

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, 29 March 2005, commencing at 7:33 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 (arrived at 7.45pm) and Van der Kley.

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In attendance:

General Manager, Group Manager BM City Services, Acting Group Manager City Solutions, Group Manager City Sustainability, Acting Group Manager Environmental and Customer Services, Executive Officer, Manager Strategic Planning, Program Manager – City Outcomes, Area 3 & 4 Manager, Senior Town Planner, Acting Administration Officer and Acting Business Paper & 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. 70

C00336. Confirmation of Minutes - Ordinary Meeting, 8/3/05

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Van der Kley that the Minutes of the Ordinary Meeting of 8 March 2005 be confirmed.

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

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DISCLOSURES OF INTERESTS, 29/3/05

MINUTE NO. 71

C00336. Procedural - Disclosures of Interests, 29/3/05

Councillor Angel made the following declaration with regard to Item 1 – (Draft) LEP 2005 - Preparations for Gazettal and Repeal of Development Control Plans:

“I wish to disclose a possible pecuniary interest in the Draft Local Environmental Plan 2002 and Draft Better Living Development Control Plan because of an interest, either of myself or of an associate, as defined in Section 443 of the Local Government Act, 1993, in the following properties:-

40 NINTH AVENUE
KATOOMBA

151 GOVETTS LEAP ROAD
BLACKHEATH (DAUGHTER)

The Minister for Local Government by instrument has given approval under Section 458 of the Local Government Act, 1993, for me to take part in considerations or discussions of the above matter and to vote thereon.”

Councillor Hamilton made the following declaration with regard to Item 1 – (Draft) LEP 2005 - Preparations for Gazettal and Repeal of Development Control Plans:

“I wish to disclose a possible pecuniary interest in the Draft Local Environmental Plan 2002 and Draft Better Living Development Control Plan because of an interest, either of myself or of an associate, as defined in Section 443 of the Local Government Act, 1993, in the following property:-

56 HAT HILL ROAD
BLACKHEATH

The Minister for Local Government by instrument has given approval under Section 458 of the Local Government Act, 1993, for me to take part in considerations or discussions of the above matter and to vote thereon.”

Councillor O’Grady made the following declaration with regard to Item 1 – (Draft) LEP 2005 - Preparations for Gazettal and Repeal of Development Control Plans:

“I wish to disclose a possible pecuniary interest in the Draft Local Environmental Plan 2002 and Draft Better Living Development Control Plan because of an interest, either of myself or of an associate, as defined in Section 443 of the Local Government Act, 1993, in the following properties:-

4 VIEW ROAD
WENTWORTH FALLS

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4 STEPHEN STREET
LAWSON

9-11 ROMAINE STREET
BLACKHEATH

49 LAWRENCE STREET
BLACKHEATH

The Minister for Local Government by instrument has given approval under Section 458 of the Local Government Act, 1993, for me to take part in considerations or discussions of the above matter and to vote thereon.”

Councillor McInnes made the following declaration with regard to Item 1 – (Draft) LEP 2005 - Preparations for Gazettal and Repeal of Development Control Plans:

“I wish to disclose a possible pecuniary interest in the Draft Local Environmental Plan 2002 and Draft Better Living Development Control Plan because of an interest, either of myself or of an associate, as defined in Section 443 of the Local Government Act, 1993, in the following property:-

4 COOMASSIE AVENUE
FAULCONBRIDGE

The Minister for Local Government by instrument has given approval under Section 458 of the Local Government Act, 1993, for me to take part in considerations or discussions of the above matter and to vote thereon.”

Councillor Van der Kley made the following declaration with regard to Item 1 – (Draft) LEP 2005 - Preparations for Gazettal and Repeal of Development Control Plans:

“I wish to disclose a possible pecuniary interest in the Draft Local Environmental Plan 2002 and Draft Better Living Development Control Plan because of an interest, either of myself or of an associate, as defined in Section 443 of the Local Government Act, 1993, in the following properties:-

6 MURRAY AVENUE
WENTWORTH FALLS (MY HOME)

1 MURRAY AVENUE
WENTWORTH FALLS (MOTHER)

194 GREAT WESTERN HIGHWAY
HAZELBROOK (PARTNERSHIP WITH FAMILY)

49 FLINDERS STREET
LAWSON (PARTNERSHIP WITH FAMILY)

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The Minister for Local Government by instrument has given approval under Section 458 of the Local Government Act, 1993, for me to take part in considerations or discussions of the above matter and to vote thereon.”

Councillor Henson made the following declaration with regard to Item 1 – (Draft) LEP 2005 - Preparations for Gazettal and Repeal of Development Control Plans:

“I wish to disclose a possible pecuniary interest in the Draft Local Environmental Plan 2002 and Draft Better Living Development Control Plan because of an interest, either of myself or of an associate, as defined in Section 443 of the Local Government Act, 1993, in the following property:-

441 HAWKESBURY ROAD
WINMALEE

The Minister for Local Government by instrument has given approval under Section 458 of the Local Government Act, 1993, for me to take part in considerations or discussions of the above matter and to vote thereon.”

