

BLUE MOUNTAINS CITY COUNCIL

ORDINARY MEETING

3 JUNE 2008

INDEX

Minute	File No.	SUBJECT	Page
	C00679	Apologies	2
500	C00336	Confirmation of Minutes - Ordinary Meeting - Date	2
	C00336	Declarations of Interest - Ordinary Meeting, Date	2
	F00088	Notice of Rescission – Minute No. 473 – Lawson Community Hall Funding	3
501	F00088	Notice of Dissent – Minute No. 473 – Lawson Community Hall Funding	3
502	C00694	Schedule of Invested Monies	3
503	F00246	Draft South Leura Floodplain Risk Management Study and Plan – adoption for the purpose of public exhibition	3
	F03368	Storage for Blue Mountains Musical Society	4
504	C00944	Community Assistance / Donations – Recommendations by Councillors	4
505	F0419	Sale of Council owned land at 18A Ross Street, Glenbrook	4
506	F02010	Roads and Traffic Authority acquisition of land for widening the Great Western Highway – Wentworth Falls	5
507	X/1075/ 2006	Development Application No. X/1075/2006 for a retail plant nursery and building equipment hire on Lot 1 Section 8A DP 1175 and Lot 3 DP 519961, 46-56 Wilson Street, Katoomba	5
508	X/28/2008	Development Application No. X/28/2008 for a dwelling on Lot 244 DP 714269, 30A Ross Crescent, Blaxland	19
509	F01985	Confidential Business Paper – Council owned land at Redfern Street & Somme Avenue, Wentworth Falls	28
510	F00874	Restriction of through traffic Loftus Street, Lawson	28
511	F00088	Notice of Motion - Review of Parking Strategy options in Leura	29
512	F00088	Notice of Motion - Graffiti Removal Pilot Program	29
513	F00088	Notice of Motion - Churchill Street Tennis Courts. Springwood	29
514	C00680	Precis of Selected Correspondence	30
515	C00336	Procedural – Matter of Urgency	30
516	C00336	C00336. Matter of Urgency – Funding possibilities for the Mechanics Institute/Lawson Community Hall	30
517	C00336	Procedural – Question that Meeting Close	31

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, 3 June 2008, commencing at 7:35 pm.

* * * * *

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.

* * * * *

In attendance:

General Manager, Group Manager BM City Services, Group Manager Community & Corporate, Group Manager Environmental & Customer Services, Executive Officer, Chief Financial Officer, Director Major Projects, Manager Assets and Contracts, Program Leader Property and Facilities, Manager Planning Health and Enforcement, Manager Environmental Services, Communications Officer, Team Leader Compliance, Senior Ranger, Ranger.

* * * * *

Prayer / Reflection:

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

* * * * *

C00679. Apologies

Nil

* * * * *

MINUTE NO. 500

C00336. Confirmation of Minutes - Ordinary Meeting – 13 May 2008

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Van der Kley **that the Minutes of the Ordinary Meeting of 13 May 2008 be confirmed.**

* * * * *

C00336. Declarations of Interest – Ordinary Meeting, Date

Nil

* * * * *

NOTICE OF RESCISSION

1. F00088. Minute No. 473 – Lawson Community Hall Funding

The Notice of Rescission was ruled OUT OF ORDER by the Mayor.

* * * * *

NOTICE OF DISSENT**MINUTE NO. 501****1. F00088. Minute No. 473 – Lawson Community Hall Funding**

A MOTION was moved by Councillors McInnes and O’Grady dissenting the ruling of the Mayor regarding the Notice of Rescission. Upon being PUT to the Meeting the MOTION was LOST, the vote being,

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

* * * * *

MINUTE NO. 502**2. C00694. Schedule of Invested Monies**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Creed and Frappell **that the Schedule of Invested Monies as at 30 April 2008 be received.**

* * * * *

MINUTE NO. 503**3. F00246. Draft South Leura Floodplain Risk Management Study and Plan – adoption for the purpose of public exhibition**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Creed and Frappell:

- That the Council endorse the Draft South Leura Floodplain Risk Management Study and Plan for the purpose of public exhibition.**

MINUTE NO. 503 Contd

2. That the exhibition of the Draft Plan be widely advertised and promoted and be for a period of not less than six (6) weeks.
3. That a public meeting be held during the exhibition period.
4. That a report come back to the Council following the public exhibition.

