

BLUE MOUNTAINS CITY COUNCIL

ORDINARY MEETING

28 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, 28 August 2007, commencing at 7:34 pm.

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There were present:

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

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In attendance:

General Manager, Group Manager BM City Services, Group Manager Community & Corporate, Group Manager Environmental & Customer Services, Executive Officer, Chief Financial Officer, Manager Corporate Planning, Manager Assets and Contract Management, Manager Planning Health and Enforcement, Acting Manager City Planning, Executive Principal Planning, Principal Recreation & Cultural Planner, Experience Development Coordinator, Team Leader Recreation Development, Recreation Development Officer, Senior Environmental Ranger, Environmental Ranger, Project Support Officer Business Systems, Project Support Officer Compliance

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Prayer / Reflection:

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

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C00679. Apologies

Nil

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MINUTE NO. 220

C00336. Confirmation of Minutes - Ordinary Meeting – 7 August 2007

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Van der Kley that the Minutes of the Ordinary Meeting of 7 August 2007 be confirmed, with Minute Nos 201 and 210 being amended to read as follows:

MINUTE NO. 221 Contd[NOTICE OF RESCISSION][MINUTE 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NOTICE OF RESCISSION was MOVED by Councillors Van der Kley and Myles that the following Minute 175 of 26 June 2007 be rescinded: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:

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

[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 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.**

MINUTE NO. 220 Contd

- 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.”

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C00336. Declarations of Interest – Ordinary Meeting, 28/08/2007

Nil

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MINUTE NO. 221

Procedural - Public speakers for Item 11. Plan of Management for 284 Great Western Highway, Lawson.

RESOLVED UNANIMOUSLY on the MOTION of Councillors O’Grady and McInnes that the number of speakers permitted to speak against Item 11 be increased to six.

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MINUTE BY MAYOR

MINUTE NO. 222

1. C07643. Properties sold for unpaid rates in 2006-2007

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Frappell that the Council Seal be attached to the land transfer documents for any land sold for unpaid rates as per the Council resolution of 21 March 2006 (Minute No 504).

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OFFICERS REPORTS

MINUTE NO. 223

2. C01900. Fourth Quarter (end of year) 2006/2007 Report – Management Plan including Capital Works Program and Operating Budget

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

MINUTE NO. 223 Contd

1. That the General Manager's report together with the accompanying documents titled "Quarterly Review Management Plan including Capital Works June 2007 – 2006/2007" and "Quarterly Review Budget June 2007 – 2006/2007" (both separately enclosed) be noted and endorsed.
2. That the variations of income and expenditure as identified in the accompanying documents be endorsed and noted.
3. That the recommended carryover budgets be approved and voted.

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MINUTE NO. 224**3. F00688. Blue Mountains Youth Council**

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

1. That the Council receives and notes this report.
2. That the Council, at the Youth Council event on the 30 August 2007, acknowledge and thank the 2006-2007 Youth Council, for their contribution towards youth projects and creating a positive image for the young people of the Blue Mountains.
3. That the Council endorse the selection of the 19 Youth Councillors for 2007-2008, as detailed in this report.
4. That the Council recognise the contribution of members of the Youth Council Advisory Committee, to the effective operation of the Youth Council.

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MINUTE NO. 225**4. F00958. Glenbrook Swim Centre winter opening hours**

The MOTION was MOVED by Councillors Creed and Frappell that the Glenbrook Swim Centre closes for three months from 1 June to 31 August inclusive and the operating hours during May are 6-10am and 4-6.30pm, Monday to Friday and the recommended hours on weekends. The pool will reopen on 1 September 2007.

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

MINUTE NO. 225 Contd

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

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MINUTE NO. 226**5. F00740. Annual Report – Fee Contributions for land use applications submitted by local non-profit organisations**

The MOTION was MOVED by Councillors Myles and Hamilton **that the Council notes the annual report below, noting the organisations that received support and the total amount of financial assistance provided by the Council.**

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

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

Questions without notice

Councillor O'Grady: With regard to the Bodington Nursing Home, my understanding would be that this is a type of business and would not fall into the non-profit community organisation category. How does it get there?

