

BLUE MOUNTAINS CITY COUNCIL

ORDINARY MEETING

12 DECEMBER 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, 12 December 2006, commencing at 7:35 pm.

\* \* \* \* \*

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.

\* \* \* \* \*

In attendance:

General Manager, Group Manager BM City Services, Group Manager Community & Corporate, Acting Group Manager Environmental & Customer Services, Executive Officer, Manager Building and Construction, Executive Principal Planning, Principal Strategic Planner, Program Leader Community Outcomes, Council Meeting Officer and Trainee Council Meeting Officer.

\* \* \* \* \*

Prayer / Reflection:

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

\* \* \* \* \*

MINUTE NO. 816

**C00679. Apologies**

**RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Trindall that the apology tendered on behalf of Councillor Brown for her non attendance at the meeting be accepted.**

\* \* \* \* \*

MINUTE NO. 817

**C00336. Confirmation of Minutes - Ordinary Meeting, 21/11/06**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Frappell that the Minutes of the Ordinary Meeting of 21 November 2006 be confirmed, with Minute No. 803 being amended to read as follows:

**“That Development Application No. X06/0430 for the demolition of existing structures and construction of a new retail development to provide six (6) retail outlets, including an Aldi store at Lot 1 DP 224396 and Lots 11-13 DP 837270 being No. 201 Katoomba Street and Nos. 39 and 43 Waratah Street, Katoomba be determined pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 by the granting of consent subject to conditions shown in Attachment 1 to this Report.**

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

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

\* \* \* \* \*

DISCLOSURES OF INTERESTS, 12/12/06

MINUTE NO. 818

**C00336. Procedural - Disclosures of Interests, 12/12/06**

Councillor Trindall made the following declaration with regard to Item 19 – Cultural Partnerships Program 2007:

“I will leave the room during consideration of this matter.”

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End of last Minute on Page

MINUTE NO. 819

**1. C01055. Delegation of Authority During the Christmas and New Year Recess**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Myles and Hamilton:

1. That the Council appoint a Committee comprising of the Mayor and General Manager (or in his absence the person acting as General Manager) to deal with and determine urgent matters arising during the recess of the Council between 13 December 2006 and 29 January 2007, in such cases applying the Council codes and policies, or where no such policies exist, discretion is exercised.
2. That the Committee only determine matters specifically relating to a Ward of the Council after consulting with the relevant Ward Councillors.

\* \* \* \* \*

MINUTE NO. 820

**2. C00694. Schedule of Invested Monies**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Myles and Hamilton **that the Schedule of Invested Monies as at 31 October 2006 be received.**

\* \* \* \* \*

MINUTE NO. 821

**3. R00/0151. Great Western Highway Environmental Management**

The meeting was addressed by John Carr, Ivan Jeray and Erst Carmichael.

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

1. That the Council receives and notes this report.
2. That the Council endorses a Great Western Highway erosion control model involving:
  - Liaison between the RTA, DEC, NPWS and the Council at project design stage to address erosion and sediment issues; and
  - The Council request the RTA to include erosion control upon their agendas for future project, community consultation and the RTA be requested to specifically invite community members with an interest/expertise in erosion issues.
  - That the Council convene meetings of the RTA, DEC, NPWS, BMCC and the community to address environmental issues if no satisfactory resolution has been reached through the RTA liaison meetings.

\* \* \* \* \*

MINUTE NO. 822

**4. C01108. Community Services Grants Program – Report on Achievements for Department of Community Services Contributions to the Council Positions**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Myles and Hamilton:

1. That the Council affix the Common Seal to the Department of Community Services reporting documents for 2005/2006.
2. That the Council acknowledge the contribution of the NSW Department of Community Services towards these important Community Development positions.

Councillor Searle was absent from the Chamber for this matter.

\* \* \* \* \*

MINUTE NO. 823

**5. C02736. Financial Assistance for Land Use Application Fees Submitted by Local Non-Profit Organisations**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Myles and Hamilton **that the Council note the financial assistance for land use application fees to local non profit community organisations as detailed in this report.**

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MINUTE NO. 824

**6. H00369 & C00322. Appointment of Two New Members to the Mount Wilson Village Hall 377 Committee**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Myles and Hamilton **that the Council formally appoint the two persons mentioned in this report, Judy Tribe and Maureen Ryan, to the Mount Wilson Village Hall 377 Committee.**

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End of last Minute on Page

MINUTE NO. 825

**7. C01242 Pt 2. Alcohol Free Zones in Springwood and Blaxland**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Myles and Creed:

1. That the Council receives and notes this report.
2. That the proposed Alcohol Free Zone in Springwood Town Centre be established with the addition of part of Raymond Road and Greenway Lane and the Town Centre car parks north and south of Macquarie Rd, as shown in Attachment 2, for a period of three years.
3. That Manners Park and Buckland Park in Springwood be established as prohibited areas for the consumption of alcohol under Section 632 of the Local Government Act unless a Liquor Licence is in place.
4. That the proposed Alcohol Free Zone in Blaxland Town Centre be established, as shown in Attachment 3 for a period of three years.

\* \* \* \* \*

MINUTE NO. 826

**8. H01269. Sports Council Annual General Meeting 2006**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Myles and Hamilton:

1. That the Council approves the proposed membership of the Blue Mountains Sports Council for 2006/7.
2. That, as per the Sports Council Terms of Reference, the Council nominates at least one Councillor from each Ward to the Sports Council for 2006/7.
3. That, from the Councillor nominations, the Council elects the Sports Council Chair for 2006/7.
4. That the Council thanks outgoing members Bob Bartlett and Mick Hayes for their service to the Sports Council.

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End of last Minute on Page

MINUTE NO. 827

**H01269. Sports Council Membership for 2006/7**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Myles and Hamilton

1. That Councillors Myles, Frappell, McInnes and Hamilton be the Council representatives on the Sports Council for 2006/7.

MINUTE NO. 827 Contd.

2. That Councillor Myles be elected as the Sports Council Chair for 2006/7.

\* \* \* \* \*

MINUTE NO. 828

**9. H01376 & H00034. Amended Fees and Charges Categories for the Proposed On-Line Bookings System for Falconbridge Hall**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Myles and Creed:

1. That the number of categories for the fees and charges for Falconbridge Hall be reduced from four to two so that a user friendly 'on-line' booking system can be provided for the public on a trial basis.
2. That the "set-up" rate, which is 50% of the hourly rate and is charged when hirers require additional time to decorate, arrange table and chairs etc prior to their function, no longer applies.
3. That the proposed changes to the categories for the Fees and Charges for Falconbridge Hall go on exhibition for 28 days to allow for public comment.
4. If the trial basis is successful that Council adopts the 'on-line' booking system for single hire venues at the exhibited categories for the Fees and Charges.

Councillor Myles asked a Question Without Notice:

"Have we paid for and transferred the ownership of the Falconbridge Hall on the GWH from RTA to BMCC?"

\* \* \* \* \*

MINUTE NO. 829

**10. C00944. Community Assistance / Donations – Recommendations  
by Councillors**

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

MINUTE NO. 829 Contd.

<u>Organisation</u>	<u>Amount</u>
Mid Mountains Combined Church	\$100
Springwood Uniting Church	\$50
Mt Riverview Neighbourhood Watch	\$100
St Finbars School	\$100
Kinship at Christmas	\$150
Mt Riverview Rural Fire Service	\$150
Blaxland Rural Fire Service	\$150
Lapstone/Glenbrook Rural Fire Service	\$150

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MINUTE NO. 830

**11. C07732. Tender for Civil Work Component of the Tennis Courts Construction, Summerhayes Park, Winmalee**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and McLaren that the Council receives and notes this report.

