

BLUE MOUNTAINS CITY COUNCIL

ORDINARY MEETING

29 January 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, 29 January 2008, commencing at 7:32 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, A/Group Manager Community & Corporate, Group Manager Environmental & Customer Services, Executive Officer, Director Major Projects, Manager Corporate Planning, Manager Assets and Contracts, Manager Planning, Health and Enforcement, Manager Building and Construction, Manager Environmental Services, Principal Planning Officer, Team Leader Recreation Development, Senior Ranger, Ranger, Project Support Officer Business Systems, Project Support Officer Governance Publications.

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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. 371

C00336. Confirmation of Minutes - Ordinary Meeting – 11 December 2007

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Creed **that the Minutes of the Ordinary Meeting of 11 December 2007 be confirmed.**

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C00336. Declarations of Interest – Ordinary Meeting, 29/01/2008

Councillor McInnes made the following declaration with respect to Item 14 - Development Application No. X/508/2007 for the expansion of the existing motor showroom and inclusion of a car servicing department, on Lot 2 DP 208478, 435-437 Great Western Highway, Faulconbridge:

“I live in close vicinity to the property in question and will leave the Chamber while the matter is being determined.”

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MINUTE NO. 372**1. C00694. Schedule of Invested Monies**

The meeting was addressed by Robert Stock.

RESOLVED UNANIMOUSLY on the MOTION of Councillors Frappell and Creed:

1. **That the Schedule of Invested Monies as at 30 November be received.**
2. **That a report be received on the status of investments within the portfolio, eg ratings and current status, along with the December Schedule of Invested Monies report.**

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MINUTE NO. 373**2. F03185. Megalong Reserve Plan of Management - Adoption**

The meeting was addressed by Ivan Jeray.

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

1. **That the Council adopts the Megalong Reserve Plan of Management and uses it to guide the management and development of Megalong Reserve.**
2. **That key stakeholder groups consulted prior to, and preceding the adoption of the Megalong Reserve Draft Plan of Management, are provided with a final copy of the adopted Megalong Reserve Plan of Management.**

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

MINUTE NO. 373 Contd

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

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MINUTE NO. 374**3. C01774. Naming of the Blue Mountains Fire Control Centre, Katoomba**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Creed and Frappell:

1. That the Council support the naming of the Rural Fire Service Fire Control Centre being part of the Katoomba Emergency Services Centre, "The Kevin Grady and Vince Ward Memorial Fire Control Centre" in honour of their services to the City of the Blue Mountains.
2. That the District Office of the Rural Fire Service be advised of the resolution of the Council and be asked to proceed with the naming.

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MINUTE NO. 375**4. F01268. Committee resignations and appointments – Braemar House and Gallery**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Creed and Frappell:

- 1 That the Council formally accepts the resignations of Keith Campbell, Elfreide Daniel, Jane Lennon, Rolf Pohl and Vonnie Russell from the Braemar House and Gallery Committee.
- 2 That the Council acknowledges Keith Campbell, Rolf Pohl, Vonnie Russell, Elfreide Daniel and Jane Lennon's service to the community with a letter of appreciation.
- 3 That the Council formally appoints Coralie Faye, Mardi Magree, Graham Watson, Patricia Jennings and Colin Jennings to the Braemar House and Gallery Committee.

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MINUTE NO. 376**5. F00902. Resignation from the Mount Wilson Village Hall Committee**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Creed and Frappell:

1. That the Council formally accept the resignation of Mr Ellis Reynolds from the Mount Wilson Village Hall Committee
2. That the Council acknowledges Mr Reynolds' service to the community with a letter of appreciation.

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MINUTE NO. 377**6. F01041. Appointment to Mid Mountains Community Centre Committee**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Creed and Frappell that the Council formally appoint Ms Sue Peel to the committee of the Mid Mountains Community Centre.

