

BLUE MOUNTAINS CITY COUNCIL

ORDINARY MEETING

1 APRIL 2008

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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, 1 April 2008, commencing at 7:34 pm.

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There were present:

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

* * * * *

In attendance:

General Manager, Group Manager BM City Services, Group Manager Community & Corporate, Group Manager Environmental & Customer Services, Executive Officer, Chief Financial Officer, Manager Corporate Planning, Manager Assets and Contracts, Manager Planning, Health and Enforcement, Manager City Planning, Principal Planning Officer, Senior Environmental Health & Building Surveyor, A/Communications Officer, A/Team Leader Compliance, Project Support Officer – Civic Functions and Executive Administration, 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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MINUTE NO. 443

C00679. Apologies

RESOLVED UNANIMOUSLY on the MOTION of Councillors O’Grady and Van der Kley, with Councillor Brown out of the Chamber, **that the apology tendered on behalf of Councillors Creed and McInnes for non-attendance at the Meeting be accepted and a leave of absence granted.**

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MINUTE NO. 444

C00336. Confirmation of Minutes - Ordinary Meeting – 11 March 2008

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Hamilton, with Councillor Brown out of the Chamber, **that the Minutes of the Ordinary Meeting of 11 March 2008 be confirmed.**

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C00336. Declarations of Interest – Ordinary Meeting, Date

Nil

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MAYORAL MINUTE

MINUTE NO. 445

S1. F01154. Attendance at East Timor Friendship Conference 18-19 June 2008, Dili, Timor Leste

RESOLVED UNANIMOUSLY on the MOTION of Councillors O’Grady and Myles, with Councillor Brown out of the Chamber:

- 1. That the Council endorse the Mayor and Councillor O’Grady as delegates to June 2008 East Timor Friendship Conference in Dili, Timor-Leste.
- 2. That the Council endorse supporting the attendance of two Hato Bullicans at the June 2008 East Timor Friendship Conference in Dili, Timor-Leste.
- 3. That the Council receives a report on the outcomes of the Conference attendance as well as detailed outline of short term projects that will be undertaken by the Blue Mountains East Timor Friendship Committee as a result of the Strategic Plan by the end of Quarter 1, 2008-09.

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MINUTE NO. 446

1. C00694. Schedule of Invested Monies

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Frappell that the Schedule of Invested Monies as at 29 February 2008 be received.

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MINUTE NO. 447

2. F02080. 2007 Community Survey

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Frappell, with Councillor Brown out of the Chamber:

- 1. That the Council note the results of the Community Survey conducted by IRIS Research in November 2007.

MINUTE NO. 447 Contd

2. That the results of the Community Survey be publicised to the Blue Mountains community through:
 - notification in Blue Mountains Gazette; and
 - placement of the final reports in libraries across the Mountains and on the Council's web site.
3. That the Council take into consideration the overall results of the Community Survey in its business planning and budgetary processes.

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MINUTE NO. 448**3. A38137-E. Extinguishment of redundant drainage easement at No. 30 Second Street, Blackheath**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Frappell, with Councillor Brown out of the Chamber:

1. That the Council approve the extinguishment of the redundant drainage easement on Lot 6 Section N in Deposited Plan 25369 being 30 Second St, Blackheath.
2. That the Common Seal of the Council be affixed to any necessary documents.
3. That the funds received from the sale of the land be deposited in the Property Development and Investment Fund, according to the Council's adopted Corporate Property Policy.

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MINUTE NO. 449**4. C07857. Placement of the Draft 2008-2009 Management Plan and Financial Supplement on Public Exhibition**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Frappell, with Councillor Brown out of the Chamber:

1. That subject to any amendments arising from Council's consideration of items at this meeting, Council approves the Draft 2008-2009 Management Plan and Financial Supplement (containing more detailed information on Fees and Charges, Capital Works Program, Revenue Policy and Budget) for placement on Public Exhibition.
2. That the documents be publicly exhibited from Friday 4 April to Tuesday 6 May 2008.

MINUTE NO. 449 Contd

3. That a public information session be held on Thursday 24 April from 4:00pm to 7:00pm at the Mid Mountains Community Centre, Lawson.
4. That information on the Draft 2008-2009 Management Plan be publicised to the community via the Gazette and the Council's website during the exhibition period.