\* \* \* \* \*

MINUTE NO. 831

**12. X05/1106. Development Application No. X05/1106 for Alterations and Additions to the Royal Hotel, Lot 1 DP 719932, No. 220 Macquarie Road, Springwood**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Myles and Hamilton that Development Application No. X05/1106 for alterations and additions to the Royal Hotel, Lot 1 DP 719932, No. 220 Macquarie Road, Springwood be determined pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 by the granting of consent subject to the conditions shown in Attachment 1 to this Report.

**Attachment 1  
Proposed conditions of development consent**

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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 S C Design Solutions being drawings numbered DA-A01 to DA-A07 (Amendment D) all dated 10 November 2006 and accompanying supportive documentation, except as otherwise provided or modified by the conditions of this consent.

Prior to the issue of a Construction Certificate, the rear car park driveway and aisle widths shall be modified as shown in RED on Dwg No. DA-A01-D referred to above.

MINUTE NO. 831 Contd.

<b>Period of development consent</b>	<b>2</b>	<b>Physical commencement of construction is required within a three (3) year period from the date on which the consent becomes operational pursuant to s.95 (Lapsing of Consent) of the <i>Environmental Planning and Assessment Act 1979</i>. This period may only be extended by a period of one (1) year in accordance with s.95A of the Act.</b>
<b>Construction certificate (building)</b>	<b>3</b>	<b>A construction certificate is required prior to the commencement of any site or building works. This certificate can be issued either by Council as the consent authority or by an accredited certifier.</b>
<b>Building Code of Australia</b>	<b>4</b>	<b>All building work must be carried out in accordance with the provisions of the Building Code of Australia.</b>
<b>Supervision of works by a heritage architect</b>	<b>5</b>	<b>The project's heritage architect or other suitably qualified person is to supervise and document the restoration of those items comprising the heritage fabric of the Royal Hotel as identified in the approved plans and nominated in the document prepared by Jouko Keppo entitled 'Heritage Impact Statement (Design Revisions)' and dated November 2006 to achieve the following outcomes:</b> <ul style="list-style-type: none"><li><b>a. restoration of the porte cochere, including:</b><ul style="list-style-type: none"><li><b>(i) removal of masonry balustrades and replacement with customised metal balustrades matching available historical evidence;</b></li><li><b>(ii) removal of concrete stair case and infill panel and replacement with a metal framed stair case which is compatible with other metal work and finishes of the porte cochere;</b></li><li><b>(iii) removal of advertising signage other than as shown on approved plans;</b></li><li><b>(iv) painting and rendering of the porte cochere to match façade finishes;</b></li><li><b>(v) any works necessary to make the construction safe and effective.</b></li></ul></li><li><b>b. retention of the rear chimney and reinstatement of a hearth on the ground floor, which may be used as part of the present development or may be used at some later time.</b></li></ul>

MINUTE NO. 831 Contd.

- c. **assessment and documentation of earlier ceiling layers during the construction process, and retention of any ceiling layers of historical value as part of the final interior finish of the proposal. other metal work.**

**A copy of a report documenting the above restoration process is to be submitted to the Council prior to the issue of an occupation certificate.**

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**Roof plant and exhaust systems**

- 6 **Details of all roof plant and exhaust systems are to be included on the plans. All roof plant and exhaust systems shall be suitably screened and located so as to be of minimal visual impact when viewed from Springwood Avenue opposite the site.**

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**Access and mobility statement**

- 7 **To ensure access and facilities for people with a disability are provided, a statement shall be submitted prior to the issue of a Construction Certificate that certifies that the development complies with the provisions of the *Disability Discrimination Act 1992*; Clauses 107 of *Local Environmental Plan 2005*, Australian Standard AS1428 and Council's *Better Living Development Control Plan*. The statement is to include reference to the provision, maintenance and ongoing availability of a lift providing access for patrons between the Hotel's car park and ground floor.**

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**Before work commences**

- 8 **Before any site or building work is started, the applicant or builder must:**
  - a. **Notify Council of the name, address, phone number and licence number of the builder; and**
  - b. **Erect a sign at the front of the property with the builder's name, licence number and site address, and the statement '*unauthorised access to the construction is not permitted*'; and**
  - c. **Protect any public place from obstruction or inconvenience by the carrying out of the consent; and**
  - d. **Prevent any substance from falling onto a public place; and**
  - e. **Comply with any other relevant conditions prescribed by the Environmental Planning and Assessment Regulation 2000.**

MINUTE NO. 831 Contd.

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**Site management**

- 9 To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period:**
- a. Site and building works (including the delivery of materials to and from the property) shall be carried out Monday to Friday between 7am-6pm and on Saturdays between 8am-3pm. Alteration to these hours may be possible for safety reasons but only on the approval of 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 site. Any pollutants from these building operations shall be contained on site at all times.**
  - d. Builders waste, including demolished material must not be burnt or buried on site. All waste (including vegetation) must be contained and removed to an approved Waste Disposal Depot.**

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**Services**

- 10 The development shall be connected to the Sydney Water reticulated sewerage and water supply systems.**
- a. Arrangements must be made with Integral Energy, Sydney Water and an approved telecommunications service provider for the extension of services to and within the site.**
  - b. Any relocation, alteration or new public utility infrastructure made necessary as a result of this development is to be carried out at no cost to Council or the community, with satisfactory arrangements being made with the authority concerned, and a certificate of clearance obtained from each relevant authority.**
  - c. A Section 73 Certificate is to be obtained from Sydney Water prior to issue of a Construction Certificate. Alternatively, a letter is to be obtained from Sydney Water stating that there are no objections to the issue of a Construction Certificate in which case a Section 73 Certificate is to be obtained prior to use or occupation of the facilities if required by Sydney Water Corporation.**

MINUTE NO. 831 Contd.

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Advertising signs

- 11 To protect the visual amenity of the neighbourhood, any signage not approved as part of this application, or exempt under Council's Development Control Plan No.33 – Exempt and Complying Development), must be the subject of a separate application and approved prior to its erection.

In this regard, no signage shall be permitted on the roof of the building.

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Notification of hours of trading

- 12 The hours of the operation for the hotel are to comply with the licensed trading hours for the hotel.

As described in the Statement of Environmental Effects dated September 2005, the hotel does not presently operate to the full extent of licensed trading hours, with trading usually taking place between:

- a) 10.00 am to 11.00 pm Monday to Thursday
- b) 10.00 am to 2.00 am the following day Fridays and Saturdays
- c) 10.00 am to 10.00 pm Sundays.

While operation of the hotel shall be within the licensed trading hours, the Council is to be notified in writing should usual trading hours be extended beyond the hours stipulated in a), b) or c) above and what measures (if any) that will be employed to ensure that the amenity of the area is maintained.

*Note: the terms of this condition do not serve to alter or restrict the licensed trading hours for the hotel.*

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Location of amplified live music on premises

- 13 To protect local amenity, amplified live music may only be conducted within the enclosing walls of the ground floor (Macquarie Road level) of the premises. Live music not requiring amplification may be conducted elsewhere on the premises.

This restriction may only be varied by the Council in writing (subject to considering a proposal for management of noise impacts) or unless otherwise provided by a Place of Public Entertainment license issued after the date of this development consent.

MINUTE NO. 831 Contd.

- 
- Excavations**
- 14 All excavations are to be guarded and protected to prevent them from being dangerous to the public and surrounding properties.
- In this regard the prior to works commencing, the Principal Certifying Authority shall be provided with a report from an expert in the field of engineering that addresses, with recommendations, the works necessary to ensure that:
- All excavations remain stable and will not collapse,
  - Adjoining and nearby development remains safe and is not impacted upon through the carrying out of excavation work.
- 
- Fencing of building site**
- 15 To ensure the protection of the public, the proposed building areas including compound areas for the storage of materials, shall be adequately fenced and clearly defined by signage to ensure safety to the public. All work must satisfy the requirements of the NSW WorkCover Authority.
- 
- Demolition management**
- 16 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 remaining structure 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.

