

BLUE MOUNTAINS CITY COUNCIL

ORDINARY MEETING

24 JUNE 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, 24 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, Trindall and Van der Kley.

\* \* \* \* \*

In attendance:

A/General Manager, Group Manager BM City Services, Group Manager Community & Corporate, A/Group Manager Environmental & Customer Services, Executive Officer, A/Chief Financial Officer, Manager Corporate Planning, Manager Assets and Contracts, Manager Planning Health and Enforcement, Manager City Planning, Manager Environmental Services, Principal Planning Officer, Director Major Projects, Principal Strategic Planner, Executive Principal, Environmental Health and Regulatory Compliance, Communications Officer, Team Leader Recreation Development, Strategic Planning Specialist (Environment), Program Leader Property and Facilities, Senior Ranger, Ranger, Executive Assistant Community and Corporate, Project Support Officer Business Systems.

\* \* \* \* \*

Prayer / Reflection:

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

\* \* \* \* \*

MINUTE NO. 518

**C00679. Apologies**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and McInnes **that the apology tendered on behalf of Councillor Searle for non-attendance at the Meeting be accepted and a leave of absence granted.**

\* \* \* \* \*

MINUTE NO. 519

**C00336. Confirmation of Minutes - Ordinary Meeting – 3 June 2008**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Myles **that the Minutes of the Ordinary Meeting of 3 June 2008 be confirmed.**

\* \* \* \* \*

**C00336. Declarations of Interest – Ordinary Meeting, Date**

Councillor Trindall made the following declaration with respect to Item 14 – Community Donations Program 2008:

“I am a manager at the Winmalee Neighbourhood Centre and there is a grant to that Centre being discussed. I will leave the Chamber for that part of the Meeting.”

\* \* \* \* \*

**MINUTES BY MAYOR****MINUTE NO. 520****1. F00816. Acknowledgement of Service Provided by the Blue Mountains Recycling Centre**

RESOLVED UNANIMOUSLY on the MOTION of Councillors McLaren and Frappell, with Councillors Creed, McInnes, Myles and O’Grady out of the Chamber, **that the Council acknowledges the long-term contract service provided by the Blue Mountains Recycling Centre and thank them and their staff for almost sixteen years of service provision.**

\* \* \* \* \*

**MINUTE NO. 521****2. C02708. Australian Guild of Town Criers – 2008 Australian Championship, Moree**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Creed:

1. **That our Town Crier, Mr. Dennis John Hitchen, be given approval to represent the City of Blue Mountains at the Australian Championship of Town Criers to be held in Parkes from Friday 12 September to Sunday 14 September 2008.**
2. **That Council pay for Mr. Hitchen’s travel, accommodation and incidental expenses to enable him to represent our City at these Championships.**

\* \* \* \* \*

**OFFICERS REPORTS****MINUTE NO. 522****3. C00694. Schedule of Invested Monies**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Creed **that the Schedule of Invested Monies as at 31 May 2008 be received.**

\* \* \* \* \*

MINUTE NO. 523**4. F02965. Finalisation of the Management Plan, Budget Estimates, Fees and Charges, Capital Works Program and Rates for 2008-2009**

The Meeting was addressed by Ivan Jeray.

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

**Recommendations (by separate resolution - A then B):**

**A. ADOPTION OF MANAGEMENT PLAN AND BUDGET ESTIMATES**

1. That after considering community submissions (see Attachment 1) and endorsing the recommended actions to be taken in response to them, the Council adopts the Draft 2008-2009 Management Plan, Budget Estimates, Capital Works Program and Fees and Charges, subject to the amendments proposed in Attachments 2 and 3 of this report.
2. That the expenditure in the Budget Estimates and Capital Works Program for the year 2008-2009, as presented in the publicly exhibited Draft 2008-2009 Management Plan and Financial Supplement, incorporating the changes outlined in section 2 'Budget Estimates' of this report, be approved and the necessary money to meet that expenditure be voted.
3. That approval be given to:
  - (a) the raising of all loan funds, as proposed in section 2 'Budget Estimates' of this report, from the most appropriate lender on terms and conditions considered to be the most advantageous to the Council as determined by the General Manager; and
  - (b) the affixing of the Council's Common Seal to all relevant loan documents.

**B. MAKING OF RATES AND CHARGES**

1. That an ordinary rate of the amounts specified in the attached Attachment 2 be made and levied now for the year 2008-2009 on the land value of all rateable land in the categories and sub-categories described respectively in Attachment 2. Where the application of the ad valorem amount as specified in Attachment 2 produces a rate payable amount that exceeds the minimum rate amount then the higher rate amount will be levied, otherwise the minimum rate amount of the ordinary rate applies in respect of each separate parcel.
2. That annual charges for the year 2008-2009 under Section 496 of the Local Government Act, 1993 for the provision of Domestic Waste Management Services for each parcel of rateable land in the area be as follows:

|           |                                             |
|-----------|---------------------------------------------|
| \$ 99.00  | per annum, Vacant land with road access     |
| \$198.50  | per annum, Occupied Residential (140 L bin) |
| \$ 250.50 | per annum, Occupied Residential (240 L bin) |

The above fees are charged on the basis of each property serviced multiplied by the number of services provided.

MINUTE NO. 523 Contd

3. That as the Council is of the opinion that all rateable land in the Blue Mountains area benefits from expenditure incurred in the provision of Emergency Services, all properties having access to such services on an ongoing basis and in recognised emergency situations, that the annual charge for the year 2008-2009 under section 501 of the Local Government Act, 1993 for the provision of Emergency Services is \$39.77 for each parcel of rateable land in the area.

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

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

\* \* \* \* \*

MINUTE NO. 524

**5. F00681. Adoption of Companion Animals Management Plan and Amendment and Addendum to the Local Orders Policy on the Keeping of Animals**

The meeting was addressed by Ivan Jeray, Julia McConnell, and Meredith Brownhill.

RESOLVED UNANIMOUSLY on the MOTION of Councillors McLaren and Frappell:

1. That Clause 11 of the Blue Mountains Local Orders Policy (2006) as it relates to Order 18, be amended by replacing the existing matters for consideration specified in that Orders Policy, with a reference to 'Addendum to the Local Orders Policy for Order 18 – Keeping of Animals', as contained in Enclosure 1 to this report;
2. That the Companion Animals Management Plan (Cats and Dogs) 2008-2011, as contained in Enclosure 1 to this report, be adopted.
3. That a further report come to the Council, as soon as possible, dealing with:-
  - i. matters referred to in clauses 3.2 and 3.B of the Companion Animals Management Plan;
  - ii. the process of establishing Wildlife Protection Areas;
  - iii. how they will meet World Heritage obligations; and
  - iv. any legal obligations on Council to control domestic, stray and Feral Cats under the *Threatened Species Conservation Act 1995*; and funding options for the introduction of Wildlife Protection Areas and the protection of wildlife from Feral Cats, fauna monitoring, staffing needs, community education.

\* \* \* \* \*

MINUTE NO. 525

**6. F03845. Sustainable Asset Management Policy**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Creed:

- 1. That the Council adopt the Sustainable Asset Management Policy as a framework to guide the continual development of Asset Management Plans.
- 2. That the Sustainable Asset Management Policy be reviewed within two years and reported back to the Council.

\* \* \* \* \*

MINUTE NO. 526

**7. F02064. Genetically Modified (GM) Food in the City of Blue Mountains**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Creed:

- 1. That the Council notes the information contained in this report.
- 2. That the 'Healthy Food Choices' project include consideration of GM Food issues as part of its brief.
- 3. That the Council receive a report on the outcomes of the 'Healthy Food Choices' project in Quarter 4 of 2008-2009 to inform a potential way forward regarding whether or not Council should resolve to make the Blue Mountains LGA a zone free of genetically modified food production.

\* \* \* \* \*

MINUTE NO. 527

**C1. DR 4924-7. Confidential Business Paper – Outstanding Debt for Australian Gas & Light**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Frappell that, in accordance with Regulation 213 of the Local Government (General) Regulation 2005, the Council write-off the outstanding amount deemed to be unrecoverable as detailed in this report.

\* \* \* \* \*

MINUTE NO. 528**9. F00296. Policy for the Management of Serious and Substantial Complaints relevant to the Code of Conduct**

The Meeting was addressed by Ivan Jeray.

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and McLaren that following the close of the public exhibition period the Council adopt the Serious and Substantial Complaints Policy.

\* \* \* \* \*

MINUTE NO. 529**10. C07703. Finalisation of Blue Mountains Sewage Strategy 2008**

The Meeting was addressed by Ivan Jeray.

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

1. That the Council receive this report and the document “Review of Public Submissions to the Draft Blue Mountains Sewage Strategy” provided as a separate Enclosure.
2. That the Council adopt the recommendations contained within the document “Review of Public Submissions to the Draft Blue Mountains Sewage Strategy” including the proposed amendments to the Draft Blue Mountains Sewage Strategy.
3. That Council receive and adopt the finalised “Blue Mountains Sewage Strategy 2008” (provided as a separate Enclosure to this Report) which has been amended consistent with the recommendations contained in the “Review of Public Submissions to the Draft Blue Mountains Sewage Strategy”.
4. That Council note the steps outlined to commence implementation of the Strategy.
5. That the latest version of the maps be included in the final document for publication.