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MINUTE NO. 450**5. F00715. Appointment of Blue Mountains City Council Noxious Weeds Inspectors**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Frappell, with Councillor Brown out of the Chamber, **that Council Officers David Whiteman, John Brell, Rachel Swindell, Bernadette Scott, David Simmons and Chris Dewhurst are appointed as Inspectors under Section 41 of the Noxious Weeds Act 1993.**

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MINUTE NO. 451**6. C00944. Community Assistance / Donations – Recommendations by Councillors**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Frappell, with Councillor Brown out of the Chamber, **that the Council approve the following donations from the Councillors' Minor Local Projects Vote:**

<u>Organisation</u>	<u>Amount</u>
Can Assist Blue Mountains Branch	\$100.00
Can Assist Blue Mountains Branch	\$ 50.00
Can Assist Blue Mountains Branch	\$ 50.00
Can Assist Blue Mountains Branch	\$ 50.00
Blackheath Soccer Club	\$165.00

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7. F03489. Confidential Business Paper – Springwood Town Centre Advisory Committee

ITEM WITHDRAWN

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MINUTE NO. 452**8. A56343-E. Doctor's Surgery corner Hawkesbury Road and Kristine Street, Winnalee (382 Hawkesbury Road)**

RESOLVED UNANIMOUSLY on the MOTION of Councillors McLaren and Myles that the Council agree that negotiations and discussions proceed as outlined in the report and that in the event that meaningful progress is not being made, the matter will be reported back to the Council with respect to recommendations in relation to proposed enforcement action.

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MINUTE NO. 453**9. X/903/2007. Development Application No. X/903/2007 for the continued use of landscaping on Lot 43 DP 702706, No. 8 Fitzroy Street, Leura**

The meeting was addressed by John Lang, Sally Sweeney and Sam Makhoul.

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

1. That this Addendum be considered in conjunction with the report forming Item 9 to the Business Paper for the Council Meeting on 1 April 2008.
2. That the Development Application No. X/903/2007 for the continued use of landscaping on Lot 43 DP 702706, No. 8 Fitzroy Street, 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 1A to this report.

Attachment 1 - Conditions of Development Consent

- | | |
|---------------------------------------|--|
| 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 Woodland Designs dated February 2008 and the drainage design plan prepared by Barker Ryan Consulting, numbered 07190E1-A dated 15/1/2008, as amended 18/3/08, and accompanying supportive documentation, except as otherwise provided or modified by the conditions of this consent. |
| Period of development consent | 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. |
| Sydney Water Stamping of plans | 3. The approved plans must be submitted to a Sydney Water Quick Check agent or Water Servicing Coordinator to determine whether the development |

will affect any Sydney Water Asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the web site www.sydneywater.com.au for:

- Quick Check agent details – see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see Building Developing and Plumbing then Building and Renovating
- or telephone 13 20 92.

A copy of the stamped plans or other documentary evidence from Sydney Water's accredited agent demonstrating that the plans have been stamped by them is to be submitted to the Principal Certifying Authority prior to construction commencing.

Building Code of Australia

4. All building work must be carried out in accordance with the provisions of the Building Code of Australia.

Site management

5. To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period:

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 the Council.

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.

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.

Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.

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 Better Living Development Control Plan are to be implemented. This will include:

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

Plans on site

7. A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.

Stormwater drainage

8. To control rainwater runoff, drainage lines and retaining wall agricultural lines shall be connected to a stormwater drainage system as designed in accordance with details submitted by Barker Ryan Consulting (reference 07190E1).

The seepage water from the drainage system located within the base of the retaining wall shall be collected and piped to a stormwater pit measuring 600mm wide x 600mm deep x 2m long. The pit shall be located at least 4m from any property boundary.

Attachment 1A – Additional Conditions of development consent

Confirmation of relevant levels

9. To confirm and clarify the extent of earthworks and wall heights, the RL's of the finished ground levels and finished wall heights as shown on the approved plans are to be based on the a fixed datum of RL 2000 being the top of the footing at the north west corner of the northern and western retaining walls.

Protection of root zone

10. To minimize the impacts of the development on the row of *Cupressa torulosa* tress on the adjoining property to the east:
- a) No filling or works, including any batters or embankments required for transition in levels between the lawn area in the north eastern corner of the property and the adjacent garden areas or the existing ground level to the east of the proposed timber retaining wall, is to be placed or encroach within 3 metres of the eastern boundary;

- b) Prior to works recommencing, temporary fencing is to be provided along the 3 metre wide root protection zone adjacent the eastern boundary and maintained until works completed. During construction, this area shall not be used to store stockpiles of material, soil etc nor is earth moving or other machinery being permitted to enter.