MINUTE NO. 831 Contd.

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| <hr/> <b>Landscaping</b>                       | <b>17</b> The existing landscaped areas to Springwood Avenue (i.e. adjacent to the road, western boundary) and at the rear of the building between the two (2) levels of car parking shall be upgraded to include appropriate supplementary plantings of trees, (Casurina Glavea – She Oak – at 3 metre centres) and shrubs in order to further enhance the streetscape from Springwood Avenue.   |
| <hr/> <b>Protection of retained vegetation</b> | <b>18</b> The existing mature trees shown on the plan numbered DA-A01 (Site plan/Site Analysis), shall be retained and protected during the construction process in accordance with clause 53 (3) and (4) of Local Environmental Plan 2005.   |
| <hr/> <b>Bushfire protection</b>               | <b>19</b> The development is to be carried out in accordance with the Bush Fire Safety Authority issued by the NSW Rural Fire Service and dated 13 September 2006, which includes the following conditions: <ul style="list-style-type: none"><li><b>a.</b> A Bush Fire Evacuation Plan is to be submitted to the NSW Rural Fire Service – Development Control Services for approval. The evacuation plan is to detail the following:<ul style="list-style-type: none"><li><b>i.</b> under what circumstances will the complex be evacuated.</li><li><b>ii</b> where will all persons be evacuated to.</li><li><b>iii.</b> roles and responsibilities of persons co-ordinating the evacuation.</li><li><b>iv.</b> roles and responsibilities of persons remaining with the complex after evacuation.</li><li><b>v.</b> a procedure to contact the NSW Rural Fire Service District Office/NSW Fire Brigade and inform them of the evacuation and where they will be evacuated to.</li></ul></li><li><b>b.</b> The existing building is required to be upgraded to improve ember protection by enclosing all openings (excluding roof tile spaces) or covering openings with a non-corrosive metal screen. This includes any sub floor areas where applicable and eaves.</li><li><b>c.</b> New construction shall comply with AS3959-1999 Level 3 ‘Construction of Buildings in bushfire prone areas’</li></ul> |

MINUTE NO. 831 Contd.

- 
- Fire safety**
- 20 a. All existing essential fire safety services are to be extended to the new portions of the building. In particular, the applicant's attention is drawn to, by not limited to, the installed fire and smoke alarm system complying with Australian Standard AS1670.
- b. Fire Safety Management Plan is to be developed for the construction phase and must be submitted and approved by Council prior to the commencement of work. This Plan is to identify possible fire safety issues that may arise during the construction phase and develop strategies to adequately address probable scenarios. Examples would include, but are not limited to the following:
- i. The construction of the new exit on the first floor plan and how to deal with extended travel distances for occupants when the current stair is removed. One solution may be to exclude this area for guests during the construction phase.
- ii. The use of dust caps to smoke detectors which will temporarily render the AS 1670 system inoperable. A solution may be to remove all dust caps prior to leaving the site and have a check list to ensure this is done daily.
- iii. The temporary blocking of normal egress routes and exits on the ground floor. This will impact on patrons using the hotel.
- iv. The issue of hot work permits if welding operations are taking place on the site.
- c. Upon completion of the building works, the owner of the premises is to apply for an amendment to the Entertainment Area Approval to include the new areas. This application is to include floor plans defining the new areas.
- 
- Food health and safety**
- 21 a. The fit out of the food business shall comply with the requirement of Australian Standard AS 4674.2004 and Food Safety Standard 3.2.3. Full details are to be submitted to the Principal Certifying Authority with the Construction Certificate documentation.
- b. To comply with AS 4674 a designated garbage/recycling/waste oil storage area is to be provided with a water supply through a hose tap and paved with an impervious material and graded and drained to an approved waste disposal system.

MINUTE NO. 831 Contd.

- c. That 48 hours notice is provided to Council prior to the premises being occupied, to enable a final inspection and assessment of compliance of the business with the Food Safety Standards.
- d. To prevent the contamination of food, food preparation and servery areas, including the bar/s are to be effectively physically separated so as to prevent the entry of dust and other contaminants.

Notes:

- To comply with Clause 4 of Food Safety Standard 3.2.2, the NSW Food Authority should be notified of details of the food business. This may be completed over the internet on [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au).
- To comply with clause 3 of Food Safety Standard 3.2.2, a food business must ensure that persons undertaking of supervising food handling operations have appropriate skill and knowledge of food hygiene and safety matters. Information relating to food businesses may be obtained on Council website.

**ENGINEERING CONDITIONS**

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Internal

- 22 a. All vehicles are required to enter and leave the site in a forward direction.
- b. The driveways and parking areas are to be constructed to comply with changes shown in red on the approved plan. In this regard, the main entry driveway from the K&G in Springwood Avenue to the end of the driveway (including the lower car park entry) is to be modified/reconstructed to provide the following:
- i. A separate entry and exit from the K&G in Springwood Avenue to the start of the lower car park. In this regard a combination of a mountable median/painted median and line marking is to be used as shown amended on the plans.
  - ii. The separate entry/exit is to be designed to accommodate cars and small delivery vehicles.
  - iii. Larger vehicles can mount the median.
  - iv. The remainder of the driveway from the driveway is to be widened to enable two way traffic.
  - v. The driveway and parking areas are to be modified so that all vehicles will enter and leave in a forward direction. This is to include the recommendation of the Christopher Hallam & Associates P/L Traffic Report dated February 2006.

MINUTE NO. 831 Contd.

- vi. All deliveries by vehicles larger than a small rigid truck are to be confined outside peak trading times (being generally between the hours of 12.00 noon to 9.30 pm on weekdays and 12.00 noon to 3.00 pm on Saturday and Sunday).

- 
- Site stormwater system**
- 23 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 by a chartered civil engineer with NPER registration for a 1 in 20 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.
- 
- Internal pavement**
- 24 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.
- In this regard, where the existing car park is to be used/refurbished, the existing car park infrastructure, including failed pavement/s is to be renovated as follows:
- a. Failed pavement areas are to be reconstructed and resealed a minimum of 150mm DGB 20 or equivalent with a 30mm AC/10.
  - b. Existing car parking areas are to be line marked.
- Car parking areas are to be provided with lighting during trading hours.
- 
- Gross pollutant trap**
- 25 Provision of a gross pollutant trap similar to the 'Humeceptor' device shall be installed to treat the contaminated runoff generated from the total site. In this regard, the gross pollutant trap is to be located upstream of the OSD and all stormwater runoff generated from the site is to be collected and piped to the gross pollutant trap prior to discharging into Council's drainage system via the OSD.

MINUTE NO. 831 Contd.

