

BLUE MOUNTAINS CITY COUNCIL

ORDINARY MEETING

5 June 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, 5 June 2007, commencing at 7.33 pm.

\* \* \* \* \*

There were present:

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

\* \* \* \* \*

In attendance:

General Manager, Group Manager BM City Services, Group Manager Community & Corporate, Group Manager Environmental & Customer Services, Executive Officer, Manager Corporate Planning, Manager Communications, Manager Planning Health and Enforcement, Senior Property Officer, Manager Contracts and SLA's, Program Leader Community Outcomes, Principal Strategic Planner, Program Leader Strategic Planning, Principal Recreation & Cultural Planner, Fleet and Supply Officer, Social Planner Sustainable Communities, Waste & Resources Project Officer, Project Support Officer Compliance, Senior Environmental Ranger, Environmental Ranger

\* \* \* \* \*

Prayer / Reflection:

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

\* \* \* \* \*

MINUTE NO. 130

**C00679. Apologies**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Frappell **that the apology tendered on behalf of Councillor Creed for her non-attendance at the meeting be accepted.**

\* \* \* \* \*

MINUTE NO. 131

**C00336. Confirmation of Minutes - Ordinary Meeting, 15/05/07**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Myles that the Minutes of the Ordinary Meeting of 15 May 2007 be confirmed with the corrections to Minute No. 119 tabled by Councillor Myles. Councillor O'Grady abstained from voting.

\* \* \* \* \*

MINUTE NO. 132

**C00336. Declarations of Interest - Ordinary Meeting, 5/06/07**

Councillor Van der Kley made a Declaration of Interest in relation to Item 9: Rezoning of Surplus Land at Wentworth Falls Country Club. He declared membership of the Wentworth Falls Country Club.

Councillor Trindall made a Declaration of Interest in relation to Item 8: 2007 Blue Mountains Community Plan. Councillor Trindall said that in her capacity as coordinator for the Winmalee Neighbourhood Centre, she had made a submission to the Draft Community Plan.

\* \* \* \* \*

MINUTE NO. 133

**1. F01815. Notice of Rescission of Amended Draft Plan of Management for Lawson Community Hall and RFS**

The NOTICE OF RESCISSION was moved by Councillors McInnes and O'Grady:

That Item 9: Amended Draft Plan of Management for Lawson Community Hall and RFS be rescinded. Note: The above Item refers to Item 9 of the Minutes of 15 May 2007 Council Meeting (Minute No. 116)

1. *That the Council adopts the amended Draft Plan of Management for Lawson Community Hall and Rural Fire Service Headquarters for the purpose of public exhibition in accordance with the provisions of the Local Government Act 1993.*
2. *That the exhibition of the Draft Plan is for a period of 42 days and is widely advertised and promoted.*
3. *That notification of the exhibition is sent to those people who made submissions on the previously exhibited Draft Plan of Management.*
4. *That a report comes back to the Council following the public exhibition.*
5. *That the information provided by written correspondence dated 15 May 2007 from Mr John Samuel Sheehy be dealt with as a submission to the Draft Plan of Management.*

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

**For**

Councillors Brown  
McInnes  
O'Grady  
Searle  
Trindall

**Against**

Councillors Angel  
Frappell  
Hamilton  
McLaren  
Myles  
Van der Kley

MINUTE NO. 134

**2. C01672. Review of the Code of Meeting Practice**

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

1. That the revised Code of Meeting Practice be placed on exhibition for 28 days.
2. That any submissions received by the community be considered by the Council after a period of 42 days has been allowed for receipt of submissions.
3. That a report be brought to the Council on submissions and any changes proposed to the draft.

