

BLUE MOUNTAINS CITY COUNCIL

ORDINARY MEETING

20 JUNE 2006

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BLUE MOUNTAINS CITY COUNCIL

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, 20 June 2006, commencing at 7:35 pm.

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There were present:

The Mayor (Councillor Jim Angel) in the Chair, and Councillors 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, Communication Officer, Manager Corporate Planning, Manager Assets, Manager Corporate Finance, Manager Planning Health & Enforcement, Acting Manager City Planning and Technical Assistant.

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Prayer / Reflection:

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

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MINUTE NO. 597

C00679. Apologies and Leave of Absence

RESOLVED UNANIMOUSLY on the MOTION of Councillors O'Grady and Hamilton that the apology tendered on behalf of Councillor Brown for her non attendance at the meeting be accepted and leave of absence granted.

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MINUTE NO. 598

C00336. Confirmation of Minutes - Ordinary Meeting, 30/05/06

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and McInnes **that the Minutes of the Ordinary Meeting of 30 May 2006 be confirmed.**

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DISCLOSURES OF INTERESTS, 20/06/06

MINUTE NO. 599

C00336. Procedural - Disclosures of Interests, 20/06/06

Councillor Lyn Trindall declared a pecuniary interest in Item 6 stating that “I am the Co-ordinator of Winmalee Neighbourhood Centre and have put in a submission for funding from the Program”.

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MINUTE NO. 600

S1. R11/0212. Naming of Leura Mall Bridge

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

1. **That the Council receives and notes this report.**
2. **That the Council endorses the naming of the by-pass section of the Great Western Highway, Leura, the Aunty Joan Cooper Bridge.**

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MINUTE NO. 601

1. C01185. Outstanding Council Resolutions

RESOLVED UNANIMOUSLY on the MOTION of Councillors McInnes and O’Grady **that the Council note the attached report on the outstanding resolutions made by the Council between March 2005 and March 2006 and that the Council receive equivalent reports on an annual basis commencing June 2007.**

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MINUTE NO. 602

2. C07447. Introduction of Triple Bottom Line Assessment into the Council Business Paper Reporting and Decision Making

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

1. That the Council notes and endorses the introduction of Triple Bottom Line Sustainability Assessment into the Council Business Paper reporting and decision making - commencing 20 June 2006.
2. That the process and results from doing this be formally reviewed with staff and Councillors in Quarter 4 of 2006-2007 and reported to the Council.

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MINUTE NO. 603

3. C01564. C00864. Bad Debt Write-Off

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Creed **that, in accordance with Regulation 213 of the Local Government (General) Regulation 2005, the Council write-off outstanding amounts deemed to be unrecoverable as detailed in this report.**

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MINUTE NO. 604

4. C07759. Finalisation of Management Plan, Estimates and Capital Works Program and Rates for 2006/2007

The Meeting was addressed by Robert Stock, Will Silk, Mark Jarvis and John McLellan.

RESOLVED UNANIMOUSLY on the MOTION of Councillors Myles and Hamilton:

That (by separate resolution - A then B):

A. ADOPTION OF MANAGEMENT PLAN AND ESTIMATES

1. That after considering community submissions, the Council adopts the Draft 2006/2007 Management Plan and Estimates, incorporating the Capital Works Program and Fees and Charges, subject to the amendments proposed in this report.
2. That the expenditure in the Estimates and Capital Works Program for the year 2006/2007, incorporating the amendments proposed in this report, be approved and the necessary money to meet that expenditure be voted.

MINUTE NO. 604 Cont.

3. That in accordance with Section 566(3) of the Local Government Act 1993, the rate of interest payable on overdue rates and charges for the 2006/2007 financial year be set at 9% per annum as determined by the Minister for Local Government.
4. That approval be given to:
 - (a) the raising of all loan funds, as proposed in the “Statement of Revenue Policy” of the Draft Management Plan and as also detailed in Part B - Section 6 of this report, from the most appropriate lender on terms and conditions considered to be the most advantageous to the Council as determined by the General Manager; and
 - (b) the affixing of the Council’s Common Seal to all relevant loan documents.

