

BLUE MOUNTAINS CITY COUNCIL

ORDINARY MEETING

11 JULY 2006

INDEX

MINUTE NO.	FILE NO.	SUBJECT	REFERENCE PAGE NO.
621	C00679	Apologies and Leave of Absence	1
622	C00336	Confirmation of Minutes – Ordinary Meeting, 20/6/06	2
623	C00680	Response to Notice of Motion – Precis of Correspondence	2
624	C03156	Goods and Services Tax Compliance	2
625	C00694	Schedule of Invested Monies	3
626	H01478	Item C1 in Confidential Business Paper – RTA Business Proposal	3
627	H00212 & C00322	Resignation of the Winmalee Community Hall 377 Committee	3
628	C00944	Community Assistance / Donations – Recommendations by Councillors	4
629	C07722	Item C2 in Confidential Business Paper – Tender For Civil Work Component of the Tennis Courts Construction, Summerhayes Park, Winmalee	4
630	C07785	Approval to Award Contract C1-2006 for the Supply Of Asphaltic Concrete and Associated Services	5
631	X06/0428	Development Application No. X06/0428 for a Carport on Lot 2 DP 845869, No. 51 Sir Henrys Parade, Faulconbridge	6
632	C00534	Local Traffic Committee	7
633	C00577	Final Exemption for the Blue Mountains from the Seniors Living State Environmental Planning Policy	8
634	A90941	Acquisition of Lots 2 – 4 Waratah Street, Katoomba	9
635	C00680	Precis of Selected Correspondence, 11/7/2006	9
	A39192	Question with Notice - 85-99 Burrawang Street, Katoomba	9
	H00003	Question with Notice - Katoomba Golf Course	10
636	C00336	Procedural – Matter of Urgency	11
637		Support of Springwood Soccer and Sports Club	11
638	C00336	Procedural – Matter of Urgency	11
639		Letter to Coles Myer	12
640	H04178	RTA Business Proposal	12
641	C07732	Tender for Civil Work Component of the Tennis Courts Construction, Summerhayes Park, Winmalee	14
642	C00336	Procedural – Re-open Meeting to the Public	14
643	C00336	Procedural – Question that Meeting Close	14

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BLUE MOUNTAINS CITY COUNCIL

Minutes of the Ordinary Meeting of the Council of the City of Blue Mountains held in the Council Chamber, Administrative Headquarters, Civic Place, Katoomba on Tuesday, 11 July 2006, commencing at 7:30 pm.

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There were present:

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

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In attendance:

General Manager, Group Manager BM City Services, Group Manager Community and Corporate, Group Manager Environmental and Customer Services, Executive Officer, Manager, Building and Construction, Senior Property Officer and Technical Assistant.

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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. 621

C00679. Apologies and Leave of Absence

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

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MINUTE NO. 622

C00336. Confirmation of Minutes - Ordinary Meeting, 20/6/06

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Van der Kley that the Minutes of the Ordinary Meeting of 20 June 2006 be confirmed.

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MINUTE NO. 623

1. C00680. Response to Notice of Motion - Precis of Correspondence

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

1. That the Council note the attached response.
2. That this matter be referred to a Policy Review Working Party meeting.

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MINUTE NO. 624

2. C03156. Goods and Services Tax Compliance

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

1. That the Council resolve to certify that:
 - (a) Voluntary GST has been paid by Blue Mountains City Council for the period 1 May 2005 to 30 April 2006.
 - (b) Adequate management arrangements and internal controls were in place to enable the Council to adequately account for its GST liabilities and recoup all GST input tax credits eligible to be claimed.
 - (c) No GST non-compliance events by the Council were identified by or raised with the Australian Taxation Office.
2. That the attached compliance certificate be signed on behalf of the Council by the Mayor, one other Councillor, the General Manager and the Responsible Accounting Officer.

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MINUTE NO. 625

3. C00694. Schedule of Invested Monies

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Frappell that the Schedule of Invested Monies as at 31 May 2006 be received.

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MINUTE NO. 626

4. H01478. Item C1 in Confidential Business Paper – RTA Business Proposal

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

1. That Item C1 in the Business Paper is 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 Business Paper – RTA Business Proposal, pursuant to the provisions of Section 10A(2)(d)(i) and (iii) of the Local Government Act 1993, as the report contains, and discussion is likely to contain, commercial information of a confidential nature that would, if disclosed,
 - (i) prejudice the commercial position of the person who supplied it; and/or
 - (iii) reveal a trade secret.