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MINUTE NO. 378**7. C00944. Community Assistance / Donations – recommendations by Councillors**

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

<u>Organisation</u>	<u>Amount</u>
Blackheath Phoenix Choir Inc.	\$200.00
Springwood Ministers Association	\$200.00
Katoomba Neighbourhood Centre	\$100.00
Katoomba Neighbourhood Centre	\$100.00
Katoomba Neighbourhood Centre	\$100.00
GROW	\$100.00
GROW	\$100.00
GROW	\$100.00
GROW	\$100.00
GROW	\$100.00
GROW	\$ 50.00
Health Harmony	\$ 50.00
Health Harmony	\$ 50.00
Health Harmony	\$ 50.00
Blue Mountains SES	\$100.00
Valley Heights RFS	\$100.00
Springwood Lions Club	\$500.00

MINUTE NO. 378 Contd

Warrimoo RFS	\$100.00
Winmalee RFS	\$100.00
Faulconbridge RFS	\$100.00

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MINUTE NO. 379

8. F00534. Proposed reforms to the NSW Planning System

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Van der Kley with Councillor out of the Chamber:

1. **That the report relating to the Department of Planning Discussion Paper titled “Improving the NSW Planning System” dated November 2007, be received and noted.**
2. **That this report and a covering letter be forwarded to the Department of Planning.**
3. **That the report also be forwarded to the State Local Members, WSROC and the LGSA.**

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MINUTE NO. 380

9. F03616. Major Projects Progress Report January 2008

RESOLVED UNANIMOUSLY on the MOTION of Councillors Creed and Frappell **that the Council receives and notes the Progress Report Major Projects for January 2008.**

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MINUTE NO. 381

10. F01905. Sealing of Jennings and Grose Roads, Faulconbridge

RESOLVED UNANIMOUSLY on the MOTION of Councillors Creed and Frappell **that Grose and Jennings Roads, Faulconbridge remain as unsealed roads.**

Item recommitted - see Minute 392

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MINUTE NO. 382**11. F03180. Renewal of the Blackheath Community Gardens licence**

The meeting was addressed by Michael Baird, Can Yasmut and Dick Harris.

A MOTION was moved by Councillors Hamilton and Frappell:

1. **That the Council, in response to advice from the Department of Lands, direct the Blackheath Area Neighbourhood Centre (BANC) to cease development of community gardens in Whitley Park.**
2. **That this matter be referred back to the Community and Facilities Working Party for a comprehensive investigation to seek a more appropriate and ecologically sustainable alternate site and BANC will be consulted during this investigation with the aim of moving to the site by 31 May 2008.**
3. **That the outcome of the investigations be reported back to the Council.**

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

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

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F00086. Questions without notice - Renewal of the Blackheath Community Gardens licence

Councillor O'Grady: How many formal meetings have there been between BANC and Council staff during the process of establishing the current status of the gardens?

Councillor O'Grady: Can the Minutes of the meetings be circulated to Cr O'Grady?

Councillor Myles: Can the number of emails and telephone conversations of both staff and councillors be included in the answer to the above?

Councillor O'Grady: Can there be an estimate provided of the cost to undertake the investigation?

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MINUTE NO. 383**12. F02200. Dog off-leash area for the Blackheath Community**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Creed:

1. That the Council establish a dog off-leash area in the grassed lower portion of Whitely Park, Blackheath for a three (3) month trial period;
2. That a report come back to the Council detailing the outcomes of the three (3) month trial period and provide recommendations for the future of the site.
3. That the Council permit an advance draw down on the contracted income to be received from Sydney Water's use of the dog off-leash area at the old aerodrome, Hat Hill Road Blackheath, to implement the dog off-leash area at Whitely Park.

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MINUTE NO. 384**13. F01815. Lawson Community Hall**

The meeting was addressed by Colin Steele, Leila Wedd and John Sheehy.

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

1. That the Council notes the offer from the RTA.
2. That the Council notes the findings from the investigation into the benefits and costs of accepting the offer from the RTA to retain Lawson Community Hall and considers that there is a greater overall community benefit in retaining the management direction contained in the adopted Plan of Management for 284 Great Western Highway, Lawson.
3. That the Council continues to implement the actions of the adopted Plan of Management for 284 Great Western Highway, Lawson but urgently begins discussions with Minister Koperberg and Minister Roozendaal and the relevant RTA Officers regarding the further funding of the refurbishment of the Lawson Hall and these outcomes be reported to the Council prior to the DA report on the demolition of the Hall coming to the Council.