B. MAKING OF RATES AND CHARGES

That whereas the Council has:

- (a) Prepared a Draft Management Plan for the year 2006/2007 in accordance with Sections 402, 403 and 404 of the Local Government Act, 1993 and has given public notice of the Draft Management Plan in accordance with Section 405 of that Act; and
- (b) Declared all rateable land in the area subject to the ordinary rate to be within one or other of the categories specified in Section 514 of the Local Government Act, 1993 and within sub-categories permitted within those categories and adopted by the Council on 29 April 1997 and amended on 25 June 2003 by the inclusion of Sun Valley in sub-category “K”;
- (c) Adopted the Management Plan and Estimates in accordance with Section 406 of the Local Government Act, 1993 after taking into consideration public submissions thereon;

IT IS HEREBY RESOLVED

1. That an ordinary rate of the amounts specified in Schedule A (attached hereto) be made and levied now for the year 2006/2007 on the land value of all rateable land in the categories and sub-categories described respectively in Schedule A and that the minimum amounts of the ordinary rate as specified in Schedule A attached hereto be levied in respect of each separate parcel.
2. That the Council is of the opinion that a Springwood Town Centre Improvements Special Rate of 0.000012 cents in the dollar be made and levied on all rateable land detailed above for the purposes of repaying money, to the sum of \$700,000 borrowed to contribute to the cost of the Springwood Town Centre improvements commenced in 1994/1995.

This special rate applies to:

MINUTE NO. 604 Cont.

- (a) all rateable land categorised as “business” within rating sub-category known as “Business Springwood”; and
 - (b) all rateable land categorised as “residential” contained within category “Ordinary Residential” and rating sub-category “K” (incorporating the townships of Faulconbridge, Winmalee, Springwood, Yellow Rock, Valley Heights, Sun Valley and Hawkesbury Heights).
3. That annual charges for the year 2006/2007 under Section 496 of the Local Government Act, 1993 for the provision of Domestic Waste Management Services for each parcel of rateable land in the area be as follows:
- | | |
|-----------|---|
| \$ 90.00 | per annum, Vacant land with road access |
| \$189.00 | per annum, Occupied Residential (140 L bin) |
| \$ 224.00 | per annum, Occupied Residential (240 L bin) |
- The above fees are charged on the basis of each property serviced multiplied by the number of services provided.
4. That as the Council is of the opinion that all rateable land in the Blue Mountains area benefits from expenditure incurred in the provision of Emergency Services, all properties having access to such services on an ongoing basis and in recognised emergency situations, that the annual charge for the year 2006/2007 under section 501 of the Local Government Act, 1993 for the provision of Emergency Services is \$37.30 for each parcel of rateable land in the area.
5. That the Sports Ground Training Fees, Sports Ground Seasons 1 Competition and Casual Hire Fees and School Use of Council Sports Grounds items be removed from the Management Plan pending further discussion with the Blue Mountains Sports Council, Sporting Clubs, Councillors and Blue Mountains City Council staff and schools.
6. That a 10-visit pass be introduced at Blackheath, Lawson and Glenbrook Swim Centres for a cost of \$35.30 (\$32.09 plus \$3.21GST), \$37.50 (\$34.09 plus \$3.41GST) and \$37.50 (\$34.09 plus \$3.41GST) respectively and these fees be included as an item in the final 2006-07 fees and charges schedule in the Revenue Policy Document.
7. That the Council actively pursue options which will facilitate the provision of a park for the residents of Linden and that a report evaluating these options come to the Council at the earliest opportunity and that this be conducted in consultation with the Linden community.
8. That the Council work with Katoomba Mainstreet and others in Katoomba to investigate the funding of the CCTV’s as a high priority in 2006/7 and that this investigation include seeking funding from the Attorney General Department and be included on the agenda of the Blue Mountains Safety Committee as a matter of high priority.

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MINUTE NO. 605

5. C07570. Report on Implementation of Cities for Climate Protection Program in the City of Blue Mountains – Achievement of Milestone 1

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

1. That the Council notes the progress achieved to date in implementing the Cities for Climate Protection program in the City of Blue Mountains, including completion of Milestone 1 Inventory of Current Emissions as outlined in the Report “Blue Mountains City Council Cities for Climate Protection Program Milestone 1 Summary Report” May 2006 (separate Enclosure).
2. That the Council endorses the goal of reducing the Council’s greenhouse gas emissions from 2004 levels by 10% by 2012 and community greenhouse gas emissions from 2001 levels by 10% by 2012.
3. That the Council endorses the preparation of an Energy Performance Improvement Strategy that will:
 - meet the requirements for awarding of Milestone 3 of the Cities for Climate Protection Program; and
 - meet the Department of Energy, Utilities and Sustainability’s (DEUS) legislated requirements for preparation of an Energy Savings Action Plan by 2006.
4. That the Council hold a public forum on this issue as soon as possible in Springwood (subject to suitable venue).