* * * * *

4. F03368. Storage for Blue Mountains Musical Society

This item was withdrawn.

* * * * *

MINUTE NO. 504

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

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

<u>Organisation</u>	<u>Amount</u>
Blaxland Neighbourhood Centre	\$400.00
Mountains Youth Resource Organisation Inc	\$400.00
Mountains Youth Band	\$400.00
Mid Mountains Neighbourhood Centre	\$200.00
Lower Mountains Neighbourhood Centre	\$200.00

* * * * *

MINUTE NO. 505

6. F0419. Sale of Council owned land at 18A Ross Street

A MOTION was moved by Councillors Frappell and Creed:

1. That the Council proceed with the sale of Lot 71, DP 718623 known as 18A Ross Street Glenbrook, to the adjoining land owner for the price of \$30,000 excluding GST.
2. That the income from the sale of the property be deposited in the Property Investment Fund in accordance with the Council's adopted Corporate Property Policy.
3. That the Common Seal of the Council be affixed to the necessary documents if required.

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

MINUTE NO. 505 Contd

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

* * * * *

MINUTE NO. 506

7. F02010. Roads and Traffic Authority acquisition of land for widening the Great Western Highway – Wentworth Falls

RESOLVED UNANIMOUSLY on the MOTION of Councillors Creed and Frappell:

1. That the Council agree to the compulsory acquisition of 11 Shortland Street Wentworth Falls being Lot 63 in DP 111831 by the Roads and Traffic Authority for road widening purposes.
2. That the Council agree to the compulsory acquisition of part of 36 Great Western Highway Wentworth Falls being Lot 338 in DP 1122778 by the Roads and Traffic Authority for road widening purposes.
3. That the Council agree to accept compensation in the amount as determined by the Valuer General for the land acquired by the Roads and Traffic Authority.
4. That the Council agree to the compulsory acquisition of a three year lease of the remaining portion of 36 Great Western Highway being Lot 312 in DP 1122778 by the Roads and Traffic Authority for a site compound.
5. That the funds received from the disposal and lease of the properties be deposited in the Property Investment Fund (PIF).
6. That the Common Seal of the Council be affixed to the necessary documents dealing with this matter if required.

* * * * *

MINUTE NO. 507

8. X/1075/2006. Development Application No. X/1075/2006 for a retail plant nursery, building equipment hire and self storage units on Lot 1 Section 8A DP 1175 and Lot 3 DP 519961, 46-56 Wilson Street, Katoomba

The Meeting was addressed by Greg Egan and Ivan Jeray.

MINUTE NO. 507 Contd

A MOTION was moved by Councillors Hamilton and Van der Kley **that the Development Application No. X/1075/2006 for a retail plant nursery and building equipment hire on Lot 1 Section 8A DP 1175 and Lot 3 DP 519961, 46-56 Wilson 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.**

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	Trindall
Myles	
McLaren	
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 following:
 - Site plan prepared by Baramy Engineering drawing No. 1731-SDSP-SITE, Issue C, dated 1/03/08;
 - Landscape plan prepared by Baramy Engineering drawing No. 1731-SDSP-LANDSCAPE. Issue A, dated 26/03/07;
 - Plans showing proposed awnings prepared by Baramy Engineering drawing No. 1731-MD-0002, Issue B; 1731-MD-0003, Issue B; 1731-MD-0003, Issue A; 1731-MD-0004, Issue A, dated 28/08/07;
 - Plan showing layout of storage containers prepared by A.S. Drafting, drawing S.U.K. dated January 2008;
 - Utilities Plan prepared by Baramy Engineering drawing No. 1731-SDSP-Utilities, Issue A, dated 26/03/07;
 - Plan showing street frontage directory board prepared by A.S. Drafting numbered KS4;
 - Statement of Environmental Effects prepared by Berzins Environmental Planning Pty Ltd, dated June 2007;
 - Stormwater Quality & Management Plan prepared by Baramy Engineering, undated, and additional information prepared by Baramy

