

BLUE MOUNTAINS CITY COUNCIL

ORDINARY MEETING

26 August 2008

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Minutes of the Ordinary Meeting of the Council of the City of Blue Mountains, held in the Council Chamber, Administrative Headquarters, Civic Place, Katoomba on Tuesday, 26 August 2008, commencing at 7:35 pm.

\* \* \* \* \*

There were present:

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

\* \* \* \* \*

In attendance:

General Manager, Group Manager BM City Services, Group Manager Community & Corporate, Group Manager Environmental & Customer Services, Executive Officer, Chief Financial Officer, Manager Corporate Planning, Manager Assets and Contracts, Manager Planning Health and Enforcement, Manager City Planning, Manager Libraries and Family Day Care, Director Major Projects, Communications Officer, Team Leader Recreation, Recreation Coordinator, Youth Services Development Officer, Executive Assistant to General Manager, Project Support Officer Business Systems, Senior Ranger, Ranger.

\* \* \* \* \*

Prayer / Reflection:

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

\* \* \* \* \*

MINUTE NO. 595

**C00679. Apologies**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Frappell **that the apology tendered on behalf of Councillor Creed for non-attendance at the Meeting be accepted and a leave of absence granted.**

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MINUTE NO. 596

**C00336. Confirmation of Minutes - Ordinary Meeting – 5 August 2008**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Frappell **that the Minutes of the Ordinary Meeting of 5 August 2008 be confirmed.**

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

Nil

\* \* \* \* \*

**SUPPLEMENTARY MINUTE BY MAYOR**  
**MINUTE NO. 597**

**S1. F03819. Supplementary Minute by Mayor – Passing of Mick Clough**

RESOLVED UNANIMOUSLY on the MOTION of Councillors O’Grady and Frappell:

1. That the Supplementary Minute by the Mayor be received.
2. That the Council acknowledge the passing of the former Member for the Blue Mountains, Mr Mick Clough.

\* \* \* \* \*

**MINUTE BY MAYOR**  
**MINUTE NO. 598**

**1. F03819. Confidential Business Paper – Proposing the nomination of a Freeman of the City**

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

1. That Item C1 in the Confidential Business Paper be deferred for consideration until all other business of this meeting has been concluded.
2. That the Council close part of the Council Meeting for consideration of Item C1, the Confidential Business Paper considering the nomination a Freeman of the City, pursuant to the provisions of Section 10A(2)(a) of the Local Government Act 1993, as the report contains, and discussion is likely to involve:
  - a) personnel matters concerning particular individuals (other than councillors).

\* \* \* \* \*

**MINUTE NO. 599**

**S2. F00608. Supplementary report – Blue Mountains City Council submission to the Independent Pricing and Regulatory Tribunal (IPART) on the Review of the Revenue Framework for Local Government – Issues Paper July 2008**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Frappell and Searle:

MINUTE NO. 599 Contd

**That the Council endorses the submission as presented in the separate enclosure, on the Review of the Revenue Framework for Local Government - Issues Paper July 2008, for forwarding to the Independent Pricing and Regulatory Tribunal (IPART). Due to the short response timeframe for submissions:**

- a) **That the Council note that this response is provided in the main from management rather than Councillor involvement;**
- b) **That a delegation of the Mayor, or nominee, the GM and relevant staff present the Council's views at the hearings;**
- c) **That letters be written to the NSW Premier, NSW Minister for Local Government, Local Members for Blue Mountains and Penrith, Federal Member for Macquarie, and the Federal Minister for Local Government to express:**
  - **Disappointment in the timing of such an important review into Local Government funding, that is, submissions due three weeks before the Local Government Election;**
  - **Concern that Councils are in caretaker mode and as such Councillors are limited in their input to such submissions; and**
  - **The need for new Councils to have the opportunity to submit their analysis on the review requirements.**

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MINUTE NO. 600**2. F03818. Council Caretaker Government Role**

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

- 1. That the report be noted by the Council.**
- 2. That the Council form the view that the business of this meeting should be conducted as usual as relevant business items were before Council and the community prior to the caretaker period.**

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

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

\* \* \* \* \*

MINUTE NO. 601**3. F03819. Councillor post election information requirements**

A MOTION was moved by Councillors Myles and McInnes:

- 1. That Council note the potential for a change in date of the 30 September 2008 Council Meeting if the Election results are delayed.**

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

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

\* \* \* \* \*

MINUTE NO. 602**4. C00694. Schedule of Invested Monies**

The meeting was addressed by Robert Stock.

**RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Myles that the Schedule of Invested Monies as at 31 July 2008 be received.**

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MINUTE NO. 603**5. F03819. Independent review process: Model Code of Conduct**

The meeting was addressed by Ivan Jeray.

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

- 1. That the Council note the options for progressing the development of the Independent Review Process for Councillors and the General Manager required under the 2008 Model Code of Conduct.**
- 2. That the Council endorse the short-term strategy and broaden the terms of engagement for Mr Geoff Williams, Fraud Prevention Services to operate as an independent reviewer.**

MINUTE NO. 603 Contd

3. That the Council endorse exploring a co-operative arrangement through WSROC for the provision of independent review services.

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MINUTE NO. 604

**6. F02974. Fourth Quarter (end of year) 2007-2008 Report – Management Plan including Capital Works Program and Operating Budget**

The meeting was addressed by Ivan Jeray.

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

1. That the General Manager's report together with the accompanying documents titled "Quarterly Review Management Plan including Capital Works June 2008 – 2007-2008" and "Quarterly Review Budget June 2008 – 2007-2008" (both separately enclosed) be endorsed.
2. That the variations of income and expenditure as identified in the accompanying documents be endorsed.
3. That the recommended carry forwards to 2008-2009 of unspent 2007-2008 funds, be approved.

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MINUTE NO. 605

**7. F02560. Community Assistance / Donations – Recommendations by Councillors**

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

<u>Organisation</u>	<u>Amount</u>
Back to School Bike Program	\$100.00
1 <sup>st</sup> Blaxland Scout Group	\$100.00
Girl Guides Association Glenbrook	\$200.00
Mountains Outreach Community Service	\$50.00
Rotary Club of Lower Blue Mountains	\$200.00
Rotary Club of Lower Blue Mountains	\$200.00
Streetwise Art Project	\$500.00
Valley Heights Progress Association	\$200.00

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MINUTE NO. 606**8. F03180-08/66355.Blackheath Community Gardens alternative site**

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

1. That the Council declines the offer from the Department of Lands of a licence of the drainage reserve at 31 Prince George Street, to use for the alternative Community Gardens site, and continues to negotiate for trusteeship;
2. That the Council seal be affixed to any relevant documents relating to trusteeship; and
3. That, should negotiations regarding trusteeship fail, the matter of an alternative site for the Blackheath Community Gardens be reported back to the Council.

\* \* \* \* \*

MINUTE NO. 607**9. F00613. Cultural Partnerships Program**

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

1. That the Council receives and notes this report.
2. That the Council endorses the re-distribution of funds as recommended by Council staff and the Cultural Partnerships Advisory Committee as detailed in this report.

\* \* \* \* \*

MINUTE NO. 608**10. F00740. Annual Report – Fee contributions for Land Use Applications submitted by local non profit organisations**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Van der Kley that the Council notes the annual report for 2007/2008, detailing the local non-profit organisations that received financial assistance for Land Use Application fees from the Council.

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MINUTE NO. 609**11. F03616. Confidential Business Paper – Outstanding property transactions in Lawson Town Centre required to implement the Lawson Town Centre Masterplan**

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

1. That item C2 of the Confidential Business Paper be deferred for consideration until all other business of this meeting has been concluded.
  
3. That the Council close part of the Council Meeting for consideration of Item C2 in the Confidential Business Paper to discuss information related to property transactions in the Lawson Town Centre pursuant to the provision of Section 10A(2)(c) of the Local Government Act 1993, as the report contains, and discussion is likely to involve information that would, if disclosed, confer a commercial advantage on an organisation or person with whom the Council is conducting business.

\* \* \* \* \*

MINUTE NO. 610**12. A61432-E – 08/069905. Rezoning of 14 Arthur Street Warrimoo for the purpose of developing a neighbourhood park**

RESOLVED UNANIMOUSLY on the MOTION of Councillors McLaren and Myles with Councillor McInnes out of the Chamber:

1. That the Council note the requirement to amend a previous resolution regarding the rezoning of the land at 14 Arthur Street Warrimoo.
  
2. That the Council, pursuant to Section 54 of the Environmental Planning and Assessment Act, 1979, prepare a draft Local Environmental Plan which applies to No. 14 Arthur Street, Warrimoo, Lots 2, 3 and 4 in DP 11486, that rezones part of the land from Living – Bushland Conservation to Recreation – Open Space under Blue Mountains Local Environmental Plan 2005.

