

BLUE MOUNTAINS CITY COUNCIL

ORDINARY MEETING

27 January 2009

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Minutes of the Ordinary Meeting of the Council of the City of Blue Mountains, held in the Council Chamber, Administrative Headquarters, Civic Place, Katoomba on Tuesday, 27 January, commencing at 7:34 pm.

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There were present:

The Mayor (Councillor Searle) in the Chair, and Councillors Clark, Creed, Gibbs, Greenhill, Hamilton, Luchetti, Mays, McCallum, McLaren, Myles, and Van der Kley.

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In attendance:

General Manager, Group Manager BM City Services, Group Manager Community & Corporate, Group Manager Environmental & Customer Services, Executive Officer, Chief Financial Officer, Manager Assets and Contracts, Manager City Planning, Manager Planning Health and Enforcement, Manager Environmental Management, Manager Building and Construction, Strategic Planning Specialist Transport, Blue Mountains Cultural Centre Director, Communications Officer, Senior Environmental Health and Building Surveyor, Program Leader Strategic Planning, Program Leader Community Outcomes, Program Leader Property and Facilities, Risk Management Officer, Project Support Officer Compliance, Senior Ranger, Ranger.

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Prayer / Reflection:

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

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C00679. Apologies

Nil

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MINUTE NO. 1

C00336. Confirmation of Minutes - Ordinary Meeting – 2 December 2008

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Greenhill **that the Minutes of the Ordinary Meeting of 2 December 2008 be confirmed.**

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C00336. Declarations of Interest – Ordinary Meeting, 27 January 2009

Councillor Mays made the following declaration with respect to Item 17 – Draft Amendment No 3 To Blue Mountains Local Environmental Plan 2005 To Permit Tourist Accommodation At 36 Mount Street And 61 - 63 Kings Road, Leura:

“I have a non-significant, non-pecuniary interest in this item as I live approximately 1km from the proposed development.”

Councillor Van der Kley made the following declaration with respect to Item 16 – Development Application No. X/794/2008 For A Medical Centre And Allied Health Services On Lot 1 Dp 655040 And Lot 1 Dp 628193, 7 And 9 Rosedale Avenue, Hazelbrook:

“I have a non-significant, non-pecuniary interest in this item as this is my family general practice and the applicant has not approached me about the development application.”

The Executive Officer made the following declaration with respect to Item 16 – Development Application No. X/794/2008 For A Medical Centre And Allied Health Services On Lot 1 Dp 655040 And Lot 1 Dp 628193, 7 And 9 Rosedale Avenue, Hazelbrook:

“I have a non-significant, non-pecuniary interest in this item as this is the general practice that I attend.”

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MINUTE NO. 2

S1. C01531. Confidential Mayoral Minute – General Manager Performance Management Process

The Meeting was addressed by Ivan Jeray.

RESOLVED UNANIMOUSLY on the MOTION of Councillors Searle and McLaren:

1. **That Item C1 in the Confidential Business Paper be deferred for consideration until all other business of this meeting has been concluded.**

2. **That the Council close part of the Council Meeting for consideration of Item C1 in the Confidential Business Paper, General Manager Performance Review process, 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 involve:**
 - (2)(a) personnel matters concerning particular individuals (other than councillors).**

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MINUTE NO. 3

1. F03848. Schedule of Invested Monies

A MOTION was moved by Councillors McLaren and Clark **that the Schedule of Invested Monies for December 2008 be received.**

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

For	Against
Councillors Creed	Councillors Clark
Greenhill	Gibbs
Hamilton	Mays
Luchetti	McCallum
McLaren	
Myles	
Searle	
Van der Kley	

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F00086. Question Without Notice – Schedule of Invested Monies

Councillor Mays: Could I please have information on the origin and the purpose for which the funds were reserved of the original \$25m investment portfolio?

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MINUTE NO. 4

2. F2014. Department Of Local Government - Councillor Information Seminars

RESOLVED UNANIMOUSLY on the MOTION of Councillors Greenhill and Hamilton **that the Council note the attendance status of the Councillors at the Department of Local Government Councillor Information Seminars provided following the Local Government Election 2008.**

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MINUTE NO. 5

3. F04889. Blue Mountains Cultural Centre & Katoomba Library Advisory Committee

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

1. That the Council endorse the term extension for the Blue Mountains Cultural Centre and Katoomba Library Advisory Committee until the establishment of the Blue Mountains Cultural Centre Board.
2. That Council receives a report on the options for amending the terms of reference for this committee to include Councillor representation at the 3 March 2009 Council Meeting.