- Collection of surface water**
- 1 The finished surface levels of lawns shall be graded
 1. and drained to the surface inlet pits shown on the concept drainage design plan prepared by Barker Ryan Consulting.

Upon being PUT to the Meeting, the MOTION was CARRIED, with Councillor Brown out of the Chamber, the vote being:

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

* * * * *

MINUTE NO. 454

10. X/1216/2007. Development Application No. X/1216/2007 for signage at the Edge Cinema Complex on Lot 1 DP 848603, 225-237 Great Western Highway, Katoomba

The meeting was addressed by Ivan Jeray.

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

1. **That the Development Application No. X/1216/2007 for signage at The Edge Cinema complex on Lot 1 DP 848603, 225-237 Great Western Highway, Katoomba be determined pursuant to S.80 of the Environmental Planning and Assessment Act 1979 (“the EP&A Act”) by the granting of consent in accordance with conditions provided in Attachment 1 of this Report.**
2. **That pursuant to Division 6 (Development Control Plan) of Part 3 of the EP&A Act, that a draft development control plan be prepared as an amendment to the Council’s Better Living Development Control Plan to provide a framework for any future advertising in Katoomba’s “Eastern Town Approach Precinct” (as identified in Attachment 2) that:**

MINUTE NO. 454 Contd

- (a) acknowledges the role of the Precinct as a visually prominent site at the eastern entrance to Katoomba, and
 - (b) is based on an ‘advertising design analysis’ undertaken in accordance with the State Environmental Planning Policy No.64 - Advertising and Signage (“SEPP 64), and
 - (c) considers the role of advertisements for commercial, civic, community and cultural activities and events, with reference to public art objectives and policies.
3. That the Council invite the owners and operators of The Edge Cinema and the Renaissance Centre, being the principal commercial sites within the Precinct, to assist the Council in the preparation of a draft development control plan (which would be subject to any changes to that DCP required by the Council) having regard to s.74D of the EP&A Act.
 4. That in preparing the draft development control plan that the Council undertake consultation with the advertising industry, tourism bodies and local businesses in accordance with clause 29 (Advertising Design Analysis) of SEPP 64 and the Roads and Traffic Authority.
 5. That the Council receive a report on the draft development control plan prior to its public exhibition pursuant to clause 18 of the Environmental Planning and Assessment Regulation 2000.

Attachment 1 - Conditions

- | | |
|--|--|
| Development consent | 1. To confirm and clarify the terms of consent, the development shall be carried out in accordance with the plans prepared by Studio GA Projects, project no 7.04, drawing numbers DA01, DA02, DA04 (Issue C) dated 17 March 2008 4, DA05 (Issue A) dated 6/12/07 and accompanying supportive documentation (including letter from Studio GA dated 18 March 2008), except as otherwise provided or modified by the conditions of this consent. |
| Commencement of works | 2. Physical commencement of construction is required within 2 years from the date on which this consent becomes operational pursuant to s.95 (Lapsing of Consent) of the Environmental Planning and Assessment Act 1979. The consent may only be extended by a period of one (1) year in accordance with s.95A of the Act. |
| Construction certificate (building) | 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. |

- Building Code of Australia**
4. All building work must be carried out in accordance with the provisions of the Building Code of Australia.
- Plans on site**
5. A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.
- Roads and Traffic Authority requirements**
6. To meet RTA Policies and Guidelines, the proposed signage on the site must not have or use:
- Flashing lights
 - Electronically changeable messages
 - Any large area of illuminated display in the colour red
 - Animated display, moving parts or simulated movement
 - Complex displays that hold a drivers attention beyond 'glance appreciation'
 - Displays resembling traffic signs or signals; and
 - A method and level of illumination that distracts or dazzles.
- In complying with this condition, the external electronically changeable message on Sign B shall be deleted, with no external electronic messaging to be provided on site.
- Curfew on illumination of signage**
7. The following curfew on illumination of signage applies:
- Sign C on the northern elevation shall not be illuminated after 9pm and the level of illumination during operation shall be kept to the minimum effective level.
- Sign F (Promotional Banner) shall not be illuminated after 9pm by any form of feature lighting.
- No signs shall be illuminated after the site has ceased operation and patrons have vacated the site, which will generally be no more than 30 minutes after the final movie session or event concludes.
- Any variation to this curfew on illumination may only be approved by the Council in writing.
- Retention and management of tree in vicinity of Sign C (Northern elevation)**
8. The tree located adjacent to the northern elevation of the building and in proximity to Sign C shall continue to be retained and protected, but may be trimmed to the extent necessary to enable filtered views of the Sign C from the Great Western Highway. The method and extent of trimming shall have the written approval of the Council prior to work on the tree being undertaken, with a principal consideration given to:
- a) the contribution of the tree as a landscape