\* \* \* \* \*

MINUTE NO. 135

**3. C00694. Schedule of Invested Monies**

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

**That the Schedule of Invested Monies as at 30 April 2007 be received.**

\* \* \* \* \*

MINUTE NO. 136

**4. F02001. Confidential Business Paper: Waste and Resources Reference Group**

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

1. That the Business Paper be 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 the Business Paper to discuss the selection of eight community members to form the inaugural Waste & Resources Reference Group pursuant to the provisions of Section 10A(2)(a) and (b) of the Local Government Act 1993, as the report contains, and discussion is likely to involve:
  - personnel matters concerning particular individuals, or
  - the personal hardship of any resident or ratepayer.

\* \* \* \* \*

MINUTE NO. 137

**4. F02001. Waste and Resources Reference Group**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Frappell and Myles:

1. That the Council endorse the selection of the following eight (8) community members: Shaun Duffy, Heather Coster, Michelle Lawrow, Andrew Moody, Terry Tunkanus, Julian Crawford, Tony Montgomery and Fiona Webster, to form the inaugural Waste & Resources Reference Group.
2. That the two positions for Waste Management Facility neighbours be appointed directly from the membership of the two groups when they are convened;
3. That the position for Waste Management Facility user be appointed directly if there is only one nomination for the position and that a report be made to the Council if there is more than one nomination for the position;
4. That the position for Youth be appointed directly from the new Youth Council when it is appointed;
5. That the Meeting Convenor provides a status report to the Council for information no less than once a year; and
6. That Councillor Van der Kley be appointed as the Councillor representative to the Waste & Resources Reference Group.

\* \* \* \* \*

MINUTE NO. 138

**5. C00944. Community Assistance / Donations Recommendations by Councillors**

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

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

<u>Organisation</u>	<u>Amount</u>
Rhonda Kaldi	\$100.00
Mountains Community Resource Network	\$100.00
Mountains Community Resource Network	\$200.00

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

<u>Organisation</u>	<u>Amount</u>
Australian Breastfeeding Association	\$200.00
Springwood Lions Club	\$500.00
Winter Magic Festival	\$500.00

MINUTE NO. 139

**6. C01108. Community Services Grants Program funding and service agreements for the Council's Community Development positions**

An AMENDMENT was moved by Councillors O'Grady and McInnes:

1. **That the Council endorse the Department of Community Services Agreements for the Council's Community Development Positions.**
2. **That the Council affix the Common Seal to the Service Agreements**
3. **That Council writes to the NSW Minister for Community Services, the Hon. Mr Kevin Greene MP, in support of an increase in the community services grants program state-wide; a program supporting services for children, young people and families.**

Upon being put to the Meeting, the AMENDMENT was carried and became the MOTION by UNANIMOUS vote, with Councillor Frappell out of the room.

\* \* \* \* \*

MINUTE NO. 140

**7. C01671. Update on Blackheath Vacation Care Consideration regarding re-auspicing of program to community provider**

RESOLVED UNANIMOUSLY on the MOTION of Councillors O'Grady and McInnes with Councillors Searle and Frappell out of the the room:

1. **That the Council receives and notes the report.**
2. **That the Council recommences negotiations in July 2007 with the Blackheath Area Neighbourhood Centre to transfer the auspice of the Blackheath Vacation Care program.**
3. **That the Council supports the identification of alternative community based agencies that might take on the auspice of the Blackheath Vacation Care program.**
4. **That the outcomes of negotiations with Blackheath Area Neighbourhood Centre or any alternative provider be the subject of a further report to the Council prior to the entering of any contract.**

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MINUTE NO. 141

**8. F00599. Community 2007 Blue Mountains Community Plan**

The MOTION was moved by Councillors Van der Kley and Searle.

