

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, 15 February 2005, commencing at 7:35 pm.

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There were present:

The Mayor (Councillor Jim Angel) in the Chair, and Councillors Brown, Creed, Frappell, Hamilton, Henson, 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 City Solutions, Acting Group Manager City Sustainability, Group Manager Corporate Policy, Acting Group Manager Environmental and Customer Services, Executive Officer, Manager Property, Communications Officer, Acting Manager - Building & Construction, Program Manager – Strategic Infrastructure, Acting Administration Officer, Acting Business Paper & Administration Officer and Administration 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. 23

C00336. Confirmation of Minutes - Ordinary Meeting, 25/01/05

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Myles that the Minutes of the Ordinary Meeting of 25 January 2005 be confirmed, with an amendment being made to Minute No. 7, so that it now reads:

“That Councillors Henson, Frappell, McInnes, McLaren and O’Grady be Council’s panel for the selection of, and the number of, community representatives to serve on the Friendship Committee.”

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DISCLOSURES OF INTERESTS, 15/02/05

MINUTE NO. 24

C00336. Procedural - Disclosures of Interests, 15/2/05

Councillor Van der Kley made the following declaration with regard to Item 5 - Plastic Bags in the Blue Mountains:

“I am the owner of a supermarket and will be leaving the Council Chamber when this matter is being considered.”

Councillor Angel made the following declaration with regard to Item 11 - Development Application No. X04/0418 for the Construction of an Integrated Housing and Community Title Subdivision and Tourist Accommodation Development Comprising 84 Dwellings, Homestead, Associated Car Parking and Landscaping at Lot 1 DP 840261, Nos. 132-174 Govetts Leap Road, Blackheath (Property Known as Parklands):

“My daughter owns a property across the road from the subject one, so I declare a pecuniary interest and will be leaving the chamber while this matter is being considered.”

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MINUTE BY MAYOR, 15/2/05

MINUTE NO. 25

1. Regional Response to Tsunami Disaster

RESOLVED UNANIMOUSLY on the MOTION of Councillors Angel and Hamilton that Council supports in principle the development of a regional response to the Asian Tsunami disaster as outlined by WSROC.

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MINUTE NO. 26

C00336. Procedural

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Van der Kley that Items 15 and 11 be brought forward to be considered by Council before all other business on the agenda.

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OFFICERS' REPORTS, 15/2/05

MINUTE NO. 27

2. C07354. Draft Infrastructure Strategy – Post Exhibition Review

RESOLVED UNANIMOUSLY on the MOTION of Councillors McLaren and Hamilton:

1. That Council receives and notes the document “Draft infrastructure Strategy – Post Exhibition Review” (enclosed separately for Councillors), which contains staff discussion, improvements and amendments as a result of the consideration of the public authority and public submissions which informs the final Infrastructure Strategy.
2. That Council adopt the revised Draft Infrastructure Strategy dated February 2005 as the Infrastructure Strategy (enclosed separately for Councillors only), with the inclusion of the words “for existing developments” after “maintain pump out in interim” (where this appears on page 29)

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MINUTE NO. 28

3. C01900. December Quarter 2004-2005 Progress Report - Management Plan, Operating Budget And Capital Works Program

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Frappell:

1. That the General Manager’s report together with the document titled “Quarterly Review Management Plan December 2004 - 2004/2005” (separately enclosed) be endorsed.
2. That the General Manager’s Report incorporating the separate documents titled:
 - Quarterly Review Budget December 2004 - 2004/2005, and
 - Quarterly Review Capital Works Program December 2004 - 2004/2005be noted.
3. That the variations of income and expenditure as identified in the document titled Quarterly Review Budget December 2004 - 2004/2005 be approved and voted.
4. That Council approve the Capital Works Program being reduced by a net total of \$123,416 to reflect transfers between the Operating Budget and Capital Works Program listed in this report.

Councillor Van der Kley was not present in the Council Chamber when this matter was considered.

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MINUTE NO. 29

4. C05949. Acquisition of Various Properties in Lawson Village Centre

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Frappell:

1. **That the information contained in this report be received and noted.**
2. **That not having been able to successfully negotiate the purchase of 8 Blind Street, part of 3-7 Honour Avenue and part of 4 Benang Street, Lawson Council pursuant to section 186 and 187 of the Local Government Act, 1993 commence and seek an approval from the Minister to compulsorily acquire the property for the purpose of car park and road widening respectively in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991.**
3. **That Council support in principle the proposed negotiations with the owners of 293, 295, 296, 297 and 298 Great Western Highway, Lawson and other properties if so required for land exchanges and/or boundary adjustments necessary for the implementation of the adopted Master Plan for the Lawson Village Centre, and the outcome of the negotiations being reported back to Council.**

Councillor Van der Kley was not present in the Council Chamber when this matter was considered.

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MINUTE NO. 30

5. C00012. Plastic Bags in the Blue Mountains

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Frappell:

1. **That Council note and receive the report.**
2. **That Council support voluntary bans on the use of plastic shopping bags in the Blue Mountains.**
3. **That Council continue to actively encourage the local community and retail sector to reduce their reliance on plastic bags in the Blue Mountains via national, state and local initiatives.**

Councillor Van der Kley was not present in the Council Chamber when this matter was considered.

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MINUTE NO. 31

6. R10/0130. R08/0386. Road Naming – Roberts Road, Lawson And The Escarpments, Katoomba

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Frappell:

1. That Council receives and notes this report.
2. That Council proceeds with the naming of the road created by the Subdivision and development of Lot DP 1026915, No. 227 Cliff Drive Katoomba, to be known as THE ESCARPMENTS.
3. That Council proceeds with the naming of the road created by the Subdivision of Lot 1 DP 726054, No. 69-77 Queens Road Lawson, to be known as ROBERTS ROAD.

Councillor Van der Kley was not present in the Council Chamber when this matter was considered.

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MINUTE NO. 32

7. X04/1299. Development Application No. X04/1299 for Additions and Alterations to the Existing Educational Establishment at Lot 15 DP 751646, Lot 1 DP 182020 and Lot 1 DP 810669, Nos. 174–186 Mount Hay Road and Nos. 83–91 Spencer Road, Leura

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Brown that Development Application No. X04/1299 for alterations and additions to the existing Educational Establishment on Lot 15 DP 751646, Lot 1 DP 182020 and Lot 1 DP 810669, Nos. 174–186 Mount Hay Road and Nos. 83–91 Spencer Road, Leura be determined pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 by the granting of consent subject to conditions shown in Attachment 1 to this Report.

Attachment 1 – Conditions of development consent

Confirmation of relevant plans

1. To confirm and clarify the terms of consent, the development shall be carried out in accordance with the stamped and approved plans prepared by ECO Design Architects dated August 2004 and the Landscape Plan prepared by Susan Bell and accompanying supportive documentation, except as otherwise provided or modified by the conditions of this consent.

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| Period of Consent | 2. Substantial physical commencement of construction is required within 3 years from the date of this consent. Should this not occur, the Consent will lapse and a new Development Application will need to be submitted. |
| 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. |
| Stormwater management design | 4. The stormwater management design is to be in accordance with Australian Rainfall and Runoff 1987 (AR&R), prepared by a person accredited by the Institution of Engineers, Australia.

Runoff to the swamp and creekline is not to increase as a result of this development. |
| Services | 5. Arrangements must be made with Integral Energy and Sydney Water for the extension of services to and within the site. Written evidence of such arrangements are to be submitted prior to the issue of the construction certificate. |
| Building Code of Australia | 6. All building work must be carried out in accordance with the provisions of the Building Code of Australia. |
| Information to be submitted | 7. Prior to any works commencing on the site, written advice as to the
a) appointment of a Principal Certifying Authority
b) builder's details (name, address and licence number)
c) owner / builder permit is required for Council records. |

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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-1pm. 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) Builder's waste must not be burnt or buried on site. All waste must be contained on the site in a manner that ensures it cannot be blown from the site and then removed to a Waste Disposal Depot.

