

BLUE MOUNTAINS CITY COUNCIL

ORDINARY MEETING

7 August 2007

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Minutes of the Ordinary Meeting of the Council of the City of Blue Mountains, held in the Council Chamber, Administrative Headquarters, Civic Place, Katoomba on Tuesday, 7 August 2007, commencing at 7:32 pm.

\* \* \* \* \*

There were present:

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

\* \* \* \* \*

In attendance:

General Manager, Group Manager BM City Services, Group Manager Community & Corporate, Group Manager Environmental & Customer Services, Executive Officer, Program Leader Community Outcomes, Manager Communications, Manager Planning Health and Enforcement, Senior Environmental Ranger, Environmental Ranger, Program Leader Property and Facilities, Principal Recreation and Cultural Planner, Manager Assets and Contract Management, Manager Building and Construction, Project Support Officer Compliance.

\* \* \* \* \*

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. 197

**C00679. Apologies**

Nil

\* \* \* \* \*

MINUTE NO. 198

**C00336. Confirmation of Minutes - Ordinary Meeting – 17 July 2007**

**RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Van der Kley that the Minutes of the Ordinary Meeting of 17 July 2007 be confirmed.**

\* \* \* \* \*

MINUTE NO. 199**C00336. Declarations of Interest – Ordinary Meeting, 07/08/2007**

Councillor McLaren made the following declaration in relation to Item 1, Local Government Association Annual Conference – Call for Motions.

“That she had worked in a professional capacity on a project relating to the Item and would leave the chamber while the Item was under consideration.”

\* \* \* \* \*

MINUTE BY MAYORMINUTE NO. 200**1. C07643. Local Government Association Annual Conference – Call for Motions**

RESOLVED UNANIMOUSLY on the MOTION of Councillors O’Grady and Van der Kley with Councillor McLaren out of the chamber:

1. **That the Minute by the Mayor be received.**
2. **That the Local Government and Shires Association call on the NSW Government to urgently fund the implementation of the recommendations contained in the 2006 NSW Aboriginal Child Sexual Assault Taskforce Breaking the Silence- Creating the Future Report.**
3. **That the Blue Mountains City Council support Blacktown City Council in the Notices of Motion for:**
  - a. **Telecommunications Infrastructure Maintenance on Footpaths: That the NSW/Australian LGA call on the Federal Government to enhance telecommunications regulatory standards on the performance required by carriers to make safe and repair hazards such as telecommunications pit holes on footpaths.**
  - b. **National Model Rail Safety Legislation – National Rail Safety Bill 2006: That the NSW/Australian Local Government Association make submissions to the Independent Transport Safety & Reliability Regulator (ITSRR) and the Minister for Transport regarding the likely financial and legal impact on Councils in regard to responsibility and liability resulting from any Interface Agreements. That the LGA also be requested to negotiate with the appropriate Rail Authorities on an agreed template for Interface Agreements**

\* \* \* \* \*

NOTICE OF RESCISSIONMINUTE NO. 201**2. X04/1225. Notice of Rescission, Item 15, Business Paper of 26 June 2007 (Minute No. 175): Development Application for 12-20 Ross St, Glenbrook.**

The NOTICE OF RESCISSION was MOVED by Councillors Van der Kley and Myles that the following Minute 175 of 26 June 2007 be rescinded:

**“That the General Manager appoints an independent planner to provide reasons for refusal of the Development Application for Council consideration.”**

Upon being PUT to the Meeting, the NOTICE OF RESCISSION was CARRIED on the casting vote of the Mayor, the vote being:

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

\* \* \* \* \*

**Questions Without Notice**

Councillor McInnes:

With regard to Item 2, could Councillors receive a chronology of events outlining activities related to Minute No. 175 of 26 June 2007, up to time of the Rescission Motion being received?

Councillor Searle

Can Councillors receive a briefing session from the General Manager on the process for Rescission Motions?

