

BLUE MOUNTAINS CITY COUNCIL

ORDINARY MEETING

20 November 2007

INDEX

Minute	File No.	SUBJECT	Page
317	C00679	Apologies	3
318	C00336	Confirmation of Minutes - Ordinary Meeting, 30 October 2007	3
	C00336	Declarations of Interest - Ordinary Meeting, 20/11/07	4
319		Western Sydney Regional Organisation of Councils Federal Election Issues Paper	4
320	C01055	The Council Meeting Schedule for 2008-2009	4
321		Rates Inserts – Advertising Material	5
322	C00738	Financial Reports for the Year Ended 30 June 2007	5
323	F02977	First Quarter 2007-2008 Report – Management Plan (including Capital Works Program) and Operating Budget	5
324	F03082	2006-2007 Supplementary State of the Environment Report for the City of Blue Mountains	6
325	F00035	Community Feedback on recycling in the Blue Mountains	6
326	F00088	Purchase of Indian Myna traps	6
327	F00613	Cultural Partnerships Program 2008	7
328	F01736	Blackheath Vacation Care	7
329	C00944	Community Assistance / Donations – Recommendations by Councillors	7
330	F00221	Blue Mountains Local Environmental Plan 2005 (Draft Amendment 9 – Katoomba Civic Centre and Pioneer Place) Post-Exhibition Report	8
331	F03180	Renewal of the Blackheath Community Garden Lease	9
332	F00358	East Linden Recreation Area	10
333	S04/0012	Development Application No. S04/0012 for Lots 1-13 DP 270422. Nos 1-18 and 22-25, The Escarpments and No. 227 Cliff Drive, Katoomba (Formerly Lot 3 DP 1-26915, No 227 Cliff Drive, Katoomba)	10
334		Report on the implementation of Adaptable Housing under the Equity of Access and Housing Choices	11
335	X07/1059 4	Development Application No. X594/2007 for a dwelling on Lot 13 DP 1008539, No. 69 Sinclair Crescent, Wentworth Falls	11
336	0/2246/20 07	Preparation of a Draft Local Environmental Plan to permit tourist accommodation on Lots 1 and 2 DP 1009510 and Lot 1 Section 9 DP 5140, No. 36 Mount Street and Nos 61 and 63 Kings Rd, Leura	17
337	F03075	Cittaslow Katoomba, Blue Mountains – ongoing role of the Council	17
338	C00680	Précis of Selected Correspondence	18
339	C00336	Procedural – Matter of Urgency	18
340	C00336	Matter of Urgency – White Ribbon Day	18
341	C00336	Procedural – Matter of Urgency	18
342	C00336	Matter of Urgency – Demolition of Scout Hall	19

INDEX Contd

	F00086	Question Without Notice – CSR response times	19
	F00086	Question Without Notice – Adaptable Housing	19
343	C00336	Procedural – Question that Meeting Close	19

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, 20 November 2007, commencing at 7:35 pm.

* * * * *

There were present:

The Mayor (Councillor Jim Angel) in the Chair, and Councillors Brown, Creed, 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, A/Executive Officer, Manager Corporate Planning, Manager Assets and Contracts, Manager Planning, Health and Enforcement, A/g Manager City Planning, Chief Financial Officer, Senior Accountant, Manager Environmental Management, Waste and Resources Project Officer, Program Leader Community Outcomes, Manager Building and Construction, Team Leader Recreation Development, Manager Communications, Project Support Officer Business Systems

* * * * *

Prayer / Reflection:

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

* * * * *

MINUTE NO. 317

C00679. Apologies

RESOLVED UNANIMOUSLY on the MOTION of Councillors O’Grady and Searle **that the apology tendered on behalf of Councillor McInnes for her non-attendance at the meeting be accepted and a leave of absence granted.**

* * * * *

MINUTE NO. 318

C00336. Confirmation of Minutes - Ordinary Meeting – 30 October 2007

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Van der Kley **that the Minutes of the Ordinary Meeting of 30 October 2007 be confirmed.**

* * * * *

C00336. Declarations of Interest – Ordinary Meeting, 20/11/2007

Councillor O’Grady declared a non-pecuniary interest in item 10 due to a family member being on the Management Committee of the Blackheath Area Neighbourhood Centre. She indicated that she would remain in the meeting and participate in the debate and voting on that item.