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MINUTE NO. 627

5. H00212 & C00322. Resignation of the Winmalee Community Hall 377 Committee

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

1. That the Council formally accept the resignation of those persons mentioned in this report from the Winmalee Community Hall Committee and recognise their years of dedication and commitment to the management of the hall.
2. That the Council, at present, does not appoint a new Committee to the Winmalee Community Hall.

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MINUTE NO. 628

6. C00944. Community Assistance / Donations – Recommendations by Councillors

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

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

<u>Organisation</u>	<u>Amount</u>
Blue Mountains Aboriginal Cultural Resource Centre	\$200
Mid Mountains Historical Society	\$200
Blue Mountains Recreation and Respite Service	\$100
IntoSport	\$200
Springwood Chamber of Commerce	\$100
Winmalee Youth Service	\$100
Tibetan Institute of Performing Arts	\$100
Faulconbridge Bush Fire Brigade	\$100
Winmalee Bush Fire Brigade	\$100
Valley Heights Bush Fire Brigade	\$100
Warrimoo Bush Fire Brigade	\$100
Blue Mountains SES	\$100
Springwood Lions Club	\$500
Wentworth Falls Bush Fire Brigade	\$100
Womens Internation League for Peace And Freedom	\$150

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

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

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MINUTE NO. 629

7. C07722. Item C2 in Confidential Business Paper – Tender for Civil Work Component of the Tennis Courts Construction, Summerhayes Park, Winmalee

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

1. That Item C2 in the Business Paper be deferred for consideration until all other business of this meeting has been concluded.

MINUTE NO. 629 Contd.

2. That the Council close part of the Council Meeting for consideration of Item C2 in the Business Paper Tender for Civil Work component of the Tennis Courts Construction, Summerhayes Park, Winmalee, pursuant to the provisions of Section 10A(2)(c), (d) and (g) of the Local Government Act 1993, as the report contains, and discussion is likely to involve:
- information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting business;
 - commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it; and
 - advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

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MINUTE NO. 630

8. C07785. Approval to Award Contract C1-2006 for the Supply of Asphaltic Concrete and Associated Services

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

1. That the Council receives and notes this report.
2. That the Council resolves to proceed with the establishment of schedule of rates supply agreements for the supply, delivery and laying of asphaltic concrete, and for supply at bin and supply and deliver asphaltic concrete as per the terms of contract C1-2006.
3. That State Asphalt Services be awarded a supply agreement as preferred supplier for supply, deliver and lay asphaltic concrete.
4. That FRH Group Pty Ltd be awarded a supply agreement as an alternate supplier for supply, deliver and lay asphaltic concrete.
5. That Pioneer Road Services Pty Ltd be awarded a supply agreement for supply at bin and supply and deliver asphaltic concrete.
6. That Borthwick & Pengilly Asphalts Pty Ltd and Emoleum be awarded supply agreements as alternate suppliers for supply at bin and supply and deliver asphaltic concrete.

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MINUTE NO. 631

9. X06/0428. Development Application No. X06/0428 for a Carport on Lot 2 DP 845869, No. 51 Sir Henrys Parade, Faulconbridge

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

That Development Application No. X06/0428 for a carport on Lot 2 DP 845869, No. 51 Sir Henrys Parade, Faulconbridge 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

Attachment 1—Proposed 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 Hi Craft Home Improvements dated 3 May 2006 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.
Building Code of Australia	3.	All building work must be carried out in accordance with the provisions of the Building Code of Australia.
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: <ul style="list-style-type: none">▪ The statement “<i>Unauthorised access to the site is not permitted</i>”.▪ The names of the builder or another person responsible for the site along with an out of hours contact number.▪ Lot or Street number.
Site management	5.	To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period: <ul style="list-style-type: none">a. 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 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.

MINUTE NO. 631 Cont.

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- 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 must be contained and removed to a Waste Disposal Depot.
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- Stormwater drainage** 6. To control rainwater runoff, roof water shall be connected to stormwater drainage lines discharging to the existing stormwater system.
- It is recommended that the drainage system be installed at the same time as the footings/slab. It must, however, be operational as soon as the roof is clad.
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- External finishes** 7. To ensure that the development is compatible with the surrounding environment colours and finishes are to be muted bushland tones.
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- Vegetation to remain untouched** 8. All natural site features, rock outcrops, vegetation including trees and ground covers are to be retained.