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MINUTE NO. 606

6. C05097. Community Assistance Donations Program 2006

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

1. That the Council, as authorised by Section 356 (1) of the Local Government Act 1993, grant financial assistance to the community organisations as recommended in the attached amended schedule (Revised Attachment 1).
2. That the Council review the Community Assistance Donations Program guidelines prior to the 2006/2007 funding round.
3. That the review of the Community Assistance Donations Program and its guidelines become a priority for the Policy Review Working Committee.

Councillor Trindall was absent from the Council Chamber for this item.

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MINUTE NO. 607

7. 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>
Springwood District Athletics Club Inc	\$40
Blue Mountains Musical Society Inc	\$40
1 st Springwood Scout Group	\$140
Friends of Wentworth Falls Library	\$400
Bullaburra Volunteer Bush Fire Brigade	\$300
Winmalee High School	\$100
Winter Magic Festival Inc	\$500
Blackheath Area Neighbourhood Centre	\$200
Blue Mountains Family Support Service	\$150
Mountains Community Resource Network	\$150
Springwood and District Athletics Club	\$210
Springwood Foundation Day	\$100
Springwood Cricket Club	\$100
Glenbrook/Blaxland Cricket Club	\$100
Blue Mountains Vietnam Veterans Assoc.	\$190
Lower Mountains Junior Rugby League	\$100
Springwood Scout Group	\$145
Warrimoo Rural Fire Service	\$100
Valley Heights Rural Fire Service	\$100
Winmalee Rural Fire Service	\$100

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MINUTE NO. 608

8. A43265. Local Environmental Plan Acquisitions – Lot 36, Section A, Deposited Plan 5869 at 45 Clydebank Road, Leura.

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Creed:

1. That the Council approve of the acquisition of Lot36, Section A in DP5869 at 45 Clydebank Road, Leura, by compulsory process under the Land Acquisition (Just Terms Compensation) Act, 1991.
2. That the Council request the Minister for Local Government to apply to the Governor for approval to gazette an acquisition notice.
3. That if approved by the Governor, the Council publish an acquisition notice in the Government Gazette and in the local press.

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MINUTE NO. 609

9. H01013. Proposed Commemorative Naming of Denis Kevans Reserve Wentworth Falls

The Meeting was addressed by Al Ward and Wyn Jones.

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

1. That the Council resolve that the City of Blue Mountains honour Denis Kevans through the proposed commemorative naming of a bushland reserve at South Wentworth Falls bound by Fitzgerald and Armstrong Streets, subject to public exhibition and comment.
2. That the Council resolve to give public notice regarding the proposed naming of Denis Kevans Bushland Gardens Reserve and, that the proposal be placed on public exhibition and comment for a period of not less than 28 calendar days including being advertised in a metropolitan daily and a local newspaper advising the community of the proposed commemorative name.
3. That at the conclusion of the exhibition period that the Council receive a further report outlining public submissions in order to make a final determination on the nomination of the naming of this parcel of Community Land to the Geographical Names Board of NSW as “Denis Kevans Bushland Gardens Reserve”.
4. That the memorial includes a representation of a lorikeet.

Councillors Creed and McLaren were absent from the Council Chamber for this item.

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MINUTE NO. 610

10. C02121. C07426. Local Approvals Policy and Local Orders Policy

RESOLVED UNANIMOUSLY on the MOTION of Councillors Frappell and Creed:

1. That pursuant to the provisions contained within the Local Government Act, 1993, the Council resolve to adopt the Local Approvals Policy and the Local Orders Policy.
2. That the adoption of the Policies be advertised in the local paper and distributed to the community when requested.
3. That the Policies be reviewed within 12 months after the next election of the Council.