Councillor O'Grady: What is the Blue Mountains Land Foundation and why are we waiving their fee?

Mayor Angel: Could Councillors receive a copy of the criteria the staff take into account in assessing these applications?

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MINUTE NO. 227**6. C00944. Community Assistance / Donations – recommendations by councillors**

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

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

<u>Organisation</u>	<u>Amount</u>
Lawson Public School Parents & Citizens Association	\$100.00
Lawson Public School Parents & Citizens Association	\$100.00
Lawson Public School Parents & Citizens Association	\$100.00

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MINUTE NO. 228**7. C01506. Update on development assessment 2006-2007**

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

1. That the Council receives the report and notes the reduction in the development application backlog over the past 12 months and supports the initiatives to improve customer service.
2. That the Council formally write to the Department of Planning advising them of the Chief Judge's comments and the approach of the Land and Environment Court as outlined in his address to the Local Government Lawyers Group on 27 July 2007 and that the Department of Planning be requested to factor this into their statistical analysis for accuracy and completeness.

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MINUTE NO. 229**8. F00830. Draft Knapsack Reserve Plan of Management**

The meeting was addressed by Ian Monaghan and Ivan Jeray.

RESOLVED UNANIMOUSLY on the MOTION of Councillors Frappell and Creed:

1. That the Council adopts the draft Knapsack Reserve Plan of Management and uses it to guide the management and development of the Knapsack Reserve.

MINUTE NO. 229 Contd

2. That the Councillors, groups and individuals who participated in the development of the Plan of Management be provided with a final copy of the adopted Plan of Management.
3. That:
 - a. If "Roo Ball" is introduced at Knapsack Park, a report come back to the Council reviewing the impacts of "Roo Ball" on the PoM.
 - b. This review is to be initiated following the completion of one (1) full season of "Roo Ball" and the community be involved in this review process.
 - c. The Council will then determine any actions required in respect of the PoM.

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MINUTE NO. 230**9. F01200. Sports Council update of activities and achievements**

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

1. That following the Sports Council Annual General Meeting, to be held on 24 September 2007, a report be submitted to the Council advising of the new Sports Council membership and of its updated Terms of Reference.
2. That the Sports Fees Operational Plan be submitted to the Council once the final Sports Council consultation has been undertaken in August/September.
3. That the Council acknowledge and thank the efforts of the Sports Council during its third year of operation.

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MINUTE NO. 231**10. F00943. Mid Mountains Integrated Planning Pilot**

The meeting was addressed by Erst Carmichael.

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

1. That the 'Draft Final Consultant's Report on a Community-Government Collaborative Framework for the Mid Mountains' is received and noted.
2. That the 'Draft Final Consultant's Report on a Community-Government Collaborative Framework for the Mid Mountains' be placed on the Council's website as a record of the Mid Mountains community workshops.

MINUTE NO. 231 Contd

3. **That community workshop responses on the Map for Action in the Mid Mountains are referred through City Planning to project managers to inform ongoing planning, management and resource allocation.**
4. **That the option of a Mid Mountains Sustainability Reference Group as a vehicle for improved communication between the Council and the Mid Mountains communities be investigated and recommended to the Council.**

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MINUTE NO. 232**11. F01815. Plan of Management for 284 Great Western Highway Lawson, Lawson Community Hall and RFS**

The meeting was addressed by Jerry Allan, Denis Rice, John Sheehy, Leila Wedd, Julius Timmerman and Warren Vukicevic.