\* \* \* \* \*

MINUTE NO. 202**3. X04/1225. Notice of Motion, Item 15 – Business Paper of 26 June 2007 (Minute No. 168): 12-20 Ross Street, Glenbrook.**

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

**That Development Application No. X04/1225 for a mixed use development consisting of retail, commercial and residential uses on Lot 6 DP 4216, Lots 70 and 71 DP 718623 and Lot 1 DP 224782, Nos. 12-20 Ross Street, Glenbrook 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 the original Report.**

MINUTE NO. 202 Contd**Attachment 1—Proposed conditions of development consent****Confirmation of relevant plans**

1. To confirm and clarify the terms of consent, the development shall be carried out in accordance with the following plans:
  - Architectural plans prepared by Peter Reed and Associates, numbered 0313/DA 00-06 except as modified by Dwgs numbered 0313/DA/01B and 0313/DA/02E
  - Staging plans prepared by Peter Reed and Associates, numbered 0313/DA 07-09
  - Landscape plans prepared by Peter Reed and Associates.
  - Parking plans prepared by Peter Reed and Associates, numbered 0313/DA 10
 and accompanying supportive documentation, except:
  - a. Units A7 and A2 should incorporate at least one balcony having minimum 6m<sup>2</sup> in area and minimum dimension of 1.8 metres.
  - b. 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.

**Staging of construction**

3. The proposed development may be constructed as a single development or can be constructed and occupied in three stages in accordance with the staging plan prepared by Peter Reed and Associates, except as modified below:
  - Stage One shall include construction of the loading bay and parking for people with a disability, shown in the staging plans as part of Stage Two.
  - Stage Two shall include construction of the south eastern car park area, shown in the staging plans as part of Stage Three.

A Staging Management Plan for the whole of the development shall be submitted to Blue Mountains City Council for approval prior to the issue of the Construction Certificate for Stage One (or any part thereof) of the development. The Staging Management Plan shall show how each stage is going to be appropriately completed,

including finished material, retaining walls, pathways, landscaping such that each stage will effectively operate as a completed development.

**Construction certificate**

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

**Services**

5. a. The development shall be connected to the Sydney Water reticulated sewerage and water supply systems.
- b. Arrangements must be made with Integral Energy, Sydney Water and an approved telecommunications service provider for the extension or amplification of such services to and within the site and written evidence of such arrangements are to be submitted prior to the issue of the construction certificate.
- c. In this regard a Section 73 Certificate is to be obtained from Sydney Water prior to issue of a Construction Certificate. Alternatively, a letter is to be obtained from Sydney Water stating that there are no objections to the issue of a Construction Certificate in which case a Section 73 Certificate is to be obtained prior to use or occupation of the facilities.
- d. Any relocation, alteration or new public utility infrastructure made necessary as a result of this development is to be carried out at no cost to Council or the community, with satisfactory arrangements being made with the authority concerned, and a certificate of clearance obtained from each relevant authority and submitted to the Principal Certifying Authority prior to release of the Construction Certificate.

A copy of written evidence or certificates referred to in (b), (c) and (d) above are to be supplied to Council for its records.

**Building Code of Australia**

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

**Access and mobility statement**

7. To ensure access and facilities are provided for people with a disability, a statement from the

applicant or owner is required certifying that the development complies with the appropriate provisions of the *Disability Discrimination Act 1992*; *Australian Standard AS1428*, and *Australian Standard 4299*. This statement is to form part of the construction certificate documentation. Access shall be shown to all relevant commercial/retail units. Full accessibility shall be provided to the two units identified as being accessible units. All units shall be adaptable to the extent required by Local Environmental Plan 2005.

**Consolidation of site and restrictions as to use.**

8. 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 the issue of any Construction Certificate or the commencement of any work on the site.

The plan of consolidation is to include the registration of a Section 88 instrument creating the following restrictions/positive covenants on the land:

- a. Requiring that the residential units are only to be used for permanent accommodation and in association with a commercial use on the site. (Note: Any proposed strata titling of the site should reflect this requirement by incorporating each of the residential units into a single strata unit entitlement with a shop or commercial unit, unless alternative proposals that will achieve the same outcome are agreed with the Council.)
- b. Limiting the use of balconies and decks to avoid airing/drying of clothes and the storage of furniture.

**Materials and colours**

9. To have regard of the amenity of the area, and to be compatible with the Glenbrook Village, a materials and colour board is to be provided to Blue Mountains City Council for approval showing the final details for external walls, roof, ground surfaces, fencing, and other ancillary structures.