Engineering Conditions—External

- 
- |  |           |  |
|--|-----------|--|
| <b>Works in Council's roads</b>          | <b>26</b> | <p>The following engineering works shall be constructed by the applicant at the applicant's expense:</p> <ul style="list-style-type: none"><li>a. For the driveway required across the Springwood Avenue footpath, new heavy duty concrete layback and apron crossings are to be 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.</li><li>b. A 'Standard Gutter Crossing Application' must be lodged with Council prior to the construction of the driveway crossings. The applicant shall make arrangement with Council's Development Engineer for inspection prior to placement of concrete.</li><li>c. Further, the driveway crossing is to generally conform to the amended drawing in red as referred to in Condition No.1 &amp; 19(b).above.</li></ul> |
| <b>Sedimentation and erosion control</b> | <b>27</b> | <p>The applicant shall engage a qualified person to prepare a sediment and erosion control plan in accordance with the principles outlined in the 'Managing Urban Stormwater Soils and Construction' Manual by the Department of Housing, dated March 2004.</p> <p>The applicant shall ensure sedimentation and erosion control measures are installed prior to commencement of construction and that these measures are also maintained at all times during construction in accordance with the plan. Prior to release of the Occupation Certificate, all disturbed areas are to be stabilised and all redundant sediment and erosion control structures are to be removed.</p>   |
| <b>Existing layback</b>                  | <b>28</b> | <p>The existing layback and concrete apron in Macquarie Road is to be replaced with kerb and gutter and footpath treatment similar to that existing in Macquarie Road.</p>   |

MINUTE NO. 831 Contd.

**Construction in Council's roads**

- 29 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 Council's roads, plans and specifications prepared by a suitably qualified person and endorsed by a chartered civil engineer with NPER registration are to be submitted to and approved by Council under the Roads Act 1993.**  
**Approval of the engineering designs by Council is subject to the payment of the prescribed Engineering Development Fees at the time of lodgement. All works in Council's road are to be at no cost to Council.**
  - b. An on site meeting is to be arranged with Council's Supervising Engineer prior to the commencement of any work in Council's road for the purpose of a pre-construction meeting. 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 workers compensation and public liability insurance to the value of \$10 million. The policy shall indemnify Council from all claims arising from the execution of the works. Proof of the policy is to be provided to Council's Development Engineer at the pre-construction meeting.**
  - d. The person or company carrying out the works shall submit to Council reference demonstrating experience in the type of work proposed to be undertaken. The person or company shall obtain approval from Council to carry out the works prior to works commencing.**
  - e. The applicant will be required to pay for inspections in accordance with Council's fees and charges. The specific stages of inspection required will be advised at the pre-construction meeting.**

MINUTE NO. 831 Contd.

**A minimum of 48 hours notice shall be given to Council when arranging for an inspection. Work is not to proceed further until the works, or activity covered by the inspection has been approved.**

**Following the final inspection, any work considered by Council as unsatisfactory shall be rectified to Council's satisfaction at no cost to Council. Council inspection and approval shall be obtained prior to the issue of the Occupation Certificate. The applicant's engineer must certify that the work have been constructed in accordance with the approved plans, specifications and relevant Australian Standards.**

- f. Prior to the issue of the Roads Act Approval, a Traffic Management Plan report prepared by a chartered civil engineer with NPER registration or other suitably qualified person is to be submitted to and approved by Council.**

**The Traffic Management Plan is to address but not be limited to the following: loss of on street parking, construction vehicle travel routes, safety of the public, materials storage and handling, deliveries and construction traffic and parking.**

**A minimum of seven (7) days notice shall be given to residents if access by residents will be affected. A copy of the letter to residents and a list of addresses notified shall be submitted to and approved by Council.**

- g. Safety devices such as signs, barricades, barriers, warning lights, etc. shall be placed where works affect 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 (Sep 2003). Details prepared by a qualified person shall be submitted to Council for its approval with the Traffic Management Plan Report.**

**The contractor shall submit to 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.**

MINUTE NO. 831 Contd.

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

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<b>Bond</b>	<b>30</b>	<p><b>A performance maintenance bond to the value of five (5) percent of the engineering construction or a minimum of \$2,000, whichever is the greater, to guarantee the safety of the public, environmental protection performance and maintenance during construction in Council's road shall be paid to Council.</b></p> <p><b>This bond shall be retained for twelve (12) months after construction is completed to the satisfaction of Council's Supervising Engineer.</b></p> <p><b>The bond is to be paid prior to the issue of the Construction Certificate.</b></p>
<b>Relocation of services</b>	<b>31</b>	<p><b>The applicant shall carry out the relocation or alteration of public utilities or any 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 the Construction Certificate.</b></p>
<b>Repair of damage</b>	<b>32</b>	<p><b>The applicant shall repair or reconstruct all damages caused by construction activity relating to the development as required by Council's Supervising Engineer prior to release of the Occupation Certificate.</b></p>
<b>Restore disturbed area</b>	<b>33</b>	<p><b>All disturbed earthworks and/or batters are to be restored, stabilised, topsoiled and turfed/revegetated to Council's satisfaction prior to release of the Occupation Certificate.</b></p>
<b>Certification by Council</b>	<b>34</b>	<p><b>Prior to the issue of the Occupation Certificate, a certificate shall be obtained from Council to verify that all external works have been completed in accordance with the approved plan and to Council's satisfaction.</b></p>

MINUTE NO. 831 Contd.

Engineering Conditions—General

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- Compliance with standards**      35    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.
- Where the works affect Roads and Traffic Authority controlled roads, the design and construction is to be in accordance with Roads and Traffic Authority requirements.
- A qualified civil/structural engineer shall supervise all internal works and prior to issue of the Occupation Certificate, certification shall be obtained from a chartered civil/structural engineer with NPER registration and submitted to the Principal Certifying Authority confirming all works have been constructed in accordance with the approved plans and specifications.
- 
- Structural works**                      36    The design of all structural works (including any structural modifications arising from the restoration of the porte cochere) shall be certified by a chartered structural engineer (NPER-3 Structural registered) as conforming to the relevant standards and load capacities.
- 
- Certification of structural works**      37    The construction of all structural works (including any structural modifications arising from the restoration of the porte cochere) shall be certified by a chartered structural engineer (NPER-3 Structural registered) as conforming to the relevant standards and load capacities.
- 
- Supervision of internal engineering works**      38    All internal engineering works shall be supervised by a chartered civil/structural engineer with NPER registration. Certification from the supervising engineer shall be submitted to the Principal Certifying Authority to verify that all works have been constructed in accordance with approved plans prior to the release of the Occupation Certificate.

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End of last Minute on Page

MINUTE NO. 832

**13. X06/0529. Development Application No. X06/0529 for a Dwelling on Lot 8 DP 24339, No. 99 Bee Farm Road, Springwood**

The meeting was addressed by Tracey Arnold, Mick Fell, Helen Browne and Andrew Newton.

A MOTION was moved by Councillors Myles and Van der Kley that **Development Application No. X06/0529 for a dwelling on Lot 8 DP 24339, No. 99 Bee Farm Road, Springwood be determined pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 by the granting of deferred commencement consent subject to conditions shown in Attachment 1 to this Report as amended by the following:**

**Conditions of development consent**

**Part 1 – Deferred Commencement Conditions**

**Amended Plans**

1. Amended plans shall be submitted to Council incorporating the following changes:

**Privacy**

In order to provide an appropriate degree of privacy to the adjoining properties:

- The height of the window sill in the first floor TV Room shall be increased to 1.5m minimum above the floor level of that room.
- The windows to the stairwell, bathroom and WC on the southern elevation of the building and to the en-suite on the northern side are to be glazed with obscure glass or have obscure film affixed to the windows.

**Front Setback**

The dwelling shall be setback from the front boundary a minimum of 8.5 metres to reduce the impact of the dwelling on the streetscape.

**Driveway Width**

The driveway must be not greater than 4.0 metres wide at the front boundary and across Councils road reserve to reduce the impact of the driveway on the streetscape.

**Water infiltration**

The site development shall include a minimum 60% soft pervious areas that will permit water infiltration.

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**Time to comply with deferred commencement conditions**

2. Evidence that these conditions have been satisfied must be provided to Council within 12 months from (date of deferred commencement consent).

The above conditions are to be satisfied prior to the release of the operational consent.

MINUTE NO. 832 Contd.