\* \* \* \* \*

**F00544. Question Without Notice –Finalisation of Blue Mountains Sewage Strategy 2008**

Councillor McInnes: Are there newer maps from Sydney Water to be included in the publication?

\* \* \* \* \*

MINUTE NO. 530**11. F00796. Mount York Reserve Plan of Management - Adoption**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Creed:

1. That the Council receive the public submission on the Draft Plan of Management.
2. That the Council adopt the Plan of Management for Mount York Reserve in accordance with the provisions of the NSW Crown Lands Act 1989, and use it to guide the management and development of Mount York Reserve.

\* \* \* \* \*

MINUTE NO. 531**12. F04235. Options for the installation of a plaque honouring the late novelist Eve Langley**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Creed:

1. That the Council receives and notes this report.
2. That the Council further consider the option of recognising the work of the late Eve Langley and possibly other prominent Blue Mountains writers in some way at the new Katoomba Library and that the matter be reported back to the Council after consideration by the Katoomba Library Reference Group on the appropriateness based on their concepts for the new library.

\* \* \* \* \*

MINUTE NO. 532**13. F04245. Community Services Grants Program – Funding and Service Agreements**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Creed:

1. That the Council endorse participation in the Department of Community Services Agreements for the Council's Community Development Positions and Blackheath Vacation Care Program.
2. That the Council affix the Common Seal to the Service Agreements, if relevant.

\* \* \* \* \*

MINUTE NO. 533**14. F04281. Community Donations Program 2008**

RESOLVED UNANIMOUSLY on the MOTION of Councillors McInnes and Hamilton, with Councillor Trindall out of the Chamber:

1. That the Council, as authorised by Section 356 (1) of the Local Government Act 1993, grant financial assistance to the community organisations as detailed in the schedule Attachment 2.
2. That all recipients of Community Donations be required to submit an annual report on expenditure of funds and project outcomes.

\* \* \* \* \*

MINUTE NO. 534**15. C01671. Renewal of the Blue Mountains City Council Family Day Care Funding Agreement**

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

1. That the Council accepts the offer of the Commonwealth of Australia grant funding for Family Day Care Services as received from the Department of Education, Employment and Workplace Relations.
2. That the Common Seal of Blue Mountains City Council is affixed to the Agreement for the purpose of obtaining the grant funding.
3. That the Council write to the Federal Minister for Macquarie, Bob Debus asking the new Federal Government to revisit the funding formula which saw a reduction in funding to the Blue Mountains Family Day Care of 40%.

\* \* \* \* \*

MINUTE NO. 535**16. F03368. Storage for Blue Mountains Musical Society**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Myles and McLaren:

1. That the Council receive and note this report.
2. That this matter be referred to the Community and Facilities Working Party for the Working Party to develop options for housing the storage needs of the Blue Mountains Musical Society.
3. That the Working Party report back to the Council as soon as possible.

\* \* \* \* \*

MINUTE NO. 536**17. F02560. Community Assistance / Donations – Recommendations by Councillors**

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

| <u>Organisation</u>                                    | <u>Amount</u> |
|--------------------------------------------------------|---------------|
| BMCC Library                                           | \$100         |
| Wentworth Falls RSL                                    | \$500         |
| Blackheath Area Neighbourhood Centre                   | \$595.25      |
| St Finbar's School                                     | \$250         |
| Mt Riverview Girl Guides                               | \$150         |
| Mt Riverview Neighbourhood Watch                       | \$150         |
| Uniting Kids Care                                      | \$50          |
| Blaxland Bushfire Brigade                              | \$100         |
| Mt Riverview Bushfire Brigade                          | \$100         |
| Lapstone Pre-School                                    | \$300         |
| Glenbrook Little Athletics Club                        | \$150         |
| Glenbrook Amateur Swim Club                            | \$150         |
| Blue Mountains Scots Inc.                              | \$150         |
| Hazelbrook-Lawson District Girl Guides                 | \$300         |
| Winmalee Neighbourhood Centre                          | \$150         |
| Winmalee Guides Group                                  | \$100         |
| Warrimoo RFS                                           | \$100         |
| Springwood Scout Group                                 | \$100         |
| Valley Heights RFS                                     | \$100         |
| Springwood Neighbourhood Centre                        | \$100         |
| Winmalee RFS                                           | \$100         |
| Springwood Cricket Club                                | \$150         |
| Lower Blue Mountains Rugby League Club                 | \$500         |
| Blackheath Area Neighbourhood Centre                   | \$250         |
| Blue Mountains Family Support Service                  | \$300         |
| Winter Magic Festival Inc                              | \$250         |
| Blue Mountains Aboriginal Resource and Cultural Centre | \$350         |
| Women's International League of Peace and Freedom      | \$250         |
| Lower Mountains Family Support Service                 | \$300         |
| Wentworth Falls RSL                                    | \$500         |

\* \* \* \* \*

MINUTE NO. 537**18. F00534. Proposed reforms to the NSW Planning System – Draft Exempt and Complying Development Codes**

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

MINUTE NO. 537 Contd

1. That this Report be received and noted.
2. That the Council delegate authority to the General Manager to forward a submission to the NSW Department of Planning in relation to the exhibited draft NSW Housing and Commercial Building Codes for Exempt and Complying Development generally in the terms outlined in this Report.
3. That in its submission referred to in 2 above, the Council request the Complying Development Expert Panel adopt local variations to the Exempt and Complying Development Code as they apply to the Blue Mountains Local Government Area as generally outlined in Attachments 1 and 2 to this Report.

\* \* \* \* \*

MINUTE NO. 538

**19. X/1263/2007. Development Application No. X/1263/2007 for a change of use to educational establishment on LOT 150 DP 712935, Lot B DP 30715, R T Hall Sanitorium, 62 Hall Parade, Hazelbrook**

The Meeting was addressed by Bryce Cassin, Vittorio Cintio, Annie Carment and Mark Thomas.

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

1. That the Council endorse the Heritage Conservation Management Plan prepared by Andrew Starr and Associates, Heritage Consultants, dated November 2007 for the purpose of Clause 77 (Conservation Incentive) of Blue Mountains Local Environmental Plan 2005 to enable the proposed adaptive reuse of R T Hall Sanitorium (62 Hall Parade, Hazelbrook; Lot 150 DP 712935, Lot B DP 30715) as an educational establishment.
2. That the Development Application No. X/1263/2007 for change of use to educational establishment on Lot 150 DP 712935, Lot B DP 30715, R T Hall Sanitorium, 62 Hall Parade, Hazelbrook be determined pursuant to S.80 of the Environmental Planning and Assessment Act 1979 by granting of a deferred commencement consent subject to conditions shown in Attachment 1 to this report.
3. That the General Manager be granted the delegated authority to determine whether the Council is satisfied that the deferred commencement matters (identified in Part 1 of the development consent) pertaining to development consent No. X/1263/2007 for change of use to educational establishment on Lot 150 DP 712935, Lot B DP 30715, R T Hall Sanitorium, 62 Hall Parade, Hazelbrook have been satisfied pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 and Clause 95 of the Environmental Planning and Assessment Regulation 2000.

MINUTE NO. 538 Contd

4. That condition 25 be amended as described in the body of the report, namely that the words 'Rural Fire Service' be replaced with the words 'suitably qualified bushfire consultant'.

**Attachment 1 - Conditions of development consent****PART 1: DEFERRED COMMENCEMENT CONSENT CONDITIONS****Upgrading of Hall Parade driveway entrance**

1. To ensure service vehicle ( such as mini buses, garbage trucks and delivery vehicles) access is achievable to the site from Hall Parade, and to clarify the extent of any necessary works required to achieve service vehicle access, detailed plans are to be submitted to Council for Council's consideration and support. The access design is to comply with AS2890 and demonstrate that two service vehicles can pass each other on the driveway and entrance to the site. The plans are to include entry and exit longitudinal sections with service vehicle template overlays demonstrating that the service vehicles do not scrape on the driveway or road carriageway.

**Amendment of kiss and ride area**

2. To ensure the safety of students and accessibility within the site, detailed plans of the kiss and ride area are to be submitted to Council for Council's consideration and support. The design of the kiss and ride area, including the parallel and angled car parking spaces, aisle widths and grades are to comply with AS 2890 and demonstrate an accessible path of travel from the two angled car parking spaces for the disabled to the school buildings. The plans are to define a suitable area for congregation of 90 students adjacent to the minibus parking spaces. The plans are to include design details of the proposed pedestrian pathway from the Hall Street entrance to the school building.