Councillor McLaren made the following declaration with regard to Item 1 – (Draft) LEP 2005 - Preparations for Gazettal and Repeal of Development Control Plans:

“I have not yet received exemption from the Minister for my new property, so I’ll be leaving the Chamber when this debate is on.”

Councillor Myles made the following declaration with regard to Item 1 – (Draft) LEP 2005 - Preparations for Gazettal and Repeal of Development Control Plans:

“I wish to disclose a possible pecuniary interest in the Draft Local Environmental Plan 2002 and Draft Better Living Development Control Plan because of an interest, either of myself or of an associate, as defined in Section 443 of the Local Government Act, 1993, in the following property:-

12 RICHES AVENUE (PARENTS)
WOODFORD

The Minister for Local Government by instrument has given approval under Section 458 of the Local Government Act, 1993, for me to take part in considerations or discussions of the above matter and to vote thereon.”

Councillor Brown made the following declaration with regard to Item 1 – (Draft) LEP 2005 - Preparations for Gazettal and Repeal of Development Control Plans:

“I wish to disclose a possible pecuniary interest in the Draft Local Environmental Plan 2002 and Draft Better Living Development Control Plan because of an interest, either of myself or of an associate, as defined in Section 443 of the Local Government Act, 1993, in the following properties:-

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4 BRIDGE ROAD
BLAXLAND

17 CHAPMAN PARADE
FAULCONBRIDGE

15 PLAINSVIEW CRESCENT
MT RIVERVIEW

17 PELLION STREET
BLAXLAND

98 EMU PLAINS ROAD
MT RIVERVIEW

2 BARINA PLACE
BLAXLAND

20 MEREDITH STREET
BLAXLAND

2/93 GREAT WESTERN HIGHWAY
BLAXLAND

The Minister for Local Government by instrument has given approval under Section 458 of the Local Government Act, 1993, for me to take part in considerations or discussions of the above matter and to vote thereon.”

Councillor Frappell made the following declaration with regard to Item 1 – (Draft) LEP 2005 - Preparations for Gazettal and Repeal of Development Control Plans:

“I wish to disclose a possible pecuniary interest in the Draft Local Environmental Plan 2002 and Draft Better Living Development Control Plan because of an interest, either of myself or of an associate, as defined in Section 443 of the Local Government Act, 1993, in the following properties:-

8 CHISHOLM CRESCENT
BLAXLAND

113 GOVERNORS DRIVE
LAPSTONE

47 EMMA PARADE
WINMALEE

28 GLOSSOP ROAD
LINDEN

MINUTE NO. 71 (CONTD.)

The Minister for Local Government by instrument has given approval under Section 458 of the Local Government Act, 1993, for me to take part in considerations or discussions of the above matter and to vote thereon.”

Councillor Creed made the following declaration with regard to Item 1 – (Draft) LEP 2005 - Preparations for Gazettal and Repeal of Development Control Plans:

“I wish to disclose a possible pecuniary interest in the Draft Local Environmental Plan 2002 and Draft Better Living Development Control Plan because of an interest, either of myself or of an associate, as defined in Section 443 of the Local Government Act, 1993, in the following property:-

6 BRIDGEVIEW CRESCENT
MOUNT RIVERVIEW

The Minister for Local Government by instrument has given approval under Section 458 of the Local Government Act, 1993, for me to take part in considerations or discussions of the above matter and to vote thereon.”

The General Manager, Mr P M Willis, made the following declaration with regard to Item 1 – (Draft) LEP 2005 - Preparations for Gazettal and Repeal of Development Control Plans:

“I wish to disclose a possible pecuniary interest in the Draft Local Environmental Plan 2002 and Draft Better Living Development Control Plan because of an interest, either of myself or of an associate, as defined in Section 456 of the Local Government Act, 1993, in the following property:-

10 Vale Street
LEURA.”

The Group Manager City Sustainability, Mr R Greenwood, made the following declaration with regard to Item 1 – (Draft) LEP 2005 - Preparations for Gazettal and Repeal of Development Control Plans:

“I wish to disclose a possible pecuniary interest in the Draft Local Environmental Plan 2002 and Draft Better Living Development Control Plan because of an interest, either of myself or of an associate, as defined in Section 456 of the Local Government Act, 1993, in the following property:-

28 Darwin Drive
LAPSTONE.”

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The Manager Strategic Planning, Mr P Grimson, made the following declaration with regard to Item 1 – (Draft) LEP 2005 - Preparations for Gazettal and Repeal of Development Control Plans:

“I wish to disclose a possible pecuniary interest in the Draft Local Environmental Plan 2002 and Draft Better Living Development Control Plan because of an interest, either of myself or of an associate, as defined in Section 456 of the Local Government Act, 1993, in the following properties:-

28 Wilson Street
LAWSON
(Father)

12 View Street
KATOOMBA
(Uncle)

66 Redgum Avenue
HAZELBROOK
(Cousin)

5 Pauline Avenue
WENTWORTH FALLS.”

Councillor McLaren made the following declaration with regard to Item 6 – Delegation under the Food Act 2003:

“I deal with this piece of legislation in my professional life. I don’t believe that it will impact on voting, but I just want that to be on the record.”

Councillor Searle was not present in the Council Chamber when these declarations were made.