Engineering dated 27 November 2007;

- Water management study prepared by Blue Mountains Geological and Environmental Services Pty Ltd, dated March 2008; and
- Traffic report prepared by Traffic Solutions Pty Ltd, dated 30 August 2006, and dated 3 March 2008,

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

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

Staging of Development 3 The development may be developed and occupied in stages, generally as indicated by the application, being a 3 stage development, subject to detailed staging plans being submitted to and approved by the Council prior to issue of construction certification. The staging plan must define the work that will be completed prior to issue of any occupation certificate for that stage. The staging plan must define the work required to implement that particular stage as well as ensuring the proper ongoing management of the overall site. If undertaken in the three stages, envisaged in the application, it is envisaged that those stages will generally contain the following:

Stage 1 of Development (landscape supply business)

- Paving, including driveway to Kanimbla Street
- Office and associated paving
- Awnings A, B & C
- Approved site stormwater management system, including any revised requirements provided by the Sydney Catchment Authority
- Implementation of the approved landscaping plan for the whole site.

Stage 2 of Development (building/landscaping equipment hire)

- Awning D
- Paving

Stage 3 of Development (self storage units/containers)

- Paving
- Awnings to shipping containers

Each stage of the development shall not operate without an Occupation Certificate.

Prior to the commencement of any site works, a

- detailed plan of the proposed works for each stage is to be provided to Council for approval.
- Construction certificate (building)** 4 A construction certificate is required for each stage of the development, 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.
- Engineers certificate for existing works** 6 A certificate from a registered Structural Engineer is to be submitted to the Principal Certifying Authority as part of the Construction Certificate for stage 1 of the development certifying that existing works within the development area, such as the cut into the rock wall and the landscape materials storage bays, are structurally stable.
- Awnings for self storage containers** 7 Colorbond prefabricated awnings are to be secured approximately 100mm above the self storage containers. Individual awnings are to be interlocked to provide the appearance of uniform roofing.
- To ensure the awnings are structurally sound, a certificate from a registered Structural Engineer is to be submitted to the Principal Certifying Authority as part of the Construction Certificate for Stage 3.
- Plans on site** 8 A copy of the stamped and approved plans, development consent and construction certificate/s are to be on the site at all times during construction.
- Sydney Water** 9 The Council stamped 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.

Storage of nutrient rich materials 10 Nutrient rich materials are to be stored under an awning at all times.

Landscaping 11 Landscaping is required to ensure that the development contributes to the character of the Blue Mountains and its environmental sustainability.

Landscape works shall be carried out in accordance with the approved landscape plan, except as amended in red and by the following:

- a) In order to improve the amenity of the locality, the site shall support a minimum number of three (3) trees planted into the garden bed noted as '1' on the landscape plan. To achieve an appropriate sized garden, one (1) car parking space shall be removed and incorporated into the garden bed. The trees may be evergreen or deciduous and must attain a minimum mature height of (15) metres. *Fraxinus* "Raywood" has been identified as an appropriate species for the application.
- b) These feature trees are to be underplanted with a variety of exotic or native flowering shrubs, such as *Azalea*, *Crowea*, *Philotheca*, *Daphne*, *Phebalium* and *Hebe*, and ferns as desired.
- c) An elevated planting bed of mixed conifers is to be planted at (approximately) point '2' on the landscape plan. The bed is to provide an additional pencil pine to at least (4) metres minimum mature height, and a mixed planting of smaller ornamental conifers to (4) metres. Indicative species include *Chamaecyparis lawsoniana* dwarf cultivars, *Chamaecyparis pisifera* dwarf cultivars, *Picea pungens* 'Globosa', *Thuja orientalis* cultivars such as 'Aurea Nana', *Juniperus compressa*, and *Juniperinus procumbens*.
- d) Provide a minimum of (6) *Eucalyptus sclerophylla* in the area marked as '3' on the landscape plan.
- e) In order to provide long term soil stability and