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MINUTE NO. 6

4. F00296. Code of Conduct

RESOLVED UNANIMOUSLY on the MOTION of Councillors Greenhill and Hamilton that the Council adopts the Blue Mountains City Council Code of Conduct 2009 which includes amendments from the public exhibition process.

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MINUTE NO. 7

5. F0378. Conduct Review Panel Arrangements: Code of Conduct

RESOLVED UNANIMOUSLY on the MOTION of Councillors Greenhill and Hamilton:

1. That the Council endorse the BMCC Code of Conduct Independent Review Panel selection process to address the requirements of the Department of Local Government 2008 Model Code of Conduct.
2. That the Council thank WSROC for their management of this process on behalf of BMCC.
3. That the Council endorse the BMCC Panel of Independent Reviewers for use in investigating alleged breaches of the Code of Conduct by Councillors or the General Manager, including the continued use of the current BMCC Code of Conduct Independent Reviewer, Mr Geoff Williams, Fraud Prevention Services.

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MINUTE NO. 8

6. F02471. Review of the Code of Meeting Practice

The Meeting was addressed by Michael Aaronson and Ivan Jeray.

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Greenhill:

1. That the Council endorse the revised Code of Meeting Practice 2009 for the purpose of going on Public Exhibition.
2. That the Council place the revised Code of Meeting Practice on public exhibition under Section 361 of the Local Government Act for a period of 28 days.
3. That the Council receive a further report on completion of the public exhibition period to assist in adoption of the Code of Meeting Practice 2009.

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MINUTE NO. 9

7. F04616. Internal Audit Policy

The Meeting was addressed by Ivan Jeray.

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Luchetti that the Council endorses the Internal Audit Policy 2008.

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MINUTE NO. 10

8. F04616. Probity Audit Policy for Council’s Capital Works Program

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

1. That the Council endorses the Probity Audit Policy 2008.
2. That the wording changes on pp 58 for the Self Assessment Probity Audit Procedures be endorsed as follows:
 - Para. one - last sentence to read “but there is a concern regarding the public perception of a project”; and
 - Para. two - remove last sentence prior to dot points and amend the sentence prior to read “Probity Audit Procedures to the project and maybe:”

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MINUTE NO. 11

9. F04616. Weed control program for noxious weeds along the transport corridor across the Blue Mountains LGA

A MOTION was moved by Councillors Mays and Luchetti **that the Council receive the report and note the information.**

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

For	Against
Councillors Creed	Councillors Clark
Greenhill	Gibbs
Hamilton	Mays
Luchetti	McCallum
McLaren	
Myles	
Searle	
Van der Kley	

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MINUTE NO. 12

10. F00274. South Leura Floodplain Risk Management Study and Plan

The meeting was addressed by Ivan Jeray.

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

1. **That the Council accept and note the submissions made in response to the public exhibition of the draft South Leura Floodplain Risk Management Study.**
2. **That the Council adopt the South Leura Floodplain Risk Management Study and Plan.**
3. **That the floodplain strategy is implemented taking into account further mitigation options that include natural resource protection that preserves or restores natural areas or the natural functions of floodplains that are in keeping with our unique environment and World Heritage status. These measures can include, but are not limited to: Wetlands protection, Erosion and sediment control, using natural water flows and vegetation.**

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MINUTE NO. 13**11. F04643. Renewal of Community Buildings Agreements with community groups**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Greenhill and Hamilton:

1. That the Council formally approve the renewal of Community Buildings Agreements with the Community Groups listed in Attachment 1 for a period of four (4) years.
2. That the Council formally approve the continued occupancy of the Mount Riverview Youth Centre by the Mountains Youth Services Team Inc up to March 2009 when a review of the trial "outreach" program, the centre based programs and projected future programs is to take place and the future occupancy and use of the Mount Riverview Youth Centre determined.
3. That the Council formally approve staff to investigate the option of another community group or groups entering into a short term agreement for access and/or occupancy of the Mount Riverview Youth Centre during the days and times not currently required by the Mountains Youth Services Team Inc for centre based programs.