1. **That the Council notes the summary of submissions received from the exhibition of the Draft 2007 Blue Mountains Community Plan and the proposed Council response to them, as outlined in Attachment 1.**
2. **That the Council notes that the recommended amendments to the draft plan detailed in Attachment 1, have been incorporated into the Blue Mountains Community Plan 2007 as per Enclosure 1.**
3. **That the Council adopts the 2007 Blue Mountains Community Plan, as per Enclosure 1, including the proposed Key Action Areas for Council 2007-2012.**

Upon being put to the meeting, the MOTION was carried, the vote being:

<b>For</b>	<b>Against</b>
Councillors Angel	Councillors Myles
Brown	
Frappell	
Hamilton	
McInnes	
McLaren	
O'Grady	
Searle	
Trindall	
Van der Kley	

\* \* \* \* \*

MINUTE NO. 142

**9. F01001 (formerly Z23/040). Rezoning of surplus land at Wentworth Falls Country Club**

The meeting was addressed by Alison McCabe

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

1. **That pursuant to Section 54 of the Environmental Planning and Assessment Act 1979, the Council resolves to prepare a Draft Local Environmental Plan to amend Blue Mountains Local Environmental Plan 2005 (LEP 2005) in respect of land at the Wentworth Falls Country Club to rezone the land identified as Areas A and B in the report to Living—Bushland Conservation.**
2. **That the Council notes that further progress in respect of this Amendment is contingent on sufficient other matters being brought forward to enable a “batch” of amendments to be considered by the Department of Planning in accordance**

**with their previous instructions relating to a spot rezoning to a Local Environmental Plan.**

Upon being put to the meeting, the MOTION was carried, the vote being:

<b>For</b>		<b>Against</b>	
Councillors	Angel	Councillors	Brown
	Frappell		McInnes
	Hamilton		O'Grady
	McLaren		Trindall
	Myles		Searle
	Van der Kley		

\* \* \* \* \*

MINUTE NO. 143

**10. C07468F02126. Local Environment Plan 2005 Acquisition of land for environmental protection purposes**

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

- 1. That the Council acquire those properties set out in the report under the Land Acquisition (Just Terms Compensation) Act 1991 and that this be funded from the Environmental Protection Land Acquisition Reserve.**
- 2. That the Common seal of the Council be attached to the documents relating to these purchases as required.**

\* \* \* \* \*

MINUTE NO. 144

**11. X05/0680. Development Application No. X05/0680 for the construction of a commercial building accomodating (2) shops for use as a bottle shop and convenience store with associated car parking and landscaping on Lots 48 and 49 DP 25895, No. 80 Murphy Street, Blaxland**

The meeting was addressed by Debbie Wells and Karl Berzins.

An AMENDMENT was moved by Councillors Frappells and Myles:

**That Development Application No. X05/0680 for the construction of a commercial building accommodating two (2) shops for use as a bottle shop and convenience store with associated car parking and landscaping on Lots 48 and 49 DP 25895, No. 80 Murphy Street, Blaxland 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.**

**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:
  - a. Forming Pty Ltd being Dwg Nos. 276/01B – 276/04B inclusive all dated 3/6/05, Dwg No. 276/06B (landscape detail);
  - b. Stormwater Drainage Details prepared by Kneebone, Beretta & Hall P/L being Dwg No. 82442-1 dated 12/10/05.

and accompanying supportive documentation, except as otherwise provided or modified by the conditions of this consent.

**Design modifications**

2. Dwg Nos. 276/01B – 276/04B inclusive and Dwg No. 276/06A referred to in Condition No. 1 above shall be amended to include/delete the following detail. Such detail shall be to the satisfaction of the Principal Certifying Authority prior to the issue of a Construction Certificate.
  - a. Elevational detail shall be provided that shows the condenser units on the roof of the building fully enclosed (on each side) with an acoustic screen having a minimum height of 1.5 metres.
  - b. Elevational detail shall be provided indicating the manner in which the northern wall of the building has been articulated with appropriate design elements in a manner that satisfies Cl 3 (1)(a) of Schedule 1 Part 13 of LEP 2005. This may include but not necessarily be limited to fenestration on the upper sections of the walls to take advantage of solar access and must be designed so as to prevent any overshadowing of the adjoining site.
  - c. The car space for disabled persons shall be relocated to the general position of the two (2) spaces shown adjacent to the building. Access from this space to the building, suitable for disabled persons, shall be shown.
  - d. A ramp suitable for use by disabled persons shall be provided between Murphy Street and the bottle shop at the rear by either:
    - i. widening the verandah between the convenience store and liquor shop to the minimum extent necessary to incorporate the ramp whilst meeting the minimum dimensions of such ramp; or
    - ii. constructing a ramp external but next to the

building.

