

BLUE MOUNTAINS CITY COUNCIL

ORDINARY MEETING

11 MARCH 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, 11 March 2008, commencing at 7:33 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, A/Group Manager BM City Services, A/Group Manager Community & Corporate, Group Manager Environmental & Customer Services, Executive Officer, Chief Financial Officer, Manager Assets and Contracts, Manager Planning, Health and Enforcement, Manager City Planning, Manager Environmental Services, A/Manager Building and Construction, A/Manager Health and Enforcement, Manager Aquatic and Leisure Centres, Principal Planning Officer, Director Major Projects, A/Communications Officer, A/Team Leader Compliance, Project Support Officer – Civic Functions, Senior Ranger, Ranger

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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. 421

C00336. Confirmation of Minutes - Ordinary Meeting – 19 February 2008

RESOLVED UNANIMOUSLY on the MOTION of Councillors McInnes and Van der Kley that the Minutes of the Ordinary Meeting of 19 February 2008 be confirmed.

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C00336. Declarations of Interest – Ordinary Meeting, Date

Councillor Van der Kley made the following declaration with respect to Item 10 - Item C1 in Confidential Business Paper – Springwood Town Centre Project Assessment of Expressions of Interest:

“I am the owner of a supermarket in Hazelbrook and will leave the chamber while the matter is being determined.”

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MINUTE NO. 422

1. C00694. Schedule of Invested Monies

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

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MINUTE NO. 423

2. C02157. Summary Report on Customer Service Requests associated with enforcement activities for 2006/07

The Meeting was addressed by Steven Ridd and Ivan Jeray.

A MOTION was moved by Councillors Van der Kley and McLaren **that the report be received and noted.**

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

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

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MINUTE NO. 424**3. C06023. Delegations to determine applications made under S96, S96AA and S95A of the Environmental Planning and Assessment Act**

The Meeting was addressed by Ivan Jeray.

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Searle that the General Manager, or his nominee, within the terms of Section 377 of the Local Government Act 1993, be delegated the authority to determine:

- a) Section 96 or 96AA applications to modify a development consent, or
- b) Section 95A applications to extend the lapse date of a development consent,

where the application had previously been determined by the Council or the Court, unless two or more Councillors make a request in writing to the General Manager for an individual application to be referred to the Council for determination.

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MINUTE NO. 425**5. F00296. Policy for the Management of Serious and Substantial Complaints relevant to the Code of Conduct**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Creed:

1. That the Council adopts the Draft Serious and Substantial Complaints Policy for the purpose of public exhibition.
2. That the exhibition of the Draft Policy be for a period of 28 days and be widely advertised and promoted with submissions being received for 42 days.
3. That a report comes back to the Council following the public exhibition period and consolidation of submissions.

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MINUTE NO. 426**6. F00296. Policy for the Payment of Expenses and the Provision of Facilities to the Mayor, Deputy Mayor and Councillors**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Creed that the minor clarifications recommended by the Department of Local Government to the Policy for the Payment of Expenses and the Provision of Facilities to the Mayor, Deputy Mayor and Councillors be adopted as outlined in the Attachment.

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MINUTE NO. 427**7. F02952. Biodiversity Banking and Offsets Scheme (BioBanking)**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Creed:

1. That the submission to the Department of Environment and Climate Change (DECC) on the BioBanking Scheme be noted.
2. That the Council make representations to DECC, seeking assurance that the Blue Mountains environmental protection outcomes in general and the protection of locally significant native vegetation and local biodiversity values in particular, will not be undermined by the BioBanking scheme.
3. That the Council endorse the request to DECC that the issues raised in the submission at Annexure A be given consideration and that a response be provided by DECC to enable the Council to understand the mechanism by which any introduction of the BioBanking scheme would be managed so as not to undermine the local environmental protection policies of the Blue Mountains.

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MINUTE NO. 428**8. F03850. Tenders for the supply and installation of indoor children's playland equipment**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Searle and McLaren that the Council accepts the Tender submitted by Rhino Play for the supply and installation of the indoor children's Playland equipment at the Katoomba Sports and Aquatic Centre at the cost of \$129,987.00 (GST inclusive).