Sediment & erosion plan

9. To preserve the unique environment of the Blue Mountains a soil and water management plan in accordance with Council's Erosion & Sediment Control policy is to be submitted to and approved by the Principal Certifying Authority, prior to clearing of any site vegetation and the commencement of site works.
- This plan is to include scaled drawings and detailed specifications that can be readily understood and applied on site by supervisory staff. Items to be shown on the plan are to include:
- a) locality;
 - b) contours (existing and final);
 - a) existing vegetation;
 - b) existing site drainage;
 - c) limit of clearing, grading and filling (location of all earthworks including roads, areas of cut and fill and regrading);

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- d) locations and design criteria of erosion and sediment control structures;
- e) site access;
- f) proposed vegetative buffer strips;
- g) location of critical areas (drainage lines, water bodies etc.);
- h) proposed techniques for stabilisation of disturbed ground;
- i) procedures for maintenance of erosion controls;
- j) details for staging works;
- k) techniques for dust control.

Soil erosion

10. All exposed earthworks and disturbed areas shall have suitable sediment control measures in place prior to the commencement of construction to prevent soil erosion and the transport of sediment off the site during rainfall and runoff. The sediment control measures shall be continually monitored and maintained for the duration of construction and for six months after completion. All disturbed areas shall be revegetated with native vegetation endemic to the area.

Recycling on site

11. Any vegetation requiring removal for the purpose of access or construction shall be immediately mulched or chipped and stockpiled on site to be used for restoration on the completion of the works.

Stormwater management

12. A detailed Water Harvesting Management Plan shall be submitted to Council for consideration prior to the issue of a Construction Certificate. The management plan shall address the following issues;
- a. water reuse within the site and the development
 - b. water saving initiatives incorporated into the development
 - c. collection of stormwater and roof water
 - d. Runoff to the swamp and creekline is not to increase as a result of this development.

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Bushland regeneration

13. The applicant is to provide Council with a Bushland Regeneration Management Plan for consideration by Council prior to the issue of a Construction Certificate. The Bushland Management Plan shall address the following matters;
1. Identification of disturbed areas over the site
 2. Strategies for those area identified to be regenerated
 3. Who will be involved in this process and how it will be managed
 4. An implementation program for the commencement of the Bushland Management Plan

Vegetation removal

14. Removal of vegetation to be kept to the minimum, both for building and asset protection zone purposes, whilst adhering to NSW Rural Fire Service conditions. Vegetation removal within the Asset Protection Zone to be done by hand, retaining large shrubs and trees where possible and maintaining discontinuous ground cover. Guidelines for the Inner Protection Zone are listed below:

Inner Protection Zone (IPZ)

It is more practical to determine the specifications of the Inner Protection Area (IPA) in terms of performance than in terms of a minimum fuel loading.

The performance of the inner protection area must be such that:

- There is minimal fire fuel at ground level which could be set alight by a bushfire; and
- Any vegetation in the IPA does not provide a path for the transfer of fire to the development – that is, the fuels are discontinuous.

The presence of a few shrubs or trees in the IPA is acceptable provided that they:

- Do not touch or overhang the building;
- Are well spread out and do not form a continuous canopy;
- Are not species that retain dead material or deposit excessive quantities of ground fuel in a short period or in a danger period;
- Are located far enough away from the house so that they will not ignite the house by direct flame contact or radiant heat emission.

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| Vegetation to be retained | 15. Due to the existing access road down to the sewerage tank area and its value as a firebreak, the area on the south-eastern side of the road should not be removed as part of the IPZ. Removal of this vegetation would compromise the swamp vegetation and the creek. |
| WildPlant Rescue | 16. WildPlant Rescue and/or the Conservation Society are to be asked to visit the site prior to vegetation removal to remove plants that are likely to survive transplantation and/or collect material for propagation. These plants could then later be purchased by Brahma Kumaris to be replanted in the landscaping of the site. |
| Swamp/creek buffer | 17. The area adjoining the swamp/shrub community, adjacent to the sewerage tank area, should have a dense buffer to the swamp and the creek planted – preferably with the species removed as a result of the development. The current distance of 39 metres from the cleared area to the swamp and creek is inadequate as a buffer distance. |
| Pinus radiata removal | 18. The Pinus radiata wilding growing above the sewerage treatment plant to be removed. |
| Swamp/creekline bush regeneration | 19. The swamp and creekline area should be treated by professional contract bush regenerators to remove all weeds and to rehabilitate any degraded areas. The bush regeneration is not to be undertaken by volunteers or other unsuitably qualified groups. |
| Plant selection | 20. Plants used in gardens/landscaping should preferably be endemic natives, however if exotics are used, then non-invasive species must be selected. |
| Surface drainage | 21. To prevent surface water from entering the building: <ul style="list-style-type: none">▪ the floor level shall be a minimum of 225mm above finished ground level; and▪ seepage and surface waters shall be collected and diverted clear of the building site by a subsurface/surface drainage system. Note: Care is to be taken to ensure that no run off is diverted to adjoining properties. |

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External finishes

- 22. To ensure that the development is compatible with the surrounding environment colours and finishes are to be muted bushland tones.**

Any outbuildings or other ancillary structures are to be finished in colours and materials of natural earthy tones and low reflective quality to blend with the surroundings. The driveway is to be finished in dark earth tones.

A detailed schedule of materials and finishes is to be provided to Council for consideration prior to the issue of a Construction Certificate.

Earthworks

- 23. Excavated and filled areas are to be graded and drained in a manner that will not be detrimental to the environment. Where batters exceed a ratio of 3 horizontal to 1 vertical, retaining walls or terracing is required.**

Protection of vegetation

- 24. To preserve the natural site features and limit site disturbance, ground covers and trees within driveway areas and 3 metres or more from the outermost projection of the building are to be retained. Remaining vegetation must be protected by suitable guards/barriers to prevent damage as a result of the construction phase.**

(This does not apply to trees and vegetation required to be removed in identified Fire Protection Zones.)

Fill

- 25. Any fill imported to the site must meet the criteria of 'Virgin Excavated Natural Material' as defined in the Environment Protection Authority's Environmental Guidelines - Assessment, Classification and Management of Liquid and Non-Liquid Wastes, 1999.**

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Approval in accordance with Section 100B of the Rural Fires Act 1997 as required by Section 91A of the Environmental Planning and Assessment Act, 1979

26. a. A Bush Fire Evacuation Plan is to be submitted to the NSW Rural Fire Service – Development Control Service for approval. The evacuation plan is to detail the following:
- Under what circumstances will the complex be evacuated.
 - Where will all the persons be evacuated to?
 - Role and responsibilities of persons co-ordinating the evacuation.
 - Roles and responsibilities of persons remaining with the complex after evacuation.
 - A procedure to contact the NSW Rural Fire Service District Office / NSW Fire Brigade and inform them of the evacuation and to where they will be evacuated.
- b. Construction shall comply with AS3959 – 1999 level 3 ‘Construction of Buildings in Bushfire Prone Areas’

The RFS has not received any evidence to support the use of rendered hay bails under level 3 construction and has significant concerns regarding the survivability of structures utilising this type of product.

- c. The property around the dwelling to a distance of 40 metres, shall be maintained as an ‘Inner Protection Area’ (IPA) and, 10 metres shall be maintained as an ‘Outer Protection Area’ (OPA) as outlined within section 4.2.2. In Planning for Bushfire Protection 2001.
- d. The structure shall incorporate gutterless roofing or leafless guttering and valleys are to be screened to prevent the build up of flammable material.
- e. Roller doors, tilt-a-doors and the like shall be sealed to prevent the entry of embers into the structure.
- f. Roller doors, tilt-a-doors and the like shall be sealed to prevent the entry of embers into the structure.

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- g. Water supply for fire fighting purposes shall be in accordance with section 6.4.3 of Planning for Bushfire Protection 2001. A minimum 20,000 litre onsite storage tank is required if reliable mains water is not accessible.
- h. Locations of fire hydrants, where available, are to be delineated by blue pavement markers offset 100mm from the centre of the road. The direction of offset should indicate on which side of the road the hydrant is located.
- i. This approval is based on the bushfire threat assessment report prepared by Eco Design Architects dated 6 September 2004. All recommendations of that report other than those modified by the above conditions shall be complied with.