* * * * *

MINUTE NO. 319

1. Western Sydney Regional Organisation of Councils Federal Election Issues Paper

RESOLVED UNANIMOUSLY on the MOTION of Councillors Searle and McLaren that the Council note the report and the WSROC Issues paper.

* * * * *

MINUTE NO. 320

2. C01055. The Council Meeting Schedule for 2008-2009

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Searle that the Council confirm the dates for the Ordinary Council Meeting Schedule for 2008 below, noting that the Council has the discretion to alter the schedule should it deem appropriate.

Time	Date
7:30pm	29 January 2008
7:30pm	19 February 2008
7:30pm	11 March 2008
7:30pm	1 April 2008
7:30pm	22 April 2008
7:30pm	13 May 2008
7:30pm	3 June 2008
7:30pm	24 June 2008
7:30pm	15 July 2008
7:30pm	5 August 2008
7:30pm	26 August 2008
7:30pm	16 September 2008
7:30pm	14 October 2008 (Mayoral Election)
7:30pm	4 November 2008
7:30pm	25 November 2008
7:30pm	16 December 2008
7:30pm	27 January 2009
7:30pm	17 February 2009

* * * * *

MINUTE NO. 321

3. Rates Inserts – Advertising Material

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

1. That the Council notes an investigation to determine the merit or otherwise of including advertising material in rates notices has taken place.
2. That the Council does not undertake to include advertising material in Rates Notices at this stage.

* * * * *

MINUTE NO. 322

4. C00738. Financial Reports for the Year Ended 30 June 2007

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

1. That the comments of Mr Dennis Banicevic, the Council external Auditor, of PriceWaterhouseCoopers, be noted in respect to the Financial Reports.
2. That the Financial Reports be presented and this report be received and noted.
3. That the Common Seal of the Council be affixed to the necessary documents dealing with this matter.

* * * * *

MINUTE NO. 323

5. F02977. First Quarter 2007-2008 Report – Management Plan (including Capital Works Program) and Operating Budget

RESOLVED UNANIMOUSLY on the MOTION of Councillors O’Grady and Van der Kley:

1. That the General Manager’s report together with the accompanying documents titled “Quarterly Review Management Plan including Capital Works September 2007 – 2007/2008” and “Quarterly Review Budget September 2007 – 2007/2008” (both separately enclosed) be noted and endorsed.
2. That the variations of income and expenditure as identified in the accompanying documents be noted and endorsed.

* * * * *

MINUTE NO. 324

6. F03082. 2006-2007 Supplementary State of the Environment Report for the City of Blue Mountains

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

1. That the Council endorses the '2006-07 Supplementary State of the Environment Report for the City of Blue Mountains (Managing Our Heritage, Waste and Noise)' (enclosed separately) for submission to the Minister of Local Government as required by Section 428 of the Local Government Act 1993.
2. That in the Council's next business planning process, the Council considers the issues identified in the '2006-07 Supplementary State of the Environment Report for the City of Blue Mountains' that require attention by decision-makers.

* * * * *

MINUTE NO. 325

7. F00035. Community Feedback on recycling in the Blue Mountains

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

1. That the Council receives and notes this report; and
2. That the content of this report be taken into account by the Tender Review Panel of the Recyclable Materials Collection Service tender and contract.

* * * * *

MINUTE NO. 326

8. F00088. Purchase of Indian Myna traps

RESOLVED UNANIMOUSLY on the MOTION of Councillors Myles and McLaren:

1. That the Council receives the report and notes the information.
2. That the Council does not support a trapping program for Indian Mynas.
3. That community education about the passive control of Indian Mynas is incorporated into the existing environmental community education program where appropriate.