*Time period to comply with deferred commencement conditions*

3. In accordance with Section 95(6) of the Environmental Planning and Assessment Act, the deferred commencement matters are to be resolved within 2 years of the date of this notice. This deferred commencement consent will lapse if the applicant fails to satisfy the consent authority as to the matters specified in Part 1 of this consent within 2 years of the date of this notice.

**PART 2: OPERATIONAL CONSENT CONDITIONS****GENERAL****Confirmation of relevant plans**

1. To confirm and clarify the terms of consent, the development shall be carried out in accordance with the following documentation:-

Architectural plans prepared by Stanton Dahl Architects, job number 1067.07, A100/3 dated 12/05/2008, A200/1 dated 17/12/2007

Statement of Environmental Effects by Stanton Dahl Architects, job number 1063.07, dated 17 December 2007

Heritage Impact Statement by Andrew Starr & Associates Heritage Consultants dated November 2007

Conservation Management Plan by Andrew Starr & Associates Heritage Consultants dated November 2007.

Bushfire Risk Assessment Report by Flame Zone Bushfire Consulting dated October 2007

Traffic and Parking Assessment Report by Varga Traffic Planning Pty Ltd, Ref 07096, dated 17/12/2007 (as amended),

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 three year period from the date of this consent. Should this not occur, the development consent will lapse.

**Approved operational capacity**

3. To ensure the development operates within its design capacity and does not impact unreasonably on the amenity of the surrounding neighbourhood, this consent limits the school population to a maximum enrolment of 250 students at any one time. Any proposal to increase the school population, alter the approved traffic management plan or amend any other aspect of the development will require a new development application or section 96 modification, as applicable.

**Sydney Water Section 73 Certificate**

4. 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](http://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 any Occupation Certificate.

**Integral Energy Confirmation of electricity supply**

5. Written confirmation from Integral Energy is required that the supply of electricity to the proposed development is secured. Evidence that the requirements of Integral Energy have been met on site is required to be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

**Construction certificates (buildings and internal road works)**

6. Construction certificates for:-
  - the building alterations and demountable classroom, and
  - internal vehicle and pedestrian access and parking areas

are required prior to the commencement of any site or building works. These can be issued either by Council as the consent authority or by an accredited certifier.

**Building Code of Australia**

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

**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.

**Signage**

9. 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**

- 10 To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period:

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.

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.

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.

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.

All construction vehicle access to the site is to be via the Hall Parade driveway only.

**Erosion & sediment controls**

- 11 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:

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.

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

**Change to land title**

- 12 To ensure that the overall development remains 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 an Occupation Certificate or Interim Occupation Certificate.

**Accessibility and adaptability design statement**

- 13 To ensure appropriate access and facilities are provided, a statement is required from a suitably qualified Access and Mobility Specialist, certifying that the development complies with Australian Standard 1428 and the *Disability Discrimination Act 1992* for the following:
- a). Car parking and continuous pedestrian paths of travel over the site,
  - b). Access and facilities within the buildings.

This statement is to form part of the Construction Certificate documentation.

**Stormwater drainage**

- 14 To control rainwater runoff, roof water of the demountable classroom shall be connected to stormwater drainage lines discharging to
- a). a rainwater tank with overflow to:
  - b). stormwater pits 600mm wide x 600mm deep x 2m long, for each downpipe. Pits shall be located at least 4m from any building or property boundary.

The drainage system must be operational as soon as the building is secured on the site.

**DEMOLITION/ASBESTOS REMOVAL CONDITIONS****Disposal of Asbestos**

- 15 All asbestos material, including asbestos cement, is to be disposed of to an approved waste management facility licensed to receive asbestos.

**Display of signage**

- 16 The developer will display appropriate asbestos/demolition signage prior to and during demolition works.

**Demolition management**

- 17 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; and
- 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** 18 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.

**Removal of hazardous waste** 19 Removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable State legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia).

Only competent persons, or competent and registered persons shall carry out removal.

Removal of asbestos or materials containing asbestos fibres, shall be in accordance with the NOHSC code of practice.

Precautions to be observed and procedures to be adopted during the removal of dangerous or hazardous materials other than asbestos shall be in accordance with the relevant State regulations pertaining to those materials.

## **RURAL FIRE SERVICE BUSHFIRE SAFETY AUTHORITY CONDITIONS**

**Asset Protection Zone** 20 The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels to buildings are below critical limits and to prevent direct flame contact with a building.  
*Rural Fire Service condition*

At the commencement of building works and in perpetuity the property around the school buildings shall be managed as follows:-

- a). North for a distance of 60 metres as an inner protection area and 10 metres as an outer protection area,

- b). West for a distance of 70 metres as an inner protection area and 10 metres as an outer protection area,
- c). as outlined within Planning for Bushfire Protection 2006 and the Service's document "Standards for Asset Protection".

**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 2006 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 and Utilities**  
*Rural Fire Service*  
*condition*

- 21 The intent of measures is to provide adequate services of water for the protection of buildings during and after the passage of a bushfire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.

Water, electricity and gas are to comply with section 4.2.7 of *Planning for Bush Fire Protection 2006*.

In recognition that an unreliable reticulated water supply exists, a 40,000 litre dedicated water supply tank (non flammable or shielded from the threat) shall be provided.

**Access**  
*Rural Fire Service*  
*condition*

- 22 The intent of measures for public roads is to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area.

Access within the development shall comply with the requirements for internal roads as outlined in section 4.2.7 of *Planning for Bush Fire Protection 2006*.

**Design and construction**  
*Rural Fire Service*  
*condition*

- 23 Construction is to comply with Appendix 3 – Site Bush Fire Attack Assessment of *Planning for Bush Fire Protection 2006*. In this regard the following design standards for construction are to be incorporated into the development:-

- a). New construction shall comply with Australian Standard AS3959-1999 "Construction of buildings in bushfire prone areas" Level 1.
- b). All roofing shall be gutterless or have leafless guttering and valleys to prevent the build up of

flammable material. Any materials used shall have a Flammability Index no greater than 5.

- c). All existing buildings are required to be upgraded to improve ember protection. This is to be achieved by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen. This includes any sub floor areas, where applicable, and eaves.

**Evacuation and emergency management**

*Rural Fire Service condition*

- 24 The intent of measures is to provide suitable emergency and evacuation (and relocation) arrangements for occupants of special fire protection purpose developments.

An emergency/evacuation plan is to be prepared consistent with the NSW Rural Fire Service Guidelines for the Preparation of Emergency/Evacuation Plans for implementation by the occupants in the event of a required evacuation.

**Confirmation that RFS conditions have been satisfied**

- 25 To ensure appropriate protection from bushfire threat, the above listed Rural Fire Service conditions are to be satisfied prior to the issue of any Occupation Certificate. Written confirmation is to be provided by the Rural Fire Service to the Principal Certifying Authority that these conditions have been satisfied, prior to issue of any Occupation Certificate.

**ROADS AND TRAFFIC AUTHORITY CONDITIONS**

**School zones**

- 26 School zones must be installed along all roads with a direct access point (either pedestrian or vehicular) from the school. School zones must not be provided along roads adjacent to the school without a direct access point. Road safety precautions and parking zones should be included into the neighbouring local road network:-

40 km/hr School Zones are to be installed in Hall Parade.

**School zone signage**

- 27 The Roads and Traffic Authority (RTA) is responsible for speed management along all public roads within the state of New South Wales. That is, the RTA is the only authorised organisation that can approve speed zoning changes and authorise installation of speed zoning traffic control devices on the road network within New South Wales.

Therefore, the Developer must obtain written authorisation from the RTA to install the School Zone

signs and associated pavement markings and/or remove/relocate any existing Speed Limit signs.

To obtain authorisation the Developer must submit the following at least six (6) weeks prior to student occupation of the site, for review and approval by the RTA:

- a) A copy of Council's development conditions of consent,
- b) The proposed school commencement/opening date,
- c) Two (2) sets of detailed design plans showing the following:
  - i. School property boundaries
  - ii. All adjacent road carriageways to the school property
  - iii. All proposed school access points to the public road network and any conditions imposed / proposed on their use
  - iv. All existing and proposed pedestrian crossing facilities on the adjacent road network
  - v. All existing and proposed traffic control devices and pavement markings on the adjacent road network (including School Zone signs and pavement markings).
  - vi. All existing and proposed street furniture and street trees.

|                                                        |    |                                                                                                                                                  |
|--------------------------------------------------------|----|--------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Signage and pavement marking</b>                    | 28 | School Zone signs and pavement marking patches must be installed in accordance with RTA's approval/authorisation, guidelines and specifications. |
| <b>Installation of signage and pavement marking</b>    | 29 | All School Zone signs and pavement markings must be installed prior to student occupation of the site.                                           |
| <b>Signage and pavement marking at developers cost</b> | 30 | All School Zone signs and pavement markings must be installed at no expense to the RTA.                                                          |
| <b>Record maintenance</b>                              | 31 | The developer must maintain records of all dates in relation to installing, altering, removing traffic control devices related to speed.         |
| <b>RTA inspection</b>                                  | 32 | Following installation of all School Zone signs and pavement markings the developer must arrange an                                              |

inspection with the RTA for formal handover of the assets to the RTA. The installation date information must also be provided to the RTA at the same time. Note:- Until the assets are formally handed over and accepted by the RTA, the RTA takes no responsibility of the Scholl Zone/assets.