Upon being PUT to the Meeting, the MOTION was CARRIED on the casting vote of the Mayor, the vote being:

MINUTE NO. 384 Contd

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

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MINUTE NO. 385**14. X/508/2007. Development Application No. X/508/2007 for the expansion of the existing motor showroom and inclusion of a car servicing department, on Lot 2 DP 208478, 435-437 Great Western Highway, Faulconbridge**

The meeting was addressed by Paul Hartley and Patrick Hurley.

A MOTION was moved by Councillors Searle and McLaren:

That the matter be deferred noting:

1. That the Council is of the view that the proposal for car servicing activities for the site at 435–437 Great Western Highway, Faulconbridge should be positively considered and consent granted due to the contribution it provides for local employment and the important service it provides to our community.
2. That the Council notes the staff report and the legal advice received on this matter and understands that there are matters that need to be addressed by the applicant before allowing the dealership and service department to operate from the one site including the LEP amendment referred to in (d) below.
3. That the Council seeks the co-operation of the applicant and the Council staff to meet and facilitate a solution with a view to securing consent for this application.
4. That the Council will seek support from the Department of Planning for an amendment to the LEP so as to insert car repair stations and part sales servicing as permissible uses in the relevant zone.
5. That, if necessary, arrangements will be made for a delegation headed by the Mayor to make representations on this matter to the Department of Planning or the Minister, should any difficulties arise during the process.
6. That any matters in relation to any proposed enforcement action against the Blue Mountains Motor Group be reported to the Council prior to action being taken.

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

MINUTE NO. 385 Contd

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

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MINUTE NO. 386

15. X05/1109. Appeal No. 10573 of 2007 in the Land and Environment Court of New South Wales for the establishment of a Seniors Living Development comprising three (3) dwellings at Lot 7 DP 15743, No. 32 Wascoe Street, GLENBROOK.

The meeting was addressed by Floyd Chambers and Arthur Doran.

A MOTION was moved by Councillors Frappell and Creed:

1. **That the Council concurs with proceeding to consent orders in Appeal No. 10573 of 2007 for the establishment of a seniors living development comprising three (3) dwellings at Lot 7 DP 15743, No. 32 Wascoe Street, Glenbrook subject to the draft conditions of consent shown in Attachment 1 to this report.**
2. **That the Council delegates the General Manager the ability to proceed with the draft conditions of consent and to deal with any other matter appropriately necessary to finalise the appeal with the Land and Environment Courts including close consideration of the need to require a dilapidation survey in conjunction with the other requirements of Condition 28.**

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

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

MINUTE NO. 386 Contd**Attachment 1 — “Without prejudice” Draft Conditions****Confirmation of relevant plans**

1. To confirm and clarify the terms of consent, the development shall be carried out in accordance with the plans prepared by Formig Pty Ltd, numbered 284 sheets 00B, 01B, 02B, 03B, 04B, 05A, 06B, 07B, 08B, 09B, 10B, 11B, 12B, 13B, 14B, amended 9 October 2007 and accompanying supportive documentation, except as otherwise provided or modified by the conditions of this consent.

The plans shall be amended to show the following:

- The internal layout of dwellings 1 and 2 shall be amended, as required, to provide accessible sanitary facilities in accordance with Condition 5 of this consent. These amendments shall be undertaken without alteration to the overall footprint of the building.
- A roller door provided to the northern (rear) elevation of dwelling 3 and the extension of the approved grass cells up to the roller door.
- Sill heights to the second storey dormer windows along the western elevation of dwellings 1 and 2 shall be constructed at a minimum of 1.6m above the second storey finished floor level.

Period of development consent

2. Substantial physical commencement of the development is required within a three period from the date of determination. Should this not occur, the development consent will lapse.