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

1. **That the Council accept and note the submissions made in response to the public exhibition of the amended Draft Plan of Management for 284 Great Western Highway Lawson (the land) including the Lawson Community Hall and Lawson Rural Fire Service Headquarters.**
2. **That the Council is of the opinion that the amendments made to the exhibited draft amended Plan of Management (as recorded in Attachment 1), (following consideration of the submissions made in response to the public exhibition of the amended Draft Plan of Management) are not substantial and do not warrant the re-exhibition of a further amended Draft Plan of Management prior to adoption of a final Plan of Management for the land.**
3. **That the Council adopt the enclosed Plan of Management.**
4. **That the Council make publicly accessible the reports containing cost estimates for the various options outlined in the Plan of Management (enclosed) with the exception of information considered confidential due to being commercial in confidence, and also the Report on the Public Hearing undertaken in 2004 for categorisation of the land.**
5. **That the Council give public notice of the adoption of the Plan of Management (enclosed) and of the terms of that Plan of Management, as soon as practicable, in accordance with S40(2A) of the Local Government Act 1993.**
6. **That the Council receive a Report on the development of a suitable memorial, together with interpretive material, recognising the Lawson Mechanics Institute and the pioneers of the Lawson community. The Report should canvas**

MINUTE NO. 232 Contd**‘the placing of the memorial’ within the scope of the Lawson Township Redevelopment Project.**

An AMENDMENT was MOVED by Councillors McInnes and O’Grady:

That the matter be deferred until the following questions are responded to as well as the investigation of potential grants to fund relocation of the Hall.

1. *What enquiries have been made to determine the progress of approval of draft amendment 1 to LEP 2005?*
2. *What is a "large number supported the investigation relocation of the hall"? Page 64 of the report.*
3. *What date was the Mammoth Movers report requested?*
4. *Is it not implicit in the report that Council acknowledges that the activity of the RFS on this site is not permitted under the community land requirements (and previous legislation prior to 1993) since the day on which the RFS took occupation?*
5. *As all building and costing reports are to be released to the public which form the basis of costings is it not appropriate that this matter be deferred for further debate to give the public an opportunity to consider the report?*
6. *When was sketch figure 11 on page 45 (enclosure) commissioned?*
7. *What is the purpose of that sketch if no costings are provided?*
8. *Please explain the exact calculation of the figures for option 5 on page 44 (enclosure)?*
9. *Isn't it the case that of the 529 submission list on page 65, only 7 of these support the amended draft POM? (This is because on Councils website the submitter's were asked three questions – Support, Support in part, Do Not Support*
10. *As the ADPOM was advocating demolition then one would conclude that 96.98% of submitters opposed the ADPOM.*
11. *What is meant by Council's answer in box 1 on page 78 referring to further investigations and further amended plans of management?*
12. *Why is no income provided by the RFS for use of the building?*
13. *What does staff regard as substantial amendments before they regard the need for a further draft amended Plan of Management being required?*
14. *At box 2 on page 82 Council states that it is not required to follow the majority view. If that is the case what is the purpose of public involvement?*

MINUTE NO. 232 Contd

15. *If the majority view is in the order of 95% or more is it not a requirement on Council to investigate all possible avenues to accommodate the views of its citizens?*
16. *I recall that Council rejected the motion of Councillor McInnes to obtain a copy of the Mammoth Movers report prior to public exhibition of the ADPOM. Therefore, how does the inclusion of the result of Mammoth Movers report justify a portion of this ADPOM when that information was not before the public on exhibition?*
17. *How were the cost figures for the works on sketch plan 11 arrived at? If cost figures have not been assessed how then has the 2 million dollar figure been calculated?*
18. *What were submitters to the process not individually notified of the report coming back to Council for determination?*

Upon being PUT to the Meeting, the AMENDMENT was LOST ON THE CASTING VOTE of the Mayor, the vote being:

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

Upon being PUT to the Meeting, the MOTION was CARRIED ON THE CASTING VOTE of the Mayor, the vote being:

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

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MINUTE NO. 233

12. 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.

The meeting was addressed by Lisa Scott-Smith

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Creed with Councillors McInnes, Searle and Brown out of the Chamber:

MINUTE NO. 233 Contd

That Development Application No. X05/0345 for the use of a water bore for the extraction of mineral water for sale, on Lot 1 DP 1045831, Nos. 14-34 Rainbow Ravine Road, Mount Tomah be determined pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 by refusing consent for the following reasons:

1. The proposed use being the extraction of mineral water for sale is defined as a 'rural industry' and, in accordance with Clause 9.4(a) of Local Environmental Plan 1991, is not a permissible use in the Rural Conservation zone at Mount Tomah.
2. The proposal does not comply with Clauses 10.5(a)(v) and, 10.5(db) of Local Environmental Plan 1991 and Better Living Development Control Plan – Part C in respect to the provision of effective measures to ensure that the development has no adverse impact on development excluded land.
3. The proposal does not demonstrate that effective measures have been incorporated to ensure public health and the drinking quality of water extracted as mineral water from the bore.

