

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, 31 January 2006, commencing at 7:35 pm.

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There were present:

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

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In attendance:

General Manager, Group Manager BM City Services, Group Manager Community and Corporate, Group Manager Environmental and Customer Services, Executive Officer, Manager City Planning, Manager Environmental Branch, Acting Manager Planning, Acting Manager Assets, Senior Property Officer, Communications Officer and Councillor and Executive Administration Officer.

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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. 440

C00679. Apologies and Leave of Absence

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and O'Grady that the apology tendered on behalf of Councillor Searle for his non attendance at the meeting be accepted and leave of absence granted.

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MINUTE NO. 441

C00336. Confirmation of Minutes - Ordinary Meeting, 13/12/05

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Van der Kley that the Minutes of the Ordinary Meeting of 13 December 2005 be confirmed.

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DISCLOSURES OF INTERESTS, 31/1/06

MINUTE NO. 442

C00336. Procedural - Disclosures of Interests, 31/1/06

General Manager made the following declaration with regard to Item 7 - Section 96 Application to Modify Development Consent No. D94/0678 for a Retail Plant Nursery, Child Care Centre and Integrated Housing Development at Lots 12-19, 22-25, 39-48 DP 7047, Lot 8 DP 30397 (Sorensen's Nursery) No. 8 Herbert Street, Leura:

“Mr Mayor I would like to declare an interest in relation to Item No. 7, my property adjoins that of the application, I will be leaving the Council Chamber during consideration of that item.”

Councillor Van der Kley made the following declaration with regard to Item 18 - Hazelbrook Public Toilets:

“Just on Item No. 18, just for the public record, I am one of the retailers in the shopping centre. I can't see a conflict of interest or pecuniary interest or anything like that, but I will just put it on public record that I am one of the retailers in the shopping centre of Hazelbrook.”

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SUPPLEMENTARY MINUTE BY MAYOR, 31/1/06

MINUTE NO. 443

S1. C06026. Revised General Power of Attorney

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

1. That the Mayor, the General Manager and the Acting Public Officer be appointed as Council's attorneys to execute on Council's behalf all documents necessary to give effect to resolutions of Council and/or any duty properly delegated by Council for a period of three months from 13 February 2006.
2. That the instrument of appointment of the Mayor, the General Manager and the Acting Public Officer as attorneys be registered with the Department of Lands.

3. That authority be granted for the affixing of the Council Seal to the General Power of Attorney instrument to give effect to the abovementioned arrangements.

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SUPPLEMENTARY MINUTE BY MAYOR, 31/1/06

MINUTE NO. 444

S2. Emergency Services Personnel Honoured On Australia Day

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Myles that Council receive a report and congratulate the three Blue Mountains recipients of Australia Day honours.

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SUPPLEMENTARY MINUTE BY MAYOR, 31/1/06

MINUTE NO. 445

S3. C06050. Timor Friendship Committee – Ballarat Planning Session

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and McLaren that Council endorse that Cr O’Grady, as chair of the Blue Mountains Council Timor Friendship Committee, attend the Ballarat Council Strategic Planning Session on 4 February 2006.

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REPORT BY GENERAL MANAGER, 31/1/06

MINUTE NO. 446

1. C06064. Representation on the RFS District Liaison Committee

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Creed:

1. That Council appoint a Councillor as its representative on the Blue Mountains RFS District Liaison Committee for the term of this Council and another Councillor as an alternate or proxy representative.
2. That the schedule and minutes of these meetings come to Council.

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MINUTE NO. 447

C06064. Councillor Representative/s on the RFS District Liaison Committee

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Creed **that Councillor Kevin Frappell be appointed as the Councillor Representative on the RFS District Liaison Committee and Councilor Van der Kley be the Alternate Representative.**

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OFFICERS' REPORTS, 31/1/06

MINUTE NO. 448

2. C06808. Approval of Blue Mountains Developer Contributions Plan (February 2006)

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

1. **That Council, pursuant to s.94EA of the Environmental Planning and Assessment Act 1979, approve the Blue Mountains Developer Contributions Plan (February 2006) in the form in which it was publicly exhibited.**
2. **That public notice is issued in accordance with the Environmental Planning and Assessment Regulation 2000 of Council's decision to approve the plan, with the plan to come into effect upon the date the public notice is issued.**
3. **That Council notes those matters raised in public submissions as considered in this report and that those matters be specifically considered as part of the comprehensive review of the developer contributions framework currently in progress and/or in relation to other relevant projects currently underway.**

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MINUTE NO. 449

3. R00/0008. Bells Line of Road Upgrade

The Meeting was addressed by Raymond Lee and Jim Stewart.