* * * * *

MINUTE NO. 327

9. F00613. Cultural Partnerships Program 2008

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

1. That the Council endorses the funding option to realign the Cultural Partnerships Program funding round with the new timetable of Arts NSW, as detailed in Option 1 in this report, and as recommended by the Council's Cultural Partnerships Program Advisory Committee.
2. That the Council's funding allocation for the Cultural Partnerships Program of \$50,000 for 2007/2008 be rolled over to the Financial Year 2008/2009.
3. That conditional on the Council's approval of a further allocation of \$50,000 for the financial year 2008/2009 and dependant on receiving confirmation of a contribution of \$50,000 from Arts NSW, that a funding round with a total allocation of \$150,000 be held with the program opening January 2008 and the successful Cultural Partners delivering their projects in 2008/2009.

* * * * *

MINUTE NO. 328

10. F01736. Blackheath Vacation Care

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

1. That the Council notes the progress report on the future management of the Blackheath Vacation Care program.
2. That the Council receives a further report on the results of negotiations with the Blackheath Area Neighbourhood Centre or any other identified sponsor on or before March 2008.
3. That the Council receives a report on future options for provision of care during vacation periods for families in the Blackheath area, in the event that a re-auspice is not achieved.

* * * * *

MINUTE NO. 329

11. C00944. Community Assistance / Donations – Recommendations 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:

MINUTE NO. 329 Contd

<u>Organisation</u>	<u>Amount</u>
Warrimoo Public School	\$ 50.00
Springwood Public School	\$ 50.00
Ellison Public School	\$ 50.00
Faulconbridge Public School	\$ 50.00
Winmalee Public School	\$ 50.00
Winmalee High School	\$ 50.00
Springwood High School	\$ 50.00
Rotary Club of Central Blue Mountains	\$100.00
Rotary Club of Central Blue Mountains	\$100.00
Hazelbrook – Lawson District Guides	\$100.00
Hazelbrook – Lawson District Guides	\$100.00
Hazelbrook – Lawson District Guides	\$100.00
Rotary Club Central Blue Mountains	\$ 50.00
Rotary Club of the Lower Mountains	\$200.00

* * * * *

MINUTE NO. 330

12. F00221. Blue Mountains Local Environmental Plan 2005 (Draft Amendment 9 – Katoomba Civic Centre and Pioneer Place) Post-Exhibition Report

The meeting was addressed by Ivan Jeray.

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Myles:

1. That the Council receives this report and the document “Review of Public Submissions to Blue Mountains Local Environmental Plan 2005 (Draft Amendment 9—Katoomba Civic Centre and Pioneer Place)”, which is provided as Attachment 1.
2. That the Council receives the document “Proposed Reclassification of Council Land: Katoomba Civic Centre, Part College Lane and Froma Lane”, which is provided separately as Enclosure 1.
3. That the Council make the report referred to in Recommendation 2, above, available for public viewing (including placement on the Council website) as required by Section 68(2) of the Environmental Planning and Assessment Act 1979.
4. That the Council adopts the Recommendations A to J contained within this report to alter Amendment 9, which is provided as Attachment 2.
5. That, pursuant to Section 68 of the Environmental Planning and Assessment Act 1979, Amendment 9 (as altered in response to the Recommendations referred to in 4 above) and the required supporting information be forwarded to the Department of Planning with a request that the Minister for Planning make Amendment 9.