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MINUTE NO. 14**12. F04913. Lawson Community Hall update**

The meeting was addressed by Erst Carmichael and Colin Steele.

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

1. That the Council notes the report.
2. That the Council not allocate any monies to upgrade the Lawson Community Hall until clarification of the RTA funding position and the outcome of Grants Applications is known.
3. That a report to the Council be provided once the RTA and Grants funding position is understood and that this report reconfirm the process and costs relative to updating the existing Plan of Management.
4. That Council establish a committee involving Ward Councillors, Council Officers and community members to determine the precise scope of works necessary for the Hall to be made available for public use, as referred to on page 83 of the 27 January 2009 Business Paper and to explore ways for the community to participate in contributing to this work.

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MINUTE NO. 15**13. F04077. Optus request to share its right of possession – Woodford Telecommunication Facility**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Greenhill and Hamilton:

1. That the Council agree to grant Optus the right to share its right of possession of the area it leases from the Blue Mountains City Council at Woodford to existing telecommunication carriers approved by the Council to operate from the site.
2. That Optus meet all costs associated with the preparation and lodgement of the necessary documentation to facilitate this approval including the Council's reasonable legal costs.
3. That the Common Seal of the Council be affixed to any necessary documents if required.

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MINUTE NO. 16**14. X/1060/2008. Development Application No. X/1060/2008 for A two stage development comprising the completion and use of a temporary dwelling (Stage 1) and the subsequent construction of a two storey permanent dwelling and removal of the temporary dwelling (Stage 2) on Lot 23 DP 261592, 71C Russell Avenue, Valley Heights**

The meeting was addressed by Nicholas de Vos, Mary Gleeson, Marianne Kube and Matthew Klein.

RESOLVED UNANIMOUSLY on the MOTION of Councillors McLaren and Clark:

That the Development Application No. X/1060/2008 for a two stage development comprising the completion and use of a temporary dwelling (Stage 1) and the subsequent construction of a two storey permanent dwelling and removal of the temporary dwelling (Stage 2) on Lot 23 DP 261592, 71C Russell Avenue, Valley Heights be determined pursuant to S.80 of the Environmental Planning and Assessment Act 1979 by the granting of deferred commencement consent subject to the conditions shown in Attachment 1 to the Report in the Business Paper as amended by the following:

Condition 4 is amended to read:

- | | | |
|-----------------------------------|----------|--|
| Removal Temporary Dwelling | 4 | The temporary dwelling is to be:
Rendered un-habitable by removal of the kitchen and laundry facilities prior to occupation of, or issue of an Occupation Certificate, for the permanent dwelling, and Permanently removed from the site within 5 years of the date of this consent or within three (3) months of the issue of an |
|-----------------------------------|----------|--|

Occupation Certificate for the permanent dwelling, which ever occurs sooner. All services to the temporary dwelling are to be disconnected and made safe. All stumps columns and piers are to be removed and the surface of the land stabilised to prevent erosion of the site.

Additional Condition 26 is included to read:

Staging of development	26 Work on construction of Stage 2 (permanent dwelling) is not to commence until Stage 1 of the development has been completed (temporary dwelling).
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Attachment 1 - Conditions of Development Consent

PLEASE NOTE The Conditions of Development Consent have been removed from these Minutes to reduce the file to a manageable size. Please refer to the Conditions in the relevant Business Paper item, which is downloadable from this webpage.

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MINUTE NO. 17

15. X/937/2008. Development Application No. X/937/2008 for a dwelling and garage/studio on Lot 26 DP 4292, 44 Northcote Road, Leura

RESOLVED UNANIMOUSLY on the MOTION of Councillors Greenhill and Hamilton that the Development Application No. X/937/2008 for a dwelling and garage/studio on Lot 26 DP 4292, 44 Northcote Road, Leura be determined pursuant to S.80 of the Environmental Planning and Assessment Act 1979 by the granting of consent subject to conditions shown in Attachment 1 to this report.

Attachment 1 - Conditions of development consent

PLEASE NOTE The Conditions of Development Consent have been removed from these Minutes to reduce the file to a manageable size. Please refer to the Conditions in the relevant Business Paper item, which is downloadable from this webpage.