Section 94 Development Contributions

3. The payment to the Council of the following contributions pursuant to Section 94 of the *Environmental Planning and Assessment Act, 1979*, on the basis of two additional dwellings. The payment is to be made prior to issue of any Occupation Certificate.

Element	Area	\$
Open Space	5	435.68
Bush Fire Services	5	507.05
Administration	5	66.57
Total contribution due		1009.30

The above amounts will remain fixed for a period of three months from the date of this consent after which

time they will be indexed in accordance with the Council's Development Contributions Plan.

The Development Contributions Plan is available for inspection at the Council's Katoomba Office, Civic Place, Katoomba or the Council's Springwood Office, Macquarie Road, Springwood, Monday to Friday, 8.30 am to 5.00 pm.

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

Access and mobility statement 5. To ensure appropriate access and facilities for Older People or People with a Disability, a statement is required from a suitably qualified Access and Mobility Specialist, certifying that the development appropriately complies with all the relevant provisions of the following:

- State Environmental Planning Policy – Housing for Seniors or People with a Disability 2004, Schedule 3.
- Australian Standard 1428, and
- Australian Standard 4299-1995 Adaptable Housing Class C.

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

Building Sustainability Index. 6. The plans submitted for the Construction Certificate shall reflect all the finished external and internal materials, including insulation levels etc, used to attain the BASIX Certificate number 64821653 and issued under ABSA assessor number 20517, dated 21 November 2007.

The material submitted for the Construction Certificate shall include a statement from the accredited ABSA assessor, that all material used for the rating has been incorporated into the Construction Certificate plans.

The water tanks required in the certificate shall be located within the private open space associated with each dwelling and shall be a maximum of 2.4m above ground level.

Compliance with State Environmental Planning Policy 7. An instrument is to be created, pursuant to Section 88E of the *Conveyancing Act 1919*, and submitted in a form acceptable to the Council for approval, prior to

Housing for Seniors or People with a Disability 2004.

release of any Occupation Certificate for the site. The instrument shall indicate that the only permitted occupants of any dwelling within the development are as follows:

- a. Seniors (aged 55 years or over) or people who have a disability,
- b. People who live within the same household with seniors or people who have a disability,
- c. Staff employed to assist in the administration of and provision of services to housing provided under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

The Council is to be the only body with authority to vary either of the above provisions.

Safety of vehicular access and egress

8. To ensure suitable safe vehicular access to and from the site no vehicles are to exit the site by Pool Lane. In this regard, an instrument is to be created, pursuant to Section 88E of the *Conveyancing Act 1919*, and submitted in a form acceptable to the Council for approval, prior to release of any Occupation Certificate for the site. The instrument shall indicate the following:

- a. Resident vehicles associated with dwelling 3 are to enter the site via the Pool Lane frontage only and to exit the site via the Wascoe Street frontage only.
- b. All other resident vehicles and all visitors to the site are to enter and exit the site via Wascoe Street.

Development Application required for strata subdivision

9. This consent does not include approval of a strata subdivision of the development under the *Strata Schemes (Freehold Development) Act 1973* and a separate application will be required for such approval.

Certificates from authorities

Early contact with these authorities is recommended

10. To ensure satisfactory effluent disposal and utility services are provided to all dwellings, you are required to submit to the Principal Certifying Authority, prior to release of a Construction Certificate, compliance certificates from the following:
 - a. Sydney Water
A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained indicating all proposed units are serviced by reticulated water and gravity sewer systems.

b. Integral Energy

An approved electricity provider indicating that satisfactory arrangements have been made for the provision of underground electricity supply to each dwelling.

c. Telecommunications

An approved telecommunications service provider indicating that satisfactory arrangements have been made for the provision of underground telephone services to each dwelling.

Building Code of Australia

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

Builders details

12. Prior to any works commencing on the site, written advice as to the builder's details (name, address and licence number) is required for the Council records.