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MINUTE NO. 611

11. C06808. Draft Developer Contributions Plan: Endorsement of the Flat-Rate Levy Approach

RESOLVED UNANIMOUSLY on the MOTION of Councillors Frappell and Van der Kley that this matter be deferred to an Environmental and Planning Working Party and briefing session.

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MINUTE NO. 612

12. A48537. C02864. Sale of Council Land – Lots 86-87 and Lots 92-97 in Deposited Plan 31895 Redfern and Walker Streets, Wentworth Falls – Environmental Report

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

1. That the Council owned Lots 86, 87 and 97 in DP 31895 be offered for sale to the owner of Lot 88 in DP 31895, and these four lots be consolidated as one single lot.
2. That a Section 88B covenant to be applied to all consolidated lots and this covenant includes, but is not limited to:
 - a) Provision to ensure one dwelling only and no potential for future subdivision.
 - b) The location and extent of one building envelope be identified (determined following further detailed assessment by the Council).
 - c) Protection of all identified sensitive land, vegetation and other environmental features, including the watercourse and its riparian zone, located outside of the building envelope.
 - d) That no environmental weeds are to be planted or maintained.
 - e) Vegetation management be undertaken in strict accordance with a Vegetation Management Plan to be prepared by a suitably qualified person, in consultation with, and with the approval of, the Council. The Plan should cover native vegetation retention, development and maintenance of a bushfire Asset Protection Zone, protection of riparian vegetation and weed management.
3. That it be noted the Council may require, as part of any development application, a supplementary Vegetation Management Plan for P.acerosa. This is to be established at the time of lodging a Development Application. A similar condition has been previously applied to a recent development application for Redfern Street and the outcome of this Plan will influence whether a further Plan is required.

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MINUTE NO. 613

13. X05/1182. Development Application No. X05/1182 for Alterations and Additions to an Existing Child Care Centre Including Increased Child Care Places and Business Hours at Lot 62 DP 14954, No. 8 Tabor Street, Glenbrook

The Meeting was addressed by Robert McGuinness, Belinda Wagenfeller, Vicki Skovloginis, Michael Dowsett, Dimity Statheos and Malcolm Sheehan.

An AMENDMENT was moved by Councillors Frappell and Creed:

- A. That the Council grant deferred commencement consent to part of the development being the minor extension to the rear of the building and refuse the grant of consent to the increase in childcare places from 20 to 24, the extension of operating time from forty (40) to forty eight (48) weeks per year, and modification to the parking, as set out in formal determination in Item B below.
- B1. That Development Application No. X05/1182 for alterations and additions to an existing child care centre including increased child care places and business hours at Lot 62 DP 14954, No. 8 Tabor Street, Glenbrook be determined by the granting of a deferred commencement consent pursuant to Section 80(3) of the Environmental Planning and Assessment Act 1979 (“the Act”), except for that aspect of the development described in Recommendation B2 below, subject to:
- (a) satisfying the deferred commencement condition in Recommendation B3 within six (6) months from the date of this determination, and
 - (b) the terms of the Operational Development Consent conditions shown in Attachment 1 to this Report except that Condition 3 be amended to read:

“3 To confirm and clarify the terms of consent, this consent is limited to the proposed building alterations and additions shown on plans prepared by Glenbrook Drafting as amended March 2005.”
- B2. That in order to limit any intensification of the present use of the site as a child care centre and to preserve the residential amenity and landscape character of the locality in accordance with the objectives of the Living Conservation zone, the consent referred to in Recommendation 1 be a partial consent pursuant to Section 80(4)(b) of the Act by excluding the following aspects of the development:
- (a) an incremental increase in the present number of child care places from twenty (20) to twenty-four (24),
 - (b) the extension of operating time from forty (40) to forty eight (48) weeks per year, and
 - (b) any works within the Tabor Street building line setback or Tabor Street road reserve, including the provision of a third car parking space in the front building line and removal of a mature tree (cedrus deodara).
- B3. That the Applicant provide written confirmation in relation to the proposed age range of the children under care (which may be between the ages of 2 years and 6 years) having regard to:
- (a) the requirements of the Children’s Services Regulation 2004;

MINUTE NO. 613 Cont.

- (b) the determination of the development application No. X05/1183 for an adjoining proposal at No. 10 Tabor Street, Glenbrook; and
- (c) the operational and staffing needs of the centre.

