

BLUE MOUNTAINS CITY COUNCIL

ORDINARY MEETING

24 April 2007

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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, 24 April 2007, commencing at 7.31pm.

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There were present:

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

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In attendance:

General Manager, Executive Officer, Group Manager BM City Services, Group Manager Community & Corporate, Group Manager Environmental & Customer Services, Executive Principal (Planning), Program Leader Community Outcomes, Manager Planning Health & Enforcement, Manager Environment Management, Communications Manager and Project Support Officer, Senior Environmental Ranger and Environmental Ranger.

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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. 89

C00336. Confirmation of Minutes - Ordinary Meeting, 03/04/07

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Van Der Kley that the Minutes of the Ordinary Meeting of 3 April 2007 be confirmed.

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MINUTE NO. 90

C00336. Declarations of Interest - Ordinary Meeting, 24/04/07

Councillor Van Der Kley declared a Conflict of Interest in relation to Item 6: Hazelbrook Public Toilets Proposal, as he currently owns a business in the vicinity.

Councillor Myles made a declaration of interest in relation to Item S1: Springwood Bowling and Recreation Club, as he is the member of the Club.

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MINUTE NO. 91**1. C02708. Australian Guild of Town Criers – 2007 Australian Championship, Moree**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Trindall and Van Der Kley:

1. That our Town Crier, Mr. Dennis John Hitchen, is given approval to represent the City of Blue Mountains at the Australian Championship of Town Criers to be held in Moree from Friday 31 August to Sunday 2 September 2007.
2. That the Council pays 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. 92**S1. H00362/C02479. Springwood Bowling and Recreation Club**

A MOTION was moved by Councillors Myles and McLaren:

1. That the Council amend the Positive Covenant 6666939 by removing the definition relating to the market value and replacing the current definition which will facilitate the outcome sought by the Springwood Bowling and Recreation Club (the Club) but retaining the right of first refusal to repurchase the site.
2. That the Council note a valuation by a qualified valuer has been obtained and that further negotiations with the Springwood Bowling and Recreation Club Directors have taken place.
3. That the Council note that the valuer considers the difference between the unimproved valuation of the premises with the current covenant and the proposed amended covenant in today's dollar terms is \$500,000.
4. That the Council note that legal advice has been obtained and that the covenant can be amended to achieve the Council intention by removing the definition of market value.
5. That no further compensation be required from the Springwood Bowling and Recreation Club as research supports the position that they did not originally pay a discounted price for the unimproved value of the land with the Positive Covenant in place.
6. That it be noted that the Springwood Bowling and Recreation Club have met all costs of the replacement of the two tennis courts and associated facilities.
7. That the Common Seal of Council be affixed to the necessary documents relating to this matter.

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

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

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MINUTE NO. 93

2. C07111. Confidential Business Paper – Proposed Extension of the Kerbside Recyclable Materials Collection Service, Contract No. Em-W01/2004

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

1. That Council determine, in accordance with Section 55(3) of the Local Government Act 1993, that a satisfactory result would not be achieved by inviting tenders to provide the Kerbside Recyclable Materials Collection Service for the proposed five month extension period as tendering would not be expected to attract value for money due to short-term tenure, high establishment and infrastructure costs involved with this type of service and the potential for short-term change in service provision to affect customer behaviour and reduce current high level of participation in recycling by residents.
2. That Council accept the offer from Blue Mountains Recycling Centre to continue to provide the Kerbside Recyclable Materials Collection Service on behalf of Council, under Contract No EM-W01/2004, until 30 June 2008 in order to;
 - provide sufficient time to tender and establish the new Contract;
 - provide sufficient time for education and communication;
 - co-ordinate the planned changes across the kerbside collection services; and align the new Contract with the financial year cycle.

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MINUTE NO. 94

3. C00944. Community Assistance / Donations Recommendation by Councillors

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

That the Council approve the following donations from the Councillors’ Minor Local Projects Vote:

<u>Organisation</u>	<u>Amount</u>
Hazelwood Child Care Centre	\$100.00
Hazelwood Child Care Centre	\$100.00
Hazelwood Child Care Centre	\$156.50
Glenbrook Amateur Swim Club	\$200.00
RSL – Blaxland Glenbrook Sub-branch	\$200.00
Springwood High School	\$100.00
Springwood High School	\$156.50
Springwood High School	\$ 50.00
Springwood High School	\$100.00
Springwood High School	\$ 50.00

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MINUTE NO. 95

4. H00267. Accommodation for Blue Mountains Family Support Services

The meeting was addressed by Suzie Van Opdorp and Angelique Sasagi.