\* \* \* \* \*

**F00544. Question Without Notice - Rezoning of 14 Arthur Street Warrimoo for the purpose of developing a neighbourhood park**

Councillor Myles: Are all blocks being rezoned from Living – Bushland Conservation to Recreation – Open Space? If not, how much of each block?

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MINUTE NO. 611**13. F03616. Tender for consultancy services for the design and documentation for the fit out of the Katoomba Library – RFT 2008-935A**

A MOTION was MOVED by Councillors Hamilton and Van der Kley **that the Council accepts the tender submitted by CK Design International for the provision of consultancy services for the design and documentation for the fit out of the Katoomba Library for the cost of \$158,895.00 (\$144,450.00 + \$14,445.00 GST).**

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

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

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MINUTE NO. 612**14. F00914. Play ground in front of Springwood Early Childhood Centre**

RESOLVED UNANIMOUSLY on the MOTION of Councillors McLaren and Myles **that the Council notes this report and the actions taken to improve the child-safe ground covering of the playground area located at Springwood Early Child Care Centre.**

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MINUTE NO. 613**15. X/1004/2007. Development Application No. X/1004/2007 for a Skatepark on Part Lot 6 DP 661403, Summerhayes Park, 326-340 Hawkesbury Road, Winmalee**

The meeting was addressed by Jennifer Parry, Anna Williams, Cheryl Harris, Toby Settree, Valerie Willis and William Rothery.

A MOTION was MOVED by Councillors McLaren and McInnes **that the Council reconsider the 15 July 2008 assessment report in Attachment 1 for Development Application No. X/1004/2007 for a proposed skate park at Summerhayes Park, Winmalee in light of the issues arising from a meeting with residents as outlined in this report and Attachment 2 and adopt the recommendations as per Attachment 1 and approve the Development Application for the skate park.**

MINUTE NO. 613 Contd

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

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

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MINUTE NO. 614**16. F01211 – 08/64747. Local Traffic Committee**

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

1. That the Council note the Local Traffic Committee Minutes.
2. That the Council adopt recommendations 2008.09, 2008.10, 2008.12 and 2008.13.
3. That item 2008.11 be deferred until further consultation and investigation is completed.
4. That the members of the Local Traffic Committee be notified of the Council's decision.

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MINUTE NO. 615**17. F03480. Précis of Selected Correspondence, 26/08/2008**

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

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MINUTE NO. 616**18.F03819. Impact of power failures at BMCC HQ and South Street Depot**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Van der Kley **that the Council receive and note this report.**

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MINUTE NO. 617**C00336. Procedural – Matter of Urgency**

RESOLVED UNANIMOUSLY on the MOTION of Councillors McLaren and Myles **that Council now consider a matter concerning traffic studies in the Springwood Town Centre Project, having been ruled by the Mayor to be a matter of great urgency.**

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MINUTE NO. 618**C00336. Matter of Urgency – Traffic studies in the Springwood Town Centre Project**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Myles and McLaren, with Councillor Hamilton out of the Chamber, **that the consultants appointed to undertake the traffic studies as part of the Springwood Town Centre Project be instructed to examine options to improve traffic flow to Wimmalee and through Springwood including but not limited to:**

- a) **Linking Lawson Road from Hawkesbury Rd through to the Great Western Highway at Valley Heights; and**
- b)
- c) **The sealing of the unformed road between David Rd East and Scott Av, Springwood.**

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In accordance with the decision recorded at Minute Nos. 598 and 609, the Council Meeting was then closed to the public whilst the following matters were considered:

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MINUTE NO. 619**C1. F03819. Confidential Minute by Mayor – Nomination as a Freeman of the City**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Trindall that a nomination of a Blue Mountains citizen be accepted for inclusion to the Blue Mountains City Council Freeman of the City, in recognition of diligent and comprehensive civic service to the Blue Mountains community.

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MINUTE NO. 620**C2. F03616. Confidential Report – Outstanding Property transactions required to implement the Lawson Town Centre Masterplan**

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

1. That the General Manager be delegated the authority to negotiate, finalise and enter into contracts for the property transactions as outlined in this report under the terms and conditions as outlined in this report.
2. That the Common Seal of the Council be affixed, as required, to documents relating to those property transactions.
3. That in accordance with Section 31 of the Local Government Act the properties referred to in this report be classified as operational land upon their acquisition.

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

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

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MINUTE NO. 621**17. C00336. Procedural – Re-open the Meeting to the public**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and McLaren that the Council Meeting be opened to the public.

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MINUTE NO. 622

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

**RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley 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 9:28 pm on Tuesday 26 August 2008.**

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