enhance the ecological function of the area, additional ground layer plants are to be provided in the lower portion of the drainage channel in the area below point '3', as identified by green symbols. Suggested species include smaller *Gahnia* species and *Blechnum nudum* - Fishbone Water Fern. Mulch rather than turf, is to be provided directly adjacent to the channel until such time as the plants establish. *Blechnum* should be provided at a density of 4 per square metre.

- f) Provide, in the elevated 'nature strip' located above the property along York Street in the area noted as '4' on the landscape plan, a mixed planting area of native trees and shrubs capable of providing a moderately dense vegetated screen. To achieve a suitable screening function further plantings north of point 4 may be necessary. Plantings should be clustered and randomised so as to create visual interest and prevent complete concealment of distant views. Suitable plant species, in addition to those noted on previously submitted plans include *Hakea dactyloides*, *Banksia ericifolia*, *Ceratopetalum gummiferum*, *Allocasuarina littoralis*, *Backhousia myrtifolia* and *Kunzea ambigua*.
- g) In order to provide a conducive growing environment and to reduce competition for available moisture, grasses surrounding the plantings are to be removed or sprayed using an appropriate herbicide, and native tree mulch is to be provided beneath the plantings at a depth sufficient to suppress the regrowth of grasses.
- h) Where screening of chainmesh fence is desired, twining plants such as *Hardenbergia violaceae*, *Clematis aristata* and *Aphanopetalum resinosum* may be used.
- i) In order to assist in the amelioration of the extensive hard stand area and to provide further visual interest at the point of entry to the development, an additional planting bed is to be provided on the eastern edge of the parking bays, in or around bays marked 23 and 24 (noted as '5' on the landscape plan). Species used should be evergreen, and should be sympathetic to the Manchurian Pear (*Pyrus calleryana*) plantings located to the east of the parking bays. The plants should achieve a minimum mature height of (3) metres, and must not be invasive.

- j) Provide, in the elevated 'nature strip' located above the property along York Street in the area noted as '6' on the landscape plan, a mixed planting area capable of providing a moderately dense vegetated screen. Plantings should be clustered and randomised so as to create visual interest and prevent complete concealment of distant views. Plantings should be a mix of native trees and shrubs consistent with the planting schedule of the landscape plan.

Additional plantings are to be provided alternating with the Golden Diosma, (*Coleonema pulchrum* 'Aurea') planted in the linear elevated garden bed at point '7'. It is suggested that species chosen be either of naturally narrow form, such as smaller 'pencil pines' or flowering evergreen exotics such as *Camellia sasanqua*, that can be pruned to the desired shape and size.

All approved landscaping shall be installed and completed no later than three (3) months from the completion of stage 1 of the development.

All plants and landscaping on the site are to be maintained at all times. Any plants that die or are removed must be replaced with plants of the same species and of a similar stage of growth.

Site management

- 12 To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the demolition and construction periods:
- a. Site and building works (including the removal/delivery of materials to or 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 (including felled trees) must be

contained and removed to a Waste Disposal Depot.