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MINUTE NO. 33

8. X04/1290. Development Application No. X04/1290 for the Addition of Sixteen (16) Accommodation Units, Laundry, Lounge, Library, Cafe and Treatment Room on Lots 3 and 8-14 DP 4305 and Lots A, B, C and D DP 385345, No. 3 Chambers Road, Nos. 16-18 Fitzroy Street and No. 74 Gladstone Road, Leura (School of Hotel Management)

The Meeting was addressed by Guy Bentley.

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Henson that Development Application No. X04/1290 for the addition of sixteen accommodation units, laundry, lounge, library, cafe and treatment room on Lots 3 and 8-14 DP 4305 and Lots A, B, C and D DP 385345, No. 3 Chambers Road, Nos. 16-18 Fitzroy Street and No. 74 Gladstone Road, Leura (School of Hotel Management) be determined pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 by the granting of consent subject to the conditions shown in Attachment 1 to this Report.

Attachment 1 – Conditions of development consent

Confirmation of relevant plans

1. To confirm and clarify the terms of consent, the development shall be carried out in accordance with the plans prepared by Paul Davies Architects Heritage Consultants numbered SP1/D, AO1/D, AO2/D, A03/D, A04/B, A05/B, A06/D, A07/B & A08/B dated June 2004 and accompanying supportive documentation, except as otherwise provided or modified by the conditions of this consent.

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| Period of development consent | 2. Physical commencement of the use 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. |
| Building Code of Australia | 4. All building work must be carried out in accordance with the provisions of the Building Code of Australia. |
| Plans on site | 5. A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times. |
| External finishes | 6. To ensure that the development is compatible with the surrounding environment colours and finishes are to be approved by Council.

Any outbuildings or other ancillary structures are to be finished in colours and materials of natural earthy tones and low reflective quality to blend with the surroundings. The driveway is to be finished in dark earth tones. |
| Certificates from authorities

Early contact with these authorities is recommended | 7. To ensure satisfactory effluent disposal and utility services are provided to the development, you are required to submit to Council certificates from –
a) Sydney Water indicating that reticulated water and sewer has been made available.
b) Integral Energy indicating that satisfactory arrangements have been made for the provision of (aerial / underground) electricity supply.
c) An approved telecommunications service provider stating that satisfactory arrangements have been made for (underground /aerial) telephone services. |

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| Access and mobility statement | 8. To ensure access and facilities for disabled people are provided, a statement from a suitably experienced person is required certifying that the development complies with the provisions of the Disability Discrimination Act 1992; the Australian Standard AS1428 and Council's Access and Mobility Policy. This statement is to form part of the construction certificate documentation. |
| Survey report | 9. To ensure that the building does not encroach on the minimum required setbacks and is located within the boundaries of the property, a survey report by a registered Land Surveyor must be provided to the Principal Certifying Authority prior to the work proceeding beyond peg out. |
| Neighbouring buildings | 10. Where the excavation extends below the level of the base of the footings of a building on an adjoining allotment, all works shall be carried out to preserve and protect the adjoining building from damage. Where necessary, the adjoining building shall be underpinned and supported. At least 7 days notice must be given to the owner of an adjoining property indicating an intention to excavate. |
| Excavations | 11. All excavations are to be guarded and protected to prevent them from being dangerous to the public and surrounding properties. |
| Hoarding / fencing | 12. To ensure the protection of the public, hoardings are to be provided on the all sides of the site to the requirements of NSW Workcover Authority. |
| Workers amenities | 13. 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. |

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Site management

- 14 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 (including felled trees) must be contained and removed to a Waste Disposal Depot.

Demolition management

- 15 The work is to be executed by a competent person, with due regard for safe working practices and in accordance with the requirements of the Workcover Authority.

At all times during demolition a competent person shall directly supervise work. It is the responsibility of the person to ensure that:

- a) The structure to be demolished and all its components shall be maintained in a stable and safe condition at all stages of the demolition work. Temporary bracing, guys, shoring or any combination of these, shall be added for stability where necessary.

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- b) Precautions are taken to ensure that the stability of all parts of the structure and the safety of persons on and outside the site are maintained particularly in the event of sudden and severe weather changes. Severe weather changes refer primarily to the localised high winds. In these circumstances loose debris can become airborne, particularly if it is in sheet form.
- c) The site shall be secured at all times against the unauthorised entry of persons or vehicles.
- d) Utility services within the structure not required to be maintained during the demolition work shall be properly disconnected and sealed off before any stripping or demolition commences.

Order of demolition

- 16 Unless otherwise permitted by Council, structures shall be demolished in the reverse order to that of their construction. The order of demolition for building shall be progressive, having proper regard to the type of construction.

Adjoining buildings

- 17 In consideration of the proximity of the site's adjoining buildings:
- a) Safe access and egress from adjoining buildings is to be maintained at all times for the duration of the demolition work.
 - b) No demolition activity is to cause damage to or adversely affect the structural integrity of adjoining buildings. Consideration should be given to the use of shoring and underpinning and to changes in the soil conditions as a result of demolition and appropriate action taken.
 - c) The effect of vibration and concussion on adjoining buildings and their occupants is to be minimised by selection of appropriate demolition methods and equipment.

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Dust control

- 18 The techniques adopted for stripping out and for demolition are to minimise the release of dust into the atmosphere.
- a) Before commencing work, any existing accumulations of dust are to be collected, placed in suitable containers and removed. Selection of appropriate collection techniques, such as vacuuming or hosing down, shall take account of the nature of the dust and the type of hazard it presents (eg, explosive, respiratory etc).
 - b) Dust generated during stripping or during the breaking down of the building fabric to removable sized pieces shall be kept damp until it is removed from the site or can be otherwise contained. The use of excess water for this purpose is to be avoided.

It should be borne in mind, that in certain environments and under certain stimuli, deposits of combustible dust on beams, machinery and other surfaces may be subject to flash fires, and suspensions of combustible dusts in the air can cause them to explode violently (see NFPA Handbook).

Removal of material

- 19 All demolished material and excess spoil from the site shall be disposed of at a location and in a manner approved of by Council. No material is to be burnt on site.

Removal of hazardous waste

- 20 Removal of dangerous or hazardous materials shall be carried out in accordance with the provisions of all applicable State legislation and with any relevant recommendations published by the National Occupational Health and Safety Commission (Worksafe Australia).
- a) Only competent persons, or competent and registered persons shall carry out removal.
 - b) Removal of asbestos or materials containing asbestos fibres, shall be in accordance with the NOHSC code of practice.

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- c) **Precautions to be observed and procedures to be adopted during the removal of dangerous or hazardous materials other than asbestos, shall be in accordance with the relevant State regulations pertaining to those materials.**

Earthworks

- 21 **Excavated and filled areas are to be graded and drained in a manner that will not be detrimental to adjoining properties or the environment. All disturbed areas are to be topsoiled and turfed or spraygrassed. Where batters exceed a ratio of 3 horizontal to 1 vertical, retaining walls or terracing is required.**

Sedimentation and erosion control

- 22 **The applicant shall engage a qualified person to prepare a sediment and erosion control plan in accordance with the principles outlined in the 'Managing Urban Stormwater Soils and Construction' 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 that these measures are also maintained at all times during construction in accordance with the plan.**

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

Repair of damage

- 23 **The applicant shall repair or reconstruct all damages caused by construction activity relating to the development as required by Council's Supervising Engineer prior to release of the Occupation Certificate.**

Restore disturbed area

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

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| Certification by Council | 25 | Prior to the issue of the Occupation Certificate, a certificate shall be obtained from Council to verify that all external works have been completed in accordance with the approved plan and to Council's satisfaction. |
| Number of Students | 26 | The maximum number of students permitted at the school is to stay at 220; any increase in student numbers will be subject to a separate development application. |
| Protection of vegetation | 27 | The row of trees between 76 Gladstone Road and the subject site are to be protected during construction, any trees damaged must be replaced by a tree in a similar stage of growth.

To preserve the natural site features and limit site disturbance, ground covers and trees within driveway areas and 3 metres or more from the outermost projection of the building are to be retained. Remaining vegetation must be protected by suitable guards / barriers to prevent damage as a result of the construction phase.