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MINUTE NO. 18**16. X/794/2008. Development Application No. X/794/2008 for a medical centre and allied health services on Lot 1 DP 65504 and Lot 1 DP 628193, 7 and 9 Rosedale Avenue, Hazelbrook**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Greenhill and Hamilton that the Development Application No. X/794/2008 for a medical centre and allied health services on Lot 1 DP 65504 and Lot 1 DP 628193, 7 and 9 Rosedale Avenue, Hazelbrook be determined pursuant to S.80 of the Environmental Planning and Assessment Act 1979 by the granting of consent subject to conditions shown in Attachment 1 to this report.

Attachment 1 - Conditions of development consent

PLEASE NOTE The Conditions of Development Consent have been removed from these Minutes to reduce the file to a manageable size. Please refer to the Conditions in the relevant Business Paper item, which is downloadable from this webpage.

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MINUTE NO. 19**17. 0/2246/2007. Draft Amendment No 3 to Blue Mountains Local Environmental Plan 2005 to permit tourist accommodation at 36 Mount Street and 61 - 63 Kings Road, Leura**

A MOTION was MOVED by Councillors McLaren and Myles:

- 1. That subject to Recommendation 2 below, the Council request the Director-General to provide an authorisation for the issue of a Section 65 Certificate to permit the public exhibition of Amendment 3 to Local Environmental Plan 2005 (LEP 2005) as provided in Attachment 1 in accordance with Part 3 of the Environmental Planning and Assessment Act, 1979.**
- 2. That the Department of Planning be advised that, as part of the City-wide review of planning instruments, the Council shall formally investigate the introduction of a new category of land use within residential zones (including particularly the Living-Bushland Conservation zone of LEP 2005 and Residential Bushland Conservation zone of Local Environmental Plan 1991) which permits tourist accommodation on a domestic scale, having regard to the considerations outlined in this report.**

An AMENDMENT was MOVED by Councillors Gibbs and Mays that this item be deferred until all Councillors have had a briefing on the impact of such a proposed change to the LEP, including options for broad community consultation.

MINUTE NO. 19 Contd

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

For		Against	
Councillors	Clark	Councillors	Creed
	Gibbs		Greenhill
	Luchetti		Hamilton
	Mays		McLaren
	McCallum		Myles
			Searle
			Van der Kley

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

For		Against	
Councillors	Creed	Councillors	Clark
	Greenhill		Gibbs
	Hamilton		Luchetti
	McLaren		Mays
	Myles		McCallum
	Searle		
	Van der Kley		

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MINUTE NO. 20**C00336. Procedural – That Items 18-20 of the Business Paper be considered as a group**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Myles that items 18 – 20 of the Business Paper be considered as a group due to their being similar development applications for 30-62 Flinders Street Lawson from a single applicant.

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MINUTE NO. 21**18. X/1256/2005. Development Application No. X/1256/2005 for four factory units on Lots 1 – 3 Section Q Dp 1417, 30-62 Flinders Street, Lawson**

The meeting was addressed by Erst Carmichael.

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

1. That the Development Application No. X/1256/2005 for four factory units on Lots 1 - 3 Section Q DP 1417, 30-62 Flinders Street, Lawson, be determined pursuant to S.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.

MINUTE NO. 21 Contd

2. That all deferred commencement matters (identified in Part 1 of the development consent) pertaining to development consent No. X/1256/2005 for four factory units on Lots 1 - 3 Section Q DP 1417, 30-62 Flinders Street, Lawson, have been satisfied pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 and Clause 95 of the Environmental Planning and Assessment Regulation 2000 come back before Council for approval.
3. That the Council acknowledge and endorse the applicant's intention to:
 - (a) consider placing a conservation covenant in perpetuity on Lot 7 Section 0 DP 1417, Lot 8 Section 0 DP 1417, Lot 21 Section 0 DP 1417 and Lot 22 Section 0 DP 1417, (36-38 Cascade Street), and
 - (b) transferring the ownership of the land to a deductible gift recipient, as part of measures proposed to improve the environmental outcomes within the locality in accordance with the Flora and Fauna Assessment prepared by Ecological Australia for Laurence Browning Pty Ltd in October 2005 and submitted with Development Application Nos. X/1256/2005, X/1254/2005, X/1250/2005 and X/1252/2005.
4. That the Council offer assistance to Laurence Browning Pty Ltd in negotiations with a deductible gift recipient and should the land subject to Recommendation (3) above be subsequently offered at no or nominal cost to the Council by a deductible gift recipient, that the Council provide in principle agreement to:
 - (a) accepting the land on account of its identified environmental values, and
 - (b) managing that land in conjunction with the adjacent environmentally sensitive land, which is classified as Community Land under the Local Government Act 1993 and zoned Environmental Protection – Open Space under Local Environmental Plan 2005,with any formal acceptance of an offer and subsequent conditions to be subject to a separate report to the Council.