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MINUTE NO. 632

10. C00534. Local Traffic Committee

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

1. **That the Council receives and notes this report.**
2. **That the items 2006.20, 2006.21 and, 2006.23 contained in the report of the Local Traffic Committee meetings held on 6 May 2006 be approved by the Council.**
3. **That the Director Client Services - Roads and Traffic Authority Blacktown, the Superintendent of Police - Blue Mountains Area Command and the Local Member's Representative be notified of the Council approval.**
4. **That the items 2006.22, 2006.25, 2006.26, 2006.27, and 2006.28 are noted by the Council.**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Frappell:

MINUTE NO. 632 Cont.

Item 2006.24

That the Council notes that the committee was requested to comment on the use of the driveway in Parke Street as a part-time Loading Zone.

The Council requests that the committee also consider the other options made by the Family Hotel, in particular to a Loading Zone in Parke Street (Option 1) from 8.00am to 10.00am further up the street in the existing parking zone.

A representative from the Family Hotel be invited to the meeting for this discussion.

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MINUTE NO. 633

11. C00577. Final Exemption for the Blue Mountains from the Seniors Living State Environmental Planning Policy

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Frappell:

1. That the Council write to the Minister for Planning, The Hon. Frank Sartor, and the Director-General of the Department of Planning with a request that the Blue Mountains be granted an urgent final exemption to State Environmental Planning Policy - Seniors Living, 2004 (“Seniors Living SEPP”) on the basis that:
 - (a) the Department fully endorsed the Council “Accessible Housing Strategy” on 31 October 2002 as the basis for an exemption to the SEPP, and
 - (b) the Minister had previously granted a partial exemption to the Blue Mountains by amending SEPP No. 5 – Housing Older People and People with a Disability on 15 November 2002, and
 - (c) the new Local Environmental Plan 2005 (“LEP 2005”), as gazetted on 7 October 2005, makes suitable provision for “Accessible Housing” to meet local housing needs in a manner that is compatible with identified character and environmental values of the Blue Mountains.

2. That the Council write to the Local Member, the Hon. Bob Debus, seeking his continued support in securing and expediting the final exemption of the Blue Mountains from the Seniors Living SEPP.

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MINUTE NO. 634

12. A90941. Acquisition of Lots 2 – 4 Waratah Street, Katoomba

RESOLVED UNANIMOUSLY on the MOTION of Councillor O’Grady that the matter by withdrawn.

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MINUTE NO. 635

13. C00680. Precis of Selected Correspondence, 11/7/2006

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Frappell that the Precis of Selected Correspondence be received and appropriate letters forwarded where necessary.

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14. A39192. 85 – 99 Burrawang Street, Katoomba

Question by Councillor P McInnes (3/7/06):

- a. Why did the Council not prosecute the landowner for land clearing that breached a Bush Fire Hazard Reduction Certificate issued by Council?
- b. Will the Council revoke the owner’s Bush Fire Hazard Reduction Certificate?
- c. A neighbour witnessed and has photographic evidence of the land clearing. Why has the Council not considered all available evidence of the unauthorised land clearing?
- d. Will the landowner now be required to remediate the Ecological Buffer Area Zone?
- e. Why did an environmental assessment not reveal the presence of *Persoonia acerosa* at several locations despite the Council’s past acknowledgement of the plant’s existence on the subject property? The Bush Fire Hazard Reduction Certificate Assessment indicated the presence of two other threatened fauna species (Common Bent-wing Bat and Brown Striped Frog) on or adjacent the property. Why was an environmental site assessment not carried out to determine the possible impacts on the fauna and other endangered and threatened species in the locality arising from the proposed bush fire hazard reduction work?
- f. Why did the Development Monitoring Team not earlier investigate an initial complaint of 6 October 2005 by a neighbour that could have prevented the land clearing?

- g. Does rubbish include native vegetation and is it acceptable for its removal to be replaced with an exotic lawn in an Ecological Buffer Area zone in breach of a bush fire hazard reduction certificate and without a development application and comprehensive environmental assessment?"**

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15. H00003. Katoomba Golf Course

Question by Councillor K O'Grady (3/7/06):

