

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, 21 June 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, McInnes, McLaren, O'Grady, Searle and Van der Kley.

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In attendance:

General Manager, Group Manager BM City Services, Group Manager City Solutions, Group Manager City Sustainability, Group Manager Corporate Policy, Acting Group Manager Environmental and Customer Services, Executive Officer, Manager – Customer Services, Acting Manager – Building & Construction, Manager – Community & Place Development, Manager – Environmental Management, Program Leader – City Planning, Communications Officer and Administration Assistant.

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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. 183

C00679. Apologies and Leave of Absence

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Van der Kley that the apologies tendered on behalf of Councillors Henson and Myles for their non attendance at the meeting be accepted and leave of absence granted.

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MINUTE NO. 184

C00336. Confirmation of Minutes - Ordinary Meeting, 31/5/05

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and McLaren **that the Minutes of the Ordinary Meeting of 31 May 2005 be confirmed.**

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DISCLOSURES OF INTERESTS, 21/6/05

MINUTE NO. 185

C00336. Procedural - Disclosures of Interests, 21/6/05

Councillor McLaren made the following declaration with regard to Item 13 - Discussion Paper from the New South Wales Food Authority:

“I wish to declare a perceived conflict of interest with regard to Item 13 as I am a Policy Advisor to the Minister for Health. I believe that there is no actual conflict of interest that would prevent me from deliberating on this matter.”

Councillor Van der Kley made the following declaration with regard to Item 2 - Blue Mountains Cultural Centre and Katoomba Library and Item C1 - Blue Mountains Cultural Centre and Library– Stakeholder Development Deed:

“I wish to declare a perceived conflict of interest in Items 2 and C1, dealing with the cultural centre because of my interest in a supermarket at Hazelbrook. Given the items generally relate to the assignment of the contract, I believe it has no financial impact on my interests.”

Councillor Searle made the following declaration with regard to Item 12 – Development Application No. X04/1484 for a Seniors Living Development of Thirteen Dwellings at Lot B DP 391940, No. 33 Falls Road, Wentworth Falls:

“I just wish to note the existence of a potential pecuniary interest in relation to myself in that my house is in that street, however it is at the very other end of that street at number 151 Falls Road. This proposal does not impact on my property at all, and so I do not believe there is any conflict of interest that would prevent me from participating in the deliberation on this matter.”

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SUPPLEMENTARY MINUTE BY MAYOR, 21/6/05

MINUTE NO. 186

S1. General Manager Appointed as ICMA President

A MOTION was moved by Councillors Van der Kley and Brown **that the report be received and its contents noted.**

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

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

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OFFICERS' REPORTS, 21/6/05

MINUTE NO. 187

1. C05659. Heritage Studies of Lawson Core Village

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

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

- 1. That Council note this report and the preliminary draft heritage listings for the Lawson Core Village Area and Great Western Highway Precincts subject to impact from Highway widening enclosed separately for the information of Councillors.**
- 2. That the preliminary draft heritage listings for Lawson remain confidential and not released to the public as it is contrary to the public interest until the public exhibition of the relevant draft Local Environmental Plan (LEP) amendment.**

MINUTE NO. 187 (CONTD.)

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

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

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MINUTE NO. 188

2. C03199. Blue Mountains Cultural Centre and Katoomba Library

The Meeting was addressed by Ivan Jeray.

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

- 1. That Council receives and notes the report, and that with all matters of significance having been resolved, and that with the adoption of the recommendations set out below in this report, the General Manager and the Mayor will be in a position to sign the Development Deed on behalf of the Council.**
- 2. That Council notes the Developer's willingness to include the Cultural Centre enhancements and Library and accepts the Developer's offer to construct the Library and Cultural Centre enhancements as part of the Cultural Centre project for an amount of \$2,647,217.**
- 3. That Council supports the vigorous pursuit of additional Federal government funding for the Cultural Centre enhancements once the Deed has been signed and the construction commencement date is more certain.**
- 4. That Council in its role as the prospective Cultural Centre stratum lot owner, agrees to the approach for the commercial centre identification and signage outlined in item 8 of the report that will form part of the Development Deed.**
- 5. That Council as the prospective owner of the stratum lot for the Cultural Centre agrees in principle to join with the stratum owner of the commercial lot to seek to have Council as the regulatory authority regulate the unallocated public car parking spaces within the development as a public car park.**

MINUTE NO. 188 (CONTD.)

6. **That Council accepts the responsibility and cost of recording and displaying any heritage items relating to the former Froma House.**
7. **That Council notes the revised projected recurrent operating costs for the Cultural Centre and Library and the implications for future financial years.**

An AMENDMENT was moved by Councillors McInnes and O’Grady that this item be deferred for a future briefing with legal advice to be made available for Councillors.

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

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

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

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

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MINUTE NO. 189

3. C03199. Item C1 in Confidential Business Paper – Blue Mountains Cultural Centre and Library– Stakeholder Development Deed

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Brown:

1. **That Item C1 in the Business Paper be deferred for consideration until all other business of this meeting has been concluded.**

MINUTE NO. 189 (CONTD.)