B4. That the General Manager be given delegated authority to issue the Operational Development Consent upon resolution of the deferred commencement conditions referred to in Recommendation B3 above.

Attachment 1

Proposed Conditions of development consent

Part 1—Deferred Commencement Conditions of Consent

Age range of children under care

1. The applicant is to provide written confirmation in relation to the proposed age range of the children under care (which may be between the ages of 2 years and 6 years) having regard to:
 - (a) the requirements of the Children’s Services Regulation 2004;
 - (b) the determination of the development application No. X05/1183 for an adjoining proposal at No. 10 Tabor Street, Glenbrook;
 - (c) the operational and staffing needs of the centre.

Time to comply with deferred commencement conditions

2. The applicant is to provide written confirmation within six (6) months from the date of this determination

Part 2—Proposed Operational Conditions of Consent

Confirmation of relevant plans

3. To confirm and clarify the terms of consent, this consent is limited to the proposed increase in business hours to 48 weeks per year between the hours of 8.00 am and 4.00 pm and the proposed building alterations and additions shown on plans prepared by Glenbrook Drafting as amended March 2005.

Period of development consent

4. Physical commencement of construction is required within a two year period from the date of this consent. Should this not occur, the development consent will lapse.

MINUTE NO. 613 Cont.

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| <hr/> Construction certificate (building) <hr/> | 5. 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. |
| <hr/> Building Code of Australia <hr/> | 6. All building work must be carried out in accordance with the provisions of the Building Code of Australia. |
| <hr/> Access and mobility statement <hr/> | 7. To ensure access and facilities are provided for people with a disability, the development shall comply with the provisions of the Disability Discrimination Act 1992, the Australian Standard 1428 and the Council Access and Mobility Policy. |
| <hr/> Materials & colours <hr/> | 8. To have regard of the amenity of the area, the materials and of the building work shall be compatible in colour and character with that of the existing building.

Any ancillary structures are to be finished in colours and materials of low reflective quality to blend with the surroundings. |
| <hr/> Demolition management <hr/> | 9. The demolition work is 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 2601-1991. |

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.

MINUTE NO. 613 Cont.

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- 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.

Signage

- 10. 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

- 11. To safeguard the local amenity, reduce noise nuisance and to prevent choc
 - a. 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.

Landscaping

- 12. All building techniques and protective measures recommended in the landscape Consultant’s Report dated 20 March 2006 shall be adopted to ensure there is no reduction in the safe useful life expectancy of the Fraxinus Raywoodii adjacent to the proposed deck (see Tree 13 on Page 4 of the Report) in accordance with clause 53 (3) and (4) of Local Environmental Plan 2005.

Construction Certificate plans and documentation shall include this detail prior to its release.

MINUTE NO. 613 Cont.

Residential amenity

13. In order to minimise any impact from the alterations and additions to, and upon, the adjoining dwelling house to the south, the southern end of the verandah shall be screened by extending the outer wall of the new amenities for the full width of the verandah, with a return to the top of the ramp. The extension shall be the height of the roof and be of the same material as the outer wall, with the wall to be suitably lined to ensure that noise transmission is kept to a minimum.

Upon being PUT to the Meeting, the AMENDMENT was CARRIED, the voting being:

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

The AMENDMENT then became the MOTION, upon being PUT to the Meeting, the MOTION was CARRIED, the voting being:

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

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MINUTE NO. 614

14. X05/1183. Development Application No. X05/1183 For Alterations And Additions To An Existing Dwelling And Its Change Of Use To A Child Care Centre At Lot 61 DP 14954, No. 10 Tabor Street, Glenbrook

The Meeting was addressed by Robert McGuinness, Vicki Skovlorinis, Dimity Statheos, Christopher Cant and Malcolm Sheehan.