element in relation to the site and building, and maintenance of any screening function of the tree to adjoining residential properties.

Management

- 9 This consent ceases to be in force on the expiration of 15 years after the date on which the consent becomes effective and operates, in accordance with section 83 of the Environmental Planning and Assessment Act 1979. Application must be made for a new consent in advance of this consent lapsing.

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

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

* * * * *

MINUTE NO. 455

11. X/964/2007. Development Application No. X/964/2007 for remediation of former Blackheath Tip – Stage 1 on Lot 471 DP 751627, R46376, 76-78 Ridgewell Road, and R46378, 82-88 Ridgewell Road, Blackheath

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Frappell, with Councillor Brown out of the Chamber, **that the Development Application No. X/964/2007 for Remediation of former Blackheath Tip - Stage 1 on Lot 471 DP 751627, Lot 84 DP 751627, R46376, 76-78 Ridgewell Road, and R46378, 82-88 Ridgewell Road, Blackheath 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

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 MB City Services/Design Services numbered A1 6530, Job No 1500, Sheet Nos 1 to 18, dated July 2007, and accompanying supportive documentation, except as otherwise provided or modified by the conditions of this consent.

Period of development consent 2. Physical commencement of works is required within a three year period from the date of this consent. Should this not occur, the development consent will lapse.

Sydney Water Stamping of plans 3. The approved plans must be submitted to a Sydney Water Quick Check agent or Water Servicing Coordinator to determine whether the development will affect any Sydney Water Asset's sewer and water mains, stormwater drains and/or easement, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the web site www.sydneywater.com.au for:

- Quick Check agent details – see Building Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water Assets – see Building Developing and Plumbing then Building and Renovating

or telephone 13 20 92.

A copy of the stamped plans or other documentary evidence from Sydney Water's accredited agent demonstrating that the plans have been stamped by them is to be submitted to the Principal Certifying Authority prior to construction commencing.

Signage 4. To ensure that the site is easily identifiable for deliveries and provides information on the person responsible for the site, a sign displaying the following information is to be erected:

- + The statement "*Unauthorised access to the site is not permitted*".
- + The names of the builder or another person responsible for the site along with an out of hours contact number.
- + Lot or Street number.

Workers amenities 5. Before work starts, toilet facilities must be provided for construction personnel on the site on the basis of 1 toilet for every 20 workers. Amenities are to be installed and operated in an environmentally responsible and sanitary manner. Toilets cannot remain on site for any longer than 12 months, without the further approval of Council.

Environmental Protection Conditions

Protection of Threatened Species and 6. The site is identified as containing and/or being immediately adjacent to an:

Endangered Ecological Communities

Endangered Ecological Community

- Blue Mountains Swamp in the Sydney Basin Bioregion/Temperate Highland Peat Swamp on Sandstone (also known as vegetation unit 5B listed on Schedule 3 of LEP 1991 and a vulnerable/endangered ecological community under state/federal legislation).

The Blue Mountains Swamp communities are located approximately 60m, 75m and 90m to the southwest, northwest and northern outer-limit of the development area respectively (inclusive of stormwater management devices).

This item is listed under the NSW Threatened Species Conservation Act, 1995 and the Commonwealth Environment Protection and Biodiversity Conservation Act, 1999.

Under the Threatened Species Conservation Act and Environmental Protection and Biodiversity Conservation Act it is an offence to harm threatened species, endangered ecological communities or their habitat.

The threatened species, endangered ecological communities and their habitat are required to be kept in good condition at all times.

Protection of a Buffer

7. In order to ameliorate potential adverse impacts of the development on identified Blue Mountains Swamp communities, a buffer, comprising all land and vegetation between the southwest, northwest and northern outer-limit of the proposed landfill works (inclusive of stormwater management devices) and the identified Blue Mountains Swamp communities, for the full length of the development area, must be protected and maintained.