- Builders details** 13 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.
- Hours of operation** 14 The hours of operation for the development are limited to the following:
- | | |
|-----------------|-----------|
| Monday - Friday | 7am - 6pm |
| Saturday | 8am - 4pm |
| Sunday | 9am - 3pm |
- External finishes** 15 To ensure that the development is compatible with the surrounding environment details of colours and finishes for the awnings shall be provided to Council for approval.
- Any ancillary structures are to be finished in colours and materials that blend with the surroundings and are of low reflective quality.
- Accessibility certification** 16 A certificate is required from a suitably qualified Access and Mobility Specialist, certifying that:
- Entry and maneuvering space within the office is provided in accordance with Australian Standard AS 1428, and
 - Two car parking spaces (near the office) are provided in accordance with AS 1428.
- This certification is to be provided to the Principal Certifying Authority prior to release of an Occupation Certificate for Stage 1.
- Fencing** 17 Suitable fence shall be provided and maintained along the length of the western boundary to ensure public safety.
- Lighting** 18 To protect the amenity of the local area, any 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.
- Advertising sign** 19 To protect the visual amenity of the neighbourhood and city, signage shall be limited to the details included with the application. External illumination is permitted but must be minimised so as to ensure no

adverse impact on traffic flow or adjoining properties. Any external lighting is to be fitted with an automatic timing device to extinguish the light outside the developments operating hours. Flashing lights are not permitted.

**Completion of
boundary adjustment**

- 20 To ensure the effective operation of the development, the boundary adjustment (X99/1793) shall be completed.

Evidence of registration with the Land Titles Office must be provided to the Principal Certifying Authority prior to the issue of the Occupation Certificate for Stage 1.

**Surrender consent
B98/0416**

- 21 To ensure continued effective management of the premises, the owner is required to surrender to Council consent B98/0416. The notice of surrender is to be in writing and should include the following details (Section 97 Environmental Planning and Assessment Regulation):

- a) the name and address of the person by whom the notice is given,
- b) the address, and formal particulars of title of land to which the consent relate,
- c) a description of the development consent to be surrendered,
- d) a clear statement that the consent is surrendered, and
- e) if the applicant is not the owner of the land, a statement signed by the owner of the land to the effect that the owner concurs with the surrender of the consent.

The notice of surrender should be submitted to Council prior to release of the Occupation Certificate for Stage 1.

**Sydney Catchment
Authority**

22 **General**

1. The site layout and associated works are to be shown in the Site Plan prepared by Baramy Engineering (Drawing No. 1731-SDSP-Site, Issue C, dated 1 March 2008). Any further revision to the proposed layout is to be agreed to by the Sydney Catchment Authority;

Reason for condition 1 - The Sydney Catchment Authority has based its assessment under Drinking Water Catchments Regional Environmental Plan on this description of the

development.

Stormwater Management

2. All stormwater management measures as specified in the Water Management Study prepared by Geological and Environmental Services Pty Ltd (dated March 2008) and the Stormwater Quality & Management Plan prepared by Baramy Engineering (undated) for the proposed retail plant nursery and fill/steel storage, machinery storage and office are to be implemented, in particular as elaborated or varied in the conditions below. Any revision of these stormwater management measures is to be agreed to by the Sydney Catchment Authority;
3. Rainwater tanks with a minimum total capacity of 45,000L above any mains top-up are to be installed for the collection of rainwater from the roof of the existing office and proposed awnings. The roof drainage is to be constructed in such a manner that all rainwater is directed to rainwater tanks with overflow to be directed to the site stormwater drainage system;
4. Rainwater tanks are as a minimum to be plumbed to toilets and other non-potable uses including dust suppression;
5. All runoff from the hardstand and car parking areas from the proposed retail plant nursery and fill/steel storage, machinery storage and office is to be directed to a Baramy Settling Range Dry Sediment Capture Device with a minimum capacity of 45.6 cubic metres as specified in the Stormwater Quality & Management Plan (undated) and as shown in the Drainage and Utilities Plan (Drawing No. 1731-SDSP-Utilities, dated 26 March 2007) both prepared by Baramy Engineering. The overflow from the sediment capture device is to be directed to an existing water quality pond located at the south eastern corner of the property and referred as OSD/Polishing Pond in the Stormwater Quality & Management Plan;
6. The water quality pond is to be cleaned of sediments and if required upgraded to ensure it has a minimum permanent pool volume of 190 cubic metres as specified in the Stormwater Quality & Management Plan prepared by Baramy Engineering (undated);