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MINUTE NO. 429**9. C00944. Community Assistance / Donations – Recommendations by Councillors**

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

<u>Organisation</u>	<u>Amount</u>
Health Harmony	\$ 80.00
Health Harmony	\$ 50.00
Health Harmony	\$ 50.00
Springwood Neighbourhood Centre	\$100.00
Glenbrook District Guides	\$200.00
Blue Mountains Netball Association	\$200.00
Lawson Combined Services Social Club	\$ 50.00

MINUTE NO. 429 Contd

Lawson Combined Services Social Club	\$ 50.00
Lawson Combined Services Social Club	\$ 50.00
Springwood Neighbourhood Centre	\$150.00

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MINUTE NO. 430**10. F03489. Item C1 in Confidential Business Paper – Springwood Town Centre Project
Assessment of Expressions of Interest**

The meeting was addressed by Michael Parker.

RESOLVED UNANIMOUSLY on the MOTION of Councillors McLaren and Searle:

1. That Item C1 in the 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 in the Business Paper for Springwood Town Centre Assessment of Expressions of Interest, pursuant to the provisions of Section 10A(2)(c), and (d) 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 a person with whom the Council is conducting, or proposes to conduct, business; and
 - commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

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MINUTE NO. 431**11. F01200. Sports Council Term Four Membership Update**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Creed **that the Council approves the inclusion of the new soccer representative in the membership of the Blue Mountains Sports Council for 2007/2008 and that the basketball position remains vacant until a nomination is made to fill the position.**

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MINUTE NO. 432**12. F03616. Project Coordinator, Provision of Management Services, Blue Mountains Cultural Centre Ancillary Projects**

A MOTION was moved by Councillors Hamilton and Creed **that the Council resolves to accept the hourly rates as submitted by Root Projects Australia Pty Ltd as part of their tender submission dated 20 July 2006 and resolve to engage Root Projects on an as needs basis to undertake project coordination for the Cultural Centre ancillary projects.**

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

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

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MINUTE NO. 433**13. F01734. RFS Winmalee – Accommodation of Fire Tanker**

RESOLVED UNANIMOUSLY on the MOTION of Councillors McLaren and McInnes **that the Council defers this report for the inclusion of further information following a discussion at an Environment and Planning Working Party.**

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MINUTE NO. 434**14. 0/2246/2007. Preparation of Draft Local Environmental Plan to permit tourist accommodation on Lots 1 and 2 DP 1009510 and Lot 1 Section 9 DP 5140, No. 36 Mount Street and Nos. 61 and 63 Kings Rd, Leura**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Creed **that the Council make representations to the Department of Planning requesting that the DLEP for Old Leura Dairy be supported in the form as submitted in December 2007 for the following reasons:**

- 1. Old Leura Dairy is domestic in scale and has established that it is generally compatible with the residential setting;**

MINUTE NO. 434 Contd

2. **Old Leura Dairy has established an international reputation as a quality eco tourist destination, thereby contributing both directly and indirectly to the promotion of the local tourist industry;**
3. **Tourism in general and ecotourism in particular are key drivers for the Blue Mountains economy and all reasonable endeavours should be used to promote that industry;**
4. **The time frame for the conduct of an appropriately wide-ranging review of the tourist accommodation uses within LEP 2005 is not compatible with the resolution of the legal status of this use on this site; and**
5. **The Council seeks an early resolution that avoids the closure of the site or major downscaling of the operation.**

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MINUTE NO. 435

16. F01723. WSROC Supply Management Group Tender Assessment Report for asphalt supply and associated services

RESOLVED UNANIMOUSLY on the MOTION of Councillors Myles and Searle:

1. **That the Council receives and notes this report for the Group Procurement Tender for 'Asphalt Supply and Associated Services'.**
2. **That the Council writes to State Asphalt Services, FRH Group Pty Ltd, Pioneer Road Services Pty Ltd, Borthwick & Pengilly Asphalts Pty Ltd and Emoleum and SAMI Road Services declining the option of extending existing contracts for the supply of asphaltic concrete and associated services and the supply, delivery and placement of sprayed bituminous surfacing.**
3. **That the Council enter into contracts with, and accepts the offers of the preferred tenderers (as detailed in the table under the Tender Conclusion section of this report) for a commencement of the services on 1 July 2008 and expiring 30 June 2010.**
4. **That the Council receives a further report if the option of a two (2) x one (1) year extension of the Contract is required at expiry of the Contract.**

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F00086. Question without notice - WSROC Supply Management Group Tender Assessment Report for asphalt supply and associated services

Councillor Myles: Could councillors be briefed at a Finance and Assets Working Party on the LGSA Procurement Services?