Signage

13. 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

14. To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during demolition or construction:

- a. Site and building works (including the delivery or removal 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. Excess topsoil or other spoil is to be removed to an approved location for the disposal of such material.
- c. Building operations such as brick cutting, 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.

Demolition management

- 15. 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.

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

- a. The structure to be demolished and all its components shall be maintained in a stable and safe condition at all stages of the demolition work. Temporary bracing, guys, shoring or any combination of these, shall be added for stability where necessary.
- b. Precautions are taken to ensure that the stability of all parts of the structure and the safety of persons on and outside the site are maintained particularly in the event of sudden and severe weather changes. Severe weather changes refer primarily to the localised high winds. In these circumstances loose debris can become airborne, particularly if it is in sheet form.
- c. The site shall be secured at all times against the unauthorised entry of persons or vehicles.
- d. Utility services within the structure not required to be maintained during the demolition work shall be properly disconnected and sealed off before any stripping or demolition commences.

Demolition of Buildings generally

- 16. 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 & Safety Regulations, 2001, and Australian Standard 2601 – 1991.

Demolition of Buildings containing asbestos cement

- 17. The applicant is to notify the Council and adjoining residents, in writing, at least ten (10) working days prior to demolition commencing on any elements containing asbestos, of their intention to commence such work. 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 a contact person for the duration of the work. The notification is to 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** 18. All asbestos material, including asbestos cement, is to be disposed of at an approved Waste Management Facility licensed to receive asbestos.
- Display of signage** 19. The developer will display appropriate asbestos/demolition signage prior to and during such demolition works.
- Workers amenities** 20. Before work starts, toilet facilities must be provided for construction personnel on the site on the basis of 1 toilet for every 20 workers. Amenities are to be installed and operated in an environmentally responsible and sanitary manner. Toilets cannot remain on site for any longer than 12 months, without the further approval of the Council.
- Plans on site** 21. A copy of the stamped and approved plans, development consent and the construction certificate are to be held on site at all times during demolition or construction work.
- External finishes** 22. To ensure that the development is compatible with the surrounding environment, finished colours and materials shall be as indicated on the approved plans. Variation from the colours and finishes shall only be amended on the written approval of Blue Mountains City Council.
- Landscaping** 23. Landscaping is required to ensure that the development contributes to the character of the Blue Mountains and its environmental sustainability.

All landscaping shown on the approved landscape plan shall be implemented prior to release of any Occupation Certificate. The landscaping plan shall include the following:

- All fencing along side boundaries shall be reconstructed to consist of a 1.8m high lapped and capped paling fence. Side boundary fences are to generally graduate down to a maximum of 1.1m forward of the front building line except adjacent to the private open space associated with dwelling 1.

- Only soft fencing, such as vegetation, shall be used in the internal site areas forward of either front setback. This shall include the fence at the edge of the private open space associated with dwelling 1. No wood or metal fencing is to be used in these areas.
- All disturbed areas are to be revegetated or re-grassed. Kikuyu grass is not to be used for this purpose.
- All fencing shall be provided at the cost of the developer.

Protection of vegetation 24. To ensure the viability of significant trees on the site identified for retention, a Tree Protection Plan shall be submitted to the Principal Certifying Authority for approval, prior to release of a Construction Certificate. The Plan shall identify all trees to be retained and shall detail the method of protection of all such trees during the full demolition and construction periods. The Plan shall have reference to the trees identified in the Statement of Evidence prepared by Treescan Urban Forest Management and shall, as a minimum, include the tree protection measure for construction identified in the Statement.

Lighting 25. To protect the amenity of the local area, all external lighting is to be positioned, directed and shielded so that it does not interfere with traffic safety or cause nuisance to adjoining and nearby properties.

Relocation of services 26. The applicant shall carry out the relocation or alteration of any public utilities or existing services made necessary as a result of this development at the applicant's expense. Satisfactory arrangements shall be made with the relevant authority concerned and a certificate of clearance shall be obtained from each relevant authority and submitted to the Principal Certifying Authority prior to release of any Construction Certificate.