The protection and maintenance of the buffer shall include:

- a. Incorporation of the buffer within the exclusion zone (to protect against impacts from the proposed landfill works), and
- b. Bush regeneration methods shall be utilised to remove weeds and maintain the health of retained bushland areas within the buffer. Any areas displaying spontaneous recovery/regeneration are to be protected and their complete recovery facilitated; and
- c. Where natural regeneration is not feasible, locally occurring native plant species are to be selected for any planting within disturbed areas of the buffer.

Exclusion zone

8. Prior to the commencement of any work on site, including any clearing, an exclusion zone must be established and maintained around the identified perimeter of the proposed landfill works (inclusive of stormwater management devices) to prevent damage to existing vegetation/site features.

This area is to be clearly identified by the placement of a temporary brightly coloured barrier mesh or required sediment control fencing around the perimeter of the area to be protected, and the provision of weatherproof signage to indicate that no entry into the zone or removal of the barrier is permitted. These are to remain in place until construction works are completed.

Within this zone, there is to be:

- a) no placement of temporary buildings or stockpiling of material,
- b) no parking or movement of machinery
- c) no change to the soil grade or level
- d) no changes to soil aeration or hydrological capacity
- e) no open cut trenching
- f) no spillage/disposal of building chemicals of any description.

Protection of Vegetation

9. No vegetation, apart from that shown on the endorsed plans as vegetation to be removed or felled, may be damaged, destroyed or lopped without the prior written consent of the Council.

Sediment and Erosion Controls

- 10 All exposed earthworks and disturbed areas shall have suitable sediment control measures in place **prior** to the commencement of receipt of fill on the site to prevent soil erosion and the transport of sediment off the site during rainfall and runoff. The sediment control measures shall be continually monitored and maintained in accordance with the approved Soil and Water Management Plan (Issue D) by Wallis and Moore for the duration of construction and for six months after completion.

The finished surface of all filled areas shall be progressively revegetated with perennial grasses comprising cloned and sterile Kikuyu (*pennisetum clandestinum*) turf strips and seed bands of the native grass *Microlaena stipoides* immediately it is possible to do so.

**Diversion Drain
Stabilisation**

- 11 Diversion drains must be stabilised at all times and following the completion of filling works they must be revegetated where practicable. Any revegetation of the diversion drains must utilise non-invasive groundcover species.

**Stormwater
Management
Sediment Pond 2**

- 12 In order to minimise the downstream impacts of stormwater runoff, improve stormwater quality and to facilitate recharge of the groundwater regime, a device or other measure(s) that encourage the infiltration of detained stormwater are to be installed at the outlet of Sediment Pond 2, and/or down gradient of the proposed Sediment Pond 2 within the “Flow Area” as identified on the approved Soil and Water Management Plan Issue D.

Any measure to encourage infiltration is:

- a) Not to be implemented within 60m of the boundary of the identified Blue Mountains Swamp communities, and
- b) Not to be implemented in a location that may adversely affect leachate containment, management or treatment, and
- c) Must avoid adverse impacts to existing native vegetation, and
- d) Must consist of a soft-engineered design such as coir log weirs and be installed by hand methods if located within the “Flow Area”

Fully detailed engineering plans must be prepared and certified by a suitable qualified professional and submitted to Council for approval prior to the commencement of any site works.

**Stormwater
Management –
Operations and
Maintenance Manual**

- 13 Prior to the commencement of site works, an Operations and Maintenance Manual for the proposed stormwater detention basins and related infiltration measure(s) is to be prepared and certified by a suitable qualified professional and submitted to Council for approval. The Operations and Maintenance Manual is to include, but not be limited to,
- a) Monitoring regime of the basin, outlet structure, spillway and infiltration measure(s).
 - b) Maintenance program for the basin, outlet structure, spillway and infiltration measure(s).
 - c) Maintenance program to address any incidence of scour at or beyond the outlet structure.

On-Site Detention Basin (OSD) and Stormwater Control Device Maintenance

- 14 To ensure the on-site detention basin and infiltration device is satisfactorily maintained, the applicant is to be responsible for keeping clear and the maintenance of all permanent stormwater diversion channels, basins, outlet structures and infiltration measures.

The applicant shall construct, install, clean, repair and maintain in good working order all permanent stormwater diversion channels, basins, outlet structures and infiltration measures in or upon the said land which comprise the OSD or which convey stormwater from the said land.