**Part 2 – Operational Conditions**

The following conditions will apply to the site development and construction works.

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|--|--|
| <b>Confirmation of relevant plans</b>      | <b>1. To confirm and clarify the terms of consent, the development shall be carried out in accordance with the plans prepared by Clarendon Homes P/L numbered ..... dated ..... and accompanying supportive documentation, except as otherwise provided or modified by the conditions of this consent</b>  |
| <b>Period of development consent</b>       | <b>2. 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.</b>   |
| <b>Construction certificate (building)</b> | <b>3. A construction certificate is required prior to the commencement of any site or building works. This certificate can be issued either by Council as the consent authority or by an accredited certifier.</b>   |
| <b>BASIX</b>                               | <b>4. Under clause 97A(3) of the Environmental Planning &amp; Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled.</b><br><b>In this condition:</b><br><b>a. relevant BASIX Certificate means:</b><br><b>i. a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or</b><br><b>ii. if a replacement BASIX Certificate accompanies any subsequent application for a construction Certificate, the replacement BASIX Certificate; and</b><br><b>b. BASIX Certificate has the meaning given to that term in the Environmental Planning &amp; Assessment Regulation 2000.</b> |
| <b>Building Code of Australia</b>          | <b>5. All building work must be carried out in accordance with the provisions of the Building Code of Australia.</b>   |

MINUTE NO. 832 Contd.

- 
- Erosion & sediment controls**
6. To preserve the unique environment of the Blue Mountains and to contain soil and sediment on the property, controls in accordance with Council's *Erosion & Sediment Control* policy are to be implemented prior to clearing of the site vegetation and the commencement of site works. This will include:
- a. The installation of a sediment fence with returned ends across the low side of the site so that all water flows through. These shall be maintained at no less than 70% capacity at all times. Drains, gutters, roadways etc., shall be kept clean and free of sediment.
  - b. To prevent the movement of soil off site, a single entry/exit point to the property shall be constructed of 40mm blue metal aggregate or recycled concrete to a depth of 150mm. The length must be at least 5 metres with the width at least 3 metres.

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

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- Stormwater drainage**
7. To control rainwater runoff, roof water shall be connected to stormwater drainage lines discharging to a rainwater tank. Overflow shall be directed to the street gutter.
- Waters from paved surfaces shall not be disposed of in a manner that gives rise to a nuisance. Concentration of flows at property boundaries must be avoided.
- It is recommended that the drainage system be installed at the same time as the footings/slab. It must, however, be operational as soon as the roof is clad.

- 
- Site management**
8. To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period:
- a. Site and building works (including the delivery of materials to and from the property) shall be carried out Monday to Friday between 7am-6pm and on Saturdays between 8am-3pm. Alteration to these hours may be possible for safety reasons but only on the approval of Council.

MINUTE NO. 832 Contd.

- 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 must be contained and removed to a Waste Disposal Depot.
- 
- Plans on site** 9. A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.
- 
- Materials & colours** 10 To have regard of the amenity of the area, the materials and colours to be used are:
- External walls: PGH Sandstock Convict ‘Cadman’
  - Roof: Colorbond Woodland Grey
  - Driveway finish: Dark earth tone.
- Any outbuildings or other ancillary structures are to be finished in colours and materials of muted bushland tones and low reflective quality to blend with the surroundings. Any variation to the above materials / colours will require the prior approval of Council.
- 
- Cut and fill** 11 To ensure proper regard is given to the existing land form and the adjacent hedge, cut and fill shall be limited to that indicated on the approved site plan and the excavation shall not extend to within 500mm of the Southern boundary.
- 
- Driveway / access** 12 To ensure adequate access, good sight distance and balance in the site design, the driveway:
- a. must be no greater than 4.0 metres wide at the front boundary and across Councils road reserve.
  - b. access should intersect the road as near to 90 degrees as possible.
  - c. must be finished in an all weather finish.
  - d. is to include a gutter crossing.
- Any construction works are to be completed to Council’s adopted standards prior to occupation of the building.

MINUTE NO. 832 Contd.

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- Landscaping**
- 13 Landscaping is required to ensure that the development contributes to the character of the Blue Mountains, its environmental sustainability, and maintains an acceptable level of privacy for adjoining properties. In this regard, in addition to works shown on the approved landscape plan:
- Vegetated landscape screens are to be provided along the southern boundary of the property between the rear of the dwelling and the workshop, and along the northern boundary extending from the front building setback to the workshop. The plants used are to be fire resistant evergreen species capable of providing an effective screen to a height of between 4.5 and 5.0 metres at maturity.
  - All plants are to be in the advanced stage of growth at the time of planting (minimum 50 litre container for trees and 25 litre container for shrubs).
  - All planting and landscaping on the site is to be maintained at all times. Any plants that die or are removed, must be replaced with plants of the same species and of a similar stage of growth.
  - Only non-invasive species shall be used.
- 
- Protection of Vegetation**
- 14 To minimise impacts on the Photinia hedge on the adjoining property, any severed roots and exposed root-plate profiles are to be protected by the placement of jute matting or similar to completely cover the exposed surface until such time as backfilling operations provide permanent re-covering of exposed surfaces. The protective fabric should be maintained in a moist condition as far as is practicable.
- 
- Roofing**
- 15 Roofing shall have leafless guttering and valleys are to be screened to prevent the build up of flammable material. Alternatively guttering shall be fitted with leaf guards having a flammability index of not greater than 5 when tested in accordance with AS1530.2. Screens are to be provided in a manner that enables the regular removal of accumulations of fine material.
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- Asset Protection Zone**
- 16 The entire property shall be managed as an ‘Inner Protection Area’ as outlined within section 4.2.2 in Planning for Bushfire Protection 2001.

MINUTE NO. 832 Contd.

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| <hr/> <b>Level of construction</b>             | <b>17</b> The dwelling and workshop shall be of minimum Level 3 construction in accordance with AS3959-1999 ‘Construction of Buildings in Bushfire Prone Areas’ with the exception that; <ol style="list-style-type: none"><li>a. entirely non-combustible materials are used on the structures;</li><li>b. that no exposed timber is permitted;</li><li>c. all glazing towards the bushfire hazard to windows or external doors shall be fire rated glass capable of withstanding 40kW/m<sup>2</sup> radiant heat attack for 3 minutes or toughened glass fitted with metal shutters; and,</li><li>d. the garage door shall be fitted with a suitable protective device to inhibit the entry of embers.</li></ol> |
| <hr/> <b>Sprinkler system</b>                  | <b>18</b> The dwelling and workshop shall be fitted with a sprinkler system with a minimum 22,000 litre dedicated tank water supply together with a petrol or diesel pump with a minimum 5 horsepower or other capacity to operate the system.<br><br>The tank(s) to be fitted with a 38mm or 65mm storz outlet with ball, gate or shutoff valve.<br><br>Note: The property shall be fitted with a sign indicating the availability of the static water supply. Such signs are available from local fire services.   |
| <hr/> <b>RFS personnel access</b>              | <b>19</b> Access for fire fighting personnel shall be provided around the building to enable access to all areas of the property.  |
| <hr/> <b>Trees</b>                             | <b>20</b> To prevent the accumulation of leaf litter in roof gutters and valleys, no trees are to overhang or be located within 5m of the dwelling.  |
| <hr/> <b>Demolition of buildings generally</b> | <b>21</b> 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;<br><br>Such work is to be carried out in accordance with the Occupational Health & Safety Regulations, 2001, and Australian Standard 2601 – 1991.   |

MINUTE NO. 832 Contd.