Details of the proposed privacy screen fence adjacent to the southern boundary shall be submitted to Council prior to construction commencing. |
| Stormwater drainage | 28 | To control stormwater runoff, all water from impervious surfaces shall be collected and connected to an underground existing stormwater system discharging to the street gutter in accordance with AR&R 1987. |
| Internal Driveway | 29 | Internal driveway access, car parking and manoeuvring area shall be designed to comply with AS 2890.1 – 2004. |

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Protection of vegetation 30 To preserve the natural site features and limit site disturbance, ground covers and trees within driveway areas and 3 metres or more from the outermost projection of the building are to be retained. Remaining vegetation must be protected by suitable guards / barriers to prevent damage as a result of the construction phase.

Internal access 31 All vehicles required to enter and leave the site in a forward direction.

Internal pavement 32 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 shall be provided. All driveways and sealed areas are to have a featured surface.

All internal driveway and access shall be designed in accordance with Australian Standards 2890.1/2004.

New access off Northcote Street 33 The access to Northcote Street being relocated and designed to meet the requirements of Australian Standard 2890.1/2004. In this regard special attention is drawn to meet the minimum site distance requirements of the Australian standard.

The internal car park layout is to be amended accordingly.

The car park layout is to meet the requirements of Australian Standard 2890.1/2004.

Council's works 34 The following engineering works shall be constructed by the applicant at the applicant's expense:

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- a. **For the new driveway access off Northcote Street footpath as required in Condition 33 above is to be constructed with a new heavy duty concrete layback and apron crossings. The surface is to be a featured surface. This construction is to include any necessary alteration to existing infrastructures, drainage, signage, line markings etc. to make the construction effective including transition of the footpath and internal driveway, the adjustment of public utilities and regrading the driveway across the footpath to facilitate quick entry/exit movements and prevent scraping of vehicles.**
- b. **The painted centre line is to be relocated to be a minimum of 5.5m off the northern kerb and gutter lip. The extent of works is to start at Gladstone Road and continue in an easterly direction beyond the crest as determined by engineering design to provide an adequate transition. The construction works shall include any necessary works to make the construction effective. In this regard, road pavement widening from the existing driveway beyond the crest to the east will be required.**
- c. **The existing driveways are to be replaced by kerb and gutter and grassed footpath.**

Detailed engineering plans prepared by a qualified person and endorsed by a chartered civil engineer with NPER registration shall be submitted to and approved by Council prior to the issue of the Construction Certificate.

Approval of the engineering designs by Council is subject to the payment of the prescribed Engineering Development Fees, the amount of which will be advised at the time of lodgement.

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**Construction in
Council's roads**

- 35 **Where works are carried out on Council or public lands (ie. roads, parks etc.) by or on behalf of the applicant, the following conditions shall be satisfied:**
- a. **Prior to issue of the construction certificate, plans and specifications prepared by a suitably qualified person and endorsed by a chartered civil engineer with NPER registration are to be submitted to and approved by Council under the Roads Act 1993.**
Where the works affect Roads and Traffic Authority controlled roads, the plans and specifications are to be approved by the Roads and Traffic Authority before submission to Council for approval.
Approval of the engineering designs by Council is subject to the payment of the prescribed Engineering Development Fees at the time of lodgement. All works in Council's road are to be at no cost to Council.
 - b. **An on site meeting is to be arranged with Council's Supervising Engineer prior to the commencement of any work in Council's road for the purpose of a pre-construction meeting. Council's inspection fee is to be paid prior to the meeting.**
 - c. **The person or company carrying out the works will be required to carry public liability insurance to the value of \$10 million. The policy shall indemnify Council from all claims arising from the execution of the works. Proof of the policy is to be provided to Council's Development Engineer at the pre-construction meeting.**
 - d. **The person or company carrying out the works shall submit to Council reference demonstrating experience in the type of work proposed to be undertaken. The person or company shall obtain approval from Council to carry out the works prior to works commencing.**

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- e. **The applicant will be required to pay for inspections in accordance with Council's fees and charges. The specific stages of inspection required will be advised at the pre-construction meeting.**
A minimum of 48 hours notice shall be given to 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 Council as unsatisfactory shall be rectified to Council's satisfaction at no cost to Council. Council inspection and approval shall be obtained prior to the issue of the Occupation Certificate. The applicant's engineer must certify that the work have been constructed in accordance with the approved plans, specifications and relevant Australian Standards.
- f. **Prior to the issue of the Roads Act Approval, a Traffic Management Plan report prepared by a chartered civil engineer with NPER registration is to be submitted to and approved by Council. Where the works affect Roads and Traffic Authority controlled roads, the Traffic Management Plan is to be approved by the Roads and Traffic Authority before submission to Council for approval.**
The Traffic Management Plan is to address but not be limited to the following: loss of on street parking, construction vehicle travel routes, safety of the public, materials storage and handing, 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 and approved by Council.

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- g. Safety devices such as signs, barricades, barriers, warning lights, etc. shall be placed where works affect Council and Roads and Traffic Authority roads and shall be in accordance with Australian Standard No. 1742—Manual of Uniform Traffic Control Devices and Roads and Traffic Authority Manual—Traffic Control at Work Sites (Sep 2003). Details prepared by a qualified person shall be submitted to Council for its approval with the Traffic Management Plan Report.**

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

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

Bond

- 36 A performance maintenance bond to the value of five (5) percent of the engineering construction or a minimum of \$10,000, whichever is the greater, to guarantee the safety of the public, environmental protection performance and maintenance during construction in Council's road shall be paid to Council.**

This bond shall be retained for twelve (12) months after construction is completed to the satisfaction of Council's Supervising Engineer.

The bond is to be paid prior to the issue of a Construction Certificate.

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| <hr/> Relocation of services | 37 The applicant shall carry out the relocation or alteration of public utilities or any existing services made necessary as a result of this development at the applicant's expense. Satisfactory arrangements shall be made with the relevant authority concerned and a certificate of clearance shall be obtained from each relevant authority and submitted to the Principal Certifying Authority prior to release of the Construction Certificate. |
| <hr/> Certification by Council | 38 Prior to the issue of the Occupation Certificate, a certificate shall be obtained from Council to verify that all external works have been completed in accordance with the approved plan and to Council's satisfaction. |
| <hr/> Compliance with standards | 39 All internal and external engineering works required by this development are to be in accordance with Council's Specification for Engineering Work for Subdivisions and Development, Part 1—Design and Part 2—Construction (Development Control Plan No. 31), Australian Rainfall and Runoff 1987 and other relevant Australian Standards. The design and construction is to include any additional works to make the construction effective.

A qualified civil/structural engineer shall supervise all internal works and prior to issue of the Occupation Certificate, certification shall be obtained from a chartered civil/structural engineer with NPER registration and submitted to the Principal Certifying Authority confirming all works have been constructed in accordance with the approved plans and specifications. |
| <hr/> Works as executed plans | 40 Prior to the issue of an Occupation Certificate, a Works as Executed Plan of all external engineering works together with an engineer's certification confirming that all works have been constructed in accordance with the approved plans shall be submitted to Council for approval. |

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**Fire Safety Upgrading
of the existing buildings**

- 41 In accordance with the requirements of Clause 94 of the Environmental Planning and Assessment Regulation 2000, the following conditions apply to the existing buildings on the site:
- a) All enclosed corridors serving sole occupancy units are to achieve a 60/60/60 fire resistance level. Details on the proposed method of construction are to be submitted to Council for approval prior to the commencement of works. Where this work impacts on ventilation requirements for rooms including sanitary compartment, details are to be submitted to Council for approval.
 - b) The fire doors and frames to the sole occupancy units, other rooms opening onto the public corridors that are not within sole occupancy units and those of any fire stairs are to achieve 60/60/60 and 60/30/30 fire resistance levels respectively. The existing doors and frames are to be certified as achieving this level of performance or, alternatively, they are to be replaced with suitable doors and frames that comply.
 - c) A suitable evacuation procedure is to be developed for the site. The procedure is to adopt the RACE Principle and staff are to receive adequate training. A detail of the procedure is to be submitted to Council for approval prior to the training of staff. For your information, RACE relates to the following:
 - R Rescue or Remove people in immediate danger
 - A Alarm others
 - C Contain the fire to the room or space of origin
 - E Extinguish if safe to do so or Evacuate