MINUTE NO. 330 Contd

6. **That the Council delegate authority to the General Manager to undertake and authorise such incidental changes to the revised Amendment 9 as may be required for the purpose of legal drafting and other requirements of the Director-General to facilitate gazettal of the revised Amendment 9 where those changes do not affect the intent or substance of the draft plan.**

* * * * *

MINUTE NO. 331

13. F03180. Renewal of the Blackheath Community Garden Lease

The meeting was addressed by Michael Baird, Dick Harris, Anna Ingham, Supapon Lantay-Lefkovich

A MOTION was moved by Councillors Hamilton and Frappell:

1. That the Council not renew the lease for the Blackheath Community Gardens.
2. That the Blackheath Community Garden Sub-Committee be informed of the decision and be instructed to withdraw their Development Application and remove all relevant infrastructure from Whitely Park.
3. That the Council Supports the concept of “Community Gardens” and, accordingly, this matter be referred back to the Community and Facilities Working Party for a comprehensive investigation to seek a more appropriate and ecologically sustainable alternate site and the Blackheath Community Gardens Sub-Committee will be consulted during this investigation.
4. That the outcome of any investigations be reported back to the Council.

An AMENDMENT was moved by Councillors O’Grady and Brown:

That this matter be deferred and placed on the Agenda of the appropriate Councillor working party to allow time for:

- a comprehensive site visit by Councillors and relevant staff
- further community consultation to take place
- presentation to the Blackheath Chamber of Commerce planned for early 2008
- other potential sites to be investigated.

PROCEDURAL MOTION

A matter of procedure was raised by Councillor Searle which was heard by the Mayor and consequent upon which Motion and Amendment were withdrawn with the consent of the Movers and Seconders.

MINUTE NO. 331 Contd

RESOLVED UNANIMOUSLY on the MOTION of Councillors Searle and Van der Kley **that the Council defer this matter to seek legal advice on related insurance matters and the ability to hold over the Lease.**

* * * * *

MINUTE NO. 332

14. F00358. East Linden Recreation Area

The meeting was addressed by Philip Moss, John McIellan and Ric McConaghy.

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

1. **That the Council advise East Linden residents that following investigation no suitable sites for a recreational area have been identified at this stage.**
2. **That the Council will consider and further investigate alternative sites, should they be proposed by the Linden Citizens' Association.**
3. **That the Council will consider any further proposal put forward by the Linden Citizens' Association.**

* * * * *

MINUTE NO. 333

15. S04/0012. Development Application No. S04/0012 for Lots 1-13 DP 270422. Nos 1-18 and 22-25, The Escarpments and No. 227 Cliff Drive, Katoomba (Formerly Lot 3 DP 1-26915, No 227 Cliff Drive, Katoomba)

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

1. **That the General Manager enter into negotiations with Reed Constructions Australia Pty Ltd to extend the expiry date of the performance bond (Bond number GPFB-R7-93) lodged in respect of the construction of the roundabout at the southern access point to the Katoomba Golf Course redevelopment at the intersection of Acacia Street and Cliff Drive, Katoomba, from 31 December 2007 until 30 June 2008.**
2. **That if, by 5.00 pm on 30 November 2007, the bond has not been extended and the roundabout construction has not been completed to the Council's satisfaction, the Council shall forward a letter of demand to Great Lakes Reinsurance (UK) PLC calling upon the performance bond (Bond number GPFB-R7-93) lodged in respect of the subject works.**

MINUTE NO. 333 Contd

3. That the Council attach its Common Seal to certification required to accompany the letter of demand as required under the terms of the performance bond, as necessary.

* * * * *

MINUTE NO. 334

16. Report on the implementation of Adaptable Housing under the Equity of Access and Housing Choices

RESOLVED UNANIMOUSLY on the MOTION of Councillors Trindall and McLaren **that the Council receives the report.**

* * * * *

MINUTE NO. 335

17. X07/10594. Development Application No. X594/2007 for a dwelling on Lot 13 DP 1008539, No. 69 Sinclair Crescent, Wentworth Falls

The meeting was addressed by Donald Fern.