- e Elevation and plan detail must be provided showing the enclosure of the eastern (rear) side of the loading dock in a suitable opaque permanent material that will integrate with the finishes of the building.
- f Loading/Delivery areas must be a minimum distance of 3 metres from the eastern property boundary.
- g. The applicant shall replace the existing colour bond fence on the boundary with No 5 Kidman Street with a fence of either timber or Colorbond, (the final material shall be as agreed with that adjoining owner). The fence should be between 2.2m and 2.5m in height between the points from a distance of 5m from the front boundary to the rear boundary of the site and should be a maximum of 1.8 metres in height within 3m of the front boundary, with an appropriate transition between these two sections of fence. The fence must be constructed so as to maximise its noise mitigation properties.

**Hours of Operation**

- 3. The hours of operation of both the convenience store and the bottle shop shall be restricted to between 7 am and 10 pm.

**No. 76 Murphy Street**

- 4. The four *Eucalyptus nicholii* shall be removed as part of this development provided the owner of No. 76 Murphy Street Blaxland consents to such action. All costs associated with the tree removal shall be borne by the applicant. Supplementary tree/shrub planting shall be carried out in the general location of the trees removed as part of this development provided the owner of No. 76 Murphy Street Blaxland consents to such action. Written notification or similar evidence as to the adjoining owner's position, i.e. either agreeing to or disagreeing to this position shall be submitted to the Principal Certifying Authority prior to the issue of a Construction Certificate.

**Period of development consent**

- 5. Physical commencement of construction is required within a three year period from the date of this consent. Should this not occur, the development consent will lapse.

**Construction certificate**

- 6. 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 however cannot be issued until all relevant conditions of this consent have been satisfied.

**Building Code of Australia**

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

**Site management**

8. 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 the Council.
  - b. Stockpiles of topsoil, sand, aggregate, spoil or other 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 brick cutting, washing tools, concreting and bricklaying shall be undertaken on site. The pollutants from these building operations shall be contained on site.
  - d. Builder's waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to an approved Waste Disposal Depot.

**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 the Council.

**Fencing of building site**

10. To ensure protection of the public, the proposed building area including compound areas for the storage of materials, shall be adequately fenced and clearly defined by signage to ensure safety to the public. All work must satisfy the requirements of the NSW WorkCover Authority.

**Signage (construction)**

11. To ensure that the site is easily identifiable for deliveries and provides information on the person responsible for the site, a sign displaying the following information is to be erected:
- The statement "*Unauthorised access to the site is not permitted*".
  - The names of the builder or another person responsible for the site along with an out of hours contact number.

- Lot or Street number.

**Access and facilities for persons with disabilities**

- 12 To ensure access for disabled people is provided, a statement from the applicant or owner is required certifying that the development complies with the provisions of the Disability Discrimination Act 1992, the Australian Standard 1428 and the Council's Access and Mobility Policy. This statement is to form part of the Construction Certificate Application documentation.

**Services**

- 13 a. The development shall be connected to the Sydney Water reticulated sewerage and water supply systems.
- b. Arrangements must be made with Integral Energy, Sydney Water and an approved telecommunications service provider for the extension of services to and within the site. Written evidence of such arrangements are to be submitted prior to issue of the Construction Certificate.
- c. Any relocation, alteration or new public utility infrastructure made necessary as a result of this development is to be carried out at no cost to the Council or the community, with satisfactory arrangements being made with the authority concerned and a certificate of clearance obtained from each relevant authority.
- d. In this regard a Section 73 Certificate is to be obtained from Sydney Water prior to issue of a Construction Certificate. Alternatively, a letter is to be obtained from Sydney Water stating that there are no objections to the issue of a Construction Certificate in which case a Section 73 Certificate is to be obtained prior to use or occupation of the facilities.