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OFFICERS’ REPORTS, 29/3/05

MINUTE NO. 72

1. C03150. (Draft) LEP 2005 – Preparations for Gazettal and Repeal of Development Control Plans

Councillor Searle made the following declaration with regard to this matter:

“I wish to disclose a possible pecuniary interest in the Draft Local Environmental Plan 2002 and Draft Better Living Development Control Plan because of an interest, either of myself or of an associate, as defined in Section 443 of the Local Government Act, 1993, in the following property:-

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151 FALLS ROAD
WENTWORTH FALLS (MY HOME)

The Minister for Local Government by instrument has given approval under Section 458 of the Local Government Act, 1993, for me to take part in considerations or discussions of the above matter and to vote thereon.”

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

1. That Council note the preparations made for the imminent gazettal of Blue Mountains Local Environmental Plan 2005 (LEP 2005), including the status report provided by the Department of Infrastructure, Planning and Natural Resources provided at Attachment 1.
2. That pursuant to clause 23 of the Environmental Planning and Assessment Regulation 2000, Council provide public notice of its intention to repeal those development control plans (DCP) listed in Attachment 2 upon the gazettal of LEP 2005 and the coming into force of the Better Living DCP, for the reasons outlined in this report.
3. That pursuant to section 34 of the Local Government Act 1993, Council provide public notice of its intention to reclassify as “community land” any “operational land” that will be entirely zoned Environmental Protection – Open Space upon the gazettal of LEP 2005, being that land identified in Attachment 3.
4. That Council incorporate within the Schedule of Fees and Charges the prices for the documents and other material related to LEP 2005 as specified in Attachment 4.
5. That Council acknowledges the efforts to date of the Local Member for Blue Mountains, the Hon Bob Debus, in maintaining a priority on the Government processes for the gazettal of LEP 2005 and seek his continued support for the timely consideration of the plan by the Minister Assisting the Minister for Infrastructure and Planning.

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

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MINUTE NO. 73

2. A75920. Radiata Plateau - 28 Pulpit Hill Road, Katoomba Acquisition Response from Minister for the Environment

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and O'Grady **that Council note the response of the Minister for the Environment to Council's submission seeking State Government acquisition of Radiata Plateau (28 Pulpit Hill Road, Katoomba).**

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MINUTE NO. 74

3. C01905. Community Survey 2004

A MOTION was moved by Councillors McInnes and O'Grady

1. That Council note the results of the Community Survey conducted by IRIS Research in November 2004.
2. That the results of the Community Survey be publicised to the Blue Mountains community through:
 - placement of the final reports in libraries across the Mountains and on Council's web site; and
 - making the Executive Summary of results available to interested residents.
3. That Council take into consideration the overall results of the Community Survey in its business planning and budgetary processes.
4. That Council write to the Federal Member, Mr Kerry Bartlett, recommending that the Federal Government requires the State Government to commission and publish similar reports on community satisfaction with their services.

An AMENDMENT was moved by Councillors Van der Kley and Searle:

1. **That Council note the results of the Community Survey conducted by IRIS Research in November 2004.**
2. **That the results of the Community Survey be publicised to the Blue Mountains community through:**
 - **placement of the final reports in libraries across the Mountains and on Council's web site; and**
 - **making the Executive Summary of results available to interested residents.**
3. **That Council take into consideration the overall results of the Community Survey in its business planning and budgetary processes.**

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

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

Upon being PUT to the Meeting, the MOTION was CARRIED UNANIMOUSLY.

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

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MINUTE NO. 75

4. C00137. Code of Conduct

RESOLVED UNANIMOUSLY on the MOTION of Councillors Henson and Brown:

- 1. That Council adopt the Code of Conduct.**
- 2. That Council distribute copies of the Code of Conduct to all appropriate Council officials.**
- 3. That Council implement an appropriate communication and training strategy for Council Officials on their obligations under the revised Code of Conduct.**
- 4. That Council require all appropriate Council officials to sign a statement that they have received and read their obligations under the Code of Conduct.**
- 5. That Council ensure that compliance to the Code of Conduct is included in relevant contract documents.**
- 6. That Council establish a Conduct Committee in accordance with the Code.**

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MINUTE NO. 76

5. C00694. Schedule of Invested Monies

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and O'Grady **that the Schedule of Invested Monies as at 28 February 2005 be received.**

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MINUTE NO. 77

6. C02066. Delegations under the Food Act 2003

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

1. **That Council, pursuant to Section 377 (1) of the Local Government Act 1993, resolve to delegate to the General Manager the power to serve Prohibition Orders under Section 60 of the Food Act 2003.**
2. **That Council, pursuant to Section 377 (1) of the Local Government Act 1993, resolve to delegate to the General Manager the power to appoint authorised officers under Section 114 of the Food Act 2003.**
3. **That Council, pursuant to Section 381 (3) of the Local Government Act 1993, resolve to accept the New South Wales Food Authority's delegation to the General Manager to grant exemptions in regard to Standard 3.2.2 (Clauses 15&17) and Standard 3.2.3 (Clauses 10 &14) of the Food Standards Code.**
4. **That Council write to the New South Wales Food Authority advising of Council's resolution.**

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MINUTE NO. 78

7. X04/1315. Development Application No. X04/1315 for a Seniors Living Development of Nine Units and Basement Car Parking at Lot 22 DP 529959, No. 7 Glenbrook Road, Glenbrook

The Meeting was addressed by Chris Addison, Trevor Huntley and Natalie Sykes Hutchins.