7. The pond upgrade design is to be shown in Figure 11 of the Stormwater Quality & Management Plan (undated) and consistent with Chapter 10 of the *WSUD Engineering Procedures: Stormwater* (Melbourne 2005) so as to maximise flow path and retention time and avoid short-circuiting. Discharge from the pond is to be directed to an existing watercourse near Kanimbla Street via an outlet that is to be constructed and armoured in such a manner that discharge does not cause erosion;
8. The sediment capture device and water quality pond are to be protected from vehicular damage by bollards, guard rails, high slotted kerbs or similar permanent structures, and signs are to be erected to advise of the nature and purpose of their stormwater quality management function;
9. All stormwater structures and associated drainage works are to be inspected, cleaned and maintained in accordance with recommendations contained in the Stormwater Quality & Management Plan prepared by Baramy Engineering (undated), manufacturer's specifications and best practice;
Reason for conditions 2 to 9 – To maximise stormwater collection and reuse, and minimise the impact of treated runoff on receiving waters so as to ensure a sustainable neutral or beneficial effect on water quality over the long term;

Construction Activities

10. A Soil and Water Management Plan (SWMP) is required for all works proposed as part of this development. SWMP is to be prepared by a person with knowledge and experience in the preparation of such plans and is to be consistent with the requirements outlined in Chapter 2 of the NSW Landcom's Soils and Construction: Managing Urban Stormwater (2004) manual – the "Blue Book". The SWMP is to be to the satisfaction of Council;
11. Effective erosion and sediment controls are to be installed prior to any construction activity. The controls must prevent sediment entering the drainage depressions, drains and watercourses, and are to be regularly maintained until works have been completed and groundcover established;
Reason for conditions 10 & 11 – To manage adverse environmental and water quality impacts during the construction stage of the development

and to minimise the risk of erosion, sedimentation and pollution within or from the site during this construction phase.

Soil and Water Management Plan

- 23 A Soil and Water Management Plan (SWMP) is to be submitted to Council for approval prior to the issue of the Construction Certificate for Stage 1. The SWMP is to detail how erosion and sediment controls will be installed and managed at Stage 1, 2 and 3.

Exclusion zone

Prior to work commencing

- 24 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 including the waterway and its' associated landscaped areas.

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 prior to the commencement of site works, at the first critical mandatory stage inspection.

Protection of site features

Prior to work commencing

- 25 To preserve the natural site features and limit site disturbance, all natural landscape features including the waterway and its associated native landscaped areas and soil are to remain undisturbed within the exclusion zone.

Soil erosion

Prior to work commencing

- 26 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 these conditions).

Water quality polishing pond – macrophytes

- 27 An adequate coverage of healthy macrophytes is to be maintained within the water quality polishing pond (located in the south east corner of the site) to ensure the designed water quality polishing performance is maintained in perpetuity.

If macrophytes may be disturbed during de-silting maintenance procedures required to ensure the ongoing performance of the water quality polishing pond then:

- a) the existing macrophytes may be temporarily removed, suitably stored to ensure survival and transplanted back into the pond on completion of de-silting maintenance work, or
- b) if existing macrophytes are damaged within the pond or do not survive transplanting they must be replaced with locally endemic macrophyte species consistent with the approved Landscape Plan or as otherwise approved by Council's Environmental/Landscape Assessment Officer.

ENGINEERING

Compliance with standards

- 28 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 any Occupation Certificate, certification shall be obtained from a civil/structural engineer and submitted to the Principal Certifying Authority confirming all works have been constructed in accordance with the approved plans and specifications.

On site detention positive covenant

- 29 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 for Stage 1.