**Landscaping**

- 14 Preparation of detailed specifications and plans by a suitably qualified landscape designer for approval by the Principal Certifying Authority prior to issue of a Construction Certificate that covers all aspects of landscape design and associated site treatment. The information shall be additional to the landscape concept plan and landscape design statement submitted with the Development Application and include but not necessarily be limited to the following:
- a. The landscape plan is to include the names and quantities of all proposed trees, shrubs and ground cover. The report must also cover but not be limited to, the site treatment required to ensure

successful plant growth.

- b. The 3 metre setback to the eastern property boundary shall consist of shrubs/small trees possessing screening attributes( other than for the area adjacent the loading bay where the garbage and recycling storage area is to be installed in accordance with condition No 16 and generally as shown on the landscape plan 2776/06B).
- c. All plants must be in an advanced stage of growth at the time of planting with trees generally not less than 1.5 metres in height.
- d. The applicant is to maintain all plants and landscaping carried out in accordance with this condition. Any plants that die or are removed must be replaced with plants of the same species and of similar stage of growth.
- e. All landscaped areas shall be serviced by a reliable irrigation system to promote vigorous plant growth and limit failure rate.
- f. All landscaping work shall be carried out by a person or persons appropriately qualified in the field of landscape construction and shall be completed prior to the issue of an Occupation Certificate.

**Residential amenity**

- 15 a. To protect the amenity of the local area, any lighting is to be positioned, directed and shielded so that it does not interfere with traffic safety or cause nuisance or loss of amenity to adjoining and nearby properties.
- b. To ensure the development does not result in unreasonable noise to adjoining residents, noise emitted from the mechanical plant, car parking and general patronage of the commercial centre is not to exceed the background noise level by more than 5 dB at the boundary adjoining land. A report is to be submitted from an acoustic consultant following completion of the development and prior to the issue of the Occupation Certificate certifying that the construction undertaken will achieve compliance with this requirement.
- c. Compliance with the recommendations of the Noise Impact Statement from the RFS Acoustics as amended April 2006, viz:
  - The loading bay/delivery area is to be restricted to use between 9 am and 5 pm Monday to Friday, 9 am to 12 noon Saturday with no use on Sundays and public holidays.
  - The mechanical plant consisting of compressor units and evaporators are to be located within the ceiling space of the building.

- Use of the commercial refuse bin and the disposal of the contents is to be carried out between 9 am and 5 pm Monday to Friday.
- There is to be a compliance inspection carried out within 3 months from the land use commencing by the acoustic consultant after the completion of work to ensure that the noise emanating from the mechanical plant, car parking and general patronage of the commercial centre complies with the relevant noise regulations and the recommendations of the acoustic report. That report is to be submitted to the council identifying any non compliances and rectification action proposed to be implemented by the operator to bring the site into compliance.

**Health and safety**

- 16
- A designated garbage and recycling storage area is to be provided in accordance with Australian Standard AS 4764 – 2004. Details are to be submitted as part of the Construction Certificate documentation.
  - The designated garbage area should be relocated from the position shown on Dwg No. 276/06B, to a position against the southern wall of the bottle shop, immediately to the west of the loading dock, unless it can be demonstrated to the Council that the garbage area cannot be accommodated in this location in a way that retains appropriate access into the two car parking spaces located adjacent to the entrance to the bottle shop.
  - The fit out of the food business shall comply with the requirement of AS 4764.2004 and Food Safety Standard 3.2.3. Details are to be submitted to the Principal Certifying Authority as part of the construction certificate documentation prior to its release.

**Signage (commercial)**

- 17
- To protect the visual amenity of the neighbourhood, any signage not approved as part of this application or exempt under the Council's Development Control Plan No. 21—Advertising and Information Signage must be the subject of a separate application to be approved prior to its erection.
  - Any lighting of signage shall be indirect (flood lit)
  - No roof and/or projecting signage above the awning shall be permitted.