Details are to be submitted and approved prior to the commencement of any building construction work on site.

**Landscaping**

- 10 Amended landscape plans are to be submitted to the Council for approval prior to the commencement of landscape work. The amended landscape plan shall show the following:
- a. A schedule of planting for the Ross Street footpath, front setbacks and to the internal landscaped areas, that includes additional street tree planting of suitable species.
  - b. Additional screening vegetation to the eastern boundary setbacks to ameliorate any potential overlooking into adjoining residential properties. That screen vegetation should be installed as super advanced specimens that permit unimpeded access to the parallel car parking spaces adjoining that landscaping.
  - c. Detail of the fencing to be provided around the side and rear boundaries of the site as well as to enclosed decks and balconies. Boundary fencing shall be of a suitable height and material to provide security and avoid car light spillage to adjoining residential properties.
  - d. Detail of landscaping with each stage of development as well as on completion of the development as a whole.

Contact is recommended with the Council's Landscape Officer prior to finalisation of the landscaping design. .

**Noise mitigation**

- 11 The development shall avoid inappropriate noise impact on adjoining residential properties. In this regard, details should be submitted prior to the issue of the Construction Certificate demonstrating how the following are to be achieved and measured as compliant prior to occupation:
- a. All air conditioning/plant equipment shall 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.
  - b. Any acoustic screening necessary to achieve the required noise measurements to plant equipment shall be designed to avoid being  
  
inappropriately visible to the surrounding area.

**Light spillage**

- 12 The development shall avoid obtrusive light spillage to adjoining residential properties. In this regard, the following is particularly noted:
- All lighting associated with car park areas shall be shielded and directed such to avoid obtrusive light spillage to adjoining properties.
  - Light bulbs used in the main car park lights shall be selected to avoid inappropriate glare during overcast or foggy periods.

**Demolition and site management (General)**

- 13 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 8.30am-3pm. Alteration to these hours may be possible for safety reasons but only with the written 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 a Waste Disposal Depot.
  - e. All surplus excavated soils or other material shall be removed from the site and disposed of at an approved waste management depot. Any use of clean excavated material at a secondary site in the Blue Mountains LGA will require separate development consent...

**Demolition management**

- 14 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. Such work is to be

carried out in accordance with the Occupational Health and Safety Regulations, 2001, and Australian Standard 2601 – 1991.

It is the responsibility of the person to ensure that:

- a. The structures to be demolished and all their components are maintained in a stable and safe condition at all stages of the demolition work.
- b. Temporary bracing, guys, shoring or any combination of these, shall be added for stability where necessary.
- c. 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.
- d. The site shall be secured at all times against the unauthorised entry of persons or vehicles.
- e. 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**

- 15 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**

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

**Display of signage**

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

- Order of demolition** 18 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 each building shall be progressive, having proper regard to the type of construction.
- Hoarding / fencing** 19 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 are to provide for continued safe public access along footpaths and otherwise around the site.
- Dust control** 20 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).
- First use** 21 A separate development application is required to legally establish the first use of each of the new retail/commercial premises, prior to occupation or use of each premise.
- On site vehicular requirements** 22
- a. All vehicles are required to enter and leave the site in a forward direction.
  - b. The driveways and parking areas shall be changed as shown in RED on the approved plan.
  - c. The size of vehicles visiting the site shall be restricted to a small rigid vehicle (6.4 metres) as per AS 2890.2/2002.

- d. All car parking areas and driveways are to conform to AS 2890. Clearance heights shall be in accordance with AS 2890 and the Building Code of Australia.

**Site stormwater system**

- 23 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.

**On site detention**

- 24 An on site detention system to restrict post-development discharges from the site to pre-development discharge rates for all storm events up to and including the 1:100 year ARI storm shall be provided.
  - a. The on site detention system shall be designed to incorporate the following:
  - b. All habitable floor levels are to be located a minimum of 300mm above the 1 in 100 year ARI top water levels.
  - c. All garage floor levels are to be located a minimum of 100mm above the 1 in 100 year ARI top water levels.
  - d. 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.
  - e. A 300 mm x 300 mm wide by 300 mm deep silt trap is to be drained by weep holes and a 90mm 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.