Works in Council roads required to comply with the requirements of the SEPP Housing for Seniors or People with a Disability 27. The following works shall be constructed by the applicant at the applicant's expense in order to comply with the requirements of the SEPP policy.

- a. A suitable access pathway is to be provided from the site to the nearest public transport service (bus stop) located within Levy Street or other authorised bus stop within 400 metre of the site.
- b. The suitable access pathway is to appropriately comply with the relevant requirements for access outlined by Clause 26 (location and access to

facilities) in the SEPP policy.

- c. Footpaths proposed for use by people with a disability shall be appropriately designed in accordance with the requirements of Blue Mountains Development Control Plan 38 and Australian Standards 1428-2001.
- f. The works shall include the provision of any pedestrian refuge, pram ramps or the like required to provide suitable access. The location of any such pedestrian refuges shall be subject to approval by the Blue Mountains City Council and the Local Traffic Committee prior to them being constructed.

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 Blue Mountains City Council prior to the issue of the Construction Certificate.

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

Adjoining buildings

28. In consideration of the proximity of dwelling 3 to an adjoining property to the west, the following requirements shall be met:
 - A suitably experienced engineer shall be on site during the excavation process associated with dwelling 3 and shall directly supervise the excavation work to ensure adequate shoring is undertaken, as necessary.
 - Where the excavation extends below the level of the base of the footings of the adjoining buildings, all works shall be carried out to preserve and protect them. At least 7 days notice must be given to the owner of the adjoining property indicating an intention to excavate.
 - No demolition or construction activity is to cause damage to or adversely affect the structural integrity of the adjoining building. Consideration should be given to the use of shoring and underpinning and to changes in the soil conditions as a result of excavation and development and appropriate action taken.

Internal Engineering Design

29. Engineering plans prepared by a suitably qualified professional and endorsed by a Civil Engineer certifying that 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.

External Engineering Design

30. Prior to issue of the Construction Certificate, plans and specifications for the engineering works within the public road are to be prepared by a Civil Engineer certifying that all requirements have been met and approved by the Council under the Roads Act 1993.

The Engineering Plan assessment fee is to be submitted with the engineering plans. The value of the fee is to be in accordance with Council's Schedule of Fees and Charges in place at the time of lodgement of the plans.

Traffic Management Plan

31. A Traffic Management Plan Report prepared by a suitably qualified person is to be submitted with the Construction Certificate application for consideration and approval of the Principal Certifying Authority prior to commencement of works.

The Management Plan is to address but not be limited to the following:

- Loss of on street parking during demolition and construction;
- Safety of public;
- Materials storage and handling;
- Deliveries and construction traffic; and
- Parking.

Safety devices such as signs, barricades, barriers, warning lights etc. shall be placed where works affect Council 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 1998. Details are to be included in the Traffic Management Plan Report.

The contractor shall submit to the names of the traffic controllers with a signed declaration that they are appropriately trained in the duties of traffic controllers and Roads and Traffic Authority accredited.

Bond

32. A performance maintenance bond to the value of five (5) percent of the engineering construction or a minimum of \$10,000, whichever is the greater, to guarantee the safety of the public, environmental protection performance and maintenance during and after construction in Council's road shall be paid to the

Council.

This bond shall be retained for twelve (12) months after construction is completed to the satisfaction of the Council's Supervising Engineer. The bond period commences 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.

- Restore disturbed area** 33. All disturbed earthworks and/or batters within the road reserve are to be restored, stabilised, topsoiled and turfed/revegetated to the satisfaction of Blue Mountains City Council prior to release of any Occupation Certificate.
- Certification by Council** 34. Prior to the issue of the Occupation Certificate, a certificate shall be obtained from the Council to verify that all external works have been completed in accordance with the approved plan and to the Council's satisfaction.
- Driveway crossings** 35. For the new driveways required across the Wascoe Street and Pool Lane road reserve, new heavy duty concrete layback and apron crossings are to be constructed. The surface is to be a featured surface. This construction is to include any necessary alteration to existing infrastructures, drainage, signage, line markings etc. to make the construction effective including transition of the footpath and internal driveway, the adjustment of public utilities and regrading the driveway across the footpath to facilitate quick entry/exit movements and prevent scraping of vehicles.
- Public Utilities** 36. Any relocation or alteration of public utilities or any existing services made necessary by this development is to be carried out at no cost to the Council. Arrangements are to be made with the authority concerned and a certificate of clearance obtained from each relevant authority and a copy submitted to the Council prior to commencement of relevant work.
- 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.
- Compliance with standards** 38. 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.