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Searle, with Councillor Brown out of the chamber, **that Development Application No. X594/2007 for a dwelling on Lot 13 DP 1008539, No. 69 Sinclair Crescent, Wentworth Falls be determined pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 by the granting of consent subject to conditions shown below.**

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 Beechwood Homes numbered 27045, dated 22/6/07 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. |
| Landscaping and Vegetation Management | 3. A Landscape and Vegetation Management Plan, prepared by a suitably qualified person, shall be submitted to the Principal Certifying Authority prior to the commencement of site works. The Plan shall: |

- a) Include the retention and regeneration of a 20 metre buffer of the northern side of the property;
- b) Utilise plantings from local indigenous species representative of the buffer system to the Blue Mountains Swamps community located to the north of the property; and
- c) Have due regard to and be consistent with the area being managed as a bushfire inner protection zone.

BASIX

4. Under clause 97A(3) of the Environmental Planning and Assessment Regulation 2000, it is a condition of this development consent that all the commitments listed in each relevant BASIX Certificate for the development are fulfilled.

In this condition:

- a. relevant BASIX Certificate means:
 - (i) a BASIX Certificate that was applicable to the development when this development consent was granted (or, if the development consent is modified under section 96 of the Act, a BASIX Certificate that is applicable to the development when this development consent is modified); or
 - (ii) if a replacement BASIX Certificate accompanies any subsequent application for a construction Certificate, the replacement BASIX Certificate; and
- b. BASIX Certificate has the meaning given to that term in the Environmental Planning and Assessment Regulation 2000.

Survey plan

5. A survey report by a registered land surveyor is required to ensure that the proposed development is located on the correct allotment and at the approved distances from the boundary. This is to be verified on completion of footings.
The survey report is to be provided to the Principal Certifying Authority prior to works proceeding past floor level.

Building Code of Australia

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

Site management

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

Erosion and sediment controls

8. 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 prior to clearing of the site vegetation and the commencement of site works. This will include:
 - a. 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.
 - b. To prevent the movement of soil off site, a single entry/exit point to the property shall be constructed of 40mm blue metal aggregate or recycled concrete to a depth of 150mm. The length must be at least 5 metres with the width at least 3 metres.

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

Workers amenities

9. 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.

Plans on site

- 10 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

- 11 To control rainwater runoff, roof water shall be disposed of via rainwater tanks to an on-site absorption system in accordance with the Restriction on the Use of Land imposed on the title of the land under Section 88B of the Conveyancing Act. In this regard, details prepared by a suitable qualified person are to be submitted to Council for approval prior to the commencement of works.

The stormwater disposal system shall incorporate rainwater tank(s) providing both a static bushfire supply and for re-use on site in accordance with BASIX commitments with the overflow being directed to an on-site absorption 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.

Stormwater Runoff

- 12 To ensure that any overland flow of stormwater or surcharge from the drainage easement is diverted clear of the dwelling:
- a) The finished floor level of the garage and dwelling is to be a minimum of RL 9.6 (ie, 120mm above the natural ground level at the south east corner of the garage): and
 - b) Any extension to the existing driveway shall be graded to maintain the existing overland flow path which is within the existing drainage easement.

Materials and colours

- 13 To have regard of the amenity of the area, the materials and colours to be used are to be of muted bushland tones. Details of an alternate colour scheme are to be submitted to and approved by Council prior to construction commencing.

In this regard, the proposed colour of the bricks and metal roofing (Bricks-Austral Whitsunday, Roof-Colorbond Shale Grey) are not acceptable.

Any outbuildings or other ancillary structures, including fencing, are to be finished in colours and materials of muted bushland tones and low reflective quality to blend with the surroundings. Any variation to the above materials / colours will require the prior approval of Council.

**A Fire Risk
Identification Guide
(FRIDG) sticker**

- 14 A Fire Risk Identification Guide (FRIDG) sticker, as issued by the NSW Fire Brigade, is to be completed and affixed to the inside face of one side of the electricity meter box prior to issue of an Occupation Certificate. The sticker is to be completed using a black or other dark coloured, permanent marking pen, and identify the relevant design and construction features incorporated in the building. The sticker is to be clearly visible without obstruction when the box is opened.