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MINUTE NO. 234

13. X06/0091. Development Application No. X06/0091 for the demolition of existing buildings and the construction of fifteen (15) senior living units on Lots 11, 12, 13 and 14 DP 7667, Nos. 50, 52, 54 and 56 Darley Street, Katoomba.

The meeting was addressed by Yvonne Hellmers and Kay Self.

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and McLaren **that Development Application No. X06/0091 for the demolition of existing buildings and the construction of fifteen (15) Senior Living units on Lots 11, 12, 13 and 14 DP 7667, Nos. 50, 52, 54 and 56 Darley 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.**

Attachment 1 - Conditions of development consent

A. Preliminary

- Confirmation of relevant plans**
- 1 To confirm and clarify the terms of consent, the development proposal is for fifteen (15) units to be used strictly as seniors housing for residents over 55 years of age and shall be carried out in accordance with the following plans:

Plan	Number	Date
Site Plan	DA 01C	Dec 2005 as amended 1 November 2006

Plans and Elevations Block 1	DA 04b	Dec 2005 as amended 18 August 2006
Plans and Elevations Block 2	DA 05b	Dec 2005 as amended 18 August 2006
Amended Plan– Plans and Elevations Block 3	DA 06B	Dec 2005 as amended 1 November 2006
Plans and Elevations Block 4	DA 07b	Dec 2005 as amended 18 August 2006
Amended Plan – Site Elevations and Sections	DA 02C	Dec 2005 as amended 2 November 2006
Amended Plan – Site Elevations and Sections	DA 03C	Dec 2005 as amended 2 November 2006
Amended Landscape Plan	LA01	As Amended 13 April 2007
Amended Stormwater Drainage Plan Concept	2005-185-H1B	As amended 15 November 2006
Amended Stormwater Drainage Details Concept	2005-185-H2B	As Amended 15 November 2006
Amended Shadow Diagram	DA 08B	As amended 22 November 2006

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 five (5) year period from the date on which the consent becomes operational pursuant to s.95 (Lapsing of Consent) of the *Environmental Planning and Assessment Act 1979*.

Construction certification

- 3 The Department pursuant to S.116G of the Act, will certify its own building works as complying with the Building Code of Australia.

Seniors Housing

- 4 The use of 50-56 Darley Street Katoomba is to be restricted for housing for seniors over the age of 55 years. The restriction as to the user will be registered against the title in accordance with Section 88E of the Conveyancing Act 1919.

B. Engineering Works

- Engineering plans** 5 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.
- The design and construction is to include any additional works to make the construction effective.
 - A qualified civil/structural engineer shall supervise the work.
 - The design of all engineering structures shall be certified by a chartered engineer (NPER–3 Structural Registered) as conforming to the relevant standards and load capacities.
 - The construction of these structures is to be supervised and certified by a chartered engineer (NPER–3 Structural Registered) as conforming to the relevant standards and load capacities.
 - The construction of these structures is to be supervised and certified by a chartered engineer (NPER-3 Structural Registered) as conforming to the approved design and load capacities.
- Site stormwater system** 6 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 generally in accordance with the plans prepared by Burgess, Arnott and Grava Pty Ltd, numbered 2005-185-H1 B and 2005-185-H2 B, dated 15 November 2006, and in accordance with ARR 1987. The discharge pipeline from the Onsite Detention System is to be laid at a minimum grade of 1%.
- 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 relevant departmental officer prior to commencement of construction.
- Sedimentation and erosion control** 7 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 occupation of the development all disturbed areas are to be stabilised and all redundant sediment and erosion control structures are to be removed.