RESOLVED UNANIMOUSLY on the MOTION of Councillors Frappell and Creed **that Development Application No. X04/1315 for a Seniors Living Development of nine units and basement car parking at Lot 22 DP 529959, 7 Glenbrook Road, Glenbrook be determined pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 by refusing consent to the application for the following reasons:**

1. **The State Environmental Planning Policy No. 1 objection is not supported.**

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2. The development is inconsistent with State Environmental Planning Policy – Senior Living.
3. The development is inconsistent with Draft Local Environmental Plan 2002 in terms of setbacks, site coverage, site disturbance and soft pervious landscaped areas.
4. The development is likely to result in an adverse impact on the neighbourhood amenity and streetscape of the surrounding area.
5. The development is inconsistent with the surrounding area in terms of overall scale and design.
6. The development does not appropriately consider and design within the environmental characteristics of the site and does not provide reasonable internal amenity and safety.
7. The development overall is considered not to be in the public interest.

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MINUTE NO. 79

8. X98/0905. Section 96 Applications to Modify Development Consent No. X98/0905 for Minor Alterations to Terrace Blocks 1, 2, 3, 4, 5, and 8, Replacement of Terrace Block 7 with 4 Villas and the Modification of the Coach Travel Paths and Parking Areas on Lots 2, 3 and 4 DP 1026915, No. 227 Cliff Drive, Katoomba

A MOTION was moved by Councillors Van der Kley and Creed that Development Application Nos. X98/0905B, X98/0905C & X98/0905D for minor alterations to Terrace Blocks 1, 2, 3, 4, 5 and 8, replacement of terrace block 7 with 4 villas and the minor modification of the coach travel paths and parking areas on Lots 2, 3 and 4 DP 1026915, No. 227 Cliff Drive, Katoomba be determined pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 by modifying the consent as shown in Attachment 1 to this Report.

MINUTE NO. 79 (CONTD.)

Attachment 1—Conditions of development consent

Confirmation of relevant plans

*Condition amended
(13 August 2004)*

*Condition amended
(insert date modification
application approved)*

1. To confirm and clarify the terms of consent, the development shall be carried out in accordance with the approved stamped plans:

- a. prepared by John Bruce Taylor & Partners numbered A-DA01 Amd B dated Jan 1995, A-DA02 Amd B dated June 1995, A-DA03 Amd C dated June 1995, A-DA04 Amd C dated June 1995, A-DA05 Amd C dated Jan 1995, A-DA06 Amd C dated Jan 1995, A-DA07 Amd B dated June 1995, A-DA08 Amd C dated June 1995, A-DA09 Amd C dated Jan 1995, ~~A-DA10 Amd B dated June 1995, A-DA11 Amd B dated June 1995, A-DA12 Amd B dated June 1995, A-DA13 Amd B dated June 1995, A-DA14 Amd B dated June 1995, A-DA15 Amd B dated June 1995, A-DA16 Amd B dated June 1995, A-DA17 Amd B dated June 1995,~~ A-DA19 Amd A dated Jan 1995, A-DA20 Amd A dated Jan 1995, A-DA21 Amd C dated June 1995, A-DA22 Amd A dated Jan 1995, A-DA23 Amd A dated Jan 1995, A-DA24 Amd A dated Jan 1995, A-DA25 Amd A dated Jan 1995 and A-DA28 Amd B dated Jan 1995; except where amended by plans prepared by Bruce Group Architecture Pty Limited numbered 5003 CC TER T-1111 B and T-1112B and T-1311B and T-1312B dated 22 June 2004; except where amended by plans prepared by Bruce Group Architecture Pty Limited numbered 5003 CC L1002, T1-1003, T1-1004, T1-1101, T1-1102, T1-1301, T1-1302, T2-1003, T2-1004, T2-1101, T2-1102, T2-1301, T2-1302, T8-1003, T8-1004, T8-1101, T8-1102, T8-1301, T8-1302, T3-1003, T3-1004, T3-1101, T3-1102, T3-1301, T3-1302, T4-1003, T4-1004, T4-1101, T4-1102, T4-1301, T4-1302, T5-1003, T5-1004, T5-1101, T5-1102, T5-1301, T5-1302, V1-1105, V1-1110, V1-1111, V1-1112, V1-1201 & V1-1302 dated 2004; (insert coach parking area plans when they arrive)
- b. prepared by Pittendrigh, Shinkfield & Bruce numbered L-O2 Amd B dated June 1995, L-O5 Amd A dated June 1995;
- c. prepared by GB Meyer & Associates numbered 167/90/13 dated 27 June 1995 and 167/90/15 dated 4 March 1999;

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- d. prepared by Golf Design Australia - Stirling-Hodson, Maps numbered 1, 2, 3A & 4A dated June 1995.

and any supportive documentation submitted with or in support of the subject development application, including but not limited to, the “Coordinated Information to accompany development application - August 1999”; Flora and fauna assessment under Section 5A of the Environmental Planning and Assessment Act, 1979 by Gunninah Environmental Consultants dated October 1999; and the Traffic Report dated July 1999 and additional information dated August 1999 and September 1999 by Egis Consulting.