Attachment 1 – Conditions of development consent

PLEASE NOTE The Conditions of Development Consent have been removed from these Minutes to reduce the file to a manageable size. Please refer to the Conditions in the relevant Business Paper item, which is downloadable from this webpage.

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MINUTE NO. 22**19. X/1245/2005. Development Application No. X/1254/2005 for eight factory units on Lots 4 – 7 Section Q Dp 1417, 30-62 Flinders Street, Lawson**

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

1. That the Development Application No. X/1254/2005 for four factory units on Lots 4 - 7 Section Q DP 1417, 30-62 Flinders Street, Lawson, be determined pursuant to S.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.

MINUTE NO. 22 Contd

2. That all deferred commencement matters (identified in Part 1 of the development consent) pertaining to development consent No. X/1256/2005 for four factory units on Lots 1 - 3 Section Q DP 1417, 30-62 Flinders Street, Lawson, have been satisfied pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 and Clause 95 of the Environmental Planning and Assessment Regulation 2000 come back before Council for approval.

Attachment 1 – Conditions of development consent

PLEASE NOTE The Conditions of Development Consent have been removed from these Minutes to reduce the file to a manageable size. Please refer to the Conditions in the relevant Business Paper item, which is downloadable from this webpage.

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MINUTE NO. 23**20. X/1250/2005. Development Application No. X/1250/2005 for four factory units on Lots 8 – 10 Section Q Dp 1417, 30-62 Flinders Street, Lawson**

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

1. That the Development Application No. X/1250/2005 for four factory units on Lots 8 - 10 Section Q DP 1417, 30-62 Flinders Street, Lawson, be determined pursuant to S.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.
2. That all deferred commencement matters (identified in Part 1 of the development consent) pertaining to development consent No. X/1256/2005 for four factory units on Lots 1 - 3 Section Q DP 1417, 30-62 Flinders Street, Lawson, have been satisfied pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 and Clause 95 of the Environmental Planning and Assessment Regulation 2000 come back before Council for approval.

Attachment 1 – Conditions of development consent

PLEASE NOTE The Conditions of Development Consent have been removed from these Minutes to reduce the file to a manageable size. Please refer to the Conditions in the relevant Business Paper item, which is downloadable from this webpage.

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MINUTE NO. 24**21. X/1255/2005. Development Application No. X/1252/2005 for six factory units on Lots 11 – 17 Section Q Dp 1417, 30-62 Flinders Street, Lawson**

The Meeting was addressed by Erst Carmichael.

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

1. That the Development Application No. X/1252/2005 for six factory units on Lots 11 - 17 Section Q DP 1417, 30-62 Flinders Street, Lawson, be determined pursuant to S.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.
2. That all deferred commencement matters (identified in Part 1 of the development consent) pertaining to development consent No. X/1256/2005 for four factory units on Lots 1 - 3 Section Q DP 1417, 30-62 Flinders Street, Lawson, have been satisfied pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 and Clause 95 of the Environmental Planning and Assessment Regulation 2000 come back before Council for approval.

Attachment 1 – Conditions of development consent

PLEASE NOTE The Conditions of Development Consent have been removed from these Minutes to reduce the file to a manageable size. Please refer to the Conditions in the relevant Business Paper item, which is downloadable from this webpage.

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MINUTE NO. 25**22. F03719. Blue Mountains Bike Plan**

The Meeting was addressed by Christine Laurence and Ivan Jeray.