- Internal pavement** 8 Kerbs and formation paving and sealing of access driveways and car parking areas in the development site together with any necessary drainage, retaining walls and other engineering works that may be required to make the construction effective shall be provided. All driveways and sealed areas are to have a featured surface.

All internal driveway and access shall be designed in accordance with Australian Standards 2890.1/2004

- Works in the Council's roads** 9 The following engineering works shall be constructed by the applicant at the applicant's expense:
- a. Removal of all obsolete driveways and laybacks within the Darley Street frontage of the site, and reinstatement with concrete vertical kerb and gutter, concrete footpath and grassed verges.
 - b. Construction of heavy duty reinforced concrete driveways and laybacks for the proposed development.

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 under the Roads Act 1993 prior to commencement of construction.

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.

- Waste Disposal** 10 Separate waste disposal areas are to be provided as shown on the site-plan.

Waste facilities to maximise recycling must be provided specific identification of areas and signage for recycling.

- BASIX** 11 Under clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is a condition of

this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled.

In this condition:

- a. relevant BASIX Certificate means:
 - i. a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified), particularly taking into account any changes to water usage arising from the modified landscaping plan to be submitted; or
 - ii. if a replacement BASIX Certificate accompanies any subsequent amendment to the design, the replacement BASIX Certificate; and
- b. BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000.

C. Prior to certification of works in accordance with s.116G of the Act

Bond

- 12 An unconditional (open ended) performance maintenance bond to the value of \$5,000 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 prior to the commencement of construction.

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 generally at the issue of a 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.

Landscape Plan

- 13 Following approval, the landscape proposal is to be fully implemented in accordance with the stamped and approved plan.

**Tree Protection/
Fencing**

- 14 To preserve the following tree/s, no work shall commence until the area beneath the canopy of the tree is fenced off at the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area.

The tree protection fence shall be constructed of star pickets at 1.2 metre spacing and connected by two strands of 2mm wire plus high visibility barrier mesh to a minimum height of 1.5 metres. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Tree/Location: Darley Street side of proposed Unit 1.

Tree species: *Cedrus deodara*

Radius in Metres: 2 metres

Any damage to the tree/s shall be treated immediately by an experienced Horticulturist/Arborist, with minimum qualification of Horticulture Certificate or Tree Surgery Certificate and a report detailing the works carried out shall be submitted to the Council:

**Materials and
colours**

- 15 To have regard of the amenity of the area, the materials and colours to be used are:

External walls	Brick	Boral Jarosite
Fascia	Colorbond	Paperbark
Columns beams and balcony	Powdercoat Colorbond	Jasper
Roof and gutters	Colorbond	Dune
Driveway finish	Coloured Concrete	Coffee
Fencing	Picket fence to Darley Street alignment	
Windows	Powdercoat	Colorbond

Any outbuildings or other ancillary structures are to be finished in colours and materials of muted bushland tones and low reflective quality to blend with the surroundings. Any variation to the above materials/colours will require the prior approval of the Council.

- Antennas** 16 Television and other aerials must be provided at a maximum rate of one common antenna per block, with a maximum of four (4) for the site.
- Services** 17 Arrangements must be made with Integral Energy, Sydney Water and an approved telecommunications service provider for the extension of services to and within the site. Written evidence of such arrangements is to be submitted prior to commencement of construction.
- Access and mobility – SEPP (Senior Living)** 18 51 - The site and the ground level units must comply with the requirements of Div 4 of the SEPP, Standards concerning access and useability, particularly:

52	Siting Standards for Wheelchair access across the site, to roads, and common areas
53	Identification
54	Security
55	Letterboxes
56	Private car accommodation
57	Accessible entry
58	Exterior – General
59	Interior – General
60	Living and dining room
61	Kitchen
62	Main bedroom
63	Bathroom
64	Toilet
65	Access to kitchen, main bedroom, bathroom and toilet
67	Laundry
68	Storage
69	Doors
70	Surface Finishes – non slip
71	Ancillary items
72	Garbage