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

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

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MINUTE NO. 80

9. X04/0994. Development Application No. X04/0944 for a Reconstruction of Blackheath Pool on Recreation Reserve No. 53736, Lot 7002 DP 751627 Memorial Park, Blackheath, Nos. 26-50 Park Avenue, Blackheath (Memorial Park)

The Meeting was addressed by Jennifer Ross.

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and McInnes **that Development Application No. X04/0944 for reconstruction of Blackheath Pool on Recreation Reserve No. 53736 (Lot 7002 DP 751627), Nos. 26-50 Park Avenue, Blackheath (Memorial Park) 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.**

MINUTE NO. 80 (CONTD.)

Attachment 1 – Conditions of development consent

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|--------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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 Rickard Hails Moretti numbered 04-1077-C01 Revision P1 dated July 2004 and accompanying supportive documentation, except as otherwise provided or modified by the conditions of this consent. |
| Construction certificate (building) | 2. A construction certificate is required prior to the commencement of works related to the pool reconstructions, plant room and fencing. This certificate can be issued either by Council as the consent authority or by an accredited certifier. |
| Access and mobility statement | 3. To ensure access and facilities for disabled people are provided, a statement from the applicant or owner is required certifying that the development complies with the provisions of the <i>Disability Discrimination Act 1992</i> ; the <i>Australian Standard AS1428</i> and Council's <i>Access and Mobility Policy</i> . This statement is to form part of the construction certificate documentation and is to demonstrate in particular that access is available from the two disabled parking spaces on Prince Edward Street to the lap pool. |
| Structural details | 4. To ensure that the design is structurally sound, details prepared by a registered Structural Engineer, along with design plans and specifications, are to be submitted to and approved by the Principal Certifying Authority prior to the commencement of the footings. Certification shall refer to the appropriate codes or other criteria relied upon by the Structural Engineer. |
| Stormwater management design | 5. The stormwater management design is to be in accordance with <i>Australian Rainfall and Runoff 1987 (AR&R)</i> , prepared by the Institution of Engineers, Australia. |
| Stormwater plan | 6. A detailed stormwater and groundwater drainage plan satisfactory to the consent authority is to be prepared and lodged with the application for a Construction Certificate. This is to demonstrate that: <ul style="list-style-type: none">▪ water flows on the site will be managed so as not to cause pressure on pool walls▪ there will be no chemical leakage into natural water systems |

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- the swimming pools will not be subject to risk of subsidence or slip
- the quality of stormwater and groundwater leaving the site will be equivalent or better than the quality of stormwater and groundwater entering the site throughout construction and operation of the facility.

Stormwater monitoring

7. Ongoing monitoring shall be undertaken for a year after completion of works, to measure any leakage from the pool complex into the duck pond, watercourse and downstream water systems.

Sediment & erosion plan

8. 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 any site disturbance 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:

- locality;
- contours (existing and final);
- existing vegetation;
- existing site drainage;
- limit of clearing, grading and filling (location of all earthworks including roads, areas of cut and fill and regrading);
- locations and design criteria of erosion and sediment control structures;
- site access;
- proposed vegetative buffer strips;
- location of critical areas (drainage lines, water bodies etc.);
- proposed techniques for stabilisation of disturbed ground;
- procedures for maintenance of erosion controls;
- details for staging works;
- techniques for dust control.

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|---------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Performance, damage and defects bond | 9. A performance, damage and defects bond to the value of 5% of the cost of the engineering construction or a minimum of \$5000 whichever is greater must be lodged with Council prior to the issue of the construction certificate. These monies are refundable on application, 6 months after the completion of all work. |
| Cut | 10. To ensure proper regard is given to the existing land form, cut shall be limited to the immediate footprint of the lap pool and the approved perimeter drainage works. |
| Excavations | 11. All excavations are to be guarded and protected to prevent them from being dangerous to the public and surrounding properties. |
| Signage | 12. To ensure that the site is easily identifiable for deliveries and provides information on the person responsible for the site, a sign displaying the following information is to be erected: <ul style="list-style-type: none">▪ The statement “<i>Unauthorised access to the site is not permitted</i>”.▪ The names of the builder or another person responsible for the site along with an out of hours contact number.▪ Lot or Street number. |
| Site management | 13. To safeguard the local amenity, reduce noise nuisance and to prevent environmental pollution during the construction period: <ul style="list-style-type: none">a. Site and building works (including the delivery of materials to and from the property) shall be carried out Monday to Friday between 7am-6pm and on Saturdays between 8am-3pm. Alteration to these hours may be possible for safety reasons but only on the approval of Council.b. Stockpiles of topsoil, sand, aggregate, spoil or other material shall be stored clear of any drainage path or easement, natural watercourse, footpath, kerb or road surface and shall have measures in place to prevent the movement of such material off site. |

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- c. **Building operations such as brickcutting, washing tools, concreting and bricklaying shall be undertaken on the building block. The pollutants from these building operations shall be contained on site.**
- d. **Builders waste must not be burnt or buried on site. All waste (including felled trees) must be contained and removed to a Waste Disposal Depot.**

**Demolition
management**

14. **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.**
- 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.**

Adjoining buildings

15. **In consideration of the proximity of the site's adjoining buildings:**
- **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.**

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- The effect of vibration and concussion on adjoining buildings and their occupants is to be minimised by selection of appropriate demolition methods and equipment.