Engineering Conditions Roads Act Approval

- 15 Prior the commencement of site works and road works, a Roads Act Approval shall be obtained from Council for the works. The application shall contain:-
- a) A Traffic Management Plan,
 - b) Engineering plans and specifications prepared by a suitably qualified person and endorsed by a chartered civil engineer with NPER registration,
 - c) A Road Maintenance Management Plan,
 - d) Sediment and Erosion Control Plan, and

Reference shall be made to the following consent conditions in regard to the required content of the application.

Works in Council's roads

- 16 The following engineering works/detail shall be constructed/provided by the applicant at the applicant's expense:

- a. Dilapidation report, prepared by a chartered engineer or person with equivalent experience, on the whole length of Ridgewell Road infrastructure from the Great Western Highway to the tips entry is to be carried out and submitted to Council for consideration and approval with the Roads Act Approval submission.

The report shall include/address but not be limited to, the following:

- i) the adequacy of the existing pavements, drainage culverts and public utilities to take the expected wheel loads, the 2- way truck movements, and consequently recommendations to address any deficiencies to allow the commencement of the proposed truck movements and other construction equipment.

- ii) An audit of the condition of the road infrastructure which is to include a photographic record and if required a CCTV record.
 - iii) A safety audit and recommendations to address deficiencies to allow the commencement of the proposed truck movements and other construction activity. In this regard pedestrian safety is also to be addressed
- b. During the course of construction activities, regular dilapidation reports and audit reports as required above, including a report at the end of construction, are to be prepared by a chartered engineer or a person with equivalent experience, on the whole of Ridgewell Road infrastructure. The report shall include/ address but not be limited to the requirements in (a) above. This is necessary to ensure that any damage resulting from the construction traffic movements are detected and rectified quickly during the course of construction and an adequate record is maintained of the road infrastructure
- c. Ridgewell Road from the Great Western Highway to the entry of the tip site is to be upgraded, subject to engineering design, to provide the following:
 - i) 2 way traffic for the construction traffic/ truck use especially at bends. This shall include culvert extensions, benching, signage and clearing to provide adequate sight distances in accordance with the relevant standards.
 - ii) the provision of works required in the recommendations to address the deficiencies in the dilapidation reports and the audit reports required in (a) and (b) above, especially the provision of measures for pedestrian safety.
- d. The provision of sediment control measures, dust suppression measures and noise control measures in accordance with the relevant Australian Standards and the conditions of this consent. In particular dust control measures are to prevent dust impacting on the adjoining residential dwellings/properties
In this regard the adequacy of the proposed measures are to be demonstrated especially as they relate to:

1. protection of the environment
2. protection of the public
3. sediment control
4. serviceability and amenity

If the adequacy of the above cannot be demonstrated, then Ridgewell Road from the Great Western Highway to the landfill site's entrance is to be constructed with a sealed pavement to suit the 2- way passing of the intended truck use.

- e. Regular maintenance is to be carried out during the course of construction in accordance with a Maintenance Management Plan which is to include the rectification of deficiencies in the dilapidation reports and the audit reports required in this condition.

The Maintenance Management Plan is to ensure that Ridgewell Road road pavement and other infrastructure is maintained to the construction phase standard required in this consent at all times and that after construction it is returned to a standard no less than the preconstruction standard. The construction phase standard is to be no less than the preconstruction phase standard.

The Maintenance Management Plan is to be submitted to and approved by Council with the Roads Act Approval application.

Detailed engineering plans prepared by a qualified person and endorsed by a chartered civil engineer with NPER registration shall be submitted to and approved by Council prior to commencement of any works on the site or in the road reserve.

Approval of the engineering designs by Council is subject to the payment of the prescribed Engineering Development Fees, the amount of which will be advised at the time of lodgement.

The works required for the upgrade of Ridgewell Road are to be completed first prior to work commencing on the landfill site.

Roads and Traffic Authority works

- 17 Where the works affect Roads and Traffic Authority controlled roads, the design is to be approved by the Roads and Traffic Authority before submission to Council for approval. Furthermore, the work affecting Roads and Traffic Authority controlled roads is to be supervised by the Roads and Traffic Authority. Prior

to the completion of works, the subject of this consent, the Council and the Roads and Traffic Authority are to certify that all the works under their control have been completed to their satisfaction.

Construction in Council's roads

18 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 and on site, 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.