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NOTICE OF MOTIONMINUTE NO. 436**17. F00088. Blue Mountains LGA GM Free Zone**

A MOTION was moved by Councillors McInnes and O'Grady **that the Council receive a report regarding the Blue Mountains LGA becoming a zone free of genetically modified food production.**

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

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

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NOTICE OF MOTIONMINUTE NO. 437**18. F00088. Blue Mountains Musical Society**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Creed **that a report come to the Council on possible options for assisting the Blue Mountains Musical Society with costume storage.**

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MINUTE NO. 438**19. C00680. Précis of Selected Correspondence, 11 March 2008**

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

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MINUTE NO. 439**C00336. Procedural – Recommittal of Item 4**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Searle and McInnes **that Item 4 be reconsidered for the Council consideration.**

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MINUTE NO. 440**4. C07775. Recommittal of Item 4 - Exhibition of Draft Companion Animals Management Plan and Draft Amendment and proposed addendum to the Local Orders Policy on the Keeping of Animals**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Brown and Searle:

1. That the proposed addendum to the Local Orders Policy for Order 18 – Keeping of Animals, be exhibited for twenty-eight days and that the Council receive comments on the draft policy for a further period of forty-two (42) days after the expiration of the advertising period (in accordance with Section 160 of the Local Government Act).
2. That the Council concurrently exhibit the draft Companion Animals Management Plan for a period of twenty-eight (28) days and that the Council receive comments on the draft policy for a further period of forty-two (42) days after the expiration of the advertising period.
3. That identified interest groups and relevant professionals, such as the RSPCA, local vets, kennel and cattery owners, pet shops, animal trainers, animal clubs and other interested community groups, be advised of the draft proposals and invited to comment.
4. That both these matters be reported back to the Council either concurrently or separately for consideration of any submission/s.

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F00086. Question without notice - Exhibition of Draft Companion Animals Management Plan and Draft Amendment and proposed addendum to the Local Orders Policy on the Keeping of Animals

Councillor Brown: What enforcement guidelines are available to the Council in terms of roaming cats?

Councillor Brown: What is the Council procedure of notifying owners of companion microchipped animals killed on the roads?

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MINUTE NO. 441**C1 F03489. Confidential Item: Springwood Town Centre Project Assessment of Expressions of Interest**

A MOTION was moved by Councillors McLaren and Frappell:

1. That the Council receives the report on the results of the tender evaluation of the Springwood Town Centre Project Expressions of Interest and records that it is encouraged by the scope and potential of the Expressions of Interest received.
2. That a report be presented to the Council which provides a program plan for proceeding with the Springwood Town Centre Project. This report is to contain options and recommendations for the engagement of required consultants and community consultation. This will include consultation with interested local residents and businesses, and relevant government and non- government and community organisations, in the development of detailed requirements for the Town Centre and the community and civic facilities and services.
3. That Coles Group, Woolworths Limited and Jamieson Property Group Pty Ltd proceed to stage two, and be invited to submit detailed proposals for further evaluation at a time yet to be determined
4. That the proposals of A. Calkos Pty Ltd and Silverton Group Pty Ltd and Broad Holdings Group Pty Ltd do not proceed further to stage two on the basis of the stage one evaluation.
5. That this report and associated documents remain confidential as per the relevant provisions of section 10A of the Local Government Act 1993 and the original Call for Expressions of Interest, noting that, subject to the consent of the short listed proponents, aspects of the proposals will be made public as part of the proposed community consultation process.
6. That the Council seek advice from the Department of Local Government whether the project or any aspects of the project fall within the scope of the NSW Government Public Private Partnership Legislation and Guidelines.
7. All major Councillor briefings on Springwood Town Centre be held in Springwood.

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

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

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**F00086. Question without notice – Confidential Item: Springwood Town Centre Project
Assessment of Expressions of Interest**

Councillor Searle: What are the specific legal requirements in relation to maintaining confidentiality on the evaluation results of each Respondent?

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MINUTE NO. 442

20. C00336. Procedural – Question that Meeting Close

RESOLVED UNANIMOUSLY on the MOTION of Councillors Frappell 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 9:02 pm on Tuesday 11 March 2008.

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