The MOTION was moved by Councillors O’Grady and Brown:

1. That the Council support the proposal to relocate Blue Mountains Family Support Services to No. 2 Station Street, and People Living with HIV and Aids to the front portion of No. 10 Station Street, Katoomba.
2. That the Council approve the allocation of capital funding of \$157,000 (plus GST) to No. 2 Station Street, Katoomba for the purposes of modifications and improvements, for the use of Blue Mountains Family Support Services.
3. That the Council approve the allocation of capital funding of \$15,000 (plus GST) to No. 10 Station Street, Katoomba for the purposes of modifications and improvements, for the use of People Living with HIV and Aids.
4. That the Council approve the allocation of capital funding of \$32,514 to No. 1 Loftus Street, Lawson to supplement existing funding to modify and improve the facility for the use of Family Day Care.
5. That the capital funding of \$204,514 presently committed in 2006/07 for the Alterations and Additions to Nos. 6-8 Station Street, Katoomba be reallocated to meet the requirements of items 2-4 inclusive above.
6. That the funds referred to above in items 2-4 inclusive, not expended in the 2006/07 financial year be carried forward to 2007/08 financial year.

RESOLVED UNANIMOUSLY on the AMENDMENT of Councillors O’Grady and Brown:

1. That the Council support the proposal to relocate Blue Mountains Family Support Services to No. 2 Station Street, and People Living with HIV and Aids to the front portion of No. 10 Station Street, Katoomba.
2. That the Council approve the allocation of capital funding of \$157,000 (plus GST) to No. 2 Station Street, Katoomba for the purposes of modifications and improvements, for the use of Blue Mountains Family Support Services.
3. That the Council approve the allocation of capital funding of \$15,000 (plus GST) to No. 10 Station Street, Katoomba for the purposes of modifications and improvements, for the use of People Living with HIV and Aids.
4. That the Council approve the allocation of capital funding of \$32,514 to No. 1 Loftus Street, Lawson to supplement existing funding to modify and improve the facility for the use of Family Day Care.
5. That the capital funding of \$204,514 presently committed in 2006/07 for the Alterations and Additions to Nos. 6-8 Station Street, Katoomba be reallocated to meet the requirements of items 2-4 inclusive above.
6. That the funds referred to above in items 2-4 inclusive, not expended in the 2006/07 financial year be carried forward to 2007/08 financial year.
7. The funds be allocated to the Family Support Services as a priority and that if there are additional funds required after the DA and design costs are confirmed, that the Council meets with Family Support Services to discuss these variations.

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MINUTE NO. 96

5. F01719. 50th Anniversary Commemorating the Forced Removal of Aboriginal People from the Gully

The meeting was addressed by Neil Stuart.

An AMENDMENT was put forward by Councillors O'Grady and McInnes:

1. That the Council supports the 50th Anniversary Commemoration ceremony on Saturday 26 May 2007 recognising the forced removal of Aboriginal People from the Gully.
2. That the Council support the erection of a commemorative cultural and heritage display recognising the Aboriginal People of the Gully that is developed in conjunction with the Gully Traditional Owners. The commemorative cultural and heritage display will not exceed the budget outlined within the original report and will be expended in the 2007/08 budget and reported at a quarterly review.
3. That the Council allocate \$3,130 to contribute towards the 50th Anniversary Commemorative Event and that the allocation come from within existing budgets.

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

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

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

1. **That the Council supports the 50th Anniversary Commemoration ceremony on Saturday 26 May 2007 recognising the forced removal of Aboriginal People from the Gully.**
2. **That the Council support the erection of a commemorative cultural and heritage display recognising the Aboriginal People of the Gully that is developed in conjunction with the Gully Traditional Owners. The commemorative cultural and heritage display will not exceed the budget outlined within the original report and will be expended in the 2007/08 budget and reported at a quarterly review.**
3. **That the Council announces it's commitment to explore options for a partnership with the Gully Traditional Owners to develop interpretive walk trails through the Gully.**
4. **That the Council allocate \$3,130 to contribute towards the 50th Anniversary Commemorative Event and that the allocation come from within existing budgets.**

Upon being put to the Meeting, the MOTION was UNANIMOUSLY CARRIED.