RESOLVED UNANIMOUSLY on the MOTION of Councillors McLaren and Greenhill with Councillor Creed out of the Chamber:

1. That the Council adopts the Blue Mountains Bike Plan 2020.
2. That the Council notes that \$50,000 p.a. was included in its adopted rolling four year Capital Works Program for 2008-2012.
3. That Council investigate committing further funds towards the implementation of the Bike Plan in more areas of the Blue Mountains, particularly considering the recent funding increase from the Federal Government towards other Capital Works projects.
- 4.. That the Council encourages all appropriate funding opportunities to be investigated to seek the ongoing delivery of the total program identified in the Bike Plan 2020.

MINUTE NO. 25 Contd

- 5 That the Council receives an annual update on progress made in the Bike Plan 2020
- 6. That the Council note that the funding is to be expended over a thirteen year period.

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F00086. Question Without Notice – Blue Mountains Bike Plan

Councillor Creed: With regard to page 13 of the Blue Mountains Bike Plan 2020 – Was the footpath on Rusden Rd moved to the Western side to facilitate school children’s access?

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NOTICE OF MOTION

MINUTE NO. 26

23. F00088. Notice of Motion – Opening season for Blackheath Pool

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Creed with Councillor McLaren out of the Chamber **that Council receives a report on the option and cost of extending the opening season for the Blackheath Pool by one month so the Pool will be available for use from early November each year. Further that Council receives Blackheath pool attendance numbers for the 2006, 2007 and when available, 2008 seasons.**

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MINUTE NO. 27

Item 24. C00680. Precis of Selected Correspondence, 27 January 2009

RESOLVED UNANIMOUSLY on the MOTION of Councillors Creed and Hamilton:

- 1. That Items 1, 2, 3, 4 and 6 of the Précis of Selected Correspondence be received and appropriate letters forwarded where necessary.
- 2. That Council sends a copy of the petition noted in Item 5 of the Précis of Correspondence, together with a letter to the Minister for Roads, the Hon. Michael Daley; the member for the Blue Mountains, Mr Phil Koperberg; and the General Manager of the Roads and Traffic Authority, expressing concern on behalf of the adversely affected Leura residents and requesting the RTA to urgently provide options for ameliorating the impact of highway noise and visual pollutions, as outlined in the petition.

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MINUTE NO. 28

Item 25. F00544. Question With Notice – Blue Mountains Cultural Partnerships Program

RESOLVED UNANIMOUSLY on the MOTION of Councillors Greenhill and Hamilton:

Can Councillors be informed:

1. Is it correct that we have received no funding under this program?
2. Which Councils did receive funding and how much?
3. What is the impact on Blue Mountains cultural services if they do not receive funding under this program?
4. Is it possible for Council to write to the Member for the Blue Mountains, Mr Phil Koperberg, requesting that he make representations to the Premier and Minister for the Arts, the Hon Nathan Rees, regarding the Blue Mountains Cultural Partnerships Program?

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MINUTE NO. 29

Item 26. F04799. Petition from 31 residents of Gregory Terrace, Lapstone regarding road resealing

RESOLVED UNANIMOUSLY on the MOTION of Councillors Greenhill and Hamilton:

That the Council notes and receives this report.

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MINUTE NO. 30

Item C1. C01531. Confidential Mayoral Minute - General Manager Performance Management Process

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

1. **That the Council endorses the establishment of a Council/General Manager Review Panel for the purpose of conducting the General Manager Performance Review process.**
2. **That the Mayor and Deputy Mayor together with two Council appointed Councillors, Councillor Myles and Councillor Gibbs and a General Manager nominated Councillor (if any), form the Council/General Manager Review Panel for the 2008/09 review process.**

MINUTE NO. 30 Contd

3. That the Council receive further advice through a briefing from the Mayor on the process for developing the next Annual Performance Agreement.

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F00086. Question Without Notice – General Manager’s Performance Agreement

Councillor Searle: Can the Councillors please be advised, in a Confidential Business Paper, of the annual process and timeline for reviewing and setting the General Managers Performance Agreement?

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MINUTE NO. 31

17. C00336. Procedural – Question that Meeting Close

RESOLVED UNANIMOUSLY on the MOTION of Councillors McCallum and Van der Kley that as there was no further business before the meeting, the Council Meeting now close.

The ordinary Meeting of the Council closed at 10:50 pm on Tuesday 27 January 2009.

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