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|---|-----------|---|
| <b>Demolition of buildings containing asbestos cement</b> | <b>22</b> | <b>The applicant is to notify Council and adjoining residents, in writing, at least ten (10) working days prior to demolition commencing, of their intention to commence demolition works. In the case of adjoining residents, such notification is to be a clearly written note, on at least note pad size paper, giving the date demolition will commence and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately to the rear of the demolition site.</b> |
| <b>Disposal of Asbestos</b>                               | <b>23</b> | <b>All asbestos material, including asbestos cement, is to be disposed of to an approved waste management facility licensed to receive asbestos.</b>  |
| <b>Display of signage</b>                                 | <b>24</b> | <b>The developer will display appropriate asbestos/demolition signage prior to and during demolition works.</b>   |
| <b>Demolition management</b>                              | <b>25</b> | <b>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.</b>   |

**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.**

MINUTE NO. 832 Contd.

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| <hr/> <b>Order of demolition</b> | <b>26</b> Unless otherwise permitted by Council, structures shall be demolished in the reverse order to that of their construction. The order of demolition for building shall be progressive, having proper regard to the type of construction.  |
| <hr/> <b>Adjoining buildings</b> | <b>27</b> In consideration of the proximity of the site's adjoining buildings: <ul style="list-style-type: none"><li>▪ Safe access and egress from adjoining buildings is to be maintained at all times for the duration of the demolition work.</li><li>▪ No demolition activity is to cause damage to or adversely affect the structural integrity of adjoining buildings. Consideration should be given to the use of shoring and underpinning and to changes in the soil conditions as a result of demolition and appropriate action taken.</li><li>▪ The effect of vibration and concussion on adjoining buildings and their occupants is to be minimised by selection of appropriate demolition methods and equipment.</li></ul>  |
| <hr/> <b>Dust control</b>        | <b>28</b> The techniques adopted for stripping out and for demolition are to minimise the release of dust into the atmosphere. <ul style="list-style-type: none"><li>▪ Before commencing work, any existing accumulations of dust are to be collected, placed in suitable containers and removed. Selection of appropriate collection techniques, such as vacuuming or hosing down, shall take account of the nature of the dust and the type of hazard it presents (eg., explosive, respiratory etc).</li><li>▪ Dust generated during stripping or during the breaking down of the building fabric to removable sized pieces shall be kept damp until it is removed from the site or can be otherwise contained. The use of excess water for this purpose is to be avoided.</li></ul> <p>It should be borne in mind, that in certain environments and under certain stimuli, deposits of combustible dust on beams, machinery and other surfaces may be subject to flash fires, and suspensions of combustible dusts in the air can cause them to explode violently (see NFPA Handbook).</p> |
| <hr/> <b>Removal of material</b> | <b>29</b> All demolished material and excess spoil from the site shall be disposed of at a location and in a manner approved of by Council. No material is to be burnt on site.   |

MINUTE NO. 832 Contd.

- Removal of hazardous waste**    30    **Removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable State legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia).**
- **Only competent persons, or competent and registered persons shall carry out removal.**
  - **Removal of asbestos or materials containing asbestos fibres, shall be in accordance with the NOHSC code of practice.**
  - **Precautions to be observed and procedures to be adopted during the removal of dangerous or hazardous materials other than asbestos, shall be in accordance with the relevant State regulations pertaining to those materials.**

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

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

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MINUTE NO. 833

**14. X04/1225. Development Application No. X04/1225 for a Mixed Use Development Consisting of Retail, Commercial and Residential Units on Lot 6 DP 4216, Lots 70 and 71 DP 718623 and Lot 1 DP 224782, Nos. 12-20 Ross Street, Glenbrook**

The meeting was addressed by Sarah North, Peter Clarke, Grant Holmes, Rufus Clarke, Elizabeth Walkley and Roger Grealy.

**RESOLVED UNANIMOUSLY** on the MOTION of Councillors Frappell and Creed **that this item be deferred so that Councillors can be better informed before a decision is made on the Application. This requires Councillors being provided with:**

- **A set of legible plans of the application;**
- **The traffic study provided by the applicant;**
- **A full explanation of how the Council became the owner of Lot 71 DP 718623. This explanation to include full details as to the “preliminary agreement to transfer the land back to private ownership” – last paragraph page 89 of the Business Paper; and**

MINUTE NO. 833 Contd.

- An onsite meeting with Councillors and staff following the supply of the above to Councillors.
- Invite residents and owner to separate site meetings.

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MINUTE NO. 834

**15. Z20/028. Development Application No. O/3057/2004 for a Proposed Reclassification of the Council Owned Land being Lot 3 DP 505403, No. 59A Springwood Avenue, Springwood From Community Land to Operational Land**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Myles and Hamilton:

1. That the Council receive the report by Town Planning Consultant, P and A Walsh Consulting Pty Ltd and adopt the recommendations of the report being:
  - a) The submissions to the public hearing be noted;
  - b) The Council support the classification of the subject land, Lot 3 DP 505403, No. 59A Springwood Avenue, Springwood as operational land under the Local Government Act 1993 and advance the required further statutory processes to gain state government approval for such classification.
  - c) This report be made available for viewing by the public.
2. That, pursuant to Sections 68 and 69 of the Environmental Planning and Assessment Act 1979, draft Local Environmental Plan 2005 (Amendment No. 8) as provided at Attachments 1 and 2 and the required supporting information and a Director-General's report be forwarded to the Department of Planning with a request that the Minister for Planning make the draft Plan.

\* \* \* \* \*

MINUTE NO. 835

**16. X00/0471. Section 96 Application to Modify Development Consent X00/0471 for a Kindergarten and Primary School (Educational Establishment) on Lots 36-38 DP 4722, Nos. 8-14 Lake Street, Wentworth Falls**

The meeting was addressed by John Daniel, Lindsay Ashby and Suzy Corcoran.

A MOTION was moved by Councillors Van der Kley and Myles that the Section 96 application to modify development consent X00/0471 for a kindergarten and primary school (educational establishment) on Lots 36-38 DP 4722, Nos. 8-14 Lake Street, Wentworth Falls be determined pursuant to the Environmental Planning and Assessment Act 1979 by the granting of consent subject to the amended conditions shown in Attachment 1 to this Report.

MINUTE NO. 835 Contd.

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

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

**Attachment 1**

**Amended conditions of development consent**

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**Car parking**

*(Amended 12 December 2006)*

- 11 In order to improve the safety of onsite drop-off of students, the internal driveway, manoeuvring and parking areas are to be constructed in accordance with the stamped approved plans as amended in red by the Council. All works are to be completed prior to the issue of an Occupation Certificate.**

**This work is to include:**

- **Removal of the existing timber bollards and chains along the western side of the driveway, and replacement with bollards only, such that a 1.2 metre wide footpath is available alongside the existing building.**
- **Removal of all trip hazards and the provision of transitions as necessary on the footpath from the car parking area to the main entrance.**
- **Adjustment of the southern end of the driveway to accommodate an 11 metre diameter turning manoeuvre.**
- **Relocation and construction of 4 car parking spaces to the west of the turning area.**
- **All necessary drainage, retaining walls and other engineering works that may be required to make the construction effective shall be provided.**

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

MINUTE NO. 835 Contd.

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**Landscaping**

*(Amended 12 December 2006)*

- 12 To ensure maintenance of the existing bushland character and amenity of the surrounding properties, the following landscaping provisions shall be implemented prior to the commencement of use,

The removal of vegetation from lot 38 in accordance with the conditions of the Rural Fire Service's General Terms of Approval. Removal of vegetation shall not exceed the level of clearing and reduction of vegetation necessary to meet the consent issued by the Rural Fires Service.