- Pedestrian sight lines** 33 Pedestrian sight lines in and adjacent to the development must not be obscured by landscaping, signage or fencing.
- Cost of works** 34 All works including service adjustments and modifications associated with the proposed development shall be at no cost to the RTA.
- Completion of works prior to issue of Occupation Certificate** 35 To ensure appropriate traffic controls are in place the above listed RTA conditions are to be completed to the RTA's satisfaction prior to the issue of any Occupation Certificate.

## ENGINEERING CONDITIONS

- Management of vehicle and pedestrian access** 36 In order to ensure safe vehicle and pedestrian access to and from the site, the development shall operate under the following constraints:
- a). All vehicle and pedestrian access to and from the site shall be via the Hall Parade frontage, with the exception of emergency vehicles which may utilise the access to and from Queens Road during emergencies.
  - b). All student pick up and drop off, staff, parent & student parking, all deliveries, and garbage collection is to take place wholly within the site in the designated areas.
  - c). All students travelling to and from the school via the school mini bus service are to be picked up and dropped off at Lawson railway station only.
  - d). No students are to utilise the town bus service in going to and from the site.
- Compliance with standards** 37 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 AS2890, AS1428 and other relevant Australian Standards. The design

and construction is to include any additional works to make the construction effective.

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

**Internal access and parking**

- 38 Prior to the issue of any Occupation Certificate, the new internal accesses and parking areas are to be formed, paved, sealed and line marked in accordance with detailed engineering plans approved with the Construction Certificate.

The entrance driveway and the 'kiss and ride' area (including the parallel car and minibus parking, angled parking, footpaths and student congregation area) shall be designed and constructed in accordance with the plans that satisfy the relevant Deferred Commencement matter.

The design and construction is to include all necessary drainage, retaining walls and other engineering works that may be required to make the construction effective.

The staff car parking area is to be formed with an all weather gravel finish prior to the issue of any Occupation Certificate, and shall be sealed and line marked within 12 months of the issue of any Occupation Certificate.

**Locked gates**

- 39 To minimise the risk of vehicle and pedestrian access via Queens Road, locked gates are to be installed across the vehicle access to the north of the proposed waste storage area, and where the access enters the Sulman Road reserve.

The gates are to be installed prior to the issue of any Occupation Certificate, and shall be fitted with Rural Fire Service BF3 locks, or similar to the satisfaction of the Rural Fire Service.

**Bicycle parking area**

- 40 To ensure no obstruction of travel paths throughout the site, the bicycle parking area is to be located wholly outside all footpaths and vehicle access routes (including emergency vehicle access routes). The bicycle parking area is to be installed prior to the issue of the final Occupation Certificate.

**Driveway crossing  
design and works**

- 41 Prior to the issue of any Occupation Certificate, the driveway crossing is to be reconstructed generally in accordance with the plans that satisfy the Deferred Commencement matter regarding mini bus and service vehicle access to and from the site.

Before commencement of works in the road reserve, and **prior to the issue of the Construction Certificate**, fully detailed engineering plans prepared by a qualified person and endorsed by a chartered civil engineer with NPER registration shall be submitted to and approved by Council under the Roads Act 1993.

The engineering plans shall include a detailed Erosion and Sediment Control Plan, and a Traffic Management Plan report prepared by a chartered civil engineer with NPER registration.

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 handling, 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 and approved by Council.

Approval of the engineering design 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.

**Bond**

- 42 Prior to the issue of the Construction Certificate and Roads Act approval, an **unconditional (open ended)** performance maintenance bond to the value of five (5) percent of the engineering construction or a minimum of \$5,000, 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. 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.

**Construction in  
Council's roads**

- 43 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, 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.
  - b). The person or company carrying out the works will be required to carry workers compensation and 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 Development Engineer at the pre-construction meeting.
  - c). 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.
  - d). 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.
  - e). A minimum of 48 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.
  - f). 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.
  - 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 (Sep 2003).
  - h). 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.

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

- |                                 |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|---------------------------------|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Relocation of services</b>   | 44 | The applicant shall carry out the relocation or alteration of public utilities or any existing services made necessary as a result of this development at the applicant's expense. 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. |
| <b>Repair of damage</b>         | 45 | 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.                                                                                                                                                                                                                                      |
| <b>Restore disturbed area</b>   | 46 | All disturbed earthworks and/or batters are to be restored, stabilised, topsoiled and turfed/revegetated to Council's satisfaction prior to release of the Occupation Certificate.                                                                                                                                                                                                                                                                   |
| <b>Certification by Council</b> | 47 | Prior to the issue of the Occupation Certificate, a certificate shall be obtained from Council to verify that all external works have been completed in accordance with the approved plan and to Council's satisfaction.                                                                                                                                                                                                                             |
| <b>Works as executed plans</b>  | 48 | Prior to the issue of any Occupation Certificate, a Works as Executed Plan of all internal and 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.                                                                                                                                                |

**HERITAGE CONDITIONS**

- |                                     |    |                                                                                                                                                   |
|-------------------------------------|----|---------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Conservation Management Plan</b> | 49 | All renovation works and ongoing maintenance shall be implemented in accordance with the approved conservation management plan and its time line. |
| <b>Works programme</b>              | 50 | The building defects identified in Section 5 of the Conservation Management Plan shall be followed through with a works programme.                |
| <b>Supervision of works</b>         | 51 | Renovation and ongoing maintenance works shall be supervised on site by a suitably qualified heritage architect.                                  |

**FIRE UPGRADING CONDITIONS**

- |                                   |    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-----------------------------------|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Building Code of Australia</b> | 52 | All new fire upgrading works are to comply with the requirements of the Building Code of Australia.                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Required fire upgrading</b>    | 53 | In accordance with the requirements of Clause 94 of the Environmental Planning and Assessment Regulation 2000, the following works are to be completed to upgrade the fire safety of the existing buildings. The works are to be completed prior to the issue of an Occupation Certificate or Interim Occupation Certificate.                                                                                                                                                                                                                                 |
| <b>Evacuation Procedure</b>       | 54 | A suitable evacuation procedure is to be developed for the building. The procedure is to adopt the RACE Principle and staff are to receive adequate training. A detail of the procedure is to be submitted to Council for approval prior to the training of staff. For your information, RACE relates to the following: <ul style="list-style-type: none"> <li>R Rescue or Remove people in immediate danger</li> <li>A Alarm others</li> <li>C Contain the fire to the room or space of origin</li> <li>E Extinguish if safe to do so or Evacuate</li> </ul> |
| <b>Exit doors</b>                 | 55 | All exit doors from the building are openable by a single-handed lever action device that can be opened without recourse to a key from the side facing a person seeking egress.                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Exit door hardware</b>         | 56 | All exit doors are to be fitted with latches that can be opened by single handed action on a single device without recourse to a key from the side facing people seeking egress from the building (Note:- the metal grill gate over the exit door may be retained provided it is plated with sheet metal on the outside and fitted with an                                                                                                                                                                                                                    |

approved exit latch).

- |                                           |    |                                                                                                                                                                                                                                                                                                                                |
|-------------------------------------------|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Exit door landings</b>                 | 57 | Where exit doors open directly to grass areas, a suitable 1.0 metre wide concrete pad is to be provided to ensure a hard uniform surface for people exiting the building.                                                                                                                                                      |
| <b>External stairways</b>                 | 58 | Repair external concrete stairs to linkage walkways/paths to ensure there are no trip hazards (Note:- some of the stairs have been damaged with steps becoming unstable).                                                                                                                                                      |
| <b>Hydrants</b>                           | 59 | Submit a report from a hydraulics Engineer attesting to the adequacy of the installed hydrant system to service the premises. This report is to consider the ability of the New South Wales Fire Brigade to use the fixtures.                                                                                                  |
| <b>Portable fire extinguishers</b>        | 60 | The buildings are to be serviced by portable fire extinguishers complying with the requirements of AS 2444.                                                                                                                                                                                                                    |
| <b>Fire and smoke alarms</b>              | 61 | A complete system of fire and smoke alarms complying with the requirements of AS 1670 is to be installed within the buildings. A detail showing the existing and proposed fixtures and proposed method of monitoring is to be submitted to the Principal Certifying Authority for approval prior to the commencement of works. |
| <b>Emergency lighting</b>                 | 62 | A complete system of emergency lighting and illuminated exit signs is to be installed throughout the buildings. A detail showing the existing and proposed fixtures and the proposed method of monitoring is to be submitted to the Principal Certifying Authority for approval prior to the commencement of works.            |
| <b>Certification of electrical wiring</b> | 63 | Submit a certificate from a suitably qualified electrician indicating the existing electrical wiring systems (ie power points, light fittings and fixtures, exposed wiring in roof voids) has been inspected and is certified as adequate, safe and fit for purpose.                                                           |
| <b>Certification of gas installations</b> | 64 | Submit a certificate from a suitably qualified gas fitter indicating the existing gas installation has been inspected and is certified as being adequate, safe and fit for purpose.                                                                                                                                            |
| <b>Final fire safety certificate</b>      | 65 | Submit a final fire safety certificate attesting to the adequacy of the newly installed portable fire extinguishers, emergency lighting, illuminated exit signs, fire and smoke alarms and the practice of the evacuation procedure. These services are detailed in the schedule attached to this consent.                     |

- Annual fire safety certificate**                      66    Submit an annual fire safety certificate attesting to the adequacy of the newly installed portable fire extinguishers, emergency lighting, illuminated exit signs, fire and smoke alarms and the practice of the evacuation procedure. These services are detailed in the schedule attached to this consent.
- Prior to issue of Occupation Certificate**                      67    All conditions in this consent shall be satisfied prior to the issue of any Occupation Certificate.