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Frappell **that Council note the recent developments in relation to the long standing proposal to upgrade the Bells Line of Road to become the major transport route to the Central West including:**

- a. **the release of the State and Federal funded Bells Line of Road Corridor Study, Vol 1 2005;**

- b. the stated position of the State and Federal governments not to support a major upgrade at this time; and
- c. the continued lobbying in support of the upgrade by some councils and Federal and State politicians.

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MINUTE NO. 450

4. C00694. Schedule of Invested Monies

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Creed **that the Schedule of Invested Monies as at 31 December 2005 be received.**

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MINUTE NO. 451

5. R00/0013. Land Purchase and Sale with the Roads and Traffic Authority

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

- 1. That Council agree to the compulsory acquisition by the RTA of lot 33, 34 and 35 in Deposited Plan 1082359 on the basis of a 7 day Proposed Acquisition Notice with compensation for the acquisition to be determined by the Valuer General.
- 2. That Council consent to the purchase price for Lot 2 in Deposited Plan 874768 being the market value as assessed by the Valuer General.
- 3. That on purchase of Lot 2 in Deposited Plan 874768 the land be classified as Community Land.
- 4. That the Common Seal of Council be attached to the necessary documents.

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MINUTE NO. 452

6. X02/0153. Section 96 Application to Modify Development Consent No. X02/0153 for the Demolition of an Existing Industrial Unit and the Development of Twenty Three (23) New Industrial Units at Lot 2 DP 735682, No. 29 Attunga Road, Blaxland

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Creed **that Development Consent No. X02/0153 granted by Council on 6 May 2002 for the demolition of an existing industrial unit and the development of twenty three (23) new industrial units at Lot 2 DP 735682, No. 29 Attunga Road, Blaxland be modified pursuant to s.96(2) of the Environmental Planning and Assessment Act 1979 as set out in Attachment 1.**

Attachment 1 – Amended Conditions of Development Consent

(Recommended amendments are in italics)

Development consent
(Amended 31 January 2006)

1. **Blue Mountains City Council issues its consent, subject to conditions stated hereunder, in accordance with Section 80A of the *Environmental Planning and Assessment Act 1979*. Substantial physical commencement of construction is required within 2 years from 30 April 2002.**

To confirm and clarify the terms of consent, the development shall be carried out in accordance with the following stamped plans

- i. **Prepared by Garth Leigh Pty Ltd and numbered 01-17-51A to 01-17-65A**
- ii. **Prepared by Lessing Landscapes and numbered 12101, sheets 1 and 2.**
- iii. **Prepared by Lochbar Holdings Pty Ltd and numbered 271414, sheets 1 to 4 and 6 to 8**

and accompanying supportive documentation, except:

- (i) **as otherwise provided or modified by these conditions of consent, or**
- (ii) **in relation to *the layout of Units 23 and 23A, the development shall be carried out in accordance with plans prepared by A Blefari Design and Construction Pty Ltd, numbered 8024 Sheet 21 and dated 13 September 2004.***

The development shall be constructed in the following stages:

- | | |
|---------------------|---------------------------|
| i. Stage 1 | Units 4-18 |
| ii. Stage 2 | Units 19-22 |
| iii. Stage 3 | Units 1-3 |
| iv. Stage 4 | Units 23 & 23A |

All relevant General Conditions as documented in the letter dated 9 September 2003 must be met during the construction of each stage. All stages may be completed concurrently, however Stage 1 must be included in the initial stage of any development. The order of Stages 2, 3 and 4 may be varied.

**Engineering Conditions
Internal**
*(Amended 31 January
2006)*

17. All vehicles are required to enter and leave the site in a forward direction.

The driveways and parking areas being changed as shown in red on the approved plan.

All car parking areas and driveways to conform to AS 2890. Clearance height to be in accordance with AS 2890 and BCA.

In this regard, the recommendation of the traffic report by Project Planning Associates, dated 19 March 2002, are to be implemented as well as the following:

- A give way sign is to be installed on the south western side of the intersection between the existing driveway and the new driveway prior to the commencement of Stage 1 construction work. The sign is to face traffic leaving the site as they approach this area.
- Where sufficient stopping/sight distance is not available, appropriate give way/stopping signs, mirrors, and traffic calming devices are to be provided, in accordance with Road and Traffic Authority standards and the relevant Australian Standards.
- *The car parking spaces adjacent to units 23 and 23A shall be relocated so that direct and unimpeded vehicular access is provided to the loading bay of each unit. In this regard the northern car parking spaces shall be moved to be approximately 4m to the east of the front elevation of unit 23A and level with the northern-most extent of the loading bay for unit 23A.*

Stage 4

Development – Stage 4
*(Amended 31 January
2006)*

45. To confirm and clarify the terms of consent, the development shall be carried out in accordance with the following plans:

- i. Prepared by Garth Leigh Pty Ltd and numbered 01-17-51A to 01-17-65A;
- ii. Prepared by Lessing Landscapes and numbered 12101, sheets 1 and 2;
- iii. Prepared by Lochbar Holdings Pty Ltd and numbered 271414, sheets 1 to 4 and 6 to 8;

and accompanying supportive documentation, *except:*

- (i) *as otherwise provided or modified by these conditions of consent, or*
- (ii) *in relation to the layout of Units 23 and 23A, the development shall be carried out in accordance with plans prepared by A Blefari Design and Construction Pty Ltd, numbered 8024 Sheet 21 and dated 13 September 2004.*

Stage 4 shall allow the demolition of the existing unit and the construction and occupation of units 23 and 23A.