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MINUTE NO. 97

6. H00267. Hazelbrook Public Toilets Proposal

Due to a Conflict of Interest, Clr Van der Kley absented himself from the Council Chambers when this matter was considered.

RESOLVED UNANIMOUSLY on the MOTION of Councillors Myles and Frappell:

1. **That the Council adopt the proposal to enter into a Deed of Agreement with the Proprietors of 195-196 Great Western Highway, Hazelbrook, to make available**

the existing toilet facilities on that property for general public use during normal business hours of the shopping centre, in return for Council meeting the resultant cost of increased maintenance and operational expenditure of the toilets.

- 2. That subject to satisfactory negotiation of the terms and conditions of the Deed of Agreement in accordance with the cost of maintaining similar facilities, the Council authorise that the General Manager or Public Officer execute the document and that the Council seal be affixed to relevant documentation.**

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MINUTE NO. 98

7. F00598. Costs to the Council of Grose Valley Fires

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

That the Council receive and note the report in the Business Paper (24.04.07).

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MINUTE NO. 99

8. F00241. Springwood Town Centre Project

The meeting was addressed by Tara Cameron.

The MOTION was moved by Councillors Myles and McLaren:

1. That the Council note the progress of the Springwood Town Centre Project, as outlined in this Report.
2. That the Council note the summary of the major outcomes of the Springwood Town Centre Stakeholder Workshop, as outlined in this Report and in the Attachment to this Report.
3. That the Council endorse further community consultation on the proposed re-development of the three identified Council owned sites in Springwood, with the scale and timing of the consultation being referred to the Finance and Assets Working Party.
4. That the Council endorse the preparation of a community and social analysis of Springwood to assist in defining options for the re-development of the three Council owned sites.
5. That the Council note, in light of recommendations 3) and 4) above and expenditure of funds to date, that additional funding and staff resources will need to be directed towards the project and this matter be referred to the Finance and Assets Working Party with a view to submitting a proposal to amend the 2006/07 and Draft 2007/08 Budget and Management Plan.

6. That the Council note, in light of recommendations 3) and 4) above, that the timetable of the Springwood Town Centre Project will be extended into 2008, with a revised timetable to be referred to the Finance and Assets Working Party.
7. That the preliminary and any formal assessment, of the Springwood project under the Local Government Amendment (Public Private Partnerships) Act 2004 be prepared in accordance with the Regulation and Guidelines.

An AMENDMENT was put forward by Councillors Myles and McLaren:

1. **That the Council note the progress of the Springwood Town Centre Project, as outlined in this Report.**
2. **That the Council note the summary of the major outcomes of the Springwood Town Centre Stakeholder Workshop, as outlined in this Report and in the Attachment to this Report.**
3. **That the Council endorse further community consultation on the proposed re-development of the three identified Council owned sites in Springwood, with the scale and timing of the consultation being referred to the Finance and Assets Working Party.**
4. **That the preparation of a social and community analysis of Springwood be referred to the Finance and Assets Working Party.**
5. **That the Council note, in light of recommendations 3) and 4) above and expenditure of funds to date, that additional funding and staff resources will need to be directed towards the project and this matter be referred to the Finance and Assets Working Party with a view to submitting a proposal to amend the 2006/07 and Draft 2007/08 Budget and Management Plan.**
6. **The Council note, in light of recommendations 3) and 4) above, that the timetable of the Springwood Town Centre Project will be extended into 2008. However, that this Council also indicates its strong preference for being in a position to accept or refuse any expression of interest by the end of March 2008.**
7. **That the preliminary, and any formal assessment, of the Springwood project under the Local Government Amendment (Public Private Partnerships) Act 2004 is prepared in accordance with the Regulation and Guidelines.**

Upon being put to the Meeting, the AMENDMENT was CARRIED, the vote being:

For	Against
Councillors Angel	Councillors McInnes
Brown	
Creed	
Frappell	
Hamilton	
McLaren	
Myles	

O’Grady
Searle
Trindall
Van der Kley

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MINUTE NO. 100

9. S06/0034. Development Application No. S06/0034 For A Four (4) Into Fifteen (15) Lot Subdivision With A New Road On Lots A, B And C Dp 354154 And Lot 7 DP 10696, No. 49 Pauline Avenue And Nos. 59-79 Waratah Road, Wentworth Falls.