\* \* \* \* \*

MINUTE NO. 539

**20. X/134/2008. Development Application No. X/134/2008 for the demolition of existing structures and construction of a new retail development to provide five (5) retail outlets, including an Aldi store, at Lot 1 DP 224396 and Lots 11-13 DP 837270 being No. 201 Katoomba Street and Nos. 39 and 43 Waratah Street, Katoomba**

The Meeting was addressed by Amanda Young and Ross Lardner.

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

1.     **That Development Application No. X/134/2008 for the demolition of existing structures and construction of a new retail development to provide five (5) retail outlets, including an Aldi store at Lot 1 DP 224396 and Lots 11-13 DP 837270 being No. 201 Katoomba Street and Nos. 39 and 43 Waratah Street, Katoomba be determined pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 by the granting of consent subject to conditions shown in Attachment 1 to this Report.**
2.     **That condition 27 as described in the body of the report, namely that the word in paragraph 3 ‘... operating from the date of this consent’ be replaced with the words ‘ .... Operating from the due date of an Occupation Certificate being issued.’**

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

| <b>For</b>           | <b>Against</b>         |
|----------------------|------------------------|
| Councillors    Angel | Councillors    McInnes |
| Brown                | O’Grady                |
| Creed                |                        |
| Frappell             |                        |
| Hamilton             |                        |
| Myles                |                        |
| McLaren              |                        |
| 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 following plans:
  - Architectural plans prepared by Steiner Richard Architects numbered P07022 DA01-DA09 dated January 2008
  - Landscape plans prepared by EDAW/AECOM numbered 08502915, Drawing DA01D and dated 6 May 2008.
  - Landscape plans prepared by Site Image Landscape Architects numbered SS08-1752, Drawing 101, Issue B and dated 28 April 2008.

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

- The northern elevation (Drawing P07022 DA06) shall be modified such that the Face Brickwork Type 1 (piers), the Face Brickwork Type 2 (infill element) with Soldier Course, shall be continued on both faces of the entrance alcove to the Aldi Store in Waratah Street.

**Period of development consent**

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

**Sydney Catchment Authority**

3. The subject site is within the Drinking Water Catchments Regional Environmental Plan 1. The Chief Executive of the Sydney Catchment Authority concurs with the development subject to specified conditions, which have been provided with this consent as conditions 47 to 50.

**Construction certificate (subdivision)**

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

**Public utility provisions**

5. To ensure that appropriate provisions are made for the requirements of utility providers, including waste water disposal, certification is to be obtained from each of the following providers, prior to release of the Construction Certificate:
  - Certification from Sydney Water in relation to the availability of adequate water and reticulated sewage systems, including any trade waste

agreements. Contact should be made with Sydney Water Trade Waste officer on 02962244 and ensure you meet the relevant requirements.

- Certification from Integral Energy in relation to the availability of adequate electricity supplies and specific sub station requirements.

**Building Code of Australia**

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

**Consolidation of site.**

7. To ensure the continued and effective operation of the site, all lots shall be consolidated into one allotment.

Certification of consolidation of the lots shall be submitted to the Council prior to occupation and use of the site.

**Materials and colours**

8. To have regard of the amenity of the area, and to achieve the requirements of the Heritage Impact Assessment, the development use the material and colours except as modified below. The approved colours are as follows:

- *Boral Escura smooth face brick “Brown”. Natural (grey) mortar colour.* Main body panels, brick columns, recessed bands, feature window and window head solid courses.
- *Boral Escura smooth face brick “Brown”. Natural (grey) mortar colour.* Feature window
- *Dulux Weathershield “Linnet”.* Feature rendered panels and cornices.
- *Metz Kingenberg “Blue Mix Secura”.* Floor tile at entrance.
- *Powder Coated finish Dulux “Olde Pewter”.* Window frames, louvres, awning fascia, cappings, doors and door frames.
- *Colorbond “Woodland Grey”.* Roof (custom orb), profile wall sheeting and rainwater goods.
- *Steel frame and mesh, “black”.* Open mesh screen (car park), concertina security grilles (street frontages).

The face brick proposed to the undercroft area of the car park (southern elevation) is to be appropriately treated/ designed to allow affective anti graffiti measures.

Shutters to the alcove areas within the Katoomba Street frontage shall be open concertina security grilles, similar to others in the Katoomba Heritage Conservation Area, rather than open mesh or roller shutters.

The use of glazed wall tiles to the Waratah Street frontage is not approved (item 8, drawing DA 06) rather the rendered brick work feature proposed above the awning shall continue to the ground level.

## Landscaping

9. Landscape works shall be carried out in accordance with Landscape Drawing No DA01D prepared by EDAW/AECOM and dated 6<sup>th</sup> May 2008, issue D, and Landscape Drawing 101 B prepared by Site Image Landscape Architects and dated 28<sup>th</sup> April 2008 submitted with the Development Application, except as amended in red on the submitted plans or otherwise as detailed by the following condition. All landscaping and fencing work shall be provided prior to release of an Occupation Certificate, and at the applicant expense.

### Carpark planting amendments

Planter beds will use Gap Graded or “structural” soils in the subsoil layer to assist in the provision of a sustainable growing medium for selected species.

In order to provide the necessary soil volume for tree species to be used in the carpark area, the same structural subsoil should be provided beneath the car parking bays adjacent to the trees.

#### 1. Reserve Area A amendments:

- Replace *Eucalyptus deanei* with *Eucalyptus oreades*, which is more suited to these ridgeline areas. These are to be of local provenance;
- It is acceptable for 150 -200 mm containerised plants to be provided, as these often establish faster than more advanced plantings, and are likely to be more available in the locality;
- Replace *Allocasuarina torulosa* (8 of) with a combination of broad leafed species such as *Ceratopetalum gummiferum*, *Callicoma serratifolia*, *Elaeocarpus reticulatus* and *Backhousia myrtifolia*, as these are suitable species for provision of screening of the carpark wall, reducing light spillage and are moderately fast growing and relatively long lived;
- Delete scramblers and climbers such as *Hardenbergia violaceae*. Replace with *Dianella caerulea* or *D. longifolia*;
- Replace *Themeda australis* with *Microlaena stipoides*, and restrict its use to the central portions of the site. This grass requires much less maintenance, and will provide a good surface for maintenance access to the site. It is also very tolerant of shade and damp areas, and

is likely to perform better in such locations than the *Themeda*;

- As indicated in red on landscape plans, provide a mixed shrubbery of species including *Kunzea ambigua*, *Hakea dactyloides*, *Acacia terminalis*, *Acacia ulicifolia* and *Grevillea buxifolia* and scattered, rather than dense plantings of *Lomandra longifolia* where indicated; and
  - Mix pockets of shrubs in the band of *Lomandra longifolia*, including *Callistemon citrinus*, *Acacia ulicifolia*, *Phebalium squamulosum*, *Ozothamnus diosmifolium* or similar.
2. Appropriate street planting and pavement detailing shall be provided along the Waratah and Katoomba Street frontages in a manner that complements the plant species and pavement detail used in the adjoining Katoomba Heritage Conservation Area.
  3. Reserve Area “A” shall be managed in accordance with the Landscape Management Reports/Specification submitted by Site Image, numbered SS08-1752, issue B and dated 7 May 2008.
  4. A boundary fence, approximately 1.8m high shall constructed between the car park area and the YHA property to the south. The fence shall run from the front setback of the YHA building and extend across the YHA’s rear courtyard and carpark area.
  5. New boundary fencing, similar to the existing paling fence, shall be placed along the southern, western and eastern property boundary adjacent to the Reserve Area “A”.

### **Landscaping completion**

- 10 Site preparation, planting, weed control and pruning are to be undertaken generally in accordance with the Landscape management report and specifications Reserve Area A, prepared by Site Image, dated 7<sup>th</sup> May 2008, except as amended by the following:

- Mulch to be provided should be weed free tree loppers mulch. Pine Bark is not to be used for this purpose with the planting area. Replacement/supplementary mulch to be provided as necessary.