Allowable storage depth shall be:

- Car parks—0.2 metres maximum. Storage in car park and driveway areas are permissible only for storms greater than or equal to the 1 in 20 year ARI storms
- Landscaped areas—0.6 metres

maximum. Depth greater than 0.6 metres is permissible subject to the installation of pool type fencing surrounding the detention area.

- Underground tanks—0.8 metres minimum depth.

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.

### **Contaminated runoff**

- 25 Provision of a grease and oil separator device to treat the contaminated runoff generated from the site prior to discharging into the Council's stormwater system. The grease and oil separator shall be sized for the first 5 mm of rainfall generated over the catchment area to be treated.

### **Gross pollutant trap**

- 26 Provision of a gross pollutant trap device shall be installed to treat the contaminated runoff generated from the total site. In this regard, the gross pollutant trap is to be located upstream of the OSD and all stormwater runoff generated from the site is to be collected and piped to the gross pollutant trap prior to discharging into the Council's drainage system via the OSD.

### **On site detention positive covenant**

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

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

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

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

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

The applicant shall bear all costs associated in the preparation of the subject 88E Instrument. The 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.**

### **Drainage easements**

- 28 An easement in favour of Blue Mountains City Council shall be obtained over the development site for the disposal of stormwater runoff from the 9.0 metre wide lane to the Council's stormwater drainage system within the development site.

The minimum wide of the easement is to be 3.0 metres.

The easement shall be registered on the title of the relevant lot(s). The easement plan shall be approved by the Council prior to lodgement at NSW Land and Property Information. Proof of lodgement of the easement with NSW Land and Property Information shall be provided to the Council **prior to issue of the Occupation Certificate.**

Prior to release of the Occupation Certificate, a certificate from a registered surveyor shall be submitted to the Principal Certifying Authority to verify that the above requirement has been met.

### **Trunk stormwater system**

- 29 The existing trunk stormwater drainage system through the site is to be relocated generally in accordance with the Stormwater Management Strategy prepared by J Wyndham Prince Pty Ltd, dated 30 August 2005.

All structures adjacent to the easement are to be pierced to below the invert of the pipeline.

The relocated stormwater system is to be designed by a qualified person and endorsed by a chartered civil engineer with NPER registration for a 1 in 10 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 easements**

- 30 A minimum 3m wide drainage easement is to be registered on the title of the site in favour of Blue Mountains City Council over the relocated trunk drainage system through the site, and over the proposed drainage system from the 9m wide lane. The easement is to be centrally located over the pipelines.

The easement plan shall be approved by the Council prior to lodgement at NSW Land and Property Information. Proof of lodgement of the easement with NSW Land and Property Information shall be provided to the Council **prior to issue of the Occupation Certificate.**

### **Internal pavement**

- 31 Kerbs and formation paving and sealing of access driveways and car parking areas in the development site together with any necessary drainage, retaining walls and other engineering works that may be required to make the construction effective shall be provided. All driveways and sealed areas are to have a featured surface.

All internal driveway and access shall be designed in accordance with Australian Standards 2890. In this regard, a threshold is to be located across the driveway at the northern boundary of the site. .

### **Works in the Council's roads**

- 32 The following engineering works shall be constructed by the applicant at the applicant's expense and completed to Council's satisfaction prior to release of any Occupation Certificate:
- a. i. The existing kerb and gutter is to be replaced with new kerb and gutter for the full Ross Street frontage of the development site. The work shall include any necessary existing

pavement correction, drainage modification, services adjustments and works to make the construction effective.

ii.

New footpath paving is to be constructed for the full Ross Street frontage of the development site. The footpath paving is to be constructed with a featured surface treatment in a style and character consistent with the area. The width of the path paving is to be from the kerb and gutter to the existing stone retaining wall, other than any allowance for the retention of street trees in accordance with the approved landscape plan. The remainder of the area is to be stabilised and landscaped in accordance with the approved landscape plan. The slope of the path is to fall to the kerb and gutter (2.5%) and shall include any necessary works to make the construction effective. All existing laybacks and egresses are to be removed. Retaining walls are to be provided with safety barriers.

