

BLUE MOUNTAINS CITY COUNCIL

ORDINARY MEETING

17 OCTOBER 2006

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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, 17 October 2006, commencing at 7:31 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 and Van der Kley.

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In attendance:

General Manager, Group Manager BM City Services, Group Manager Community & Corporate, Executive Officer, Senior Property Officer, Risk Management Co-ordinator, Program Leader Waste & Resources, Communications Officer, Principal Strategic Planner, Manager Planning Health & Enforcement, Program Leader Strategic Planning, Team Leader Recreation Development, Council Meeting Officer and Trainee Council Meeting Officer.

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Prayer / Reflection:

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

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MINUTE NO. 740

C00679. Apologies and Leave of Absence

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

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MINUTE NO. 741

C00336. Confirmation of Minutes - Ordinary Meeting, 26/9/06

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Frappell **that the Minutes of the Ordinary Meeting of 26 September 2006 be confirmed.**

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MINUTE NO. 742

1. C01901. Local Government Association – Election Of Country Executive

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Frappell **that the Council support Councillor Pippa McInnes and Councillor Daniel Myles on their nomination as Country Executive on the New South Wales Local Government and Shires Association.**

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MINUTE NO. 743

2. C02594. Blue Mountains Cultural Centre & Katoomba Library Advisory Committee

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Frappell:

1. **That the Council endorse the method of selection for the membership of the Blue Mountains Cultural Centre & Katoomba Library Advisory Committee as outlined in this report.**
2. **That the outcomes of the Expression of Interest and Appointment process be reported back to the Council for endorsement.**
3. **That the Council delegate to the Mayor and the General Manager the authority to appoint the regional organisational members.**

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MINUTE NO. 744

3. C02658. Submission of Returns of Interest

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Frappell **that the Register of Returns of Interest under Section 450A of the Local Government Act, 1993 be tabled.**

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MINUTE NO. 745

4. I02007. Replacement of Vandalised Play Equipment

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

1. That the report be received.
2. That the Council determine that the equipment be replaced in the current financial year, and as soon as possible.
3. The General Manager report back to the Council as necessary regarding this issue.

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MINUTE NO. 746

5. I02007. Insurance of Play Equipment

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Frappell that the Council insures play equipment and monitors impact on premiums annually.

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MINUTE NO. 747

6. C07863. Waste and Resources Reference Group

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Frappell:

1. That Council establish a Waste and Resources Reference Group to ensure ongoing community involvement in the implementation of the Strategic Waste Action Plan;
2. That Council adopt the Waste and Resources Reference Group Terms of Reference;
3. That Council consider the inclusion of a Councillor on the Waste and Resources Reference Group.

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MINUTE NO. 748

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

RESOLVED UNANIMOUSLY on the MOTION of Councillors Frappell and Hamilton:

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

<u>Organisation</u>	<u>Amount</u>
Blue Mountains X	\$200.00
Mountains Outreach Community Service	\$500.00
Glenbrook/Cheltenham Physical Culture Club	\$315.75
Blue Mountains City Services	\$100.00
Rotary Club of Lower Blue Mountains	\$200.00
Girl Guides Australia- Mount Riverview District	\$100.00
Springwood Soccer & Sports Club	\$200.00
Springwood Scout Group	\$100.00
Warrimoo Public School	\$ 50.00
Springwood Public School	\$ 50.00
Ellison Public School	\$ 50.00
Winmalee Public School	\$ 50.00
Winmalee High School	\$ 50.00
Faulconbridge Public School	\$ 50.00
Springwood High School	\$ 50.00
Blackheath Art Society	\$200.00

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MINUTE NO. 749

8. C00444. Prohibiting Smoking at BMCC Aquatic/Leisure Centres

An AMENDMENT was moved by Councillors McInnes and Searle:

1. That BMCC prohibits smoking at all aquatic/leisure centres in the Blue Mountains, both indoor and outdoor, as from 1 December 2006.
2. That a pass out system not be introduced.
3. That the Council receive a report on banning smoking at "children's play areas".

MINUTE NO. 749 Contd.