This matter was withdrawn from the Agenda before the meeting.

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MINUTE NO. 101

10. X06/1013. Development Application No. X06/1013 For The Demolition Of An Existing Dwelling And Shed And Additions To The Existing Katoomba RSL Club At Lot 1 Dp 1006352, Nos. 70-86 Lurline Street, Katoomba

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

That Development Application No. X06/1013 for the demolition of an existing dwelling and shed and development of the additions to the existing Katoomba RSL Club at Lot 1 DP 1006352, Nos. 70-86 Lurline Street, Katoomba be determined pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 by the granting of consent subject to conditions shown in Attachment 1 to this Report.

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 following:
 - Architectural plans prepared by Network Refurbishment and Construction being drawings No.0, Issue D, dated 29/01/07; No.1, Issue H, dated 13/02/07; No.2, Issue D, dated 13/02/07; No.3, Issue D, dated 13/02/07; No.5, Issue C, dated 13/02/07
 - Kitchen layout plans prepared by Network Refurbishment and Construction and dated 02/02/07
 - Landscape concept plans No.0, Issue D, dated 29/01/07

- Stormwater plans prepared by Network Refurbishment and Construction being drawing No.SW-1, Issue A, dated May 2006
- Traffic and Parking Assessment, and Parking Study prepared by Rhodes Thompson Associates
- Statement of Environmental Effects prepared by Cityscape Planning and Projects, dated May 2006 except as otherwise provided or modified by these conditions of this consent.

<u>Period of development consent</u>	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.
<u>Construction certificate (building)</u>	3	A construction certificate is required prior to the commencement of any site or building works. This certificate can be issued either by the Council as the consent authority or by an accredited certifier.
<u>Sydney Water Section 73 Certificate</u>	4	<p>A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.</p> <p>Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.</p> <p>Following application, a “Notice of Requirements” will advise of any water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator.</p> <p>The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to issue of an Occupation Certificate.</p>
<u>Access and mobility statement</u>	5	To ensure access and facilities are provided for people with a disability and in accordance with the principles of the <i>Disability Discrimination Act 1992</i> , a statement shall be provided that certifies that the development complies with Clause 107 of Local Environmental Plan 2005, Australian Standard 1428 and Australian Standard 4299. This statement is to be provided prior to the issue of a Construction Certificate.
<u>Building Code of Australia</u>	6	All building work must be carried out in accordance with the provisions of the Building Code of Australia.

- Landscaping** 7 Landscaping is required to ensure that the development contributes to the character of the Blue Mountains and its environmental sustainability.
- All works shown on the landscaping plan (including fencing details) shall be installed.
- All plants and landscaping on the site are to be maintained at all times. Any plants that die or are removed must be replaced with plants of the same species and of a similar stage of growth.
- Site management** 8 To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the demolition and construction periods:
- a. Site and building works (including the removal/delivery of materials to or 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.
 - b. Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site.
 - c. Building operations such as brickcutting, washing tools, concreting and bricklaying shall be undertaken on the building block. The pollutants from these building operations shall be contained on site.
 - d. Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.
- Demolition of Buildings generally** 9 The demolition work shall be supervised by a competent person with due regard to safe working practices and in accordance with the requirements of the NSW WorkCover Authority;
- Such work is to be carried out in accordance with the Occupational Health & Safety Regulations, 2001, and Australian Standard 2601 – 1991.
- Demolition of Buildings containing asbestos material** 10 Prior to the commencement of any demolitions work involving asbestos material, the applicant must notify the Council and adjoining residents, in writing and at least ten (10) working days before, of their intention to commence

demolition works. In the case of adjoining residents, such notification is to be a clearly written note, on at least note pad size paper, giving the date demolition will commence and be placed in the letterbox of every premises (including every residential flat or unit, if any) either side and immediately to the rear of the demolition site. The notification will also have a contact name and number for the person supervising the demolition work.