Where the works affect Roads and Traffic Authority controlled roads, the plans and specifications are to be approved by the Roads and Traffic Authority before submission to Council for approval.

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.

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 preliminary final inspection, any work considered by Council as unsatisfactory shall be rectified to Council's satisfaction at no cost to Council. The applicant's engineer must certify that the works have been constructed in accordance with the approved plans, specifications and relevant Australian Standards before the issue of the final inspection report.

- 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 Council. Where the works affect Roads and Traffic Authority controlled roads, the Traffic Management Plan is to be approved by the Roads and Traffic Authority before submission to Council for approval.

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.

- 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.

- Relocation of services** 19 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 Council prior to release of the Roads Act Approval and the Final Inspection.
- Repair of damage** 20 The applicant shall repair or reconstruct all damages caused by construction activity relating to the development as required by Council's Supervising Engineer and the dilapidation report prior to release of the final inspection report.
- Restore disturbed area** 21 All disturbed earthworks and/or batters are to be restored, stabilised, topsoiled and turfed/revegetated to Council's satisfaction prior to release of the final inspection report.
- Compliance with standards** 22 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.
- Supervision of engineering works** 23 All engineering works shall be supervised by a chartered civil/structural engineer with NPER registration. Certification from the supervising engineer shall be submitted to the Council to verify that

all works have been constructed in accordance with approved plans prior to the release of the final inspection report.

Works as executed plans

- 24 Prior to the issue of the final inspection report, 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.

Sedimentation and erosion control

- 25 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 plan shall be submitted to and approved by Council with the Roads Act Approval submission.

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 final inspection report, 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. 456

12. F03964. Preparation of a Draft Local Environmental Plan to permit 'car repair stations' within the 'Village Neighbourhood Centre' Zone within Blue Mountains Local Environmental Plan 2005 (Amendment No. 12)

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

- 1 That pursuant to Section 54 of the Environmental Planning and Assessment Act, 1979 ('EP&A Act 1979'), the Council prepare a Draft Local Environmental Plan to amend Blue Mountains Local Environmental Plan 2005 (LEP 2005) to permit 'car repair stations' within the Village – Neighbourhood Centre zone except for land within the specific Village – Neighbourhood Centre precincts of Mount Victoria and Glenbrook (Option 2).
- 2 That the NSW Department of Planning be informed of the Council's decision in accordance with Section 54(4) of the EP&A Act 1979.

MINUTE NO. 456 Contd

- 3 That the Council advise the Minister and the Director General of Planning that, in its opinion, an environmental study is not required pursuant to Section 57 of the EP&A Act 1979.
- 4 That the Minister be requested to grant delegation to the Council to certify the Draft Local Environmental Plan under Section 65 and Section 69 of the EP&A Act 1979.
- 5 That the Council publicly exhibit the proposed draft Local Environmental Plan in accordance with the Best Practice Guideline published by the former Department of Urban Affairs and Planning in January 1997 titled 'LEPs and Council Land – Guideline for Council using delegated powers to prepare LEPs involving land that is or was previously owned or controlled by council'.

Upon being PUT to the Meeting, the MOTION was CARRIED, with Councillor Brown out of the Chamber, the vote being:

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

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MINUTE NO. 457**13. F03139. Springwood Aquatic and Fitness Centre – Review of Parking**

The meeting was addressed by Kay Burton and Thelma Murphy.

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

1. That the Council note the results of the car parking study and options for possible future car parking.
2. That the Council continue to monitor the existing on-site and on-street parking arrangements.
3. That the issue of the pathway in Attachment 8 be investigated.

MINUTE NO. 457 Contd

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

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

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MINUTE NO. 458**14. C00680. Précis of Selected Correspondence – Item 1, 01/04/2008**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Van der Kley that **Item 1 of the Précis of Selected Correspondence be received and appropriate letters forwarded where necessary.**

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MINUTE NO. 459**14. C00680. Précis of Selected Correspondence – Item 2, 01/04/2008**

RESOLVED UNANIMOUSLY on the MOTION of Councillors O'Grady and Trindall, with Councillor Searle out of the Chamber, that **Item 2 of the Précis of Selected Correspondence be received and appropriate letters forwarded where necessary.**

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MINUTE NO. 460**15. C00336. Procedural – Question that Meeting Close**

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

The ordinary Meeting of the Council closed at 8:30 pm on Tuesday 1 April 2008.

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