- b. The onsite levels are to be correlated with the new levels in Ross Street.
- c. Subject to a geotechnical report by a qualified geotechnical engineer and a structural engineer's assessment by a chartered engineer with NPER structural registration, the road/footpath in Ross Street is to be retained on site to meet all expected loadings to the required standards. The area of concern is from the vehicular access to the timber church building south to the south western corner.
- e. The 9m wide lane providing vehicle access to the site is to be fully constructed from Commerce Lane to the northern boundary of the development site. The extent of works shall be generally in accordance with the stamped approved plan marked in RED. The works and design shall include but not be limited to the following:

i.

The works and design shall extend from the centre line of Commerce Lane and allow for the accesses for development sites on the west side of the lane between the subject site and Commerce Lane. The design and works shall provide smooth transitions and preserve

existing access to the adjoining properties in accordance with AS 2890.

ii.

Sealed pavement with vertical kerb and gutter on both sides shall be provided.

iii.

A featured surface path on the western side of the western alignment of kerb and gutter shall be provided.

iv.

The formation is to be a 2.5 metres wide footpath on the western side of the lane, a 6.2 metres wide carriageway (from invert to invert of kerb and gutter), a 0.3 metre berm on the eastern side.

v.

Retaining walls are to be provided on the eastern side of the lane as necessary to make the construction effective. Boundary fencing shall be re-established where affected by these works.

vi.

Intersection treatment with Commerce Lane shall be provided generally in accordance with the stamped approved plan as amended in red. This shall consist of islands, layback, apron threshold construction to enforce slow entry/exit movements from the lane.

vii.

Road drainage in accordance with ARR 1987 and the containment of 1:100 year ARI surcharge flows to the road reserve shall be provided. The extent of road drainage will commence from Commerce Lane and extend to the existing Council piped drainage system within the development site as determined by engineering design. The flows conveyed to this system are not to exceed the capacity of the downstream drainage systems and this shall be demonstrated in the design.

viii.

The construction shall include any necessary works to make the construction effective.

ix.

All necessary public utility services, including lighting, shall be provided at no cost to the Council.

x.

The design is to provide for the turning path of the maximum vehicle using the lane.

**Construction in Council's roads**

33 Where works are carried out on Council or public lands (ie. roads, parks etc.) by or on behalf of the applicant, the following conditions shall be satisfied:

a. Before work commences in Council's roads, plans and specifications prepared by a suitably qualified person and endorsed by a chartered civil engineer with NPER registration are to be submitted to and approved by Council under the Roads Act 1993.

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

b. An on site meeting is to be arranged with Council's Supervising Engineer prior to the commencement of any work in Council's road for the purpose of a pre-construction meeting. Council's inspection fee is to be paid prior to the meeting.

c. The person or company carrying out the works will be required to carry 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.

d. The person or company carrying out the works shall submit to Council reference demonstrating experience in the type of work proposed to be undertaken. The person or company shall obtain approval from Council to carry out the works prior to works commencing.

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

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

- f. Prior to 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 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 handing, deliveries and construction traffic and parking.

A minimum of seven (7) days notice shall be given to residents if access by residents will be affected. A copy of the letter to residents and a list of addresses notified shall be submitted to and approved by Council.

- 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 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**

- 34 An **unconditional (open ended)** performance maintenance bond to the value of five (5) percent of the engineering construction or a minimum of \$15,000.00, whichever is the greater, to guarantee the safety of the public, environmental protection performance and maintenance during and after construction in Council's road shall be paid to Council.

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

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

**Repair of damage**

- 35 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**

- 36 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.

**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 and other relevant Australian Standards. The design and construction is to include any additional works to make the construction effective.

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

**Structural works**

- 38 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**

- 39 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**

- 40 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**

- 41 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**

- 42 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.