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- d) All exit doors from the building are to open in the direction of travel and must be fitted with appropriate exit hardware that can be opened by single-handed lever action devices openable without recourse to a key from the side facing a person seeking egress from a building.
- e) Submit a report from a Hydraulics Engineer attesting to the adequacy of the existing street hydrant and/or site hydrant system to service the premises. This report is to consider the ability of the New South Wales Fire Brigade to use the fixtures.
- f) The buildings are to be completely serviced by suitable fire hose reels so that no point on the floor of the buildings is beyond the nozzle end of a fully extended 36 metre hose. Hose reels are to be located not more than 4.0 metres from an exit unless otherwise approved by Council.
- g) The buildings are to be provided with portable fire extinguishers to comply with the requirements of AS2444.
- h) A complete system of fire and smoke alarms complying with the requirements of AS1670 is to be installed within the buildings. A detail of the existing and proposed modifications to the system, including the method of monitoring, is to be submitted to Council for approval prior to the commencement of work.
- i) A complete system of emergency lighting and illuminated exit signs is to be installed throughout the buildings. A detail of the system is to be submitted to Council for approval prior to the commencement of works.
- j) An early warning intercommunication system (EWIS) is to be installed within the building. Details are to be submitted to Council for approval prior to the commencement of work.

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- k) **Submit a certificate from a suitably qualified electrician indicating the existing electrical wiring system has been inspected and is certified as being adequate, safe and fit for purpose.**
- l) **Submit a certificate from a suitably qualified gas fitter indicating the existing gas installation has been inspected and is certified as being adequate, safe and fit for purpose.**

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MINUTE NO. 34

9. X03/1808. Section 96 Application to Modify Development Application No. X03/1808 for a Two Storey Dwelling on Lot 33 DP 5936, and Part Lot 14 DP 3473, No. 61 Grose Street, Leura

A MOTION was moved by Councillors Van der Kley and Searle that **Development Application No. X03/1808 for a two storey dwelling on Lot 33 DP 5936, and Part Lot 14 DP 3473, No. 61 Grose Street, Leura be modified pursuant to S.96 of the Environmental Planning and Assessment Act 1979 by amending Condition No. 1 as follows:**

- “1. Blue Mountains City Council issues its consent, subject to conditions stated hereunder, in accordance with Section 80A of the Environmental Planning and Assessment Act 1979. Substantial physical commencement of construction is required within 2 years from the date of the operational consent.**

To confirm and clarify the terms of consent, the development shall be carried out in accordance with the plans prepared by James Stockwell Architect numbered A01 (amended) dated January 2005, A02 - A04 dated 6 August 2003, A05 – A06 dated July 2003 and C01 dated 18 November 2003 and accompanying supportive documentation, except as otherwise provided or modified by the conditions of this consent.”

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

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

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MINUTE NO. 35

10. X04/1255. Development Application No. X04/1255 for Alterations and Additions to Scenic World's Eastern Anchor Terminal to include a Landing Platform, Shelter and Road Construction to Provide a Bus Picking Up and Setting Down Area at Skyway Lease, Part Portion 59 DP 751657, Cliff Drive, Katoomba

The Meeting was addressed by Ivan Jeray, Neil Stuart, N Franklin and Steven Molino.

A MOTION was moved by Councillors Van der Kley and Myles that Development Application No. X04/1255 for alterations and additions to Scenic World's eastern anchor terminal to include a landing platform, shelter and road construction to provide a bus picking up and setting down area at Skyway Lease, Part Portion 59 DP 751657, Cliff Drive, Katoomba be determined pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 by the granting of consent subject to conditions shown in Attachment 1 to this Report.

Attachment 1 – Conditions of consent

Confirmation of relevant plans and landuse

1. i. To confirm and clarify the terms of consent, the development shall be carried out in accordance with the following plans and supportive documentation, except as otherwise provided for or modified by the conditions of this consent.
 - Site Treatment Plan prepared by PSB being Drawing No. 5KO1F dated 27 August 2004
 - Road Layout Plan Prepared by SKM being Drawing No. C001 Amendment B dated 20 July 2004
 - Architectural and Design Plan prepared by PMDL being undated Drawing No. DA104.

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Any modifications of these plans involving increased building heights, site coverage or an access road of greater dimensions or different location than that shown on the plans shall not be constructed without the prior consent of the Council.

- ii. The development shall at all times only be for the transportation of people via the Skyway which may include people arriving and departing the site via coach or bus transport.
- iii. The use shall not extend to the establishment of amenities, refreshment outlets or kiosks on the site.

Period of Development Consent

- 2. Substantial 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. The Principal Certifying Authority shall not issue the Construction Certificate should any departure from the approved plans in terms of the development's size, height, location and design be involved.

Building Code of Australia

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

Structural certificate

- 5. To ensure the alterations and additions are structurally sound and have been completed in accordance with the structural details to be approved prior to release of the Construction Certificate, a certificate from a registered Structural Engineer is to be submitted to the Principal Certifying Authority on completion, and prior to occupation or use. This shall certify that the structure has been erected in accordance with the approved details and is structurally adequate for the use proposed.

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Site management

6. i. Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path, bushland area or watercourse and shall have measures in place to prevent the movement of such material off site. To achieve this, a fenced and bunded compound shall be established within the construction area in which all building and road construction materials must be placed awaiting their use or disposal to an authorised waste disposal depot.
- ii. To establish an appropriate exclusion zone for machinery and personnel throughout the construction phase, protective fencing shall be erected not more than 2 metres from each side of the proposed sealed portion of the access road as shown on the approved plans, and adjacent to the southern side of the eastern anchor terminal, prior to any construction commencing. Signage shall be erected informing all employees and others connected with the project as to the importance of confining all activities and construction work to within the fenced areas and for the need to protect all bushland areas outside the boundaries of the protective fencing.
- iii. No material shall be burnt or buried on site. All waste (including approved vegetation to be removed) must be contained and removed to an approved Waste Disposal Depot on a regular basis.
- iv. Vegetation removed shall be restricted to that required to complete the access road as shown on the approved plans as well as minor tree thinning with the 10 metre Asset Protection Zone.
- v. 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.
 - The address of the property for easy identification.

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Erosion & sediment controls

7. i. The applicant shall engage qualified personnel to prepare a sediment and erosion control plan in accordance with the principles outlined in the 'Managing Urban stormwater Soils and Construction' Manual by the Department of Housing, dated August 1998 and such plan shall be approved by the Principal Certifying Authority prior to the issue of a Construction Certificate.
- ii. Sediment and erosion control measures are to be located on the lower side of the construction and driveway areas and must be of a standard that allow only water to pass through.
- iii. The applicant shall ensure the approved sedimentation and erosion control measures are installed prior to commencement of construction and that these measures are also maintained at all times during construction in accordance with the plan.
- iv. Following completion of the development and prior to release of the Occupation Certificate, any areas of site disturbance shall be revegetated following which all redundant sediment and erosion control structures are to be removed. Revegetation should consist only of small areas occurring on the outer side of the access road.

Workers amenities

8. 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

9. A copy of the stamped and approved plans, development consent and the construction certificate are to be on the site at all times.

Signage

10. No signage, other than road and advisory signage shown on the approved plans shall be erected without prior Council consent. Approved signage shall include signage at the eastern anchor terminal and in appropriate locations on the edge of the access road advising people to keep to sealed areas on the site and not enter any bushland areas other than where a formally designated path exists.

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Fencing of building site

11. Any fencing of the site during the construction phase shall not involve the removal of any vegetation other than that required to complete the access road.

Materials and colours

12. To ensure the appearance of the structure is not intrusive upon the surrounding environment, the alteration and additions shall be of a colour that integrates into the existing eastern anchor terminal infrastructure in a manner that results in the total development comprising a single entity.

