

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, 9 May 2006, commencing at 7:32 pm.

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There were present:

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

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In attendance:

General Manager, Group Manager BM City Services, Group Manager Community and Corporate, Group Manager Environmental and Customer Services, Acting Executive Officer, Communications Officer, Acting Manager City Planning, Manager Environmental Management, Manager - Building & Construction, Manager Assets, Executive Services Administration 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. 547

C00679. Apologies and Leave of Absence

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Myles that the apology tendered on behalf of Councillors Creed and Brown for their non attendance at the meeting be accepted and leave of absence granted.

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MINUTE NO. 548

C00336. Confirmation of Minutes - Ordinary Meeting, 11/4/06

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Van der Kley that the Minutes of the Ordinary Meeting of 11 April 2006 be confirmed.

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SUPPLEMENTARY MINUTE BY MAYOR, 9/5/06

MINUTE NO. 549

S1. R11/0124. Proposed Naming for Leura Mall Bridge over Great Western Highway

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

1. That Council approves for advertisement the proposed naming of Leura Mall bridge after Aunty Joan Cooper OAM.
2. Following advertisement for 28 days, a report be brought to Council with any submissions made during the advertisement period.

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MINUTES BY MAYOR, 9/5/06

MINUTE NO. 550

1. C02708. National Town Criers' Championship 2006 - Gosford

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

1. That our Town Crier, Mr. Dennis John Hitchen, be given approval to represent the City of Blue Mountains at the 17th National Town Criers' Championships to be held in Gosford from Friday 8th September to Sunday 10th September 2006.
2. That Council pay for Mr. Hitchen's travel, accommodation and incidental expenses to enable him to represent our City at these Championships.

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MINUTE NO. 551

2. C05440. Western Sydney Academy of Sport

A MOTION was moved by Councillors Hamilton and Myles:

1. **That Council becomes a financial member of the Western Sydney Academy of Sport through the provision of a membership fee of \$12,000 for the 2006/07 financial year.**
2. **That a Councillor be appointed as Council's voting delegate to the WSAS.**

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

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

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MINUTE NO. 552

C05440. Western Sydney Academy of Sport

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Van der Kley **that Council nominate Councillor Creed as Council's voting delegate, and Councillor Myles as alternative delegate to the Western Sydney Academy of Sport.**

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REPORTS BY GENERAL MANAGER, 9/5/06

MINUTE NO. 553

3. H01060. Nomination of Councillor to the Sydney Catchment Authority (SCA) Local Government Reference Panel

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

1. That Council appoint a replacement for former Councillor Henson as Council's representative to the Sydney Catchment Authority Local Government Reference Panel.
2. That Council thank former Councillor Henson for her work on the Reference Panel.

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MINUTE NO. 554

H01060. Nomination of Councillor to the Sydney Catchment Authority (SCA) Local Government Reference Panel

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Frappell that Council nominate Councillor Hamilton as Council's representative to the Sydney Catchment Authority (SCA) Local Government Reference Panel.

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MINUTE NO. 555

H01060. Nomination of Councillor to the Sydney Catchment Authority (SCA) Local Government Reference Panel

RESOLVED UNANIMOUSLY on the MOTION of Councillors O'Grady and Myles that Council nominate Councillor McInnes as Council's alternate representative to the Sydney Catchment Authority (SCA) Local Government Reference Panel.

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MINUTE NO. 556

4. H00702. Nomination of Councillor to the Hawkesbury Nepean Catchment Local Government Advisory Group

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Searle that Council appoint Councillor McInnes as a replacement for former Councillor Henson as Council's representative to the Hawkesbury Nepean Catchment Local Government Advisory Group.

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OFFICERS' REPORTS, 9/5/06

MINUTE NO. 557

5. C00870. Standard LEP Template and Changes to Planning Legislation

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Myles:

1. That Council continue to lobby the Minister for Planning to secure full or partial relief from the requirement to produce a new local environmental plan (LEP) that conforms to the State Government's standard LEP template.
2. That Council continue to lobby the Minister for Planning and the Department of Planning to make further significant improvements to the nature, content and operation of the gazetted standard LEP template so that it becomes more relevant and effective to enable the recognition of the special characteristics inherent to the Blue Mountains, particularly with respect to its location within a World Heritage National Park, and for other Councils with similar characteristics.
3. That Council offer to assist the Department of Planning in developing improvements to the standard LEP template for Councils with environmentally sensitive areas in line with the provisions contained in LEP 2005.
4. That Council move forward with those elements of the review of LEP 1991 that will be required to finalise the planning framework for the Blue Mountains under a single LEP.
5. That Council seek the assistance of, and work with, the Hon Bob Debus, the Hon Karen Paluzzano, the Local Government and Shires Associations and the Western Sydney Regional Organisation of Councils to influence change in the approach of the LEP Review Panel to ensure that a wider range of LEP amendments can be approved to maintain the currency and effectiveness of existing principal LEPs.