MINUTE NO. 202 Contd

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

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

\* \* \* \* \*

REPORT BY GENERAL MANAGERMINUTE NO. 203**4. C06814. 2007 Local Government Association Conference – Nomination of Delegates**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Myles and Van der Kley with Councillor Creed out of the chamber:

1. **That the Council nominate the four voting delegates for the 2007 Local Government Association Conference.**
2. **That the Council nominate any other observers to the 2007 Local Government Association Conference.**
3. **That the Council representatives are authorised to attend the 2007 Local Government Association Conference to be held at Coffs Harbour, 20-24 October 2007.**
4. **That Councillors O'Grady and Angel are nominated as voting delegates, with the potential for two more Councillors to nominate.**

\* \* \* \* \*

OFFICERS REPORTSMINUTE NO. 204**5. C00694. Schedule of Invested Monies**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Frappell, with Councillor Creed out of the chamber, **that the Schedule of Invested Monies as at 30 June 2007 be received.**

\* \* \* \* \*

MINUTE NO. 205**6. C01242 pt 2. Alcohol Free Zones in Lawson and Katoomba**

RESOLVED UNANIMOUSLY on the MOTION of Councillors O'Grady and Hamilton, with Councillor Creed out of the chamber:

1. That the Council receives and notes this report.
2. That the proposed Alcohol Free Zone in Katoomba be established, as shown in Attachment 1 for the maximum permissible period of three years.
3. That the proposed Alcohol Free Zone in Lawson be established, as shown in Attachment 2 for the maximum permissible period of three years.
4. That the Council make representations to the Police Local Area Commander in relation to having the external areas of the Katoomba Aquatic and Leisure Centre made an Alcohol Free Zone.

\* \* \* \* \*

MINUTE NO. 206**7. C01671. New Funding Agreement between Department of Families, Community Services and Indigenous Affairs and Blue Mountains City Council – Family Day Care**

RESOLVED UNANIMOUSLY on the MOTION of Councillors McLaren and Van der Kley, with Councillor Creed out of the chamber, **that the Common Seal of Blue Mountains City Council be affixed to the Funding Agreement Form between the Australian Government Department of Families, Community Services and Indigenous Affairs and Blue Mountains City Council for the purpose of obtaining grant funding (see separate enclosure).**

\* \* \* \* \*

MINUTE NO. 207**8. F02878. Western Sydney Young Women's Leadership Program**

RESOLVED UNANIMOUSLY on the MOTION of Councillors McLaren and McInnes, with Councillor Creed out of the chamber, **that the Council makes a financial contribution of \$2500 to WSROC towards the costs of managing the Western Sydney Young Women's Leadership Program by 31 October 2007.**

\* \* \* \* \*

MINUTE NO. 208**9. C00944. Community Assistance / Donations – Recommendations by Councillors**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Frappell, with Councillor Creed out of the chamber:

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

<u>Organisation</u>	<u>Amount</u>
Nil	

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

<u>Organisation</u>	<u>Amount</u>
WSROC	\$1,000.00

\* \* \* \* \*

MINUTE NO. 209**C1. C06191. Confidential Business Paper – Purchase by Council of Surplus Telstra land in Lurline St, Katoomba**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Searle, with Councillor Creed out of the chamber:

1. That the Council purchase the rear of 144 Katoomba Street, Katoomba, being part of Lot 1, Deposited Plan 211093, from the Telstra Corporation for \$250,000 exclusive of GST subject to the total of the purchase price and estimated costs of addressing site contamination, building demolition, retaining wall and service relocations, not exceeding the unencumbered valuation of the land and that the land be classified as operational.
2. That the Common Seal of the Council be affixed as required, to documents relating to this matter.
3. That the Council continue to work with the Uniting Church to investigate options for the joint development of the subject land and the land at the rear of 142 Katoomba Street.

\* \* \* \* \*

MINUTE NO. 210**11. F00241. Springwood Town Centre Options Report**

The meeting was addressed by Ann Cantwell and Michael Parker.