All works shown on the landscaping plan (including fencing details) shall be installed.

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.

**Potentially  
contaminated site**

11. The development shall comply with the recommendations made in the Remedial Action Plan from Coffey Environmental Pty Ltd (Coffey) numbered ENVILCOV00279AA-R01, dated 25 October 2006.

Upon completion of the remediation process, a Validation Report shall be submitted to Council written in accordance with the requirements of the Department of Environment and Climate Change guidelines.

Note: Council is to be notified within 30 days after the completion of remediation work in accordance with Clause 17 and 18 of SEPP 55.

Should the remediation planning investigation that is undertaken in conjunction with the commencement of demolition work identify unforeseen contamination, details are to be reported to Council outlining the extent of the contamination and the work that will be required to remediate.

**Crime prevention**

- 12 The development shall comply with the recommendations of the Crime Prevention Report of Brett Martin, dated 3 February 2008. In this regard, the following requirements should be particularly noted:
- a. Access ramp treatment;
  - b. Car park painting and treatment;
  - c. Landscape/planter boxes street level;

**Noise mitigation**

- 13 The development shall comply with the recommendations of the Noise Assessment Report of Wilkinson Murray Pty Ltd, dated February 2008. In this regard, the following should also be noted:
- a. All air conditioning/compressor units are to have low volume operational modes and be located so as to not exceed 5dBA above the background noise level when measured at the property boundary.
  - c. Any acoustic screening necessary to achieve the required noise measurements to the plant

equipment shall be designed to avoid being inappropriately visible to the surrounding area.

- d. The 2.5 metre noise barrier option identified in the report is not approved.
- e. The 1.2m noise barrier, identified in the supplementary material by Wilkinson Murray and dated 18 April 2008, shall be placed to the elevated portion of the car park area along its southern and western sides.

Prior to occupation of the development, the in-situ equipment shall be tested and a report produced from a qualified acoustic consultant certifying that these noise objectives have been met.

Noise levels during the construction process shall be managed by:

- Advice to nearby residents and properties outlining the times and extent of the noisier development activities, including demolition and excavation processes.
- Quiet plant equipment should be used and regularly maintained.
- Plant equipment is to be fitted with appropriate mufflers.
- The use of hydraulic hammers should be minimised.

### **Light spillage**

14 The development shall comply with the recommendations of the Obtrusive Spill Light Report of Webb Australia, dated 6 February 2008. In this regard, the following is particularly noted:

- The main car park lights shall be turned off no more than 30 minutes after closing time.
- The illuminated signage shall be turned off no more than 90 minutes after closing time.
- Light bulbs used in the main car park lights shall be selected to avoid inappropriate glare during overcast or foggy periods.
- Obtrusive light spill or glare shall be avoided from the under cover car park area to adjoining residential properties or adjoining accommodation business.
- The luminance levels at the nearest southern residential boundary shall be a maximum 0.1 lux and at the YHA boundary 1.0 lux, as indicated in the above report.

Prior to occupation of the development, the main car

park lighting, as well as any ancillary lighting shall be tested and a report produced from a qualified lighting consultant certifying that the recommendations in the Obtrusive Spillage Light Report and the above requirements have been met

**Geotechnical requirements**

- 15 To ensure the safety of the site, the development shall be undertaken in accordance with the recommendation in the Geotechnical Investigation Report of Hughes Trueman Pty Ltd, dated 9 May 2006. In this regard, the following is particularly noted:

- Site preparation
- Excavation conditions
- Foundations
- Retaining walls
- Pavement design and construction parameters

An experienced geotechnical engineer is to be engaged during construction to directly supervise all excavation activities. The geotechnical engineer will be responsible for assessing the sub surface conditions and design requirements.

**Demolition and site management (General)**

- 16 To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during both the demolition and the construction periods:

- a. All site works (including the delivery and removal of materials from the property) shall be carried out Monday to Friday between 7am-6pm and on Saturdays between 8am-1pm. 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 on site and clear of any drainage paths, easements, natural watercourses, 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 an Waste Disposal Depot.

- e. All surplus excavated soils or other material, including contaminated soil, shall be removed from the site and disposed of in an appropriate manner. Any use of clean excavated material at a secondary site shall be advised and approved by the Council, prior to its use at the secondary site.
- f. Quiet plant equipment should be used and regularly maintained.
- g. Plant equipment is to be fitted with appropriate mufflers.
- h. The use of hydraulic hammers should be minimised during demolition.
- i. Demolition and/or construction activity, including heavy vehicles, shall not encroach or interfere with the safe passage of pedestrians using the adjoining footpath. Heavy vehicles entering or existing the site should be guided by an on site traffic controller to ensure the safety of motorist and pedestrians.
- j. Heavy vehicles or associated traffic is not to park in the surrounding streets, including Katoomba, Waratah or Edwards streets.

**Demolition  
management**

- 17 Demolition 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.

At all times during demolition a competent person shall directly supervise work. Prior to the commencement of any other work:-

*Any part of the building containing asbestos cement sheeting, shall be removed in accordance with the relevant provisions of the Occupational Health and Safety Regulations 2001, and Australian Standard 2601 – 1991. Work shall also comply with the recommendations made in the Hazardous Material Identification and Evaluation Report, report ID: EBG-01726.rpt and dated October 2006, by EBG Environmental (Edwards Blasche Group Pty Ltd).*

It is the responsibility of the competent person to ensure that:

- a. The above requirements and the requirements of the approved Remediation Action Plan are followed.
- b. The structures to be demolished and all their components are maintained in a stable and safe

condition at all stages of the demolition work.

- c. Temporary bracing, guys, shoring or any combination of these, shall be added for stability where necessary.
- d. 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.
- e. The site shall be secured at all times against the unauthorised entry of persons or vehicles.
- f. 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.

**Demolition of Buildings containing hazardous materials**

18 Removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable State legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia).

- + Only competent persons, or competent and registered persons shall carry out removal;
- + Removal of asbestos or materials containing asbestos fibres, shall be in accordance with the NOHSC code of practice.

Precautions to be observed and procedures to be adopted during the removal of dangerous or hazardous materials other than asbestos, shall be in accordance with the relevant State regulations pertaining to those materials.

The applicant is to notify the Council and adjoining residents, in writing, at least ten (10) working days prior to demolition involving an area containing hazardous material, including asbestos cement. 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**

19 All asbestos material, including asbestos cement, is to be disposed of to an approved waste management facility licensed to receive asbestos.

- Display of signage** 20 The developer will display appropriate asbestos/demolition signage prior to and during all demolition works.
- Order of demolition** 21 Unless otherwise permitted by the Council, each existing structure on site shall be demolished in the reverse order to its construction. The order of demolition for building shall be progressive, having proper regard to the type of construction.
- Adjoining buildings** 22 In consideration of the proximity of the development to the two adjoining heritage items and extent of excavation proposed, the following requirements shall be met:
- A structural engineer shall be on site during the excavation process and shall directly supervise the excavation work to ensure adequate shoring is undertaken.
  - The effect of vibration and concussion on the adjoining buildings is to be minimised by selection of appropriate demolition methods and equipment.
  - A Dilapidation Survey shall be undertaken of the two adjoining heritage items, being Homesdale to the south and the Baptist Church to the west, prior to the commencement of any excavation work. The survey shall have the aim of identifying the existing state of each building. A copy of the survey shall be submitted to the Council prior to the commencement of any excavation work.
  - Where the excavation extends below the level of the base of the footings of the adjoining buildings, all works shall be carried out to preserve and protect them. Where necessary, the building shall be underpinned and supported. At least 7 days notice must be given to the owner of an adjoining property indicating an intention to excavate.
  - No demolition or construction activity is to cause damage to or adversely affect the structural integrity of adjoining buildings. Consideration should be given to the use of shoring and underpinning and to changes in the soil conditions as a result of excavation and development and appropriate action taken.
  - Safe access and egress from adjoining buildings is to be maintained at all times for the duration of the demolition and construction work.

**Hoarding / fencing** 23 To ensure the protection of the public, hoardings are to be provided on all sides of the site to the requirements of NSW WorkCover Authority and where any road reserve is proposed to be utilised, with the necessary Roads Act application and approval.

**Dust control** 24 The techniques adopted for stripping out and for demolition are to minimise the release of dust into the atmosphere.

- Before commencing work, any existing accumulations of dust are to be collected, placed in suitable containers and removed. Selection of appropriate collection techniques, such as vacuuming or hosing down, shall take account of the nature of the dust and the type of hazard it presents (eg. explosive, respiratory etc).
- Dust generated during stripping or during the breaking down of the building fabric to removable sized pieces shall be kept damp until it is removed from the site or can be otherwise contained. The use of excess water for this purpose is to be avoided.

It should be borne in mind, that in certain environments and under certain stimuli, deposits of combustible dust on beams, machinery and other surfaces may be subject to flash fires, and suspensions of combustible dusts in the air can cause them to explode violently (see NFPA Handbook).