A MOTION was moved by Councillors Frappell and Creed:

That Development Application No. X05/1183 for alterations and additions to an existing dwelling and its change of use to a child care centre on Lot 61 DP 14954, No. 10 Tabor Street, Glenbrook be determined pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 by refusal of consent for the following reasons:

- 1. The proposal in its present form is contrary to the aims and objectives for development in a Living-Conservation zone under LEP 2005 as it would result in non-residential development having an unacceptable impact on the established character of the locality.**
- 2. The proposal does not comply with the Building Envelope provisions for the Living Conservation zone of LEP 2005 (Schedule 2, Part 2, Clause 3(1)) in failing to provide the minimum soft landscaped area, which will have a detrimental impact on the site's landscape setting.**
- 3. The proposal is contrary to Clause 99 of LEP 2005 in that a minimum nine (9) on site car spaces cannot be provided on the site, and three (3) car parking spaces are located in front of the building line in a residential setting.**
- 4. Insufficient on site car parking and design deficiencies are likely to result in the use of the road reserve of Tabor Street for the picking up and setting down of children, which will give rise to traffic and safety impacts.**
- 5. The proposal does not establish that noise emission from the proposed development when taken into account with the existing adjoining child care centre will satisfy the provisions of Better Living Development Control Plan. Proposed measures to mitigate noise impact (including fencing) is considered to be out of character with development in the area and is likely to have a detrimental aesthetic impact on adjoining land.**
- 6. The proposed development is considered to not be in the public interest as the activity and associated traffic movement will adversely impact on the streetscape character and residential amenity of existing development in Tabor Street.**
- 7. The proposal is considered an overdevelopment of the site as it fails to comply with the requirements and provisions of the Council LEP 2005 and Better Living Development Control Plan.**

MINUTE NO. 614 Cont.

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

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

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MINUTE NO. 615

15. C07620. Working Parties

An AMENDMENT was moved by Councillors McInnes and O'Grady:

That a review of the Working Parties be conducted, as a 2nd phase and as soon as practical, and that this review include consideration of the recommendations 1., 2., and 3 as printed in the business paper.

Upon being PUT to the Meeting, the AMENDMENT was LOST, the voting being:

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

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Frappell:

- 1. That the Council develops a set of protocols to be used in the conduct of Working Parties and their relationship to the public.**
- 2. That these protocols should also include the development of "standing orders" for the conduct of meetings, as well as the relationship and interaction with invited members of the public.**

MINUTE NO. 615 Cont.

3. That the protocols should be developed and adopted by the Council after a workshop session, chaired by the Mayor, with all interested Councillors and appropriate staff.
4. That a review of the Working Parties be conducted as soon as possible and any meetings arising be chaired by the Mayor, with all interested Councillors and appropriate staff.

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MINUTE NO. 616

16. H00333. Prohibit of Smoking

RESOLVED UNANIMOUSLY on the MOTION of Councillors McInnes and Van der Kley

That the Council receive a report with the intention to prohibit smoking at all aquatic/leisure centres, both indoor and outdoor. The Community Facilities Working Party to receive a briefing and if possible hold the meeting in Springwood (subject to suitable venue).

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MINUTE NO. 617

17. C00680. Precis of Selected Correspondence, 20/6/2006

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

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MINUTE NO. 618

C00336. Procedural – Matter of Urgency

RESOLVED UNANIMOUSLY on the MOTION of Councillors Frappell and Creed **that as a Matter of Urgency an amendment be made to Item 13 of the Business Paper.**

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MINUTE NO. 619

C00336. Matter of Urgency - X05/1182. Development Application No. X05/1182 for Alterations and Additions to an Existing Child Care Centre Including Increased Child Care Places and Business Hours at Lot 62 DP 14954, No. 8 Tabor Street, Glenbrook

RESOLVED UNANIMOUSLY on the MOTION of Councillors Frappell and Creed that as an addition to Minute No. 613, an extra point be added stating:

That the Council write to the Federal Representatives Mr Kerry Bartlett and Ms Jackie Kelly expressing concern regarding the situation in relation to child care funding and subsidies. Currently child care costs are placing undue financial pressure on families and these inequities need to be addressed.

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MINUTE NO. 620

C00336. Procedural - Question that Meeting Close

As there was no further business before the meeting, the Mayor then PUT the QUESTION “that the Council Meeting now close”.

Upon being PUT to the meeting, the QUESTION was AGREED TO UNANIMOUSLY, the time being 10:33 pm on Tuesday, 20 June 2006.

The Ordinary Meeting of the Council then closed until 7:30 pm on Tuesday, 11 July 2006 in the Council Chamber, Council Headquarters, 2 Civic Place, Katoomba.

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