**On site detention**

- 18
- To minimise downstream flooding an on-site detention system shall be provided to restrict post-development

discharges from the site to pre-development discharges for all storms up to and including the 1:100 year ARI storm generally in accordance with engineering plans prepared by Kneebone Beretta & Hall No. 82442-1 dated 12.10.05 subject to the OSD pipe outlet being connected to the new grated kerb inlet pit at the end of extension of the Council's stormwater pipeline in Kidman Street.

**OSD Positive Covenant**

- 19 To ensure the on-site detention system is satisfactorily maintained a covenant under Section 88E of the Conveyancing Act 1919 shall be prepared and registered over the subject land.

The terms of the 88E instrument with positive covenant shall include, but not be limited to, the following:

- The Proprietor of the property shall agree to be responsible for keeping clear, and the maintenance of all pits, pipelines, trench barriers and other structures.
- The Proprietor agree to have the on-site stormwater detention facilities ("OSD") inspected annually by a competent person.
- The Council shall have the right to enter upon the land referred to above, at all reasonable times to inspect, construct, install, clean, repair and maintain in good working order all pits, pipelines, trench barriers and other structures in or upon the said land which comprise the OSD or which convey stormwater from the said land; and recover the costs of any such works from the proprietor.
- The registered proprietor shall indemnify the Council and any adjoining land owners against damage to their land arising from the failure of any component of the OSD, or failure to clean, maintain and repair the OSD.
- The applicant shall bear all costs associated in the preparation of the subject 88E instrument.
- The wording of the instrument shall be submitted to, and approved by the Council prior to lodgement at the Land Titles Office. Proof of lodgement with the Land Titles Office shall be submitted to the Council prior to the issue of the

Final Occupation Certificate.

**Erosion and sediment measures**

- 20
- The applicant shall engage a qualified person to prepare a sediment and erosion control plan in accordance with the principles outline in the “Managing Urban Stormwater Soils & Construction” manual by the Department of Housing dated August 1998.
  - The applicant shall ensure sedimentation and erosion control measures are installed prior to commencement of construction and also maintained at all times during construction in accordance with the plan.
  - Prior to release of Occupation Certificate all disturbed areas are to be stabilised and all redundant sediment & erosion control structures are to be removed to the Principal Certifying Authority satisfaction.

**Internal pavement**

- 21
- The provision of kerbs and formation paving and sealing of access driveways and car parking areas in the development site, together with any necessary drainage, retaining walls and other engineering works that may be required to make the construction effective prior to the issue of Occupation Certificate.
  - All internal driveway and access shall be designed in accordance with Australian Standards 2890.1/2004 and 2890.2-2002 to enable vehicles to enter and leave the site in a forward direction. In addition the largest delivery vehicle using the site shall be restricted to a 10.7m heavy rigid vehicle
  - All car parking spaces and travel aisles are to be clearly line marked and provided with directional arrows to facilitate traffic circulation through the site
  - The provision of a masonry wall 900mm high along the eastern edge of the car park facing No. 5 Kidman Street, so as to provide protection from cars mounting the kerb and travelling through the fence into that adjoining property. Plans must be submitted to Council prior to the issue of the construction certificate demonstrating how this wall is effectively integrated into the car park and the landscaping construction.

**Repair of damage**

- 22
- The applicant shall repair or reconstruct any damage caused by construction activity relating to the development as required by the Council’s development engineer prior to release of Occupation Certificate