**Food handling and preparation areas** 25 a. Any food handling and preparation areas shall comply with National Food Standard 3.2.3 Food Premises and Equipment and Australian Standard 4674-2004 “Design, Construction and Fitout of Food Premises.”

Details are to be submitted to the Principal Certifying Authority as part of the Construction Certificate documentation.

b. Garbage and recycling facilities are to be provided in accordance with Australian Standard 4674-2004.

Details including tap and drain to the reticulated sewer are to be submitted to the Principal Certifying Authority as part of the Construction Certificate documentation.

c. Designated hand washbasins will be required for washing of hands. The washbasin shall have a permanent supply of warm running potable water delivered through a single outlet. Taps to the hand washbasin must be hands free or elbow operated.

**Hours of operation of the Aldi store**

- 26 The hours of operation of the Aldi store is limited to the following:
- Monday to Wednesday 9:00am–7:00pm
  - Thursday 9:00am–9:00pm
  - Friday 9:00am–8:00pm
  - Saturday 8:30am–6:00pm
  - Sunday 9:00am–5:00pm

**Deliveries to the Aldi store**

- 27 To ensure the effective mitigation of potential noise and light impact to adjoining properties, general deliveries to the site shall be limited as follows:
- Monday to Saturday 7.00am–7.00pm
  - Sunday 8.00am–6.00pm

Deliveries to the Aldi store by vehicles larger than a Small Rigid Truck shall be restricted as follows:

- Deliveries only to occur between 7:00am and 11:00am (morning), and between 7:00pm and 10:00pm (Evening).
- There shall be a maximum of 3 such deliveries in any one day.
- There shall be a maximum of 2 such deliveries in the morning period and a maximum of 1 such delivery in the evening period.

The above restrictions for vehicles larger than a Small Rigid Truck shall remain in place for 12 months operating from the date of this consent. A separate application is required to be lodged with Council prior to the conclusion of this 12 month period to review these delivery times, alternatively, deliveries by vehicles larger than a Small Rigid Truck shall be thereafter be limited to the following:

- A maximum of 2 such deliveries in any one day.
- Deliveries only to occur between 7:00am and 11:00am.

The following additional noise management measures shall also be implemented:

- Vehicles visiting the site shall be restricted to a maximum 19m long articulated semi-trailer.
- Delivery trucks are to be fitted with rear facing video monitoring systems. Reversing alarms are not to be used.
- Trailer refrigeration units are to be switched off before entering the site and left off until after

exiting the site.

- Advertising Structures** 28 To minimise the potential for an adverse visual impact on the surrounding area, advertising on site shall be limited to the following:
- one wall advertisement sign per elevation
  - The wall advertisement sign shall not project more than 300mm from the façade.
  - Illumination of the advertising signage shall cease a maximum of 90 minutes after the stores closing time.
  - Any further signage will require a separate application to Council.
- First use** 29 A separate development application is required to legally establish the first use of each of the remaining retail premises, prior to occupation or use of each premise.
- 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 driveways and sealed areas are to have a featured surface.
- All internal driveway and access shall be certified as being designed in accordance with Australian Standards 2890.1/2004 and 2890.2/2004 as necessary. All clearance heights are to be certified as complying with AS 2890 and the Building Code of Australia.
- Delivery vehicle access routes** 31 The arrival and departure routes for delivery vehicles larger than a Small Rigid Truck are restricted to Great Western Highway, Parke Street, Waratah Street and Katoomba Street.
- Site stormwater system** 32 All stormwater runoff from impervious areas of the site are to be collected and drained by an underground stormwater system. The stormwater system is to be designed by a qualified person and endorsed by a chartered civil engineer with NPER registration for a 1 in 20 years ARI, 5 minutes duration storm and in accordance with ARR 1987. Provision shall be made for an emergency overland flow path capable of conveying all surcharge flows up to and including the 1 in 100 years ARI storms to the public road drainage system.

**On site detention**

- 33 An on site detention system to restrict post-development discharges from the site to pre-development discharges for all storms up to and including the 1:100 year ARI storm shall be provided.

The on site detention system shall be designed to incorporate the following:

- a. All habitable or commercial, and garage floor levels are to be located a minimum 300 mm and 100 mm respectively above the 1 in 100 year ARI top water levels.
- b. An emergency overflow facility capable of safely conveying all storms up to and including the 1 in 100 year ARI storm to the public road drainage system.
- c. A 300 mm x 300 mm wide by 300 mm deep silt trap is to be drained by weep holes and a 90 mm diameter agricultural line surrounded by 200 mm thick gravel bed wrapped in a geofabric. The agricultural line shall be connected to the nearest downstream stormwater pipe/pit.

Engineering plans prepared by a qualified person and endorsed by a chartered civil engineer with NPER registration together with certification verifying the above requirements have been met shall be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.

**On site detention and water quality device positive covenant**

- 34 To ensure the on site detention system and water quality device are 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 (OSD) facilities 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 wording of the Instrument shall be submitted to and approved by the Council prior to lodgement at NSW Land and Property Information. Proof of lodgement with NSW Land and Property Information shall be submitted to the Council prior to the issue of the Occupation Certificate.

- Gross pollutant trap**      35 Provision of a gross pollutant trap similar to a 'Humeceptor' shall be installed to treat the contaminated runoff generated from the above ground car parking area. In this regard, the gross pollutant trap is to be located upstream of the OSD and all stormwater runoff generated from the above ground car parking area is to be collected and piped to the gross pollutant trap prior to discharging into the OSD.

- Works in the Council's roads**      36 The following engineering works shall be constructed by the applicant at the applicant's expense:
- a. The construction of new 150mm vertical concrete kerb and gutter and reconstruction and sealing with asphalt of the footpath over the full Katoomba and Waratah Street frontages of the site.
  - b. The alignment of the kerb and gutter is to be generally the same as the existing kerb alignment, with provision made for realignment of the kerb return to accommodate the delivery vehicle departure route.
  - c. Subject to the approval of the Local Traffic Committee, 'No Stopping' restriction signs and stems are to be provided in the following locations:
    - On the eastern side of Katoomba Street at the elongation of the southern extent of the driveway, and extending approximately 27m north along Katoomba Street. This is to enable the entry manoeuvre to the site for large delivery vehicles.
    - On the western side of Katoomba Street from the entry driveway and extending approximately 21m to the south along

Katoomba Street. This is to facilitate suitable sight distance along Katoomba Street.

- d. The driveway layback and footpath crossing is to be constructed in heavy duty construction.
- e. These works are to include all necessary works, including transitions of the internal footpaths and driveways, service adjustments, line marking and signage, to make the construction effective.

Detailed engineering plans prepared by a qualified person and endorsed by a chartered civil engineer with NPER registration shall be submitted to and approved by the Council prior to the issue of the Construction Certificate.

Approval of the engineering designs by the Council is subject to the payment of the prescribed Engineering Development Fees, the amount of which will be advised at the time of lodgement.

### **Construction in Council's roads**

37 Where works are carried out on the 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 the Council's roads, plans and specifications prepared by a suitably qualified person and endorsed by a chartered civil engineer with NPER registration are to be submitted to and approved by the 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 the Council's road are to be at no cost to Council.

- b. An on site meeting is to be arranged with the Council's Supervising Engineer prior to the commencement of any work in the Council's road for the purpose of a pre-construction meeting. The 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 workers compensation and public liability insurance to the value of \$10 million. The policy shall indemnify the Council from all claims arising from the execution of the works. Proof of the policy is to be provided to the Council's Development Engineer at the pre-construction meeting.

- d. The person or company carrying out the works shall submit to the 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 the Council's fees and charges. The specific stages of inspection required will be advised at the pre-construction meeting.

A minimum of 48 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 the Council as unsatisfactory shall be rectified to the Council's satisfaction at no cost to the Council. The Council's 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 the issue of the Roads Act Approval, a Traffic Management Plan report prepared by a chartered civil engineer with NPER registration is to be submitted to and approved by the Council.

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 handling, deliveries and construction traffic and parking. The delivery of construction material shall occur directly to the site.

- 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 (Sep 2003). 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 the 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**

- 38 An **unconditional (open ended)** performance maintenance bond to the value of five (5) percent of the engineering construction or a minimum of \$20,000, whichever is the greater, to guarantee the safety of the public, environmental protection performance and maintenance during and after construction in the Council's road shall be paid to the Council.

This bond shall be retained for twelve (12) months after construction is completed to the satisfaction of the Council's Supervising Engineer. The bond period commences at the issue of a satisfactory final inspection by the Council. 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**

- 39 The applicant shall carry out the relocation or alteration of public utilities or any existing services made necessary as a result of this development at the applicant's expense. 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**

- 40 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.

**Certification by Council**

- 41 Prior to the issue of the Occupation Certificate, a certificate shall be obtained from Council to verify that

all external works have been completed in accordance with the approved plan and to the Council's satisfaction.

**Compliance with standards**

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

**Structural works**

- 43 The design of all structural works shall be certified by a chartered structural engineer (NPER-3 Structural registered) as conforming to the relevant standards and load capacities.