- Site stormwater system** 39. 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 for a 1 in 5 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** 40. 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 300mm x 300mm wide by 300mm deep silt trap is to be drained by weep holes and a 90mm diameter agricultural line surrounded by 200mm 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. A 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 the Principal Certifying Authority for approval prior to the issue of the Construction Certificate.

Internal pavement

41. 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 driveways and access shall be designed in accordance with Australian Standards 2890.1/1993.

Sedimentation and Erosion Control (general)

42. Sedimentation and erosion controls are to be established and maintained for the duration of the construction in accordance with the principles outlined in the 'Managing Urban Stormwater Soils and Construction' manual by the Department of Housing, dated March 2004.

Dilapidation Report

43. Prior to commencement of site works, a dilapidation report is to be submitted to the Council detailing the condition of the Council's assets within any road reserve affected by this consent.

The dilapidation report is to include photographic and/or video evidence of the current status of Council's assets.

Construction in Council's roads

44. 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 the Council's roads, plans and specifications prepared by a suitably qualified person are to be submitted to and approved by the Council under the Roads Act 1993.

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

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

meeting. The Council's inspection fee is to be paid prior to the meeting.

- c. The person or company carrying out the works will be required to carry public liability insurance to the value of \$10 million. The policy shall indemnify the Council from all claims arising from the execution of the works. Proof of the policy is to be provided to the Council's Development Engineer at the pre-construction meeting.
- d. The person or company carrying out the works shall submit to the Council references demonstrating experience in the type of work proposed to be undertaken. The person or company shall obtain approval from the Council to carry out the works prior to works commencing.
- e. The applicant will be required to pay for inspections in accordance with the Council's fees and charges. The specific stages of inspection required will be advised at the pre-construction meeting.

A minimum of 24 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. 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 1998. Details prepared by a qualified person shall be submitted to the Council for its approval with the Traffic Management Plan Report.

The contractor shall submit to the Council the names of proposed traffic controllers with a signed declaration that they are appropriately trained in the duties of traffic controllers and Roads and Traffic Authority accredited.

- g. 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.

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

Sedimentation and Erosion controls (prior to commencement of works)

45. Certification is to be submitted to the Principal Certifying Authority confirming that sedimentation and erosion controls are installed in accordance with the approved plans.

These measures are to be maintained at all times during construction in accordance with the plan.

Supervision of Internal Engineering works.

46. A qualified Civil / Structural Engineer shall supervise all internal Engineering works.

Supervision of External Engineering Works

47. Inspections of the External Engineering Works are to be carried out by the Council's Supervising Engineer at the hold points specified in Council's Specifications for Engineering Works for Subdivisions and Development, Part 1 – design and Part 2 – Construction (DCP 31)

Certification of External Engineering Works

48. A certificate shall be obtained from the Council to verify that all external Engineering works have been completed in accordance with the approved plans and specifications.

Certification of Internal Engineering works

49. Certification shall be obtained by a Civil / Structural Engineer and submitted to the Principal Certifying Authority confirming all internal Engineering works have been constructed in accordance with the approved plans and specifications.

Works as Executed plans

50. Prior to the issue of an Occupation Certificate, a Works as Executed Plan of all internal and external engineering works, together with an engineer's certification confirming that all works have been constructed in accordance with the approved plans, shall be submitted to the Council for approval.

Repair of damage

51. 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 release of the Occupation Certificate.

Sedimentation and erosion control (completion of construction)

52. 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.