RESOLVED UNANIMOUSLY on the MOTION of Councillors McLaren and Myles, with Councillor Creed out of the chamber:

1. **That the Council adopts the Options Report being Enclosure 1 to this Report for the purpose of public exhibition.**
2. **That the Council endorse the public exhibition of the Options Report for six (6) weeks commencing Monday 13 August 2007 until Friday 21 September 2007, with submissions on the Options Report accepted until 9am on Monday 24 September 2007.**
3. **That a summary sheet of the report be made available due to the extensive content of the Options Report.**
4. **That both a public forum and public information day be held.**
5. **That the Council seek to develop a Memorandum of Understanding with the Department of Lands regarding their participation in the Springwood Town Centre Project.**
6. **That the Council delegate to the General Manager the authority to sign a Memorandum of Understanding with the Department of Lands regarding their participation in the Springwood Town Centre Project.**

\* \* \* \* \*

MINUTE NO. 211**12. H01421, F00475, F00286. Glenbrook School of Arts**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Frappell, with Councillor Creed out of the chamber:

1. **That the Cinema Operator, currently operating within the Glenbrook School of Arts, be informed that the Council will defer the need to sign the proposed lease for up to 12 months to facilitate negotiations with the other stakeholders.**
2. **That the Council investigate the potential to negotiate a lease with the Glenbrook Players to formalise their use of Glenbrook Theatre.**
3. **That consistent with S.47 of the Local Government Act, the draft lease/s and results of the public exhibition be reported back to Council.**
4. **That if the Cinema Operator's lease is not signed by the expiration of the 12 month period, the Council investigate the opportunity to call for expressions of interest for the leasing of the premises for the purposes of operating a cinema**

MINUTE NO. 211 Contd

- 5. That the Council note in accordance with the agreement with Westringia Pty Ltd, compensation for the interruption to business at the Cinema during the Stage 2 capital works, is not to be paid, unless a lease is signed between Westringia Pty Ltd and Council.

\* \* \* \* \*

MINUTE NO. 212

**13. X05/0345. Development Application No. X05/0345 for the use of a water bore for mineral water extraction on Lot 1 DP 1045831, Nos. 14-34 Rainbow Ravine Road, Mount Tomah.**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and McLaren, that the item be deferred to the next Ordinary Council Meeting of 28 August 2007.

\* \* \* \* \*

MINUTE NO. 213

**14. X07/0420. Development Application No. X07/0420 for a rear deck at Lot 19 DP 249087, No. 14 Picnic Glen, Springwood**

The MOTION was MOVED by Councillors Van der Kley and Myles that Development Application No.X07/0420 for a rear deck on Lot 19 DP 249087, No. 14 Picnic Glen, Springwood, 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.

Upon being PUT to the Meeting, the MOTION was CARRIED, with Councillor Creed out of the chamber, the vote being:

<b>For</b>		<b>Against</b>
Councillors	Angel	Councillors McInnes
	Brown	
	Frappell	
	Hamilton	
	McLaren	
	Myles	
	O’Grady	
	Searle	
	Trindall	
	Van der Kley	

\* \* \* \* \*

NOTICES OF MOTION

MINUTE NO. 214

**15. 'Green Power' as source of energy provision**

RESOLVED UNANIMOUSLY on the MOTION of Councillors McInnes and O'Grady, with Councillor Creed out of the chamber **that the Council receive a report regarding the feasibility of using 'Green Power' as the source of its energy provision."**

\* \* \* \* \*

MINUTE NO. 215

**16. Waiver of development application fees for installation of rainwater tanks and solar panel applications**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Frappell, with Councillor Creed out of the chamber, **that the Council receive a report on the waiver of development application fees for the installation of rainwater tanks and solar panel applications."**

\* \* \* \* \*

MINUTE NO. 216

**17. C00680. Précis of selected correspondence**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Frappell, with Councillor Creed out of the chamber, **that the Précis of Selected Correspondence be received and appropriate letters forwarded where necessary.**

\* \* \* \* \*

MINUTE NO. 217

**C00336. Procedural - Matter of Urgency**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Searle and Van der Kley, with Councillor Creed out of the chamber, **that a Matter of Urgency be heard.**

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MINUTE NO. 218**C00336. Matter of Urgency – Closure of Loftus Street, Lawson**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Searle and Van der Kley, with Councillor Creed out of the chamber, **that the Council immediately close Loftus Street, Lawson to through traffic pending a report to the Council regarding options for Loftus Street, Lawson including:**

- **Sealing the remainder of the road; and/or**
- **Permanent closure of the road to through traffic.**

\* \* \* \* \*

MINUTE NO. 219**C00336. Procedural – Question that Meeting Close**

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

**The ordinary Meeting of the Council closed at 8:55 pm on Tuesday 7 August 2007.**

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