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MINUTE NO. 453

7. D94/0678. Section 96 Application to Modify Development Consent No. D94/0678 for a Retail Plant Nursery, Child Care Centre and Integrated Housing Development at Lots 12-19, 22-25, 39-48 DP 7047, Lot 8 DP 30397 (Sorensen's Nursery) No. 8 Herbert Street, Leura

The General Manager left the Chambers for this matter.

The Meeting was addressed by Jerry Allan, John Hockney and Ron Dunkley.

An AMENDMENT was moved by Councillors O'Grady and McInnes **that this item be deferred to allow for:**

- **A period of public exhibition and notification of the alterations**
- **A Site visit by Councillors**
- **Listing of conditions by Council of heritage issues which reflects the importance of this significant Blue Mountains property.**

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

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

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

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

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MINUTE NO. 454

8. X01/1366. Section 95(A) Application to Extend Development Consent No. X01/1366 for a Twenty-Three (23) Unit Retirement Village under the Provisions of SEPP 5 on Lot 129 DP 1022877, Nos. 108-120 Narrow Neck Road, Katoomba for a Period of Twelve (12) Months

The Meeting was addressed by Ivan Jeray.

A MOTION was moved by Councillors Van der Kley and Myles **that the Section 95(A) application to extend development consent No. X01/1366 for a twenty-three (23) unit retirement village under the provisions of SEPP 5 on Lot 129 DP 1022877, Nos. 108-120 Narrow Neck Road, Katoomba for a period of twelve (12) months be approved with the development consent to now lapse on 31 January 2007 unless physically commenced in accordance with Section 95(4) of the Environmental Planning and Assessment Act 1979.**

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

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

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MINUTE NO. 455

9. X04/1634. Development Application No. X04/1634 for the Storage and Distribution of Construction and Landscaping Materials, Fuel Heating Supplies and the Erection of a Site Shed on Lot 2 DP 855127, Nos. 12–14 Mistral Street, Katoomba

The Meeting was addressed by Naomi Estelle, Lyndal Sullivan and Geoffrey Meyer.

A MOTION was moved by Councillors McInnes and Hamilton:

- 1. That this matter be deferred to allow Council to seek clarification from DNR on the general terms of agreement (DA No. X04/1634) in particular with regard to the retention of the existing trees in preference to relocating the driveway outside the riparian zone.**
- 2. That discussions subsequently be held with the Minnihaha Landcare Group and a further report come to Council including comments from Council's Environmental Officer.**

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

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

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MINUTE NO. 456

10. C00895. Recycling System for E-Waste

RESOLVED UNANIMOUSLY on the MOTION of Councillors Creed and McLaren:

- 1. That Council continues to monitor State and Commonwealth government activities regarding introducing regulations on the computer industry to fund an e-waste recovery service.**
- 2. That Council make use of any appropriate industry or State/Federal government funded e-waste recovery scheme that becomes available in the future.**

3. That Council's two Waste Management Facilities be offered as collection points for any appropriate industry funded e-waste recovery scheme that may become available in the future.

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MINUTE NO. 457

11. C00944. Community Assistance / Donations - Recommendations by Councillors

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Creed:

1. That Council approve the following donation from the Councillors' Minor Local Projects Vote:

<u>Organisation</u>	<u>Amount</u>
Blue Mountains-Airs	\$100

2. That Council approve the following donation from the Mayoral Contingency Fund:

<u>Organisation</u>	<u>Amount</u>
Sakya Trinley Ling	\$500

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MINUTE NO. 458

12. C02907. C07590. C07680. Shared Accommodation for Blue Mountains Recreation and Respite Service and Anglicare - Host Family Program

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Creed:

1. That Council receives and notes this report.
2. That Council formally approve the Agreements and the organisations' shared use of the office space (formally known as room 9), 108 Macquarie Road Springwood.

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MINUTE NO. 459

13. H00369. C00322. Resignation of Volunteer Committee Member from Mount Wilson Village Hall Committee

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Creed:

1. That Council accept the resignation of Ted Avery of the Mount Wilson Village Hall Committee.
2. That Council forward a letter of appreciation to extend our sincere thanks for his voluntary service to Council and the community.