- Erosion and sediment controls** 19 To preserve the unique environment of the Blue Mountains and to contain soil and sediment on the property, controls in accordance with the NSW Department of Housing's Managing Urban Stormwater Soils and Construction Handbook are to be implemented prior to clearing of the site vegetation and the commencement of site works. This will include:

- a. The installation of a sediment fence with returned ends across the low side of the site so that all water flows through. These shall be maintained at no less than 70% capacity at all times. Drains, gutters, roadways etc., shall be kept clean and free of sediment.
- b. To prevent the movement of soil off site, a single entry/exit point to the property shall be constructed of 40mm blue metal aggregate or recycled concrete to a depth of 150mm. The length must be at least 5 metres with the width at least 3 metres.

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

On site detention

- 20 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 and garage floor levels are to be located a minimum 300 mm and 100 mm 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.
- 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.
- d. Allowable storage depth shall be:
 - Car parks—0.2 metres maximum.
 - Landscaped areas—0.6 metres maximum. Depth greater than 0.6 a metre 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 the relevant Departmental officer for approval prior to the commencement of construction.

Water tanks

- 21 The site is required to have water storage tanks for domestic uses with a minimum capacity of 50,000 litres in addition to any static supply required for bushfire purposes. The external surfaces of the tanks are to be finished in colours and materials of muted bushland tones and low reflective quality to blend with the surroundings.

D. Prior to commencement of Works on site**Construction in the Council's roads**

- 22 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. 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.
 - b. The person or company carrying out the works will be required to carry public liability insurance to the value of \$10 million. The policy shall indemnify 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.
 - c. The person or company carrying out the works shall submit to the Council reference demonstrating experience in the type of work. The person or company shall obtain approval from the Council to carry out the works prior to works commencing/proposed to be undertaken. The person or company shall obtain approval from the Council to carry out the works prior to works commencing.
 - d. 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.
 - e. A minimum of 48 hours notice shall be given to the 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 the Council as unsatisfactory shall

- be rectified to the Council's satisfaction at no cost to the Council. The Council inspection and approval shall be obtained prior to occupation of the development. The applicant's engineer must certify that the work have been constructed in accordance with the approved plans, specifications and relevant Australian Standards.
- g. Prior to issue of the Roads Act Approval, a Traffic Management Plan report prepared by a suitable qualified professional is to be submitted to and approved by the Council.
 - h. 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.
 - i. Safety devices such as signs, barricades, barriers, warning lights, etc. shall be placed where works affect the 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 (Sept 2003). Details prepared by a qualified person shall be submitted to the Council for its approval with the Traffic Management Plan Report.
 - j. 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.
 - k. 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.
 - l. A prominently displayed sign identifying the contractor responsible for the work shall be erected. A contact telephone number should be provided on the sign.

E. During Construction

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| Survey report | 23 | To ensure that the building and retaining structures do not encroach on the minimum required setbacks and are located within the boundaries of the property, |
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a survey report by a registered Land Surveyor must be provided to the Council prior to the work proceeding beyond:

- a. footing excavation.
- b. slab formwork.
- c. foundation walls.
- d. walls and completed
- e. eaves/gutter/fascia/gable.
- f. building on the site.

- Excavations** 24 All excavations are to be guarded and protected to prevent them from being dangerous to the public and surrounding properties.
- Signage** 25 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** 26 To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period:
- a. Site and building works (including the delivery of materials to and from the property) shall be carried out Monday to Friday between 7am-6pm and on Saturdays between 8am-3pm. Alteration to these hours may be possible for safety reasons but only on the approval of the Council.
 - b. Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - c. Building operations such as brickcutting, washing tools, concreting and bricklaying shall be undertaken on the building block. The pollutants from these building operations shall be contained on site.
 - d. Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
- Earthworks** 27 Excavated and filled areas are to be graded and drained in a manner that will not be detrimental to

adjoining properties or the environment. All disturbed areas are to be topsoiled and turfed or spraygrassed. Any batters may not exceed a ratio of 3 horizontal to 1 vertical.