Environmental management

13. a. The development shall be carried out without impact or damage to vegetation outside the site or construction zone. To achieve this, a qualified bush regenerator shall be employed to supervise/monitor construction activity to ensure all work is undertaken within the areas of protective fencing and erosion and sedimentation controls are appropriately maintained.
- b. Periodic bush regeneration and weed management inspections shall be undertaken (each three months) post construction to ensure bushland areas continue to remain in appropriate condition at all times. A record of these inspections must be kept for inspection on request.
- c. The Prince Henry Cliff walk shall at all times be maintained at an appropriate standard and shall not be closed as a result of additional pedestrian movement arising from this development. Accordingly, sufficient funding must at all times be available to ensure necessary work is carried out if and when it is deemed necessary.
- d. Locked gates shall be provided at both the entry and exit points to prevent the unauthorised entry of vehicles when the Skyway is not operational.

Bushfire requirements

14. To ensure the development including nearby bushland is adequately protected in the event of fire, the following requirements must be implemented:
- a. Provision for an Inner Protection Zone for a distance of 10 metres to the north/north east/south of the eastern anchor terminal. This area is to be clear of excessive ground fuels, leaf litter and is to include the selective thinning of trees in order that tree canopies do not provide a continuous path of travel in the event of fire.

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- b. An Evacuation Plan for the facility is to be developed and approved by the Blue Mountains Rural Fire Service for display on the site advising of standard operating procedures during a Very High Fire Danger to Total Fire Ban and/or where there is known fire activity that has the potential to impact on the site.
- c. Access is to be provided to the facility for fire fighting personnel during a bushfire emergency. A key to the locked gates must be in the possession of the Rural Fire Service at all times.
- d. Access for the proposed loop road to the facility off Cliff Drive must meet all requirements of Section 4.3.2 – Planning for Bushfire Protection 2001.
- e. A fully automated drenching system (being constructed of non combustible materials) is to be fitted to the facility and connected to an underground static water supply tank of a minimum capacity of 20,000 litres. The supply tank shall be located adjacent to the terminal beneath the access road and/or forecourt. Alternatively, a surface tank may be incorporated into the eastern anchor terminal infrastructure provided its size satisfies the requirements of this condition. Details and location of a surface tank must be approved by the Blue Mountains Rural Fire Service prior to being installed.

Residential and park amenity

- 15. To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during 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-1pm. No work shall occur on Sundays or Public Holidays. Alteration to these hours may be possible for safety reasons but only on the approval of Council.
 - b. The Skyway gondola shall not pick up or set down passengers outside the hours of 9.00 am to 5.00 pm each day.
 - c. The eastern anchor terminal shall be used in respect to the transportation of people and is not to include any provision for food, drink or refreshments to be obtained on the site.

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- d. Two (2) refuse bins of a design that blends with the scale and character of the development shall provided within the footpath adjacent to the bus spaces and within the forecourt. Refuse must be removed on a daily basis by Scenic World or its contractors.
- e. Scenic World, through regular inspections or via management on the gondola, shall ensure through surveillance that people do not enter bushland areas adjacent to the access road contrary to advisory signage (see Condition No. 10).
- f. Only areas of site disturbance immediately adjacent to the access road and forecourt shall be revegetated. Existing bushland areas shall remain with any subsequent work carried out in accordance with Condition 13b above.
- g. The site shall not be fenced following completion of the development.
- h. Low level bollard lighting adjacent to the eastern anchor terminal may be installed for security and safety reasons. Such lighting shall not involve commercial power being provided in the form of underground or overhead electricity supplies.

Vehicular access

- 16. a. The proposed access loop road is to be restricted to buses/coaches only (up to 14.5 Austroads Long Rigid Bus) and emergency/service vehicles with signage to this effect erected at the entrance and exist driveways.
- b. All vehicles are required to enter and leave the access loop road in a forward direction.
- c. The access loop road is to be restricted to one way only in via the southern entry and out via the northern exit. Appropriate signage to this effect is to be provided.
- d. Right hand turns from Cliff Drive into the exit or entry driveway is prohibited.
- e. Right hand turns from the exit into Cliff Drive is prohibited.

Arrangements for buses

- 17. a. Buses are to be controlled in such a way that there is no queuing from bus bay 1 to the Cliff Drive southern entry intersection.
- b. The bus loop proposal being designed to suit the 14.5m Austroads Long Rigid Bus. Bus bays 1 to 3 to be a minimum of 21.0m long and 3.3m wide with the adjacent through lane being a minimum of 3.7m wide.

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- c. Parking is to be restricted to bus/coach spaces 1 to 4. Parking restrictions are to be provided so that:
- The approach from Cliff Drive to space 1 is kept clear;
 - The departure side of space 4 to Cliff Drive is kept clear;
 - At all times from the entry to the exit, through traffic is to be maintained without impediments.

Advertising of access arrangements

18. The development is to be marketed and advertised such that the access requirements of the consent are promoted ie the approach to the site is to be from Katoomba Street, Birdwood Avenue and Cliff Drive. Egress from the site is to be via Cliff Drive and Katoomba Falls Road.

The approaches to the entry and exits in Cliff Drive are to be provided with signage and advanced warning signs reinforcing the consent requirements, subject to the approval of the Local Traffic Committee.

Engineering works

19. The following engineering works shall be constructed by the applicant at the applicant's expense:
- a. Loop Road Construction
- The full construction of the access loop road, bus parking, pedestrian forecourt and associated works generally as depicted on Drawing No. COO1 (B) (excluding the intersections) prepared by SKM and dated 20 July 2004. The construction shall include but not be limited to the following:
- i. Any necessary works to make the construction effective.
 - ii. The access road is to comprise a sealed pavement construction of a thickness to be determined by Development Control Plan 31 (DCP 31) – minimum pavement to be 50mm AC 10 on 150mm DGB 20. This surface is required to avoid pollutant infiltration into the site.
 - iii. All pedestrian pavements/steps and thoroughfares to be provided with slip resistant surfaces and provisions for visually impaired to the relevant Australian standards. Icy conditions are to be addressed. The pavement is to be of a porous material in order to allow maximum infiltration of surface water into the site.
 - iv. The provision of concrete dish drain on the inside/eastern side of the pavement.
 - v. The provision of concrete 150 mm vertical kerb and gutter on the outside/ western side of the

pavement.

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- vi. Clean and polluted water collection and dispersal are to be addressed by separate systems.
Water through and from bushland on the site from the Cliff Drive area is to be piped under the access road to the proposed outlets generally as shown on the Plan referred to in this condition above.
- vii. Provision of a grease and oil separator device to treat any contaminated runoff generated from the loop road prior to discharging into downstream stormwater system. The grease and oil separator shall be sized for at least the first 5 mm of rainfall generated over the catchment area to be treated and/or to Environmental Protection Authority requirements whichever is the greater.
- viii. Discharges for both clean water and treated water systems are to be restricted to pre-development flows and flows that the existing vegetation and downstream drainage structures under Prince Henry Cliff Walk can withstand or have capacity. Accordingly on site detention is to be provided within the access road construction via underground systems. On site detention for the access road is to be provided downstream of oil and grease treatment system.
- ix. All drainage is to be provided in accordance with Australian Rainfall Runoff 1987 and Hydraulic Gradeline method. Minimum pipe size to be 375mm diameter Reinforced Concrete Pipe/Rubber Ring Jointed.
- ix. The location of oil and grease arrestors/treatment device is to be within the access road formation for maintenance access purposes.
- x. The provision of a maintenance strategy for the on site detention and pollution control systems that demonstrates and ensures the systems will work at all times.
- xi. In order to prevent the negative impacts of discharging water on the downstream bushland and drainage infrastructure at the discharge points, energy dissipaters and scour protection measures are to be provided. The discharge points are to be generally supportive of the existing drainage regimes without contributing to or exacerbating existing flows.

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xii. The provision of lighting including street lighting at no cost to Council. Lighting is to be maintained and operated by the applicant/lease owner at no cost to Council.