MINUTE NO. 557 (CONT.)

6. That Council write to the Premier, the Minister for Planning, the Minister for Local Government, the Member for Blue Mountains, the Member for Penrith and the Leader of the Opposition expressing Council's concern with the lack of consultation with local government undertaken prior to the introduction of the Environmental Planning and Assessment Amendment Bill and related legislation to Parliament and seeking assurances that councils, the Local Government and Shires Associations and other relevant parties will be fully consulted in relation to any further changes in legislation affecting local government.

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MINUTE NO. 558

6. X05/0298. Section 82A Application to Review the Determination of Development Application No. X05/0298 for a Carport (Works as Executed) on Lot 70 DP 252468, No. 3 Woollybutt Place, Mount Riverview

RESOLVED UNANIMOUSLY on the MOTION of Councillors Frappell and Myles that the application for a review of determination of Development Application No. X05/0298 for a carport (works as executed) on Lot 70 DP 252468, No. 3 Woollybutt Place, Mount Riverview be determined pursuant to Section 80(3) and Section 82A of the Environmental Planning and Assessment Act 1979 by the granting of a deferred commencement consent subject to conditions shown in Attachment 1 to this Report.

Attachment 1—Proposed Conditions of Consent

Part 1—Proposed Deferred Commencement Consent Conditions

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|-------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Landscape Plan | 1. A Landscape Plan shall be submitted to Council indicating screen plantings between the carport and the front boundary. |
| Stormwater Management | 2. A stormwater plan shall be submitted to Council indicating the provision of a rainwater tank with a minimum capacity of 1,000 litres to enable the reuse of stormwater on the site. |
| Time to comply with deferred commencement conditions | 3. Evidence that this condition has been satisfied must be provided to Council within 12 months from the date of the issue of the consent. |

MINUTE NO. 558 (CONT.)

Part 2—Proposed Operational Consent Conditions

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|---------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Confirmation of relevant plans | of 1. To confirm and clarify the terms of consent, the development shall be carried out in accordance with the plans prepared by Hi-Craft Home Improvements Pty Ltd dated 24.03.05 and accompanying supportive documentation, except as otherwise provided or modified by the conditions of this consent. |
| Period of development consent | 2. Physical completion of the development is required within a two year period from the date of this consent. Should this not occur, the development consent will lapse. |

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MINUTE NO. 559

7. C07519. Item C1 in Confidential Business Paper – Chase Developments Pty Ltd v BMCC (Parklands, 132-174 Govetts Leap Road, Blackheath)

A MOTION was moved by Councillors Van der Kley:

- 1. That Item C1 in the Business Paper be deferred for consideration until all other business of this meeting has been concluded.**
- 2. That Council close part of the Council Meeting for consideration of Item C1 in the Business Paper – Chase Developments Pty Ltd v BMCC (Parklands) pursuant to the provisions of Section 10A(2)(c) and (d) of the Local Government Act 1993, as the report contains, and discussion is likely to contain legally privileged information pertaining to an Appeal before the Land & Environment Court.**

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

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

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MINUTE NO. 560

8. C06080. Review Of Alternative Waste Technology - Sustainable Resource Recovery Solutions

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

1. That Council continues to develop its successful resource recovery activities in conjunction with the operation and development of the Blaxland and Katoomba Waste Management Facilities and that an integrated approach be taken with the development of all waste collection and management policies and practices to maximise the diversion of waste from landfill.
2. That Council continues to monitor developments in alternative waste technologies and assess possible opportunities to improve waste diversion in a sustainable manner.
3. That Council pursues the development of regional and State Alternative Waste Technology implementation plans and marketing strategies.

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MINUTE NO. 561

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

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Searle that Council approve the following donations from the Councillors' Minor Local Projects Vote:

| <u>Organisation</u> | <u>Amount</u> |
|---------------------------------|---------------|
| Springwood Soccer & Sports Club | \$400 |
| Bunya Child Care Centre Inc | \$400 |
| Hazelbrook Soccer Club Inc | \$100 |

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MINUTE NO. 562

10. H01326. Bullaburra Village Green Plan of Management –Adoption

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

1. That Council adopts the Bullaburra Village Green Plan of Management and uses it to guide the management and continued development of Bullaburra Village Green.

MINUTE NO. 562 (CONTD.)

2. That Councillors and individuals who participated in the development of the initial Plan be provided with a final copy of the adopted Plan of Management.