Dust control

16. The techniques adopted for stripping out and for demolition are to minimise the release of dust into the atmosphere.

- 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).
- 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

17. 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

18. 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).

- Only competent persons, or competent and registered persons shall carry out removal.
- Removal of asbestos or materials containing asbestos fibres, shall be in accordance with the NOHSC code of practice.

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- 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.

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| Chemical storage | 19. All chemicals are to be stored and secured inside the pump house. The concrete bunded area shall be used for loading and unloading purposes only and shall not be used for long or short term chemical storage. |
| Flammable materials | 20. Detail on the appropriate storage of any flammable materials shall be submitted for assessment prior to issue of the Construction Certificate. |
| Gas bottles and combustible substances | 21. All bottles containing gas, or combustible substances should be stored in an area away from the expected bushfire path. Gas valves must be pointed away from the building and are to be protected by a heat shield of non combustible material. |
| Earthworks | 22. 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 paved in accordance with the approved plans. Where batters exceed a ratio of 3 horizontal to 1 vertical, retaining walls or terracing is required. |
| Conservation of areas | 23. Prior to the commencement of work on site, the area in the vicinity of the following is to be protected by suitable guards / barriers to prevent damage: <ul style="list-style-type: none">▪ change pavilions,▪ office,▪ eastern retaining wall,▪ tiered concrete seating,▪ remaining rim of Black pool, and▪ area occupied by the Black pool, except within three metres of the footprint of the lap pool and existing Olympic pool, which may be used for movement associated with filling and excavation works. These guards / barriers are to remain in place until construction works are completed. |

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| Fill | 24. Any fill imported to the site must meet the criteria of <i>'Virgin Excavated Natural Material'</i> as defined in the Environment Protection Authority's Environmental Guidelines - <i>Assessment, Classification and Management of Liquid and Non-Liquid Wastes, 1999.</i> |
| Tree removal | 25. The existing <i>Cupressus macrocarpa</i> species located between the office and the Intermediate (free form) pool shall be lopped and removed from the site, up to and including the root system, with the ground at its base filled and turfed. |
| Tree replacement | 26. A replacement <i>Cupressus macrocarpa</i> specimen shall be planted in an appropriate location to preserve the intention of the original garden theme and style. Details of the planting are to be submitted and carried out to the satisfaction of Council's Landscape Assessment Officer prior to operation of the facility. |
| Parking | 27. Two parking spaces suitable for use by people with a disability are to be provided within the existing parking bay at the junction of Aquatic Avenue and Prince Edward Street, and are to be signposted and line-marked and comply with AS 1428.1. |
| Accessible path | 28. An accessible path of travel is to be made available between the parking spaces for people with a disability and the lap pool, to comply with AS 1428.1. The pedestrian entrance from Prince Edward Street is to be widened in this regard, by amending the tubular fencing at the entrance point. |
| Turning circle | 29. A turning circle is to be provided at the pump house end of Aquatic Avenue to enable maintenance and delivery vehicles to enter and leave the site in a forward direction. This is to cater for the largest vehicle using the road. Details are to be submitted to the Principal Certifying Authority for approval with the Construction Certificate documentation. |

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Pool safety

Pool fencing

30. To provide for the safety of small children, the Swimming Pool Act 1992, requires that the owner of the premises must ensure that the swimming pool is at all times surrounded by a child-resistant barrier that:
- separates the swimming pool from any residential building situated on the premises and from any place (whether public or private) adjoining the premises; and
 - is designed, constructed, installed and maintained in accordance with the standards prescribed by the regulations.

In accordance with the Act and Council's *Development Control Plan No.36, Residential Swimming Pool Safety*, the fence must be a minimum of 1.2 metres high and fitted with a self-closing and self-locking device prior to filling the pool with water. The gate must swing outwards.

Existing fencing and gates around the entire perimeter of the pools and associated buildings shall be removed and replaced with new fencing and gates, in the same location as the existing fencing and gates.

The new fencing and gates shall be of an approved safety / security standard and of aluminium or other metal construction, painted or coloured a similar green to the existing green metal fencing and gates. Details shall be submitted for assessment with the construction certificate.

Construction safety

31. To ensure adequate levels of public safety during the construction of the pool, boundary fences must be maintained. Pool fencing is required prior to the filling the pool with water.

Pool waste water

32. The swimming pool waste water and backwash shall be disposed of to the sewer.

Advice: Approval shall be obtained from Sydney Water's Waste Water Source Control Branch prior to emptying the pools (contact Colin Cope on phone (02) 9622 2244).