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

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

The AMENDMENT then became the MOTION, upon being PUT to the Meeting, the MOTION was CARRIED, the voting being:

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

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MINUTE NO. 750

9. X06/0700. Development Application No. X06/0700 for the Refurbishment and Use of a Former Garage as a Funeral Director's Business at Lot B DP 381979, No. 73A Lurline Street, Katoomba

The Meeting was addressed by Tracie Holman and Tom BrownJohn.

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

That Development Application No. X06/0700 for the refurbishment and use of a former garage as a Funeral Director's business at Lot B DP 381979, No. 73A 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 as Attachment 1 to this Report.

MINUTE NO. 750 Contd.

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 <ul style="list-style-type: none">▪ plans prepared by Diego Villar Architect, numbered 0605-01, issue A, and dated 28 June 2006▪ Heritage Impact Statement prepared by Rose Deco Planning and Design P/L, and dated June 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.
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.
Public Health Regulations	4. To ensure the business complies with the relevant standards, construction is to comply with the following: <ul style="list-style-type: none">▪ clause 6 of the Public Health (Disposal of Bodies) Regulations 2002 and▪ Part 4 of Schedule 2 of the Local Government (General) Regulation 2005. Details of compliance with this level of construction shall be submitted to the Principal Certifying Authority with the Construction Certificate documentation.
Sydney Water Requirements	5. To ensure that the potable water supply is protected and waste water is disposed of in a suitable manner, the applicant is to obtain a compliance certificate from Sydney Water under Section 73 of the Sydney Water Act. Details of the Section 73 certificate shall be submitted to the Principal Certifying Authority with the Construction Certificate documentation.
Access and mobility statement	6. To ensure that appropriate access and facilities is provided for people with a disability, the proposed ramp shall be constructed to comply with the relevant provisions of <i>Australian Standard AS 1428</i> . The ramp shall also be designed such to avoid unnecessary impact on the fabric of the heritage Item. Details of the ramp are to form part of the construction certificate documentation.
Site management	7. 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

MINUTE NO. 750 Contd.

the approval of Council.

- b. Stockpiles of building material shall be stored clear of any drainage path or easement, 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.
- e. Any asbestos waste material is to be disposed of at an approved Waste Management Facility licensed to receive asbestos. All 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

Hoarding / fencing

8. To ensure the protection of the public, hoarding shall be provided, as required, to the Lurline Street frontage and to the requirements of NSW WorkCover Authority.

A Traffic Management Plan is to be submitted to Blue Mountains City Council for approval for any work that is likely to affect the footpath and the road reserve prior to issue of a Construction Certificate.

Driveway / access

9. The internal pavement is to be replaced with a new concrete pavement or provided with asphaltic concrete overlay. Where an asphaltic concrete overlay is proposed, a smooth transition with the existing asphalt footpath is to be maintained.

One (1) visitor's space only is to be line marked in the location shown on the plan submitted by Barker Ryan Consulting, Ref 06038R01, Rev B, 18 August 2006.

All vehicles are to enter and leave the site in a forward direction. The footpath area of Lurline Street is not to be used for vehicle manoeuvring purposes at any time.

Remediation of Land

10. Verification of the current status of the underground tanks shall be submitted to Blue Mountains City Council prior to the issue of a Construction Certificate.

Verification can be established by the submission of suitable documentary evidence or a physical inspection of the tanks and, if necessary, any further treatment required.

MINUTE NO. 750 Contd.

Prior to any removal of the existing concrete pavement and replacement with new pavement, a preliminary investigation of the land surrounding the tanks shall be undertaken for potential contamination. This work shall be undertaken by a suitably qualified professional. Any remediation plan resulting from this investigation shall be submitted to Council for approval prior to the commencement of any work on the relevant area. The remediation plan shall also address how the work is to be undertaken without adversely impacting on the heritage significance of the site.

External lighting

11. To protect the amenity of the local area, any external lighting is to be positioned, directed and shielded so that it does not interfere with traffic safety or cause nuisance to adjoining and nearby properties.

Materials & colours

12. To have regard of the amenity of the area and heritage significance of the building, the colour scheme shall be as indicated in the heritage impact assessment. This scheme is summarised as follows, as drawn from Pascol Paints "Old Australian Buildings":

- a. Rendered walls: Bone (Flat Acrylic)
- b. Roller Shutters: Charcoal (Flat Acrylic)
- c. Edge of awning: Charcoal (Flat Acrylic)
- d. Plinth of awning: Charcoal (Flat Acrylic)
- e. Door frame : Warm Grey (Gloss Enamel)
- f. Ramp base: Bone (Flat Acrylic)
- g. Steps (existing): Terrazzo
- h. Handrail: Polished Steel/Chrome
- i. Door furniture: Polished Steel/Chrome
- j. Glass panel: Polished Steel/Chrome

No existing unpainted surface shall be painted.