**Engineering works**

- 23 To facilitate vehicular and pedestrian access to and from the site, including the safe disposal of stormwater from the development, the following road and drainage works shall be constructed at the applicant's expense.
- a. The replacement of all damaged sections of the paved footpath and kerb and gutter along the entire site frontage to Murphy & Kidman Street. The footpath area shall be replaced with equivalent finished construction as per existing.
  - b. The removal of redundant vehicular crossings and its replacement with vertical kerb and gutter and concrete footpath
  - c. The extension of the Council's existing stormwater pipeline from the existing stormwater pit in Kidman street to the kerb and gutter at the southeast corner of the site via a minimum 375mm diameter RCP. A minimum 2.4 metres grated kerb inlet pit shall be provided at the end of the extension for the connection of the site OSD outlet pipe
  - d. The proposed vehicular crossings across the footpath area in Kidman Street shall be heavy duty, featured surface, reinforced concrete construction. The gradients across the footpath area are to comply with AS2890.1/2004 with a minimum width at the property boundary of 6.5 metres
  - e. All concrete footpath sections 2 metres either side of the proposed vehicular crossings across the footpath area in Murphy and Kidman Street are to be removed and replaced with minimum 150mm thick footpath reinforced with f72 mesh
  - f. The construction of any other necessary works to make the construction effective.

**Restore disturbed area**

- 24 All disturbed earthworks and/or batters are to be restored, stabilised, topsoiled and turfed/revegetated to the Council's satisfaction prior to release of Occupation Certificate.

**Certification By the Council**

- 25 Prior to issue of Occupation Certificate a certificate shall be obtained from the Council to verify that all works relating to the Council's asset have been completed in accordance with the approved plan and the Council's satisfaction.

**Construction in the**

- 26 Where works are carried out on the Council's or public

**Council's Roads**

lands (i.e. roads, parks, drainage easements, etc) by or on behalf of the applicant, the following conditions shall be satisfied:

- a. Detailed engineering plans prepared and endorsed by a chartered civil engineer with NPER registration shall be submitted to the Council for approval prior to issue of Construction Certificate. Approval of the engineering designs by the Council is subject to the payment of the prescribed Engineering Development Fees which will be advised at the time of lodgement.
- b. An on-site meeting is to be arranged with the Council's Supervising Engineer prior to commencement of any work in the Council's Road for the purpose of pre-construction meeting. The appropriate 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 a value of \$10 million dollars. 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 applicant will be required to pay for inspections in accordance with the Council's fees and charges. The specified stages for inspection will be advised at the pre-construction meeting.
- e. 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's inspection and approval shall be obtained prior to issue the Subdivision Certificate.
- f. Prior to issue of Construction Certificate, a Traffic Management Plan Report prepared by a qualified person is to be submitted to the Council for approval.  
The Management Plan is to address but not be limited to the following - loss of on-street parking, construction vehicles travel routes, safety of 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's and RTA roads and shall be in accordance with Australian Standard 1742 – "Manual of Uniform Traffic Control Devices" and RTA 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 RTA 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 display a sign identifying the contractor responsible for the work. A contact telephone number should be provided on the sign.

**Compliance with standards**

- 27 All internal and external engineering works required by this development are to be in accordance with the Council's Specification for Engineering Works for Subdivisions and Developments Part 1 Design and Part 2 Construction (Development Control Plan No. 31) and other relevant Australian Standards. The design and construction is to include any additional works to make the construction effective.  
A civil engineer with NPER registration shall design and supervise all civil works and prior to issue of Occupation Certificate certification shall be obtained from a chartered civil engineer with NPER registration confirming this requirement has been met.

**W.A.E Plan**

- 28 Submission to the Council prior to issue of Occupation Certificate a "Works as Executed" Plan of all engineering works together with certification by a civil engineer with NPER registration confirming all works have been constructed in accordance with the approved plans.

**Bond**

- 29 The payment to the Council of a performance maintenance bond to the value of five (5) percent of

the engineering construction or a minimum of \$30,000, whichever is the greater, to guarantee the safety of the public, environmental protection performance and maintenance during construction in the Council's Road and for (6) months after construction is completed to the Council's Engineer's satisfaction. The bond is to be paid prior to the issue of a construction certificate.

**Land use**

- 30 The use of either or both shops shall not occur until all relevant conditions of this consent requiring construction work and the like has been completed to the satisfaction of the Principal Certifying Authority (and the Council in respect to road frontage works if not the Principal Certifying Authority) and an Occupation Certificate pursuant to the provisions of the EP&A Act 1979 (as amended) issued.