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| <u>Disposal of Asbestos</u> | 11 | All asbestos material, including asbestos cement, is to be disposed of at an approved waste management facility licensed to receive asbestos. |
| <u>Display of signage</u> | 12 | The developer will display appropriate asbestos/demolition signage prior to and during demolition works. |
| <u>Removal of hazardous waste</u> | 13 | <p>Removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable State legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia).</p> <ul style="list-style-type: none"> ▪ Only competent persons, or competent and registered persons shall carry out the removal. ▪ Removal of asbestos or materials containing asbestos fibres, shall be in accordance with the NOHSC code of practice. ▪ Precautions to be observed and procedures to be adopted during the removal of dangerous or hazardous materials other than asbestos, shall be in accordance with the relevant State regulations pertaining to those materials. |
| <u>Hoarding / fencing</u> | 14 | To ensure the protection of the public, hoardings are to be provided on the site, to the requirements of NSW Workcover Authority. |
| <u>Compliance with standards</u> | 15 | <p>All internal and external engineering works required by this development are to be in accordance with the 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.</p> <p>A suitably qualified consultant shall supervise all internal civil construction works and prior to issue of the Occupation Certificate, certification shall be obtained from the</p> |

consultant and submitted to the Principal Certifying Authority confirming all works have been constructed in accordance with the approved plans and specifications.

Sedimentation and erosion control

16

The applicant shall engage a qualified person to prepare a sediment and erosion control plan in accordance with the principles outlined in the 'Managing Urban Stormwater Soils and Construction' (Volume 1), dated March 2004 by Landcom NSW.

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

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

Works as Executed plans

17

Prior to the issue of an Occupation Certificate, a Works as Executed Plan of all internal and external civil engineering works together with a certification confirming that all works have been constructed in accordance with the approved plans shall be submitted to the Council for approval.

Construction in the Council's roads

18

Where works are carried out on the Council or public lands (i.e. roads) by or on behalf of the applicant, the following conditions shall be satisfied:

Before work commences in the Council's roads, plans and specifications prepared by a suitably qualified person and endorsed by a chartered civil engineer with NPER registration are to be submitted to and approved by the Council under the Roads Act 1993.

- a. Approval of the engineering designs by the Council is subject to the payment of the prescribed Engineering Development Fees at the time of lodgement. All works in the Council's road are to be at no cost to the Council.
- b. An on site meeting is to be arranged with the Council's Supervising Engineer prior to the commencement of any work in the Council's road for the purpose of a pre-construction meeting. The Council's inspection fee is to be paid prior to the meeting.
- c. The person or company carrying out the works will be required to carry public liability insurance to the value of \$10 million. The policy shall indemnify the Council from all claims arising from the execution of the works. Proof of the policy is to be provided to the Council's

Development Engineer at the pre-construction meeting.

- d. The person or company carrying out the works shall submit to the Council documentation proving experience in the type of work proposed to be undertaken. The person or company shall obtain approval from the Council to carry out the works prior to works commencing.
- e. The applicant will be required to pay for inspections in accordance with the Council's fees and charges. The specific stages of inspection required will be advised at the pre-construction meeting.
A minimum of 24 hours notice shall be given to the Council when arranging for an inspection. Work is not to proceed further until the works, or activity covered by the inspection has been approved.
Following the final inspection, any work considered by the Council as unsatisfactory shall be rectified to the Council's satisfaction at no cost to the Council. the Council inspection and approval shall be obtained prior to the issue of an Occupation Certificate. The applicant's engineer must certify that the work have been constructed in accordance with the approved plans, specifications and relevant Australian Standards.
- f. Prior to issue of the Construction Certificate, a Traffic Management Plan report prepared by a chartered civil engineer with NPER registration is to be submitted to the Council for approval. 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 the 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 the Council for approval.

- g. Safety devices such as signs, barricades, barriers, warning lights, etc. shall be placed where works affect the Council and Roads and Traffic Authority roads and shall be in accordance with Australian Standard No. 1742—Manual of Uniform Traffic Control Devices and

Roads and Traffic Authority Manual—Traffic Control at Work Sites 1998. Details prepared by a qualified person shall be submitted to the Council for its approval with the Traffic Management Plan Report.

The contractor shall submit to the Council the names of proposed traffic controllers with a signed declaration that they are appropriately trained in the duties of traffic controllers and Roads and Traffic Authority accredited.

- h. The applicant shall indicate the extent of any service adjustments necessary and submit with the design proof of approval by the relevant service authorities. The applicant shall bear all responsibility and costs associated with the proposed relocation of services.
- i. A prominently displayed sign identifying the contractor responsible for the work shall be erected. A contact telephone number should be provided on the sign.

External finishes

19

To ensure that the development is compatible with the surrounding environment, the material and finished colours shall be such to complements those of the existing Club.