Variation of the above colour scheme is only possible on the written approval by Blue Mountains City Council.

MINUTE NO. 750 Contd.

Operation of facility

13. To ensure the minimisation of potential impact on the surrounding area, the Funeral Director's business is to operate as follows:
- The business shall not include a resident care taker.
 - All deliveries shall occur within the confines of the building.
 - All handling and preparation of bodies shall occur within the confines of the building and clear of any public sight lines.
 - No funeral services shall occur on site.
 - Viewings shall be limited to the immediate family.
 - The transfer vehicle shall be an unmarked specially converted station wagon with dark tinted windows.

Heritage Conservation

14. To ensure the maintenance and enhancement of the site's identified heritage significance, the proposed works identified at 5.1 of the Heritage Impact Statement prepared by Rose Deco Planning and Design and dated June 2006 and any other works necessary to restore the premises, are to be completed to Council's satisfaction prior to the occupation and use of the premises as a Funeral Director's Business.

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MINUTE NO. 751

10. C06808. Draft Developer Contributions Framework

An AMENDMENT was moved by Councillors Myles and Van der Kley that this matter be deferred for one meeting.

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

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

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

MINUTE NO. 751 Contd.

1. That the Council adopts in principle, for the purposes of preparing a Draft Developer Contributions Plan, a hybrid approach to developer contributions entailing the 1% flat-rate levy (S.94A) for the types of development set out in this report in the first instance and financial contributions developed in accordance with S.94 of the Environmental Planning and Assessment Act 1979 for certain cases where the nexus and apportionment tests render such an approach viable.
2. That, prior to commencing public exhibition, the Draft Developer Contributions Plan is brought before the Council for endorsement.

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

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

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MINUTE NO. 752

11. C07728. Tender - Supply and Delivery of Five Domestic Waste Cab Chassis and Loading Collection Units Vehicles. Contract – WS-V1-2005

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

1. That the Council accepts the tender submitted by Sydney Truck Sales Limited to supply five International ACCOF 2350G/250 6x4 cab chassis fitted with MacDonald Johnston Engineering Company Pty. Ltd. (MJE) to supply five (MK5) 22m³ side loading compaction bodies at a unit cost of \$282,822.00 (GST exclusive). That is, a total cost of \$1,414,110 (excluding GST).
2. That the five replaced vehicles be disposed through Public Auction.

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MINUTE NO. 753

12. A43603. Local Environmental Plan Acquisitions – Lot 12, Section F, Deposited Plan 5786 at 18 Hill View Road, Katoomba

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Frappell:

1. That the Council approve the acquisition of Lot 12, Section F in DP5786 at 18 Hill View Road, Katoomba, by compulsory process under the Land Acquisition (Just Terms Compensation) Act, 1991.
2. That the Council request the Minister for Local Government to apply to the Governor for approval to gazette an acquisition notice.
3. If approved by the Governor, that Council publish an acquisition notice in the Government Gazette and in the local press.
4. That the Common Seal of Council be affixed to the necessary documents dealing with this matter.

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MINUTE NO. 754

13. C00134. Changes to Developer Charges by the Sydney Water Corporation

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

1. That the Council note the staff request for the extension to the deadline of 26 September 2006 for the purposes of lodging a submission to the proposed Development Servicing Plans prepared by the Sydney Water Corporation.
2. That the Council note the granting of an extension by Sydney Water to 9 October 2006 for the submission to be lodged.
3. That the Council endorses the submission included in Attachment A to this report already lodged with Sydney Water to accord with the extended deadline set out in Recommendation 2, above.
4. That the General Manager is instructed to send a copy of the submission to the State Member for Blue Mountains and Member for Penrith with a request for their assistance in presenting the concerns of the Blue Mountains City Council in respect of the proposed charges.

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MINUTE NO. 755

14. A45722/R11/0127. Compulsory Acquisition of Land for Road Widening

The Meeting was addressed by John Carr and William John Carr.