The lighting is to be provided in accordance with the relevant standards and shall address and be operational when foggy or bad weather conditions prevail.

b. Southern and northern intersections with Cliff Drive and associated works

The widening of Cliff Drive at the proposed intersections together with transitional works either side of the intersection to provide for but not be limited to the following:

i. A minimum pavement/carrageway width of 8.4 metres in the straights. Wider pavement widths in the curves are to be provided to suit the turning path of Austroads Long Rigid Bus (14.5 metres) and the provision for a cycle way.

ii. The provision of 0.6 metres wide rumble bar medians in Cliff Drive to deter vehicles from turning right from Cliff Drive into the intersections and to deter vehicles from turning right from the northern intersection. The layout of the intersection is also to physically restrict the unapproved vehicular movements.

iii. The provision of kerb returns constructed with kerb and guttering, especially to define the intersections.

iv. Provision of signs (advance warning signs) and markings that address the conditions of consent (including regulatory signs and markings to Local Traffic Committee approval).

v. The provision of drainage in accordance with ARR 1987 and HGL. Minimum pipe size to be 375 diameter RCP/RRJ.

vi. The adequacy of the widening and intersection is to be demonstrated with the computer generated turning paths of a 14.5 metres Austroads Long Rigid Bus/Coach.

vii. The provision of threshold treatments that control the entry and exit speeds and keep Cliff Drive water drainage out of the access loop road.

viii. Minimum sight distance and intersection requirements to be designed in accordance with AS 2890 Roads and Traffic Authority Standards/Guides and Austroads Standards.

ix. The provision of lighting and the maintenance of such lighting at no cost to Council.

In this regard a minimum standard is T5 lighting with 2 X 14 watts lights at both intersections.

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x. The provision of pedestrian access and paths in particular linking the path adjacent to the bus bays and providing access between the proposed intersections together with linkages to the path required in condition 19(c) below.

xi. The intersections and associated Cliff Drive full extent of works is to be determined by engineering design. The design for the northern intersection is to start and include the bend north of the intersection and lease boundary and extend at least 20 metres to the south of the intersection's southern kerb return.

The design of the southern intersection is to start approximately 30 metres south of the intersection's southern kerb return and extend to the commencement of the straight north of the intersection.

c. Path paving construction – Cliff Drive

The construction of a 1.5 metre wide sealed pedestrian pavement from Katoomba Street to the southern access road to cater for pedestrians seeking to access the Skyway via Cliff Drive to the east and return.

Such path shall be the subject of engineering design and needs to comprise, in order to minimise tree removal, a path on the southern side of Birdwood Avenue for an approximate distance of between 60–80 metres from Katoomba Street then on the northern side of Cliff Drive to a point allowed by sight distance requirements to cross back to the south side. The work shall include but not be limited to the following:

- i. Any necessary drainage and works to make the construction effective.
- ii. Where there is no existing kerb and guttering, kerb and guttering and the adjacent sealed shoulder pavement is to be provided in order to support, protect and provide adequate drainage.
- iii. Kerb ramps at road crossing points.
- iv. The alignment of the kerb and guttering and path paving is to provide for 8.4m wide minimum road carriageway in the straights (wider in bends).

Detailed engineering plans covering all aspects of design referred to and required by (a), (b) and (c) above shall be prepared by a qualified person and endorsed by a chartered civil engineer with NPER registration. Such plans shall be submitted to Council for approval prior to the issue of the

Construction Certificate.

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All road construction detail shall demonstrate compliance with the minimum requirements of Council's Development Control Plan No. 31 – Public Infrastructure Works.

Approval of the engineering designs by Council is subject to the payment of the prescribed Engineering Development Fees, the amount of which will be advised at the time of lodgement.

**On site detention
positive covenant**

20. To ensure the pollution control devices and on site detention system and grease and oil separators are satisfactorily maintained and operated.
An agreement is to be made with Blue Mountains City Council that shall include the following:
- a. The applicant/lessee of the property shall agree to be responsible for keeping clear and the maintenance of all pits, pipelines, trench barriers and other structures.
 - b. The applicant/lessee shall agree to have the on site stormwater detention facilities (OSD) inspected annually by a competent person.
 - c. 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 pollution control device and OSD or which convey stormwater from the said land and recover the costs of any such works from the Proprietor.
 - d. The registered applicant/lessee shall indemnify the Council and any adjoining landowners against damage to their land arising from the failure of any component of the OSD or failure to clean, maintain and repair the OSD.

**Construction in
Council's roads**

21. Where works are carried out on Council or public lands (ie roads, parks etc) by or on behalf of the applicant, the following conditions shall be satisfied:
- a. Before work commences and the issue of the Construction Certificate, plans and specifications prepared by a suitably qualified person and endorsed by a chartered civil engineer with NPER registration are to be submitted to and approved by Council under the Roads Act 1993 and the Local Traffic Committee approval.

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- b. Approval of the engineering designs by Council is subject to the payment of the prescribed Engineering Development Fees at the time of lodgement. All works in Council's road are to be at no cost to Council.
- c. An on site meeting is to be arranged with Council's Supervising Engineer prior to the commencement of any work in Council's road for the purpose of a pre-construction meeting. Council's inspection fee is to be paid prior to the meeting.
- d. The person or company carrying out the works will be required to carry public liability insurance to the value of \$10 million. The policy shall indemnify Council from all claims arising from the execution of the works. Proof of the policy is to be provided to Council's Development Engineer at the pre-construction meeting.
The person or company carrying out the works shall submit to Council reference demonstrating experience in the type of work proposed to be undertaken. The person or company shall obtain approval from Council to carry out the works prior to works commencing.
- e. The applicant will be required to pay for inspections in accordance with Council's fees and charges. The specific stages of inspection required will be advised at the pre-construction meeting.
A minimum of 48 hours notice shall be given to 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 Council as unsatisfactory shall be rectified to Council's satisfaction at no cost to Council. Council inspection and approval shall be obtained prior to the issue of the Occupation Certificate. The applicant's engineer must certify that the work have been constructed in accordance with the approved plans, specifications and relevant Australian Standards.

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- f. Prior to the issue of the Roads Act Approval, a Traffic Management Plan report prepared by a chartered civil engineer with NPER registration is to be submitted to Council for approval. Where the works affect Roads and Traffic Authority controlled roads, the Traffic Management Plan is to be approved by the Roads and Traffic Authority before submission to Council for approval.
The Traffic Management Plan is to address but not be limited to the following: loss of on street parking, construction vehicle travel routes, safety of the public, materials storage and handing, 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 Council for approval.
- g. Safety devices such as signs, barricades, barriers, warning lights, etc. shall be placed where works affect Council and Roads and Traffic Authority roads and shall be in accordance with Australian Standard No. 1742—Manual of Uniform Traffic Control Devices and Roads and Traffic Authority Manual—Traffic Control at Work Sites 1998. Details prepared by a qualified person shall be submitted to Council for its approval with the Traffic Management Plan Report.
The contractor shall submit to Council the names of proposed traffic controllers with a signed declaration that they are appropriately trained in the duties of traffic controllers and Roads and Traffic Authority accredited.
- h. The applicant shall indicate the extent of any service adjustments necessary and submit with the design proof of approval by the relevant service authorities. The applicant shall bear all responsibility and costs associated with the proposed relocation of services.

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- i. A prominently displayed sign identifying the contractor responsible for the work shall be erected. A contact telephone number should be provided on the sign.

Bond

22. A performance maintenance bond to the value of five (5) percent of the engineering construction or a minimum of \$10,000, whichever is the greater, to guarantee the safety of the public, environmental protection performance and maintenance during construction in Council's road shall be paid to Council.

This bond shall be retained for six (6) months after construction is completed to the satisfaction of Council's Supervising Engineer.

The bond is to be paid prior to the issue of a Construction Certificate.

Repair of damage

23. The applicant shall repair or reconstruct all damages caused by construction activity relating to the development as required by Council's Supervising Engineer prior to release of the Occupation Certificate.

Restore disturbed area

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

Certification by Council

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

Compliance with standards

26. All engineering works required by this development are to be in accordance with Council's Specification for Engineering Work for Subdivisions and Development, Part 1—Design and Part 2—Construction (Development Control Plan No. 31), Australian Rainfall and Runoff 1987 and other relevant Australian Standards. The design and construction is to include any additional works to make the construction effective.

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A qualified civil/structural engineer shall supervise all the works and prior to issue of the Occupation Certificate, certification shall be obtained from a chartered civil/structural engineer with NPER registration and submitted to Council confirming all works have been constructed in accordance with the approved plans and specifications.