- "a. It appears sediment as a result of development works at Katoomba Golf Course continues to enter a creek that emerges from the site. Will the Council issue the developer a Direction to remove the sediment?**
- b. If the developer does not remove the sediment from the creek, will the Council make use of the \$5,000 bond lodged on 17 January 2003 as per condition 51?**
- c. Past reports to the Council indicate that erosion and sediment control measures at Katoomba Golf Course were inadequate, at full capacity and not maintained sufficiently. As a result, the Council issued a Clean Up Direction in March 2004 and further Directions in February 2005.**
 - i. Did the developer comply with the Directions? If not, what action did the Council take?**
 - ii. Is regular and proper maintenance now occurring?**
- d. How many times has the Council inspected the erosion and sediment control measures at Katoomba Golf Course and when did they occur?**
- e. Has the Principal Certifying Authority, McKenzie Group Consulting, increased surveillance of sedimentation controls as per the Council's request of February/March 2005? Has McKenzie Group Consulting issued the developer with any Directions? Did the developer carry out these Directions? If not, what actions did the Council take?**
- f. Why did, what appears to be excessive land clearing, occur on the northern perimeter of the central bushland corridor located at Katoomba Golf Course for a fairway, when the Master-Plan Layout by Golf Design Australia and Egis Consulting shows a proposal for a narrow track between the tee-off and the green?**
- g. The fairway was constructed with no erosion and sediment control measures which has resulted in weed infestation and sediment entering the central bushland corridor.**
 - i. Will the Council issue Directions for weed and sediment removal?**
 - ii. If the developer does not comply, will the Council make use of the \$5,000 bond lodged on 17 January 2003 as per condition 51?**
- h. Have development works encroached upon the swamp located within the central bushland corridor at Katoomba Golf Course? If so, what actions will the Council take?**
- i. Has the Council inspected other areas of Katoomba Golf Course for possible breaches of conditions of consent? When did the inspections occur?"**

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MINUTE NO. 636

C00336. Procedural – Matter of Urgency

RESOLVED UNANIMOUSLY on the MOTION of Councillors McInnes and O’Grady **that a Matter of Urgency be considered.**

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MINUTE NO. 637

C00336. Support of Springwood Soccer and Sports Club

RESOLVED UNANIMOUSLY on the MOTION of Councillors McLaren and Myles:

1. **That the Council resolves that the Mayor and General Manager co-sign a letter addressed to the Department of Sport and Recreation supporting the application made by Springwood Soccer and Sports Club for financial assistance under the Capital Works Assistance Program.**
2. **That this letter be finalised by 17 July so that it is received by 21 July as required by the Department.**

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MINUTE NO. 638

C00336. Procedural – Matter of Urgency

A MOTION was moved by Councillors McInnes and O’Grady **that a Matter of Urgency be heard.**

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

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

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MINUTE NO. 639

C00336. Letter to Coles Myer

A MOTION was moved by Councillors McInnes and O'Grady that a letter be written to the CEO of Coles Myer expressing our concern regards the closure of the distribution centre on the Central Coast in NSW and in Victoria, particularly with respect to the large number of job losses.

In the context that Coles Myer is in partnership with the Council and the State Government to construct the Cultural Centre in Katoomba, the Council seeks reassurance as to the working conditions of employees both during the construction period and subsequent operation of the supermarket will be underpinned by award conditions.

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

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

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In accordance with the decisions recorded at Minute Nos. 626 and 629, the Council Meeting was then closed to the public while the following matters were considered.

MINUTE NO. 640

C1. H04178. RTA Business Proposal

An AMENDMENT was moved by Councillors Myles and O'Grady that the matter be deferred for 3 weeks.

MINUTE NO. 640 Cont.

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

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

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

- 1. That the Council pursue the two options as described in the conclusion section of this report with the RTA for their Katoomba registry services with a preference to option 2 alternatives 1 and 2 as these provide better outcomes to council.**
- 2. That the General Manager be authorised to negotiate the details of the agreement within the parameters of the two options and enter into an agreement with the RTA, following an updated report to the Council on negotiations.**
- 3. That the Common Seal of Council be affixed to appropriate documents relating to this matter.**

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

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

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MINUTE NO. 641

C2. C07732. Tender for Civil Work Component of the Tennis Courts Construction, Summerhayes Park, Winmalee

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

1. That the Council receives and notes the report.
2. That that in accordance with clause 178 1(b) of the Local Government (General) Regulation 2005 the Council decline all tenders received for the Civil Works Component of the Construction of Two Championship Tennis Courts at Summerhayes Park, Winmalee.
3. That in accordance with clause 178 3(e) of the Local Government (General) Regulation 2005 Council enter into negotiations with Rocks Services with a view to awarding the contract.
4. That a further report be submitted to the Council advising the outcome of negotiations.

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MINUTE NO. 642

C00336. Procedural – Re-open Meeting to the Public

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Frappell **that the Meeting be re-opened to Public participation.**

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MINUTE NO.643

C00336. Procedural - Question that Meeting Close

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

Upon being PUT to the meeting, the QUESTION was AGREED TO UNANIMOUSLY, the time being 8:16 pm on Tuesday, 11 July 2006.

The Ordinary Meeting of the Council then closed.

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