Note Only: A sticker is enclosed for this purpose.

Level of construction

- 15 The building shall be of minimum Level 3 construction in accordance with AS3959-1999 'Construction of Buildings in Bushfire Prone Areas'.

Roofing

- 16 Roofing shall have leafless guttering and valleys are to be screened to prevent the build up of flammable material. Alternatively guttering shall be fitted with leaf guards having a flammability index of not greater than 5 when tested in accordance with AS1530.2.

Roller doors

- 17 Roller doors, tilt-a-doors and the like shall be sealed to prevent the entry of embers into the structure.

Asset Protection Zone

- 18 The entire property shall be managed as an 'Inner Protection Area' as outlined within Section 4.1.3 and Appendix 2 of Planning for Bushfire Protection 2006, as well as the RFS standards for Asset Protection Zones (available electronically at www.rfs.nsw.gov.au.

Individual trees may be retained within the IPA. Trees within the IPA must not be continuous and must not overhang the buildings on site. There must be a minimum 2 metre separation between tree canopies. A maximum of 5 metres is required for separation of canopies.

NOTE: Total clearance of all vegetation is not acceptable.

This work is to be completed prior to the issue of an Occupation Certificate.

The Asset Protection Zone is to be maintained on a permanent basis.

Static water supply

- 19 In recognition of the potentially unreliable reticulated water supply in the locality a 10,000 litre dedicated water supply tank shall be provided. The tank shall be provided with a minimum 3kW (5hp) petrol or diesel powered pump and associated fittings including a 38mm storz fitting and ball or gate valve.

- Static Water Supply marker** 20 Obtain a Static Water Supply (SWS) marker from the Blue Mountains NSW Rural Fire Service as part of the District's Static Water Supply Program once the dedicated tank water supply has been installed. The marker once issued is to be:
- fixed in a suitable location so as to be highly visible;
 - positioned adjacent to most appropriate access for the static water supply;
 - fixed facing the roadway on a gatepost, fence or dedicated post, at the right hand side of the entranceway to the Static Water Supply;
 - markers not to be fixed less than 600mm from the ground surface to the base of the sign and not higher than 1200mm from the ground surface to the base of the sign;
 - should be fixed with suitable screws or nails.
- Property access** 21 To provide safe access to and from the road for fire fighters providing property protection, the existing access arrangements shall be maintained.
- Water, gas and electricity** 22 Water, gas and electricity supply as appropriate shall comply with Section 4.1.3 of Planning for Bushfire Protection 2006.
- Landscaping** 23 Landscaping shall comply with Appendix 5 of Planning for Bushfire Protection 2006.
- Trees** 24 To prevent the accumulation of leaf litter in roof gutters and valleys, no trees are to overhang or be located within 5 metres of the dwelling.
Where overhang occurs, pruning of overhanging branches, rather than complete tree removal, is the preferred option.
- Unrestricted access** 25 Unrestricted access shall be provided around the property for fire fighting personnel.
- Radiant heat shield** 26 Provide a 1.8 metres high non-combustible radiant heat fence for a total distance of 50 metres (being to the north of the battle-axe handle) directly adjoining the dwelling along the north east property boundary to the rear of the property and extending along the entire rear property boundary and incorporating a solid non combustibile rear access gate for fire fighting personnel.

* * * * *

MINUTE NO. 336

19. 0/2246/2007. Preparation of a Draft Local Environmental Plan to permit tourist accommodation on Lots 1 and 2 DP 1009510 and Lot 1 Section 9 DP 5140, No. 36 Mount Street and Nos 61 and 63 Kings Rd, Leura

The meeting was addressed by Michael Hennessy.