- Fill** 28 Any fill imported to the site must meet the criteria of *'Virgin Excavated Natural Material'* as defined in the Department of Environment and Climate Change Environmental Guidelines - *Assessment, Classification and Management of Liquid and Non-Liquid Wastes, 1999.*
- Treatment of tree roots** 29 Tree roots between 10mm and 50mm diameter, severed during excavation, shall be cut cleanly by hand and the tree subsequently treated with a root growth hormone and wetting agent, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.
- Demolition of Buildings generally** 30 The demolition work to be supervised by a competent person with due regard to safe working practices and in accordance with the requirements of the NSW WorkCover Authority;
- Such work is to be carried out in accordance with the Occupational Health and Safety Regulations, 2001, and Australian Standard 2601 – 2001.
- Demolition of Buildings containing asbestos cement** 31 The applicant is to notify the Council and adjoining residents, in writing, at least ten (10) working days prior to demolition commencing, of their intention to commence demolition works. In the case of adjoining residents, such notification is to be a clearly written note, on at least note pad size paper, giving the date demolition will commence and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately to the rear of the demolition site.
- Disposal of Asbestos** 32 All asbestos material, including asbestos cement, is to be disposed of to an approved waste management facility licensed to receive asbestos.
- Display of signage** 33 The developer will display appropriate asbestos/demolition signage prior to and during demolition works.
- Demolition management** 34 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.

- a. At all times during demolition a competent person shall directly supervise work. It is the responsibility of the person to ensure that:
- b. 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.
- 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.

Dust control

- 35 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).

F. Prior to occupation

On site detention positive covenant

- 36 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 occupation.

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| Cut and fill | 37 | To ensure proper regard is given to the existing land form, cut and fill shall be limited to no more than 900mm. |
| Hoarding / fencing | 38 | To ensure the protection of the public, hoardings are to be provided on the site to the requirements of NSW Work cover Authority. |
| Building Code of Australia | 39 | All building work must be carried out in accordance with the provisions of the Building Code of Australia. |
| Repair of damage | 40 | The applicant shall repair or reconstruct all damages caused by construction activity relating to the development as required by the Council's |

Supervising Engineer prior to occupation.

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| Restore disturbed area | 41 | All disturbed earthworks and/or batters are to be restored, stabilised, topsoiled and turfed/revegetated to the Council's satisfaction prior to occupation. |
| Soil erosion | 42 | All exposed earthworks and disturbed areas shall have suitable sediment control measures in place prior to the commencement of construction to prevent soil erosion and the transport of sediment off the site during rainfall and runoff. The sediment control measures shall be continually monitored and maintained for the duration of construction and for six months after completion. All disturbed areas are to be stabilised and all redundant sediment and erosion control structures are to be removed. Areas shall be revegetated with native vegetation endemic to the area. |
| Recycling on site | 43 | Any vegetation requiring removal for the purpose of access or dwelling construction shall be immediately mulched or chipped and stockpiled on site to be used for restoration on the completion of the works. |
| Termite treatment certificate | 44 | Upon installation of a termite management system, a durable notice is to be displayed within the meter box. The notice shall indicate: <ul style="list-style-type: none"> ▪ The method of protection used, ▪ Date of installation, ▪ Life expectancy of any chemical system used as listed on the National Register label, and ▪ The installation of manufacturers' recommendations for the scope and frequency of future inspections for termite activity. |
| Works as executed plans | 45 | Prior to occupation, a Works as Executed Plan of all engineering works, in particular the onsite stormwater detention system, together with an engineer's certification confirming that all works have been constructed in accordance with the approved plans shall be submitted to the Council for approval. |

G Public Authority Approvals

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| Bushfire Safety Authority | 46 | Access is to comply with section 4.3.2 Planning for Bushfire Protection 2001 |
| Bush Fire Evacuation Plan | 47 | A Bushfire Evacuation Plan is to be submitted to the NSW Rural Fire Service – |

Development Control Services for Approval. The evacuation plan is to detail the following:

- a. Under what circumstances will the complex be evacuated
- b. Where will all persons be evacuated to
- c. Roles and responsibilities of persons co-ordinating the evacuation
- d. Roles and responsibilities of persons remaining with the complex after evacuation
- e. A procedure to contact the NSW Rural Fire Service District Office/NSW Fire Brigade and inform them of the evacuation and where they will be evacuated to.