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MINUTE NO. 563

11. H00616. Springwood Aquatic & Fitness Centre – Report on Noise, Parking And Traffic Issues, and the Status of the Sale of the Churchill Street Tennis Courts Land

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

1. That the Council note the results of parking, traffic and noise surveys undertaken in February 2006 at the Springwood Aquatic & Fitness Centre and the subsequent measures that have been implemented to mitigate adverse impacts on neighbouring properties.
2. That the Council note the financial objectives previously resolved for the sale of the tennis courts land at 5 Churchill Street and potential financial implications should the sale not proceed.
3. That the Council note the current status of the planning process engaged with the Department of Planning to gain approval for the rezoning of the tennis courts land at 5 Churchill Street to Residential 2(A1) and to reclassify it to Operational Land to be used for residential purposes and sold.
4. That the Council receive a further report on the car parking capacity at the Springwood Aquatic & Fitness Centre based on seasonal data on car park occupancy rates on-site and on-street at peak times throughout the year, incorporating feasibility of options for expanding the car park capacity if warranted.

An AMENDMENT was moved by Councillors McInnes and O’Grady that Council deal with Points 1 and 4 only. Churchill Street and Aquatic Centre matters should be kept separate in future reports.

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

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

MINUTE NO. 563 (CONTD.)

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

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

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MINUTE NO. 564

12. C00534. Local Traffic Committee

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

- 1. That Council receives and notes this report.**
- 2. That the items 2006.10, 2006.12, and 2006.14 contained in the report of the Local Traffic Committee meetings held on 11 April 2006 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 2006.11, 2006.13, 2006.15, 2006.16, 2006.17, 2006.18 and 2006.19 are noted by Council.**

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NOTICES OF MOTION, 9/5/06

MINUTE NO. 565

13. C01185. Outstanding Council Resolutions

RESOLVED UNANIMOUSLY on the MOTION of Councillors McInnes and O'Grady **that a report come to the next possible meeting of Council, updating all outstanding business relating to resolutions of Council for the period of March 2005 to March 2006.**

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MINUTE NO. 566

14. C00453. Christmas Party - 2006

This matter was WITHDRAWN by the mover.

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MINUTE NO. 567

15. C07701. LEP 2005

That consideration of this matter be DEFERRED until after the meeting between the Mayor and the State Member concerning this matter has taken place.

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MINUTE NO. 568

16. C07759. 2006/7 Draft Management Plan And Revenue Policy

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

1. **That the following information be made available to the public as soon as possible:**
 - (a) **proposed programme expenditure for 2006-2007 funded by the Environmental Levy, and current expenditure for 005/06 from the levy; and**
 - (b) **detailed expenditure for environmental programmes to be funded in 2006/07 and details for each of the previous 4 years from Council's core funding.**

MINUTE NO. 568 (CONTD.)

2. **That this detailed information be made available each year at the time of the annual exhibition of the Management Plan.**

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PRECIS OF SELECTED CORRESPONDENCE, 9/5/06

MINUTE NO. 569

17. C00680. Precis of Selected Correspondence, 9/5/2006

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

1. **That the Precis of Selected Correspondence be received and appropriate letters forwarded where necessary.**
2. **That Number 8 from the Precis of Selected Correspondence be referred to the appropriate Council Working Party.**

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QUESTIONS WITH NOTICE, 9/5/06

18. C00444. H01269. Restricting Smoking Near Sporting Activities at BMCC Venues

Question by Councillor P McInnes (9/5/06):

- “1. On what criteria were the two sportsgrounds chosen for the restricted smoking trial?
2. Which other grounds were considered?
3. What is the base measurement and by what criteria will this trial be evaluated?
4. How will the ‘smoking areas’ be designated?
5. What are estimated financial implications including equipment costs (butt receptacles, signage, seating) and staff time?”

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19. C07701. Cost of Preparing LEP 2005

Question by Councillor P McInnes (9/5/06):

“What is the estimated cost, including staff time, of preparing and presenting LEP 2005?”

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MINUTE NO. 570

In accordance with the decision recorded at Minute No. 559, the Council Meeting was then closed to the public while the following matter was considered:

C1. C07519. Chase Developments Pty Ltd v BMCC Appeal (Parklands, 132-174 Govetts Leap Road, Blackheath)

1. That the advice provided by Council’s legal advisors McPhee Kelshaw in response to Council’s Resolution from the ordinary meeting of the 21st March 2006 be noted.
2. That on the basis of the legal advice referred to in recommendation 1, Council abandon the concept of cost sharing between Council and RAID.
3. That Council be independently represented by counsel in the proceedings.
4. That Council’s legal advisors work collaboratively with RAID’s legal advisors, where possible, on areas of common interest in relation to the clause 10.8(e) component of the appeal.

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MINUTE NO. 571

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 9:49 pm on Tuesday, 9 May 2006.

The Ordinary Meeting of the Council then closed.

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