- The provision of a noise barrier fencing along the boundary between lot 36 and the adjoining eastern property. The fencing shall be approximately 1 metre forward of the building line and 1.8 metre behind the building line. The fence shall run from the front eastern corner of the site and extend the full length of the driveway. Such work shall be undertaken so the existing vegetation screen along the boundary is retained.
- The provision of a noise barrier fence, as necessary, along the boundary between lots 37 and 38

Details of the noise barrier fencing, including location, colour, and type shall be submitted to the Council for approval prior to its erection.

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**School operation**

*(Amended 12 December 2006)*

- 14 The approved Educational Establishment is limited to a maximum of 90 students to be enrolled in the school at any one time.

The dropping off and collection of students shall be staggered such that approximately 30 students are delivered or collected at any one time with no more than three collection periods in any morning or afternoon period. The timing of classes shall be staggered to coincide with the proposed collection periods with a minimum of 20 minute intervals between each collection period.

The designated general play area for the school will be limited to lots 36 and 37.

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**Rural Fires Service**

*(Inserted 12 December 2006)*

- 17 The proposed development shall comply with the General Terms of Approval issued by the Rural Fire Service under Section 100B of the Rural Fires Act.

A copy of these General Terms of Approval is attached to this consent.

MINUTE NO. 835 Contd.

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**Management of bush fire protection measures on Lot 38**

*(Inserted 12 December 2006)*

- 18 An instrument under section 88B of the Conveyancing Act 1919 is to be registered against the title of Lot 38 in DP 4722 that creates an easement over that allotment for maintenance of an asset protection zone (inner protection area) associated with an educational establishment on Lots 36 and 37 in DP 4722. The terms of the registered easement are to be generally in accordance with the terms of the instrument annexed to the Rural Fire Service Development Control Note 02 (or as later modified by the Rural Fire Service). The easement is to be maintained in accordance with requirements of the Rural Fire Service for such time as an educational establishment is operated from Lots 36 and 37 in DP 4722.

The instrument shall also stipulate that vegetation clearing and hazard reduction on Lot 38 in DP 4722 shall not exceed the minimum level required to meet the conditions of the Rural Fire Service. Evidence of the registration of the instrument shall be provided prior to the occupation and use of the site in accordance with this consent as amended on 12 December 2006.

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**School Management Plan**

*(Inserted 12 December 2006)*

- 19 A School Management Plan shall be submitted to the Council for approval, prior to the release of a Construction Certificate. The Plan shall outline the management of after hour events at the school and shall include the following:
- The management and frequency of all after hours events at the school to avoid potential adverse impact on the surrounding road and properties.
  - The frequency of major events such as Open Days, and the proposed management issues to ensure surrounding residents are aware of these events and to manage parking.
  - Evening plays shall be limited to the equivalent of 30 students or shall be held at an appropriate off site location.

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**Concrete footpath construction**

*(Inserted 12 December 2006)*

- 20 In order to provide safe pedestrian access to and from the site, a 1.0 metre wide, earth toned concrete footpath is to be constructed from the site to the existing Blaxland Road footpath prior to the issue of an Occupation Certificate. The concrete footpath is to have a curvilinear design to minimise impacts on the existing landscaped verges and is to be approved by the Council following consultation with residents of adjoining residential properties.

MINUTE NO. 835 Contd.

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**Management of road-side  
vegetation**

*(Inserted 12 December 2006)*

- 21 In order to improve sight distance to the south along Blaxland Rd, vegetation on the western side of Blaxland Rd is to be replaced with low-growing ground cover as directed by Council's Supervising Engineer prior to the issue of an Occupation Certificate.

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**Signage and line marking**

*(Inserted 12 December 2006)*

- 22 In order to improve the safety of the intersection of Lake Street and Blaxland Road the applicant is to supply and install the following signage and line marking:
- Stop signs and stems in Lake Street at the intersection with Blaxland Road and associated line marking. All line marking is to be thermoplastic.
  - Double barrier centreline marking along the centreline of Lake Street for approximately 12m from the Stop sign holding line.
  - 40km per hour signs and stems in Blaxland Rd on both approaches to Lake Street.

All of these signs and line marking are subject to the approval of the Local Traffic Committee. Accordingly, the applicant is to prepare an appropriate plan of the signage and line marking and lodge it for the consideration of the Local Traffic Committee.

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**Construction in the  
Council's roads**

*(Inserted 12 December 2006)*

- 23 Where works are carried out on the Council's 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 Council's roads, plans and specifications prepared by a suitably qualified person and endorsed by a chartered civil engineer with NPER registration are to be submitted to and approved by the Council under the Roads Act 1993 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 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.

MINUTE NO. 835 Contd.

- c. **The person or company carrying out the works will be required to carry workers compensation and 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 reference 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 48 hours notice shall be given to the Council when arranging for an inspection. Work is not to proceed further until the works, or activity covered by the inspection has been approved.**

**Following the final inspection, any work considered by the Council as unsatisfactory shall be rectified to the Council's satisfaction at no cost to the Council. The Council's inspection and approval shall be obtained prior to the issue of the Occupation Certificate. The applicant's engineer must certify that the work have been constructed in accordance with the approved plans, specifications and relevant Australian Standards.**

- f. **Prior to the issue of the Roads Act Approval, a Traffic Management Plan report prepared by a chartered civil engineer with NPER registration is to be submitted to and approved by the Council.**

**The Traffic Management Plan is to address but not be limited to the following: loss of on street parking, construction vehicle travel routes, safety of the public, materials storage and handing, deliveries and construction traffic and parking.**

**A minimum of seven (7) days notice shall be given to residents if access by residents will be affected. A copy of the letter to residents and a list of addresses notified shall be submitted to and approved by Council.**

MINUTE NO. 835 Contd.

- g. 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 (Sep 2003). 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.**

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

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**Bond**

*(Inserted 12 December 2006)*

- 24 An unconditional (open ended) performance maintenance bond to the value of five (5) percent of the engineering construction or a minimum of \$2,000, whichever is the greater, to guarantee the safety of the public, environmental protection performance and maintenance during and after construction in the Council's road shall be paid to the Council.**

**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 and/or subdivision certificate, which ever occurs the latest. 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.**

**The bond is to be paid prior to the issue of a Construction Certificate.**

MINUTE NO. 835 Contd.

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| <hr/> <b>Relocation of services</b><br><i>(Inserted 12 December 2006)</i>    | <b>25</b> The applicant shall carry out the relocation or alteration of public utilities or any 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 the Construction Certificate.   |
| <hr/> <b>Repair of damage</b><br><i>(Inserted 12 December 2006)</i>          | <b>26</b> 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.  |
| <hr/> <b>Restore disturbed area</b><br><i>(Inserted 12 December 2006)</i>    | <b>27</b> All disturbed earthworks and/or batters are to be restored, stabilised, topsoiled and turfed/revegetated to the Council's satisfaction prior to release of the Occupation Certificate.   |
| <hr/> <b>Certification by Council</b><br><i>(Inserted 12 December 2006)</i>  | <b>28</b> 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 Council's satisfaction.   |
| <hr/> <b>Compliance with standards</b><br><i>(Inserted 12 December 2006)</i> | <b>29</b> 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.<br>A qualified civil/structural engineer shall supervise all internal works and prior to issue of the Occupation Certificate, certification shall be obtained from a chartered civil/structural engineer with NPER registration and submitted to the Principal Certifying Authority confirming all works have been constructed in accordance with the approved plans and specifications. |
| <hr/> <b>Structural works</b><br><i>(Inserted 12 December 2006)</i>          | <b>30</b> The design of all structural works shall be certified by a chartered structural engineer (NPER-3 Structural registered) as conforming to the relevant standards and load capacities.   |

MINUTE NO. 835 Contd.