On site detention positive covenant

- 53. 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 working 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.**

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F00086. Question without notice – No. 32 Wascoe Street, GLENBROOK

Councillor Frappell: Can Councillors be briefed on this type of process from the Land and Environment Court?

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MINUTE NO. 387**16. X/580/2005. Development Application No. X/580/2005 for the development of a retail plant nursery in conjunction with the Fruit Barn Development L 9 DP 656879, 731-733 Great Western Highway, FAULCONBRIDGE.**

The meeting was addressed by Robert McGuinness.

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

1. **That the determination of the application be deferred until after the results of the Land and Environmental Court case management conference, set down for 4 February 2008, are available, to ensure that the issues are appropriately identified, options for solution have been canvassed by the parties and to provide the Council with the opportunity to consider approval having the benefit of the outcomes of the case management conference.**
2. **That the Council generally supports the application and delegate the General Manager with the ability to proceed with the conditions of consent and to deal with any other matter appropriately necessary to finalise the appeal.**

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

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

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MINUTE NO. 388**17. X/648/2007. Development Application No. X/648/2007 for additions and alterations to the dwelling including water tanks on Lot 68 DP 13765, No. 31 Terrymont Road, WARRIMOO**

The meeting was addressed by Ivan Jeray.

A MOTION was moved by Councillors Myles and McLaren **that the Development Application No. X/648/2007 for additions and alterations to the dwelling including water tanks on Lot 68 DP 13765, No. 31 Terrymont Road, Warrimoo be determined pursuant to S.80 of the Environmental Planning and Assessment Act 1979 by the granting of consent subject to conditions shown in Attachment 1 to this report.**

MINUTE NO. 388 Contd

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

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

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MINUTE NO. 389**18. F01791. Proposed Blue Mountains Economic Development Forum**

The meeting was addressed by Jerry Allan.

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Creed with Councillors Frappell and McInnes out of the Chamber:

1. **That the Council notes the proposed Blue Mountains Economic Development Forum.**
2. **That a committee of interested Councillors be established to assist in providing advice and assistance in the lead up to the forum and to assist in the implementation of recommendations arising out of the forum.**

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MINUTE NO. 390**19. C00680. Précis of Selected Correspondence, 29/01/2008**

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

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NOTICE OF MOTIONMINUTE NO. 391**S1. F00088. Springwood Town Centre Project**

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

That the Council receive a brief report at the next Council meeting on:

- 1. The proposed community consultation process in relation to the Springwood Town Centre Project;**
- 2. The type of information that will be able to be released to the public from the Expression of Interest process by the Tender Evaluation Team;**
- 3. The option of reviewing the process to date and planning a revised process occur should no proposals be found to be acceptable; and**
- 4. Where a Springwood Town Centre item appears on the Ordinary Council Meeting schedule that those meetings be held in Springwood.**

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MINUTE NO. 392**C00336. Procedural. Recommittal of Item 10**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Myles and Van der Kley **that Item 10 be recommitted for the Council consideration.**

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MINUTE NO. 393**10. F01905. Recommittal of Item 10 - Sealing of Jennings and Grose Roads, Faulconbridge**

A MOTION was moved by Councillors Myles and Van der Kley **that this item be referred to the Finance and Assets Working Party.**

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

MINUTE NO. 393 Contd

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

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MINUTE NO. 394

C00336. Procedural – Matter of Urgency

RESOLVED UNANIMOUSLY on the MOTION of Councillors Trindall and McLaren **that the Council consider the status of the proposed Winmalee RFS due to a change in circumstance for the current service amenity, having been ruled by the Mayor to be a matter of great urgency.**

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MINUTE NO. 395

C00336. Matter of Urgency – RFS Winmalee

RESOLVED UNANIMOUSLY on the MOTION of Councillors Trindall and McLaren **that a report comes to the Council identifying where talks are up to with the RFS to house the Winmalee 2 fire trucks and to provide a Yellow Rock fire service base.**

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MINUTE NO. 396

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 10:42 pm on Tuesday 29 January 2008.

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