Upon being put to the meeting, the AMENDMENT was carried and became the MOTION, the vote being:

**For**

Councillors Angel  
Brown  
Frappell  
Hamilton  
McLaren  
Myles  
Searle  
Trindall  
Van der Kley

**Against**

Councillors McInnes  
O'Grady

\* \* \* \* \*

MINUTE NO. 145

**12. 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. 5979 Waratah Road, Wentworth Falls.**

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

1. That Council notes the decision of the Land and Environment Court.
2. That the Council grant the General Manager the delegated authority to issue an Operational Consent for 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 59-70 Waratah Road Wentworth Falls pursuant to Section 80 of the Environmental Planning and assessment Act 1979 upon satisfactory resolution of the Deferred Commencement matter.

- 3. That any objectors be provided with a copy of the Court’s decision on request.**

Upon being put to the meeting, the MOTION was carried, the vote being:

<b>For</b>		<b>Against</b>	
Councillors	Angel	Councillors	McInnes
	Brown		O’Grady
	Frappell		Searle
	Hamilton		
	McLaren		
	Myles		
	Trindall		
	Van der Kley		

\* \* \* \* \*

MINUTE NO. 146

**13. F01899. Approval to award contract C3-2007 Supply of various quarry products**

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

- 1. That the Council proceeds with the establishment of a schedule of rates supply agreement for the supply of various quarry products at the rates listed in the report.**
- 2. That Oberon Quarries Pty Ltd be awarded a supply agreement as preferred supplier of 7, 10, 14 and 20mm aggregates.**
- 3. That Metromix be awarded a supply agreement as preferred supplier of DBG20 and DGS20, and as alternate supplier for 5mm and 10mm aggregates and DGS40.**
- 4. That Hy-Tec be awarded a supply agreement as preferred supplier of 5mm aggregate, Blended Sand and Filling Sand, and as alternate supplier of 7, 14 and 20mm aggregates and DGB20.**
- 5. That Hi Quality Waste Management be awarded a supply agreement as preferred supplier of DGS40 and Recycled DGB20, and as alternate supplier of DGS20, Filling Sand and 50mm sandstone.**
- 6. That Hanson Construction Materials be awarded a supply agreement as preferred supplier of 50mm sandstone and as alternate supplier of Recycled DGB20 and Blended Sand.**

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MINUTE NO. 147

**14. F00571. Tender Endorsement for the supply of Four (4) 6x4 Bogie Drive Can Chassis with Tipper Body Vehicles under contract FS11-07**

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

1. That the Council accepts the tender submitted by Jacob Wagga Hino to supply quantity 4 x Hino 700 series 4562 FS1EMPG CL Bogie Drive Tippers (with cross locks on rear) at unit cost of \$182,320.00 (GST inclusive), that is, a total cost of \$729,280 (GST inclusive) which are to be replaced over a two-year period
2. That the 4 vehicles replaced are disposed of through Public Auction.

\* \* \* \* \*

MINUTE NO. 148

**15. C00680. Précis of selected correspondence 5/6/2007**

RESOLVED UNANIMOUSLY on the MOTION of Councillors O'Grady and McInnes that the Précis of Selected Correspondence be received with the exception of Item 2.

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

**That the report to be prepared on the Sister Cities Conference to be held in Darwin explores the possibility of a Youth Councillor attending the conference.**

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MINUTE NO. 149

**16. Matter of Urgency Loftus Street Lawson**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Searle and McInnes:

**That Council act to temporarily close Loftus Street Lawson before and during the long weekend of 10 12 June 2007.**

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MINUTE NO. 150

**17. C00336. Procedural – Question that Meeting Close**

RESOLVED UNANIMOUSLY on the MOTION of Councillors Angel and Frappell:

**That as there was no further business before the meeting, the Council Meeting now close.**

The Ordinary Meeting of the Council closed at 9:43 pm on Tuesday, 5 June 2007.

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