**Structural
(road/drainage) works**

27. The design of all structural works shall be certified by a chartered structural engineer (NPER-3 Structural registered) as conforming to the relevant standards and load capacities.

**Certification of
structural
(road/drainage) works**

28. The construction of all structural works shall be certified by a chartered structural engineer (NPER-3 Structural registered) as conforming to the relevant standards and load capacities.

**Works as executed
plans**

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

An AMENDMENT was moved by Councillors McInnes and O'Grady **that this item be deferred for site inspection and that it come back to the next Council Meeting for consideration.**

Upon being PUT to the Meeting, the MOTION was AGREED TO and BECAME the MOTION, the voting being:

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

MINUTE NO. 35 (CONTD.)

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

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

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MINUTE NO. 36

C00336. Procedural – Number of Speakers to Item 11

The Mayor vacated the Council Chamber and the Deputy Mayor took the Chair.

A MOTION was moved by Councillors Hamilton and O'Grady **that all speakers to Item 11 be heard.**

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

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

Councillor Angel was not present in the Council Chamber when this matter was considered.

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MINUTE NO. 37

11. X04/0418. Development Application No. X04/0418 for the Construction of an Integrated Housing and Community Title Subdivision and Tourist Accommodation Development Comprising 84 Dwellings, Homestead, Associated Car Parking and Landscaping at Lot 1 DP 840261, Nos. 132-174 Govetts Leap Road, Blackheath (Property Known as Parklands)

The Meeting was addressed by Helen Gillam, Nada Mikas, Jenny Rich, Loraine Fordham and Anthony Betros.

A MOTION was moved by Councillors Hamilton and Searle that Development Application No. X04/0418 for the construction of an Integrated Housing and Community Title Subdivision and Tourist Accommodation development comprising 84 dwellings, homestead, associated car parking and landscaping at Lot 1 DP 840261, Nos. 132-174 Govetts Leap Road, Blackheath (property known as Parklands) be determined by the refusal of Consent pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 on the following grounds:

1. The proposal is contrary to Clause 10.8(a) of Local Environmental Plan 1991 in that Council is not satisfied that adequate arrangements can be made for the disposal of effluent.
2. The proposal is a significant development in a Residential Bushland Conservation zone and as such is contrary to Clause 10.8(e) of Local Environmental Plan 1991 as it is unable to be fully serviced by a reticulated sewerage system.
3. The proposal is contrary to Clause 10.8(f) of Local Environmental Plan 1991 as the development in its present form is unable to be connected to and serviced by a reticulated sewerage system or an on-site effluent disposal system to Council's satisfaction.
4. The extent of effluent removal and projected road tanker movement to and from the site required to service the development will impact adversely on the environment and residential amenity of nearby property.
5. The projected movement of effluent road tankers will have an adverse impact on the existing and future amenity and well being of the Blackheath Town Centre.

MINUTE NO. 37 (CONTD.)

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

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

Councillor Angel was not present in the Council Chamber when this matter was considered.

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MINUTE NO. 38

12. C07375. Artstart 2005 Youth Arts and Skills Festival

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Frappell:

- 1. That Council receives and notes this report.**
- 2. That Council affix the Common Seal to the NSW Youth Arts & Skills Festival - ArtStart 2005 Funding Agreement.**

Councillor Van der Kley was not present in the Council Chamber when this matter was considered.

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MINUTE NO. 39

13. C00944. Community Assistance / Donations - Recommendations by Councillors

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Frappell **that Council approve the following donations from the Councillors' Minor Local Projects**
Vote:

<u>Organisation</u>	<u>Amount</u>
Winmalee Lions Club	\$500
Blue Mountains Women's Health Centre	\$750

Councillor Van der Kley was not present in the Council Chamber when this matter was considered.

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MINUTE NO. 40

14. C00322. New Appointment - Warrimoo Tennis Court Committee

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Frappell:

1. **That Council receives and notes this report.**
2. **That Council appoint Mr Geoffrey C. McManus as a member of the Warrimoo Tennis Court Committee.**

Councillor Van der Kley was not present in the Council Chamber when this matter was considered.

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MINUTE NO. 41

15. H00342. Tender for Design and Construction / Refurbishment and Funding of the Blackheath Swimming Pools, Blackheath

The Meeting was addressed by Herman Kozelj, Jennifer Ross, Barbara Armitage and Dick Harris.

1. **That the Council receives and notes this report.**
2. **That the Council notes that further negotiations have been unable to significantly reduce the quantum to the maximum value of \$2.05M associated with Option 2, which will increase the total cost of the project to \$2.80M.**

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3. That Council notes that funds of \$1.6M have already been committed from land sales and funds the project cost balance of \$1.2M by way of the sale of land, such properties and their value to be identified in a report to Council.
4. That in accordance with its resolution on 25 November 2003, the Council resolves in principle to introduce user fees / charges to the refurbished Blackheath Pool facility, to be set at a level commensurate with the fees and charges of other comparable pools with a similar level of facility. Such fees shall be considered further by the Council during the period of development of the Council's annual fees and charges, and placed on public exhibition as part of the 2005/06 Management Plan and Budget process.
5. That the Council accepts the tender / offer from Crystal Pools Pty. Ltd. to construct Option 2 for the sum of \$2,576,350.70 inclusive of GST, (\$2,342,137.00, exclusive of GST + \$234,213.70, GST component) as providing the best overall value.
6. That the General Manager or the Public Officer be authorised to sign the Contract on behalf of Council on 18 February 2005, or as soon as possible, and the construction/refurbishment of the Blackheath Swimming Pools proceed with the utmost expediency.
7. That, as soon as possible, an information sheet be forwarded to Blackheath, Megalong Valley, Medlow Bath and Mt Victoria residences, detailing the work that will be done on the Blackheath Swimming Pools.

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NOTICES OF MOTION, 15/2/05

MINUTE NO. 42

16. Inclusion of Advertising Material in Rates Notices

RESOLVED UNANIMOUSLY on the MOTION of Councillors McLaren and Searle:

1. That a report come to Council regarding the inclusion of advertising material in the Blue Mountains City Council rates notices.
2. That this report detail the reasons behind the inclusion of advertising material, financial benefits for Council and the process used to determine which material is included.
3. That this matter be referred to the Policy Review Working Party to form a set of guidelines in relation to advertising material distributed with Council notices.

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MINUTE NO. 43

17. Statutory Payments to Fire Services by Blue Mountains City Council

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Frappell:

1. **That Council write to the Minister for Emergency Services seeking clarification on:**
 - **Why has the level of statutory funding to Fire Services increased well beyond the CPI?**
 - **Should the Blue Mountains City Council anticipate this level/trend of yearly increase in the future?**
 - **Why is the yearly increase in statutory funding by both the Rural Fire Service and the New South Wales Fire Brigade not capped?**
 - **Why is this contribution not linked to the CPI?**
 - **Why are the monetary statutory contributions not made known early enough to Council to meet its own statutory budgeting and management planning responsibilities?**
 - **Is there State government funding available to meet Blue Mountains shortfall in funds to meet the increased compulsory contribution?**

2. **That Council write to the Local Member seeking his support in the matter.**

Councillor Van der Kley was not present in the Council Chamber when this matter was considered.

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PRECIS OF SELECTED CORRESPONDENCE, 15/02/05

MINUTE NO. 44

18. C00680. Precis of Selected Correspondence, 15/2/2005

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

Councillor Van der Kley was not present in the Council Chamber when this matter was considered.

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QUESTIONS WITH NOTICE, 15/02/05

19. H00003. Katoomba Golf Course Development

Questions by Councillor P McInnes (15/2/2005):

“With regard to the works currently being undertaken on the Katoomba Golf Course site:

1. Who is responsible for inspecting the sedimentation controls at this site?
2. When were the sedimentation controls last inspected?
3. Are these controls functioning adequately?”

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MINUTE NO. 45

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 10:10 pm on Tuesday, 15 February 2005.

The Ordinary Meeting of the Council then closed until 7:30 pm on Tuesday, 8 March 2005 in the Council Chamber, Council Headquarters, 2 Civic Place, Katoomba.

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