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Pool filling

33. At the completion of works, the applicant shall obtain a permit to refill the pools in accordance with the water restrictions existing at the time. The applicant shall liaise with Sydney Water's Water Operations Manager at Orchard Hills (phone 0247 369151) to ensure that the pools are filled in accordance with the relevant protocols.

Filtration equipment

34. To protect the amenity of the area, the filtration equipment and/or pump shall be housed within a sound proofed enclosure so that the noise level measured at the property boundary does not exceed 5 dB(A) above the ambient background level.

Resuscitation chart

35. To assist in the resuscitation of others and to highlight the importance of supervising young children within the pool area, an approved chart detailing resuscitation techniques is required to be affixed in a prominent position within in the pool area prior to the filling of the pool with water. The chart must display the words "*young children should be supervised when using this pool*".

Heritage conservation

Tiered seating

36. To ensure the preservation of the original dam outline, the stepped concrete seating around the south-west perimeter of the pools shall be retained, protected and upgraded prior to occupation of the new facility:
- cracks in the concrete shall be patched in a manner that blends with the existing construction
 - missing seating on the top tier level shall be replaced in a form, style and colour identical to the existing wooden seating.

Heritage professional

37. A suitably qualified archaeologist and heritage professional shall be present on site at all times during any excavation works and while footings are laid. All works which expose or cause disturbance to the remaining shell of the black pool or to the original dam wall are to be fully photographed and documented by the archaeologist. Full photographic documentation shall also be made of excavations and demolition work relating to the Olympic pool, and refurbishment works to the Intermediate pool and wading pool.

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| Demolition | 38. Demolition of the existing Olympic pool and construction of the proposed 25m lap pool shall be planned and carried out in a manner that minimises damage to the surviving fabric, and in particular the walls, of the Black pool and the earlier railway dams. |
| Interpretation strategy | 39. An Interpretation Strategy shall be prepared and implemented by an appropriately qualified heritage professional, illustrating with the use of historic photographs and the like the important phases of the evolution of the pool precinct, including the railway dams, the 1931 swimming pool and the 1964 pool complex. The strategy shall be implemented prior to the issue of an occupation certificate.

The Interpretation Strategy shall acknowledge the historical development of the Blackheath Memorial Park and the pool complex, in particular, and the role played by the local community in this development.

The Interpretation Strategy shall be prepared in accordance with the NSW Heritage Office publication “Heritage Interpretation Policy” (final draft November 2004). |
| Separate application | 40. A separate application is to be submitted for any landscaping and lighting works associated with the site. |
| Signage | 41. Details of any signage associated with the proposal is to be submitted to the Principal Certifying Authority and reviewed by an appropriately qualified heritage advisor prior to issue of the Construction Certificate. |
| Pool pavilion | 42. The Pool Pavilion building north of the swimming pools shall be protected from any damage to its fabric or structure resulting from the removal and replacement of adjacent paving. Paving works adjacent to the Pool Pavilion are to be undertaken by hand, to avoid damage to the structure or fabric of the building.
Graffiti on the Pool Pavilion shall be removed and the paint work shall be restored in colours identical to the existing colour scheme. |

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

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MINUTE NO. 81

10. S04/0067. Development Application No. S04/0067 for the Closure and Subdivision of Townsend Pathway, Glenbrook into Two (2) Allotments and Shallard Pathway, Glenbrook into One (1) Allotment

The Meeting was addressed by Kylie Webb and David Payne.

RESOLVED UNANIMOUSLY on the MOTION of Councillors McInnes and Myles **that this matter be deferred for further consideration at a Councillor briefing session.**

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MINUTE NO. 82

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

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

<u>Organisation</u>	<u>Amount</u>
Braemar Gallery	\$500

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MINUTE NO. 83

C00336. Procedural – Number of Speakers to Item 12

A MOTION was moved by Councillors Henson and Angel **that all 5 speakers to Item 12 be heard.**

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

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

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MINUTE NO. 84

12. H01351. Lawson Community Hall – Lawson Rural Fire Service Site

The Meeting was addressed by Jerry Allan, Nance Cooper, David Pellow, Theresa Lock and John Sheehy.

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

1. That Council write to the NSW Roads and Traffic Authority requesting the RTA dismantle only that portion of the Lawson Community Hall on RTA land, and provide a façade that secures the Lawson Community Hall building.
2. That a further report be brought to Council addressing the future use of the site (part Lot 17, Section 1 in DP 758605) and its relationship to the Plan of Management process that is currently underway.

An AMENDMENT was moved by Councillors Searle and McInnes **that this matter be deferred for the provision of legal advice on whether or not the RTA needs Council approval to remove the front portion of the Lawson Community Hall building.**

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

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

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

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

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NOTICES OF MOTION, 29/3/05

MINUTE NO. 85

13. R13/0027. Drainage Issues Caused by Highway Widening at Medlow Bath

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Henson **that Council immediately writes to the Roads and Traffic Authority, with a copy to the Minister for Roads, the Hon Carl Scully, and the Member for Blue Mountains, the Hon Bob Debus, outlining the need for urgent remedial works in regard to drainage issues caused by the recent highway widening at Medlow Bath, and requests that this work proceed with the utmost expediency.**