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| <hr/> <b>Certification of structural works</b><br><i>(Inserted 12 December 2006)</i> | <b>31</b> The construction of all structural works shall be certified by a chartered structural engineer (NPER-3 Structural registered) as conforming to the relevant standards and load capacities.  |
| <hr/> <b>Works as executed plans</b><br><i>(Inserted 12 December 2006)</i>           | <b>32</b> Prior to the issue of an Occupation Certificate, a Works as Executed Plan of all 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 Council for approval. |
| <hr/> <b>Sedimentation and erosion control</b><br><i>(Inserted 12 December 2006)</i> | <b>33</b> The applicant shall engage a qualified person to prepare a sediment and erosion control plan in accordance with the principles outlined in the 'Managing Urban Stormwater Soils and Construction' (Volume 1), dated March 2004 by Landcom NSW.  |

The applicant shall ensure sedimentation and erosion control measures are installed prior to commencement of construction and that these measures are also maintained at all times during construction in accordance with the plan.

Prior to release of the Occupation Certificate, all disturbed areas are to be stabilised and all redundant sediment and erosion control structures are to be removed.

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MINUTE NO. 836

**17. C07847. Proposed Development Application Lawson Town Centre Redevelopment - Period for Advertising**

The meeting was addressed by Erst Carmichael and Theresa Lock.

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Myles that any advertising of the proposed Development Application by Blue Mountains City Council for the redevelopment of Lawson town centre will provide for a minimum of six (6) weeks for submissions, and not less than four (4) weeks of the advertising period will occur outside the Christmas holiday period, being for this purpose defined as the days between and including Monday 18 December 2006 and Friday 26 January 2007.

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End of last Minute on Page

MINUTE NO. 837

**18. R24/0087. Acquisition of Lot 1 Deposited Plan 345588 8R Railway Parade Woodford for Road**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Myles and Hamilton:

1. That the Council accepts the land known as Lot 1 in Deposited Plan 345588 being 8R Railway Parade Woodford for road purposes.
2. That on transfer of the land, it be dedicated as road under the Roads Act 1993.
3. That the Common Seal of the Council be affixed to the necessary documents dealing with this matter.

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MINUTE NO. 838

**19. C07856 Pt 2. Cultural Partnerships Program 2007**

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

1. That the Council receives and notes this report.
2. That the Council endorse the funding recommendations of the Cultural Partnerships Assessment Committee as outlined in this report.
3. That a review of the processes of the Cultural Partnerships Program occur at a Community & Facilities Working Party Meeting.

Councillor Trindall left the Chamber for this matter.

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MINUTE NO. 839

**20. C05892. Scholarship for Blue Mountains Youth**

RESOLVED UNANIMOUSLY on the MOTION of Councillors McInnes and Trindall that Blue Mountains City Council provide a report on the ability to provide a \$2000 Scholarship for a Blue Mountains youth resident commencing in the 2007-08 who:

- will attend the University of Western Sydney straight from their HSC year; and
- provide that scholarship, split over each semester, on proof of enrolment to Executive Services.

Councillor Myles was absent from the Chamber for this matter.

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MINUTE NO. 840

**21. C00895. Recycle E-Waste**

A MOTION was moved by Councillors McInnes and O’Grady **that the Council call on the State Government, through Environment Minister Bob Debus, to implement the existing legislation to force manufacturers to recycle e-waste.**

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

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

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MINUTE NO. 841

**22. C07871. Blue Mountains City Council Centenary**

RESOLVED UNANIMOUSLY on the MOTION of Councillors McInnes and Searle **that the Council receive a brief report on the history of local government in the Blue Mountains and that the report include suggestions as to how the imminent centenary of this institution might be acknowledged.**

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MINUTE NO. 842

**23. Recent Bushfire Emergency**

A MOTION was moved by Councillors McInnes and O’Grady that the Council receive a report at the first meeting of 2007 on the recent bush fire in the Blue Mountains and that the report contain:

- maps indicating the place of origin of the fire, the containment lines and the progression of the fires over the duration;
- the type of fire (ground, crown etc);
- the numbers of fire fighters deployed, where they came from if out of area, how long they were here and how were they catered for;
- the measures taken to contain and manage the fire;
- any evaluation that the local Rural Fire Service might have to date;

MINUTE NO. 842 Contd.

- a Financial Estimate of the S44 emergency and any contributions which council made, financial or in kind;
- an evaluation of the effect of the fire on biological/ecological communities, in particular the Blue Gum forest;
- any community input currently available;
- where was the water which was taken from Glenbrook Lagoon released; and
- what procedures are in place to decontaminate aircraft with regards to potential noxious week contamination.

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

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

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MINUTE NO. 843

**24. C00680. Precis of Selected Correspondence, 12/12/2006**

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

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MINUTE NO. 844

**S1. C01671. Family Day Care – Change Strategies in Response to Reduced Federal Government Grant Funding**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Myles and Hamilton:

1. **That the Council endorse the change management strategies for the Family Day Care operations outlined in this report, noting that the plan is to achieve sustainable funding in the 2008-2009 financial year.**

MINUTE NO. 844 Contd.

2. That the Council supports the continued funding of Family Day Care at current levels, noting the requirement to fund operational deficits for 2006-2007 and 2007-2008 from Family Day Care restricted reserves.
3. That the Council approves the centralisation of Family Day Care office management and administration to the ex-Shire Council administration building at Lawson.
4. That the Council approves the strategy to identify and contract with a suitable community agency the provision of the Blackheath Vacation Care program, and that the outcomes are the subject of a further report to the Council prior to the entering of any contract.

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MINUTE NO. 845

**C00336. Procedural – Matter of Urgency**

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

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MINUTE NO. 846

**Alternate Exit for Residents of Mt Irvine and Mt Wilson During Emergency Situations**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Myles and Hamilton:

1. That the Council acknowledges the need for another serviceable exit from Mount Irvine and Mount Wilson to ensure the safety of residents during emergency situations.
2. That the Council strongly endorses the restoration of the unsealed portion of Bowen Creek Road, Mount Irvine, up to the boundary of the Blue Mountains LGA.
3. That a report comes to the Council by 30 January 2007 meeting or as soon as possible regarding the cost and possible scheduling of this work.

Councillor Frappell was absent from the Chamber for this matter.

\* \* \* \* \*

MINUTE NO. 847

**C00336. Procedural – Matter of Urgency**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Creed and Van der Kley **that a Matter of Urgency be heard.**

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MINUTE NO. 848

**Footpath at Rusden Road, Mt Riverview**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Creed and Frappell **that a report come to the 30 January 2007 meeting about providing an adequate footpath at Rusden Road, Mt Riverview opposite Mt Riverview School with a view of having it included in the 06/07 Capital Works Programs.**

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MINUTE NO. 849

**C00336. Procedural – That the Meeting be Closed to the Public.**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Frappell and Van der Kley **that the Council Meeting be closed to the public while a Confidential matter be considered.**

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MINUTE NO. 850

**Selection of Panel for General Manager Interviews**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Frappell and Van der Kley **that Councillors Angel, Hamilton, McInnes and Myles be appointed as the selection panel members for the General Manager interviews. Councillor Frappell will be the first alternate member and Councillor Creed will be the second alternate member.**

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QUESTIONS WITH NOTICE

**25. C07163. LEP91**

Questions by Councillor P McInnes (3/12/06):

- “1. What is the timetable for the review of LEP91?
2. What resources are required?
3. What tasks are planned?”

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MINUTE NO. 851

**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 10.45 pm on Tuesday, 12 December 2006.

The Ordinary Meeting of the Council then closed until 7:30 pm on Tuesday, 30 January 2007 in the Council Chamber, Council Headquarters, 2 Civic Place, Katoomba.

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End of last Minute on Page