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MINUTE NO. 460

14. H01449. Summerhayes Park – Installation of Grandstand

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Creed:

1. That Council receives and notes this report.
2. That the construction and ongoing maintenance of a Grandstand at Summerhayes Park proceed at no cost to Council.

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MINUTE NO. 461

15. C02907. Application for Continued use of Community Building by Home Care Service of New South Wales - Blue Mountains Branch

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Creed that Council formally approves the continued use of office space in Council's community building known as the Mid Mountains Community Centre by the Home Care Service New South Wales - Blue Mountains Branch.

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MINUTE NO. 462

16. H01236. Bullaburra Village Green (Noble Street) Draft Plan of Management Amendment – Adoption for the Purpose of Public Exhibition

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Creed:

1. That Council adopts the Draft Plan of Management for Bullaburra Village Green for the purpose of public exhibition pursuant to the provision of the Local Government Act 1993.
2. That the exhibition of the Plan be advertised and promoted and be for a period of not less than eight (8) weeks.
3. That a report comes back to Council following the public exhibition.

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MINUTE NO. 463

17. H01269. Sports Ground Hire & Use Handbook

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Frappell that Council endorse the Sports Ground Hire & Use Handbook and it be used in the booking and management of Council sports grounds and related facilities.

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MINUTE NO. 464

18. H00267. Hazelbrook Public Toilets

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

1. That any further action toward the construction of a new toilet block in Hazelbrook be subject to the need being identified through the Sustainable Asset Management Planning process.
2. That Council officers negotiate with the proprietors of 195-196 Great Western Highway, with the objective of making the public toilet facilities within the Hazelbrook Shopping Centre easily accessed by the public.
3. That Council recognise the responsibility for maintaining and cleaning of the facilities is that of the Proprietors of the facilities.
4. That a report come to Council on the outcome of the Negotiation with the Proprietors of 195-196 Great Western Highway, Hazelbrook.

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MINUTE NO. 465

19. C00534. Local Traffic Committee

The Meeting was addressed by Guy Weller.

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

1. **That Council receives and notes this report.**
2. **That the items 2005-41, 200-42, 2005-45- and 2005-46, contained in the report of the Local Traffic Committee meetings held on 22 November 2005 be approved by Council.**
3. **That the Director Client Services - Roads and Traffic Authority Blacktown, the Superintendent of Police - Blue Mountains Area Command and the Local Member's Representative be notified of Council's approval.**
4. **That the items 2005-43, 2005-47, 2005-48, 2005-49, 2005-50 and 2005-51 are noted by Council.**
5. **2005-44 - That this matter be again referred to the LTC and Mr Weller be invited to attend and address the Committee.**

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NOTICE OF MOTION, 31/1/06

MINUTE NO. 466

20. C02391. Industrial Relations

A MOTION was moved by Councillors McLaren and Brown:

1. **That Council notes with concern the enactment by the Commonwealth Parliament of the Workchoices legislation.**
2. **That Council rejects the narrow and unfair approach of Workchoices.**
3. **That Council remains committed to maintaining collective industrial arrangements with its workers, including collective industrial instruments and the recognition of the role of trade unions in the workplace.**

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

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

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PRECIS OF SELECTED CORRESPONDENCE, 31/1/06

MINUTE NO. 467

21. C00680. Precis Of Selected Correspondence, 31/1/2006

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Creed **that the Precis of Selected Correspondence, except for Items 10 and 12, be received and appropriate letters forwarded where necessary.**

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

Item 10. 16/12/2005 – 1,189 Petitioners

- 1. That Council receives and endorses the Blue Mountains Youth Council's motion of 13 December 2005 supporting the Blackheath community's ambitions to get traffic lights at the train station pedestrian crossing.**
- 2. That a copy of this correspondence be forwarded to the Hon Joe Tripodi, Minister for Roads, and the Hon Bob Debus, Member for the Blue Mountains, and the Roads and Traffic Authority.**
- 3. That a letter be forwarded to the Blue Mountains Youth Council commending it for its active involvement in this significant public safety matter.**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Creed and McLaren **that Item 12. 19/12/2005 – Garry Payne, Director General, Department of Local Government, be received.**

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MINUTE NO. 468

C00336. Procedural - Matter of Urgency

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Hamilton that Council now consider a matter concerning the removal of trees by Integral Energy, such matter having been ruled by the Mayor to be a matter of great urgency.

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MINUTE NO. 469

Matter of Urgency – Integral Energy - Removal of Trees

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

1. That Council writes to Integral Energy expressing concern at the manner in which three radiata pines were removed and several gum trees pruned in Stanway Avenue, Springwood on 24 January 2006.
2. That Council invites representatives of Integral Energy to attend a meeting of Council’s Environmental and Planning Working Party to discuss processes that may be followed for the future.

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MINUTE NO. 470

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 9:25 pm on Tuesday, 31 January 2006.

The Ordinary Meeting of the Council then closed.

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