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MINUTE NO. 86

14. C00137. Donations to Parties and Candidates for Council Elections

A MOTION was moved by Councillors McInnes and O'Grady that Council:

1. recognises the actual, potential or perceived corrupting effect of donations from development interests to parties and candidates for council elections;
2. believes changes to the Local Government Act 1993 are necessary in order to ban such donations in the future, and requests the General Manager to write to the Minister for Local Government and the Premier to inform them of Council's position, and requesting that the Local Government Act 1993 be amended to reflect this before the local government elections in 2008;
3. in the interim, requests all councillors who have accepted donations from corporations, individuals and partnerships with property development interests, or councillors who represent a state party which has accepted the same, to declare the details and extent of those donations and to absent themselves from any debate and not vote on any motion or recommendation where such donors may receive a benefit from the outcome of the vote; and
4. amend Council's Code of Conduct and Code of Meeting Practice which would enable implementation of the objects of this resolution as interim measures.

An AMENDMENT was moved by Councillors Van der Kley and Searle **that this matter be deferred for consideration by the Policy Review Working Party and that it be resolved within six months.**

MINUTE NO. 86 (CONTD.)

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

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

Upon being PUT to the Meeting, the MOTION was CARRIED UNANIMOUSLY.

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MINUTE NO. 87

15. C01166. Council Business Paper

A MOTION was moved by Councillors McInnes and O'Grady **that Council receive a brief report on the option of publishing the Council Business Paper five working days prior to the Council Meeting.**

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

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

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MINUTE NO. 88

16. R11/0124. Environmental Issues Associated with Great Western Highway Roadworks around Leura

A MOTION was moved by Councillors O’Grady and Hamilton **that a report come to the next Council Meeting, 19th April 2005, as a matter of urgency, on the environmental issues associated with Great Western Highway roadworks around Leura. This report should specifically include:**

- 1. Details of the voluntary and paid works contributed to repair the Katoomba and Govetts Creek Sub Catchments in the last year, including number of volunteer hours, funding supplied by Council and other Government agencies.**
- 2. BMCC liaison with the RTA, expected outcomes and list of reports that BMCC officers have made to the EPA re the Leura roadworks and copies of those reports. An outline of the design of the siltation management at the site and any faults identified by Council and discussed with the RTA and contractor.**
- 3. Maps of the area showing proximity of the site (north Mall, Highland Street etc) to sensitive areas such as the Blue Gum Forest and the Grose River Wilderness Areas.**
- 4. The environmental status of the old bus depot site on Highland Street, the management of contaminates of that site and any leaching of old fuels and oil that has or is likely to occur, including if this matter has been raised with the RTA.**

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

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

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PRECIS OF SELECTED CORRESPONDENCE, 29/3/05

MINUTE NO. 89

17. C00680. Precis of Selected Correspondence, 29/3/2005

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Henson that the **Precis of Selected Correspondence, with the exception of Items 1, 4, 8, 9 and 10, be received and appropriate letters forwarded where necessary.**

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MINUTE NO. 90

C00680. Precis of Selected Correspondence, 29/3/2005 – Item 1

RESOLVED UNANIMOUSLY on the MOTION of Councillors Henson and McInnes that **Item 1 of the Precis of Selected Correspondence be received and appropriate letters forwarded where necessary.**

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MINUTE NO. 91

C00680. Precis of Selected Correspondence, 29/3/2005 – Item 4

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

1. That **Item 4 of the Precis of Selected Correspondence be received.**
2. That **Council discuss financial assistance for the Springwood and District Citizens' Boys' and Girls' Club and the Valley Heights Locomotive Heritage Museum with Mr David von Schill as a matter of urgency.**
3. That **Sandra Nori MP, Minister for Tourism and Sport and Recreation, Minister for Women, be thanked for her assistance to date and asking her for her support where possible in the future.**
4. That **Council note that this matter has been in progress for nearly a decade.**

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

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MINUTE NO. 92

C00680. Precis of Selected Correspondence, 29/3/2005 – Item 8

RESOLVED UNANIMOUSLY on the MOTION of Councillors Henson and Brown **that the matter of traffic control measures in Kristine Street, Winnalee be listed for consideration by the Local Traffic Committee.**

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

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MINUTE NO. 93

C00680. Precis of Selected Correspondence, 29/3/2005 – Item 9

RESOLVED UNANIMOUSLY on the MOTION of Councillors Searle and Van der Kley **that Item 9 of the Precis of Selected Correspondence be received and appropriate letters forwarded where necessary.**

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

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MINUTE NO. 94

C00680. Precis of Selected Correspondence, 29/3/2005 – Item 10

RESOLVED UNANIMOUSLY on the MOTION of Councillors Frappell and Brown **that Item 10 of the Precis of Selected Correspondence be received and appropriate letters forwarded where necessary.**

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

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MINUTE NO. 95

C00336. Procedural - Question that Meeting Close

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

Upon being PUT to the meeting, the QUESTION was AGREED TO UNANIMOUSLY, the time being 9:55 pm on Tuesday, 29 March 2005.

The Ordinary Meeting of the Council then closed until 7:30 pm on Tuesday, 19 April 2005 in the Council Chamber, Council Headquarters, 2 Civic Place, Katoomba.

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