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and McLaren:

- 1 That pursuant to Section 54 of the Environmental Planning and Assessment Act, 1979 (“EP&A Act 1979”), the Council resolve to prepare a Draft Local Environmental Plan to amend Blue Mountains Local Environmental Plan 2005 (LEP 2005) for Lots 1 and 2 DP 1009510 and Lot 1 Section 9 DP 5140, No 36 Mount Street and Nos 61 and 63 Kings Road Leura to permit tourist accommodation as an additional land use and to adopt the draft instrument attached to this report for exhibition.**
- 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.**
- 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 of the EP&A Act 1979.**

* * * * *

MINUTE NO. 337

20. F03075. Cittaslow Katoomba, Blue Mountains – ongoing role of the Council

RESOLVED UNANIMOUSLY on the MOTION of Councillors O’Grady and McLaren:

- 1. That the Council note this report.**
- 2. That the Council endorse the ongoing role of the Council in relation to Cittaslow Katoomba, Blue Mountains as follows:**
 - a) That Blue Mountains City Tourism use the Cittaslow logo on letterhead when promoting relevant events or campaigns.**
 - b) That the Council’s website has a link to the Blue Mountains Cittaslow website.**
 - c) That the Council assist a Blue Mountains Cittaslow display including local produce, in the Council libraries.**
 - d) That Blue Mountains Business Advantage accredited businesses are able to use the Cittaslow logo.**
 - e) That the Council provide support, in principle, for Cittaslow initiatives in the Katoomba area, and assess these on a case by case basis depending on resourcing available and a pre-existing business and / or marketing plan.**

MINUTE NO. 338

21. C00680. Précis of Selected Correspondence

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.**

* * * * *

MINUTE NO. 339

C00336. Procedural – Matter of Urgency

RESOLVED UNANIMOUSLY on the MOTION of Councillors Searle and Van der Kley that a **Matter of Urgency be heard relating to White Ribbon Day.**

The Mayor ruled that the matter was of great urgency.

* * * * *

MINUTE NO. 340

C00336. Matter of Urgency – White Ribbon Day

RESOLVED UNANIMOUSLY on the MOTION of Councillors Searle and O’Grady:

- 1. That the Council note that November 25 is White Ribbon Day, the International Day for the Elimination of Violence Against Women.**
- 2. That the Council support the principles of White Ribbon Day and encourage members of the organisation to wear a White Ribbon during the 16 Days of Activism to end Violence Against Women from November 25 to December 10.**

* * * * *

MINUTE NO. 341

C00336. Procedural – Matter of Urgency

RESOLVED UNANIMOUSLY on the MOTION of Councillors Trindall and Van der Kley that a **Matter of Urgency be heard relating to the demolition of the old Boy Scout Hall at Springwood.**

The Mayor ruled that the matter was of great urgency.

* * * * *

MINUTE NO. 342

C00336. Matter of Urgency – Demolition of Scout Hall

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

That a report be received as soon as possible on the demolition of the old Boy Scout Hall, situated in Fairy Dell, Springwood Ave, Springwood.

* * * * *

F00086. Question Without Notice – CSR response times

Councillor O’Grady: Could the Council receive a report on the breakdown of request categories and target response times for Customer Service Requests (CSRs).

* * * * *

F00086. Question Without Notice – Adaptable Housing

Councillor Trindall: With regard to Item 16, Adaptable Housing:

1. If the Council has assessed a DA as meeting adaptability requirements (*option 1 on p. 101*) without the advice of a qualified access consultant, what is the Council’s liability with regard to being sued under the Disability Discrimination Act if an accommodation unit is not found to be adaptable for the needs of a person with a disability?
2. If the Council imposes a condition of consent to ensure adaptability requirements (*as per option 2 on page 101*):
 - a) Does the ‘certification’ referred to mean a Certificate of Adaptability specified under AS 4299-1995, and
 - b) What is the ‘statement’ which is the other option available to applicants? What qualifications are required by the person providing such a statement? What legal status does the statement have? Does the Council have any legal liability if it accepts such a statement as being adequate?

* * * * *

MINUTE NO. 343

C00336. Procedural – Question that Meeting Close

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

The ordinary Meeting of the Council closed at 9:32pm on Tuesday 20 November 2007.

* * * * *