Noise and obtrusive light

20

To ensure that the proposal does not significantly impact on the amenity of the surrounding area, the proposed development shall comply with the following requirements:

- All external lighting, including to the car park area and the external terraces, shall be directed, shielded and/or screened such that they do not cast obtrusive light spill onto adjoining residential or accommodation properties.
- All new glazed areas shall be angled or otherwise screened to avoid obtrusive reflective glare to properties in the vicinity.
- To ensure the noise from the Club development does not result in objectionable noise level when read at any affected residential or accommodation property, the noise level emitted from the development including, onsite vehicle movements, mechanical plant, external air conditioning, compressor units or other activities shall not to exceed the background noise level by more than the amount allowed under the relevant requirements of the Department of Environment and Conservation.
- Any acoustic screening necessary to achieve the

required noise measurements to the plant equipment shall be designed to avoid being inappropriately visible to the surrounding area.

Food Safety Standards

- 21 The fit out of all food preparation and handling areas shall comply with the requirement of *Australian Standard 4674.2004* (Design, construction and fit-out of food premises) and *Food Safety Standard 3.2.3*.

In this regard, it should be noted that the garbage / recycled material storage areas requires a covered area with a tap and drained to the sewer. (See Section 2.4 Garbage and Recyclable Materials AS4674-2004)

The Council must be contacted at least 48 hours prior to the opening of the premises so that a final inspection can be undertaken.

Advertising signage

- 22 No additional advertising signage has been approved as part of this consent. To protect the visual amenity of the neighbourhood and the city, a separate application is required for any new advertising signage, which must be approved by Blue Mountains City Council prior to its erection. All new advertising sign should be in accordance with Council's *Development Control Plan 21 - Advertising and Information Signage*.

Coach and service vehicle access

- 23 To ensure the effective operation of the Club and the maximum availability of car parking spaces during peak period, coaches and service vehicles shall access the site as follows:
- No more than 3 Coaches shall visit the site at any one time with no coaches to visit the site after 3 pm on any day.
 - The coaches shall park in accordance with the layout plan indicated by Landscape Plans prepared by Network Refurbishment and Construction being drawing No.0, Issue D, dated 29/01/07.
 - The car parking area shall be signposted to ensure the effective operation of the car park area for coach parking as well as ensuring maximum spaces available after 3pm. Details of the proposed signage shall be submitted to Council for approval prior to the release of a Construction Certificate.
 - All food and ancillary materials shall be delivered to the loading bay within the car park area, with only liquor and drinks being delivered to the Merriwa Street loading bay.

- All deliveries of food and ancillary materials shall occur before 3:00 pm and be by a small rigid vehicle only.

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MINUTE NO. 102

11. Re: Finalisation of the Draft Plan of Management from the Mechanics Institute Site

Notice of Motion put forward by Councillor McInnes (24.04.07):

“That prior to the finalisation of the draft Plan of management from the Mechanics Institute site, Council obtain a report to consider the feasibility of relocating the whole of the Mechanics institute on the whole of the land known as Folio Identifier 17/1/758605.”

The MOTION was ruled out of order by the Mayor under the Local Government Act 1993.

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MINUTE NO. 103

12. Submission of the Lawson Mechanics Institute Building to the Heritage Council as an Item of Environmental Heritage

A MOTION was put forward by Councillors McInnes and O’ Grady:

Recommendation by Councillor McInnes (24.04.07):

“That Council receive a brief report on submitting the Lawson Mechanics Institute building to the Heritage Council as an item of environmental heritage pursuant to section 166 of the Heritage Act 1977 as soon as possible.”

Upon being put to the Meeting, the MOTION was LOST, the vote being:

For

Councillors Brown
 O’Grady
 McInnes
 Searle
 Trindall

Against

Councillors Angel
 Creed
 Frappell
 Hamilton
 McLaren
 Myles
 Van der Kley

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MINUTE NO. 104

13. C00680. Précis of Selected Correspondence, 24/4/2007

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

That the Précis of Selected Correspondence be received and appropriate letters forwarded where necessary.

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MINUTE NO. 105

15. C00336. Procedural – Question that Meeting Close

As there was no further business before the meeting, the Mayor then put the MOTION “**that the Council Meeting now close**”.

Upon being put to the meeting, the MOTION was AGREED TO UNANIMOUSLY, the time being 8:40 pm on Tuesday, 24 April 2007.

The Ordinary Meeting of the Council then closed.

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