Water Supply 48 Water supply for fire fighting purposes shall be in accordance with section 6.4.3 of Planning for Bushfire Protection 2001. A minimum 10,000L onsite storage tank is required with a minimum 3kW (5hp) petrol or diesel powered pump (if mains water is not accessible within distances described in Planning for Bushfire Protection 2001). A 65mm storz fitting with ball valve shall be installed in the tank. The tank shall be accessible to emergency service vehicles.

Fire Hydrant 49 Location of fire hydrants, where available, is to be delineated by blue pavement markers offset 100mm from the centre of the road. The direction of offset should indicate on which side of the road the hydrant is located.

Construction 50 Construction shall comply with AS 3959-1999 level 1 ‘Construction of Buildings in bushfire prone areas.’

Construction Detail - Roof 51 The structure shall incorporate gutterless roofing (or leafless guttering) and valleys are to be screened to prevent the build up of flammable material. Products used shall be non-combustible or have a flammability index of not greater than 5 when tested in accordance with AS 1530.2.

Construction Detail – Roller Doors 52 Any Roller doors, tilt-a-doors and the like shall be sealed to prevent the entry of embers into the structure.

Asset Protection Zone 53 The entire property shall be managed as an ‘Inner Protection Area’ as outlined within section 4.2.2 in Planning for Bushfire Protection 2001.

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MINUTE NO. 235**14. C06461. Funding of Blue Mountains Tourism Limited**

The meeting was addressed by Tim Tranter.

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and O'Grady with Councillor McLaren out of the Chamber, **that the Council endorse, in principle, the funding level of approximately \$422,500 (GST Exclusive) for Blue Mountains Tourism Ltd (BMTL) for the financial year 2008-2009, noting that the sum does not represent a net budget increase to either BM City Tourism or BMTL.**

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MINUTE NO. 236**15. C00680. Précis of selected correspondence**

RESOLVED UNANIMOUSLY on the MOTION of Councillors O'Grady and Searle **that the Précis of Selected Correspondence be received and appropriate letters forwarded where necessary, except for Items 2 and 9.**

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MINUTE NO. 237**C00680. Précis of selected correspondence - Item 2, 19/07/2007 – Letter to General Manager from The Hon. Nathan Rees MP Minister for Emergency Services, Minister for Water Utilities**

RESOLVED UNANIMOUSLY on the MOTION of Councillors O'Grady and Searle **that Item 2 be received.**

Question without notice

Councillor McInnes: When it becomes available, could the Section 44 Report about the Gross Valley Bushfires be provided to the Council?

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MINUTE NO. 238**C00680. Précis of selected correspondence, Item 9, 08/08/2007 – Petition x 165 petitioners**

RESOLVED UNANIMOUSLY on the MOTION of Councillors O'Grady and McInnes **that Item 9 be received.**

MINUTE NO. 238 Contd

Question without notice

Councillor O’Grady: Could the Council receive confirmation that the Petition recorded at Item 9 is separate to the Petition recorded as Item 6 in the Précis of Selected Correspondence for the 7 August 2007 Ordinary Council Meeting.

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MINUTE NO. 239

C00336. Procedural – Matter of Urgency

RESOLVED UNANIMOUSLY on the MOTION of Councillors Myles and McLaren **that a Matter of Urgency be heard.**

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MINUTE NO. 240

C00336. Matter of Urgency – BMCC Recycling Contract

RESOLVED UNANIMOUSLY on the MOTION of Councillors Myles and McLaren **that the invitation for tenders relating to the BMCC Recycling Contract for which documentation is currently being prepared, include an option for the continued use of the present crate system method of collection.**

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MINUTE NO. 241

C00336. Procedural – Question that Meeting Close

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

The ordinary Meeting of the Council closed at 10:08pm on Tuesday 28 August 2007.

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