Internal pavement

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

* * * * *

MINUTE NO. 508**9. X/28/2008. Development Application for a dwelling on Lot 244 DP 714269, 30A Ross Crescent, Blaxland**

The Meeting was addressed by Ivan Jeray and Peter 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.**

Upon being PUT to the Meeting, the MOTION was CARRIED on the casting vote of the Mayor, the vote being:

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

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: Dark earth tones
 - b) Roof: Dark earth tones
- 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.

* * * * *

MINUTE NO. 509

C1. F01985. Confidential Business Paper – Council owned land at Redfern Street and Somme Avenue, Wentworth Falls

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

1. That the Council accept the offer contained in this report for the purchase of Lot 7 Deposited Plan 31895 Somme Ave and Lots 68, 69 & 70 Deposited Plan 31895 Redfern Street, Wentworth Falls.
2. That the Common Seal of Council be affixed as required to the documents relating to this matter.
3. That the funds received from the sale of the land be deposited in the Property Investment Fund, in accordance with the Council's adopted Corporate Property Policy.
4. That should this sale fall through, the General Manager or his nominee, be delegated to negotiate a sale at a price not less than the current offer.

* * * * *

MINUTE NO. 510

11. F00874. Restriction of through traffic Loftus Street Lawson

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and McLaren that the item be deferred for a further report on only closing Loftus Street to eastbound traffic following appropriate community consultation in conjunction with Ward Councillors.

* * * * *

NOTICES OF MOTIONMINUTE NO. 511**12. F00088. Review of parking strategy options in Leura**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Frappell **that a report come to Council on the parking strategy options, with a view to maximising the function and use of the existing available space in the precinct including bus parking, and that the options presented include considerations raised through consultation with the Leura Chamber of Commerce and the Chairperson of the Leura Community Alliance.**

* * * * *

MINUTE NO. 512**13. F00088. Graffiti Removal Pilot Program**

RESOLVED UNANIMOUSLY on the MOTION of Councillors McLaren and Searle:

1. **That a report come to the Council on the feasibility of and costs associated with establishing a 12 month graffiti removal pilot program in Winmalee that has been developed in conjunction with the local Police and the Youth Council.**
2. **That the pilot program include the timely removal of graffiti from all properties, not just those owned by Council and the potential for a 'graffiti wall'.**
3. **That the report examine methods of cost recovery that the Council could implement to fund the pilot program and any other programs that result if the pilot is considered to be successful in reducing graffiti following an evaluation.**
4. **That Mr Tony Jordan be invited to address a Councillor Working Party about this personal experiences and proposals for fighting graffiti in the Blue Mountains.**
5. **That the Working Party be held in Springwood.**

* * * * *

MINUTE NO. 513**14. F00088. Churchill Street Tennis Courts**

RESOLVED UNANIMOUSLY on the MOTION of Councillors McLaren and Trindall **that a report come to the Council on the issue of the Churchill Street Tennis Courts as soon as possible.**

* * * * *

MINUTE NO. 514**15. C00680. Precis of Selected Correspondence, 03/06/2008**

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

* * * * *

MINUTE NO. 515**C00336. Procedural – Matter of Urgency**

A MOTION was moved by Councillors McInnes and Searle **that the Council consider a matter relating to funding possibilities for the Mechanics Institute/Lawson Community Hall, having been ruled by the Mayor to be a matter of urgency.**

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

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

* * * * *

MINUTE NO. 516**C00336. Matter of Urgency – Funding possibilities for the Mechanics Institute/Lawson Community Hall**

A MOTION was moved by Councillors McInnes and Searle **that a report come to Council for notation exploring a range of funding possibilities for the Mechanics Institute/Lawson Community Hall, including the KickStart and Capital Infrastructure Programme referred to in the Minister for Planning's correspondence.**

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

MINUTE NO. 516 Contd

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

* * * * *

MINUTE NO. 517

17. C00336. Procedural – Question that Meeting Close

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

The ordinary Meeting of the Council closed at 8:45 pm on Tuesday 19 February 2008.

* * * * *