An AMENDMENT was moved by Councillors McInnes and O'Grady for deferral with independent mediator at a date to be mutually agreed.

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

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

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

- 1. That the Council apply to the Minister of Local Government and the Governor of New South Wales for approval to compulsorily acquire a portion of 34 Myall Avenue, Leura for dedication as public road under the Land Acquisition (Just Terms Compensation) Act 1991.**
- 2. That if approved by the Minister and the Governor, the Council publish an acquisition notice in the Government Gazette and in the local press.**
- 3. That the Common Seal of Council be affixed to the necessary documents dealing with this matter.**

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

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

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MINUTE NO. 756

15. R00/0098. Maintenance Agreement between RTA and Blue Mountains City Council for Assets Maintenance within State Road and Highway Reserves

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

1. That the Council endorse the Maintenance Agreement between the RTA and Blue Mountains City Council subject to changes to Table 5 (Page 19)
2. That the Council authorise the General Manager to sign the Memorandum of Understanding committing the Council to the Maintenance Agreement.
3. That the Council endorse the process outlined in this report seeking further funding for the Great Western Highway and other State Road maintenance issues.

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MINUTE NO. 757

16. C07515. Cultural Strategy 2006-2016

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Frappell:

1. That the Council receives the submissions from the exhibition of the Draft Cultural Strategy 2006-2016, and that a formal written response on the Council's decision is sent to all who made submissions.
2. That the Council adopt the amended Blue Mountains Cultural Strategy 2006-2016.
3. That presentation documents are produced and publicity undertaken to communicate the intent and actions of the Cultural Strategy 2006-2016.

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MINUTE NO. 758

17. H01390. Sydney Water Sewerage Upgrade Plans for The Gully, Katoomba

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

1. That this item be discussed at the Environment & Planning Working Party on 24 October 2006.
2. That a brief report be made available outlining the detailed plans for the work to be undertaken in The Gully. That this report contain:

MINUTE NO. 758 Contd.

- a) a map of the route of the pipes and excavation;
- b) proximity or anticipated threats to cultural heritage items / space as identified by the Gully archaeological study;
- c) vehicular access and movement around the work sites;
- d) the estimated timeframe for commencement and completion of the works including any preparation or remediation required; and
- e) a summary of community consultation carried out to date.

And further, to ensure a thorough understanding of the scope of the works that

- f) a site visit be arranged as soon as possible for interested Councillors with an invitation to relevant Sydney Water staff, BMCC planning, community and environment staff and representatives from the Aboriginal community.

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MINUTE NO. 759

18. C00680. Precis of Selected Correspondence, 17/10/2006

RESOLVED UNANIMOUSLY on the MOTION of Councillors McLaren and Hamilton **that Letter 1 of the Precis of Selected Correspondence be received and an appropriate letter forwarded where necessary.**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and McLaren **that Letter 2 of the Precis of Selected Correspondence be received and an appropriate letter forwarded where necessary.**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and McInnes **that Letter 3 of the Precis of Selected Correspondence be received and noted that the petition contained 83 signatures.**

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MINUTE NO. 760

19. C00444/H01269. Restricting Smoking Near Sporting Activities at BMCC Venues

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Frappell:

1. That Council receives and notes this report, and
2. That a capital works bid for funding to progress the trial be supported.

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MINUTE NO. 761

C00336. Procedural – Matter of Urgency

RESOLVED UNANIMOUSLY on the MOTION of Councillors McLaren and McInnes **that a matter of urgency be heard.**

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MINUTE NO. 762

Fans for Springwood Civic Centre

RESOLVED UNANIMOUSLY on the MOTION of Councillors McLaren and McInnes **that the Council Officers immediately investigate the provision of fans for the Springwood Civic Centre and investigate other measures that may assist in cooling the centre in summer.**

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MINUTE NO. 763

C00336. Procedural - Question that Meeting Close

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

Upon being PUT to the meeting, the QUESTION was AGREED TO UNANIMOUSLY, the time being 9:32 pm on Tuesday, 17 October 2006.

The Ordinary Meeting of the Council then closed until 7:30 pm on Tuesday, 7 November 2006 in the Council Chamber, Council Headquarters, 2 Civic Place, Katoomba.

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