 May 2007
3. That the proposed timetable for 2007 Community Donations Funding Round be adopted:
 - Application Open: 4 April 2007
 - Application Close: 11 May 2007
 - Redistribute the summary and details of Application to Community Donations Advisory Committee: 23 May 2007
 - Convene Community Donations Advisory Committee: 28 May 2007
 - Report to Council Meeting: 26 June 2007

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MINUTE NO. 79**6. H00135 & F01041. Resignation of Ms. Sue Hardwick From The Mid Mountains Community Centre Committee**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Creed and Frappell:

That the Council formally accepts the resignation of Ms. Sue Hardwick from the Committee of the Mid Mountains Community Centre.

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MINUTE NO. 80**7. C00131. Resignation of Ms. Julie Parkin from The Braemar House and Gallery Committee**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Creed and Frappell:

1. That the Council formally accepts the resignation of Ms. Julie Parkin from the Braemar House and Gallery Committee
2. That the Council acknowledges Ms Parkin's service to the community with a letter of appreciation.

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MINUTE NO. 81**8. C00131. Appointment of Ms. Jane Lennon to The Braemar House And Gallery Committee**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Creed and Frappell:

That the Council formally appoint Ms Jane Lennon as Co-director of the Braemar House and Gallery Committee.

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MINUTE NO. 82**9. H00362/C02479. Springwood Bowling and Recreation Club**

The meeting was addressed by Bruce Walker.

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

1. **That the Council supports pursuing Option 3 and indicate its intent to the Springwood Bowling and Recreation Club (the Club) that it supports amending Positive Covenant 6666939 by removing the definition relating to the definition of market value and replacing the current definition with a new definition to facilitate the outcome sought by the Club but retaining the right of first refusal to repurchase the site.**
2. **That the Council in the community interest obtains in return for amending the positive covenant (that in effect limits the Council ability to reclaim the land should the Club cease to operate for private recreation for any reason in the future) a monetary compensation based on the difference between the unimproved valuation of the premises with the current covenant and the proposed amended covenant in today's dollar terms.**
3. **That the General Manager seeks legal advice on the proposed amended wording of Positive Covenant to achieve Councils intent in Recommendation 1.**
4. **That the General Manager obtains qualified valuations for the unimproved value of the land based on the present and proposed new covenant and negotiates with the Club on an acceptable level of compensation for the Council for the potential opportunity loss in the future and having regard to the intent of the findings of the Public Hearings in 1998 and also having regard for the community services provided by the Club.**
5. **That delegation be given to the Mayor and the General Manager to negotiate the alteration of the Positive Covenant 6666939 and the amount of any compensation having consideration for the valuations, previous compensation**

and any community factors, the outcomes of which are to be referred to Council, if needs be at an extraordinary meeting to expedite a decision.

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

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

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MINUTE NO. 83

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

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

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

<u>Organisation</u>	<u>Amount</u>
Blue Mountains Women’s Health Centre	\$38.58
RAID Inc	\$300.00
Hazelwood Child Care Centre	\$100.00
Blue Mountains Women’s Health Centre	\$300.00
Blue Mountains Community Resource Network	\$500.00

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

<u>Organisation</u>	<u>Amount</u>
Blue Mountains Community Resource Network	\$500.00

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MINUTE NO. 84**11. C02066. Progress Report on The New South Wales Food Regulation Partnership**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Creed and Frappell:

- 1 **That the Report be received and noted;**
2. **That the Council advise the NSW Food Authority, that whilst it continues to give in principle support to the concept of the “Food Regulation Partnership”, it expresses concern that the lack of detail on the partnership proposals and legislation is limiting the discretion and ability that the Council will have to accommodate any amendments to its planned business activities for the 2007/2008 financial year.**

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MINUTE NO. 85

12. S06/0034. Development Application No. S06/0034 For A Four (4) Into Fifteen (15) Lot Subdivision With A New Road On Lots A, B And C Dp 354154 And Lot 7 Dp 10696, No. 49 Pauline Avenue And Nos. 59-79 Waratah Road, Wentworth Falls.

The meeting was addressed by Rick O’Gorman-Hughes, Janet Stephens, Dr. Michael Guinness and J.A.H. Brown.

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

That Development Application No. S06/0034 for a four (4) into fifteen (15) lot subdivision with a new road on Lots A, B and C DP 354154 and Lot 7 DP 10696, No. 49 Pauline Avenue and Nos. 59-79 Waratah Road, Wentworth Falls 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.

An AMENDMENT was moved by Councillors Searle and McInnes:

That this item be deferred for a site inspection of Councillors and to enable Councillors to review the Cardno Willing report referred to in the Business Paper.

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

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

MINUTE NO. 86

13. C00680. Précis of Selected Correspondence, 3/4/2007

RESOLVED UNANIMOUSLY on the MOTION of Councillors Creed and Frappell:

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

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MINUTE NO. 87

14. HO1351. Response to Question without Notice On Legal Advice Regarding Lawson Community Hall Draft Plan Of Management

RESOLVED UNANIMOUSLY on the MOTION of Councillors Creed and Frappell:

Question by Councillor Van Der Kley (13/03/2007):

“Following a review of the legal advice on the Lawson Community Hall draft plan of management, provide either:

- (a) the reasons for the legal advice being confidential be disclosed to councillors; or**
- (b) the Council publish the legal advice for the benefit of the general public and councillors.”**

Response:

Legal advice received by the Council regarding the Lawson Community Hall Draft Plan of Management and used in preparation of the Report: Item 10 of the meeting of Blue Mountains City Council of 13th March 2007 is provided below for the benefit of the general public and Councillors.

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MINUTE NO. 88

C00336. Procedural – Question that Meeting Close

As there was no further business before the meeting, the Mayor then PUT the QUESTION **“that the Council Meeting now close”.**

Upon being PUT to the meeting, the QUESTION was AGREED TO UNANIMOUSLY, the time being 8.25 pm on Tuesday, 3 April 2007.

The Ordinary Meeting of the Council then closed.

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