**Certification of structural works**

- 44 The construction of all structural works shall be certified by a chartered structural engineer (NPER-3 Structural registered) as conforming to the relevant standards and load capacities.

**Supervision of internal engineering works**

- 45 All internal engineering works shall be supervised by a chartered civil/structural engineer with NPER registration. 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.

**Works as executed plans**

- 46 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.

**Sedimentation and erosion control**

- 47 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.

## **SYDNEY CATCHMENT AUTHORITY CONDITIONS**

### **General**

#### ***Sydney Catchment Authority Condition***

- 48 The site layout and associated works are to be as shown in the Site Plan prepared by Steiner Richards (Drawing No. P07022 DA 02; dated January 2008). Any revision to the proposed layout is to be agreed to by the Sydney Catchment Authority.

*Reason for Condition – The Sydney Catchment Authority has based its assessment under the Drinking Water Catchments Regional Environmental Plan No1 on this description of the development.*

### **Removal of Underground Storage Tank (UST) and Remediation of Contaminated Soil**

#### ***Sydney Catchment Authority Condition***

- 49 The removal of UST and remediation of contaminated soil, if required are to be undertaken as specified in Section 7 the Contamination Remedial Action Plan prepared by Coffey Geosciences Pty Ltd (dated 25 October 2006) and consistent with the following documents:

- Australian Institute of Petroleum Code of Practice (AIP CP22-1994) on *the Removal and disposal of Underground Petroleum Storage Tanks*;
- WorkCover Requirements for Abandoning Underground Tanks (DG 310);
- Australian Standard (AS 1940) for the *Storage and Handling of Flammable and Combustible Liquids*; and
- NSW EPA Guidelines 1994 for *Assessing Service Station Sites*.

*Reason for Condition – To ensure the removal of petroleum infrastructure and remediation of any contaminated soil and sandstone are managed in such a way so as not to cause any detrimental impact on surface and ground water quality.*

### **Stormwater Management**

#### ***Sydney Catchment Authority Condition***

- 50 1. All stormwater treatment and management measures and associated drainage works as specified in the Stormwater/Water Cycle Management Report (dated 10 April 2008) and as shown in Stormwater Drainage & Site Grading Concept Plans (Drawing Nos. 04S037KA-DAC 01 to DAC 05; Issue C, dated 11 April 2008) prepared by HughesTrueman Pty Ltd are to be implemented in particularly as elaborated in the conditions

- below. Any revision to this stormwater management system is to be agreed to by the Sydney Catchment Authority;
2. All runoff from the building, loading dock, basement car park and part of the open car park is to be directed to the street drainage in the north east at the corner of Waratah and Katoomba Streets via the site stormwater drainage system installed with gross pollutant traps (ECOSOL RSF 100 Solid Pollutant Filter with 200 micron bag or equivalent) as shown in Stormwater Drainage & Site Grading Concept Plan (Drawing No. 04S037KA-DAC 01, Issue C, dated 11 April 2008) prepared by HughesTrueman Pty Ltd;
  3. Runoff from the remainder of the open car park area is to be directed to a combined rainwater reuse and on-site detention tank with a minimum total capacity of 10,000 litres via the site stormwater drainage system installed with gross pollutant traps (ECOSOL RSF 100 Solid Pollutant Filter with 200 micron bag or equivalent) as shown in Stormwater Drainage & Site Grading Concept Plan (Drawing No. 04S037KA-DAC 01, Issue C, dated 11 April 2008) prepared by HughesTrueman Pty Ltd. The overflow from the on-site detention tank is to be directed to the street drainage in the south west at Edwards Street;
  4. The rainwater reuse and on-site detention tank as a minimum is to be plumbed to irrigation system for irrigation of landscaped areas in the open car park and vegetated areas in the south west.
  5. All stormwater management structures are to be inspected, cleaned and maintained in accordance with manufacturer's specifications.

*Reason for Condition – To ensure the stormwater management measures achieve a sustainable neutral or beneficial effect on water quality over the longer term.*

**Construction Activities 51**

***Sydney Catchment  
Authority Condition***

1. A Soil & Water Management Plan (SWMP) is required for all site works proposed as part of the development. The SWMP is to be prepared by a person with knowledge and experience in the preparation of such plans and is to meet the requirements outlined in Chapter 2 of the NSW Landcom's Soils and Construction: *Managing Urban Stormwater (2004) manual – the "Blue Book"* – and be to the satisfaction of Council;
2. Effective erosion and sediment controls are to be installed prior to any construction activity. The controls must prevent sediment entering the

Council's stormwater drainage system and are to be regularly maintained and retained until works have been completed and groundcover established.

*Reason for Condition – To manage adverse environmental impacts and water quality impacts during the construction stage of the development and to minimise the risk of erosion, sedimentation or pollution within or from the site during this construction phase.*

\* \* \* \* \*

MINUTE NO. 540

**21. F00842. Draft City of Blue Mountains Flood Liable Land Policy**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Creed:

1. That the Council adopts the Draft City of Blue Mountains Flood Liable Land Policy for the purpose of public exhibition with a report back to the Council following the public exhibition period and consolidation of submissions.
2. That the exhibition of the Draft City of Blue Mountains Flood Liable Land Policy be for a period of 28 days and be widely advertised and promoted with submissions being accepted for up to 42 days.
3. That the Council adopts the Flood Planning Level of 1:100+500mm freeboard for all uses for the purpose of public exhibition.

\* \* \* \* \*

MINUTE NO. 541

**22. F02200. Trial Dog Off-Leash Area for Leura Oval**

The Meeting was addressed by Cheryl Maddocks accompanied by Hugh Fisher, Michael McGuren, David Creighton-Kelly, Janet Rutledge, Michael Williams and Paul Simpson.

A MOTION was moved by Councillors Hamilton and Frappell:

1. That the Council establish a dog off-leash area at Leura Oval for an approximately ten (10) month trial period on a time-share basis.
2. That the times of the Leura Oval dog off-leash area trial period be restricted from sunrise to 10am and 4pm to 9pm daily, except when it is booked and being used for an organised activity.
3. That the outcomes of the Leura Oval dog off-leash trial be included in the report to the Council detailing the outcomes of the trial periods of all the dog off-leash areas across the Blue Mountains, in approximately 10-12 months' time.

MINUTE NO. 541 Contd

- 4. **That the Council close the existing Leura dog off-leash area (bush track next to Leura Oval) and its future be reconsidered at the end of the Leura Oval dog off-leash trial period.**

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

| <b>For</b>  |              | <b>Against</b> |          |
|-------------|--------------|----------------|----------|
| Councillors | Angel        | Councillors    | Creed    |
|             | Brown        |                | McInnes  |
|             | Frappell     |                | O'Grady  |
|             | Hamilton     |                | Trindall |
|             | Myles        |                |          |
|             | McLaren      |                |          |
|             | Van der Kley |                |          |

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MINUTE NO. 542

**23. F03616. Purchase of 3, 5 and 7 Honour Avenue and 8 Blind Street Lawson**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Creed **that the Council receives and notes the report on the purchase of 3, 5 and 7 Honour Avenue and 8 Blind Street Lawson.**

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MINUTE NO. 543

**24. F03269. Local Link Road Strategy Review 2008**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Creed **that the Council receives and notes this status report.**

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NOTICES OF MOTION

MINUTE NO. 544

**25. F00088. The Historic Station Masters Cottage - Glenbrook**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Creed **that a report come to Council detailing possible options and actions:**

MINUTE NO. 544 Contd

1. **To bring the former Station Master's Cottage at Glenbrook on the Great Western Highway into public ownership either as Crown land or Council owned land;**
2. **If acquisition of the land is not an option the report include the possibility of leasing the site for use by the Glenbrook & District Historical Society;**
3. **The possibility of the Cottage being occupied and managed by the Glenbrook & District Historical Society to provide static local historic displays; and**
4. **Such displays and the Cottage being marketed and managed as a Tourist attraction.**

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MINUTE NO. 545**26. F00088. Assessment of Proposals for Springwood Township**

A MOTION was moved by Councillors McInnes and O'Grady **that Council receive a report, at the next Council meeting, with regards to the mechanisms and implications of slowing the process of assessing the proposals for Springwood Township to allow for thorough consultation with the community.**

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

| <b>For</b>  |         | <b>Against</b> |              |
|-------------|---------|----------------|--------------|
| Councillors | Brown   | Councillors    | Angel        |
|             | McInnes |                | Creed        |
|             | O'Grady |                | Frappell     |
|             |         |                | Hamilton     |
|             |         |                | Myles        |
|             |         |                | McLaren      |
|             |         |                | Trindall     |
|             |         |                | Van der Kley |

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MINUTE NO. 546**27. F03480. Précis of Selected Correspondence, 24 June 2008**

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

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MINUTE NO. 547

**28. C00336. Procedural – Question that Meeting Close**

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

**The ordinary Meeting of the Council closed at 10:28 pm on Tuesday 24 June 2008.**

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