2. That Council close part of the Council Meeting for consideration of Item C1 in the Business Paper – Blue Mountains Cultural Centre – Stakeholder Development Deed pursuant to the provisions of Section 10A(2)(c) and (d)) of the Local Government Act 1993, as the report contains, and discussion is likely to contain:
- information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting or proposes to conduct business;
 - commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it or of a trade secret; and
 - advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

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MINUTE NO. 190

4. C01521 Pt 2. Provision of Paper Shredders to Councillors

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Brown:

1. That the report be received and noted.
2. That the Council's Policy made pursuant to section 252 of the Local Government Act be amended to include the provision of paper shredders to the Mayor and Councillors, on request, for home office use.
3. That the Council is of the opinion that the amendments to the Policy are not substantial and therefore does not require the giving of public notice.

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5. C07486. Finalisation of Management Plan, Estimates & Capital Works Program and Making Rates for 2005-2006

The Meeting was addressed by Malcolm Hughes.

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MINUTE NO. 191

C00336. Procedural – Committee-of-the-Whole

RESOLVED UNANIMOUSLY on the MOTION of Councillors McInnes and O’Grady that the Ordinary Meeting of the Council be adjourned to form into a Committee-of-the-Whole for the purpose of dealing with Item 5 - Finalisation of Management Plan, Estimates & Capital Works Program and Making Rates for 2005-2006 – Part A Adoption of Management Plan and Estimates.

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COMMITTEE-OF-THE-WHOLE, 21/6/05

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Frappell that the Committee-of-the-Whole recommends to Council:

A. ADOPTION OF MANAGEMENT PLAN AND ESTIMATES

1. That after considering community submissions, Council adopts the Draft 2005-2006 Management Plan and Estimates, incorporating the Capital Works Program and Fees and Charges, subject to the amendments proposed in ‘this report’, including those recommended under Section C “Sports and Aquatic Centre Fees”, being:

- (a) That the spectator fee be set at \$2.00 (excl GST) for both carnivals and for supervising parents/guardians.
- (b) That Council note that the proposed reduction in this fee will result in a loss of revenue of around \$2,300.
- (c) That outdoor membership passes are transferable between Glenbrook Swim Centre, Lawson Swim Centre and Blackheath Pool Only for the corresponding season. (Note: The current arrangement where Springwood Membership passes allow use of all pools and Katoomba passes allowing entry to the other outdoor pools (Lawson, Blackheath and Glenbrook) will remain.)
- (d) That the winter season and 10 month membership pass fees be added to the fees and charges schedule as outlined above.
- (e) That the Waterslide Fee at Springwood remains in place.
- (f) That the Council notes that the recommendations above will require an additional \$22,000 in reductions to other parts of the budget.

subject to the following amendments:

Blackheath Concession Rate

That, due to the traditional interactive social and recreational usage of the park and pool, holders of concession tickets may access the pool at any time of the day of the ticket’s issue.

Footpath Fees

That the fees for footpath usage for 2005/2006 be set at a fixed rate of \$260.

COMMITTEE-OF-THE-WHOLE, 21/6/05 (CONTD.)

That the criteria for businesses required to pay footpath usage fees remain the same as the criteria used in 2003/2004.

That the rate charged for 2004/05 be set at the 2003/04 rate and that refunds be made available to businesses that have paid the \$150 per metre rate.

Waterslide Fees, Springwood

That the waterslide pass be valid for the day of issue.

That a report on the financial implications come back to Council, if necessary.

Pool Fees

That the spectator fee be set at \$1.00 (plus GST) for both carnivals and for supervising parents/guardians.

That the words “Katoomba Outdoor Pool” be inserted between the words “Lawson Outdoor Centre” and “Blackheath Pool”.

That a report comes back to council on the financial and staffing implications, if necessary.

- 2. That the expenditure in the Estimates and Capital Works Program for the year 2005-2006, incorporating the amendments proposed in this report, be approved and the necessary money to meet that expenditure be voted.**
- 3. That the rate of interest on overdue rates and charges for the 2005-2006 financial year be set at 9% per annum.**
- 4. That approval be given to:**
 - (a) the raising of all loan funds, as proposed in the “Statement of Revenue Policy” of the Draft Management Plan and as also detailed in Part B - Section 6 of this report, from the most appropriate lender on terms and conditions considered to be the most advantageous to Council as determined by the General Manager; and**
 - (b) the affixing of Council’s Common Seal to all relevant loan documents.**

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MINUTE NO. 192

C00336. Procedural

RESOLVED UNANIMOUSLY on the MOTION of Councillors McInnes and Van der Kley that the Committee-of-the-Whole move back into Ordinary Council.

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The Ordinary Meeting that was adjourned to form into Committee-of-the-Whole reconvened at 9.20 pm.

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The General Manager verbally advised the recommendations of the Committee-of-the-Whole as follows:

A. ADOPTION OF MANAGEMENT PLAN AND ESTIMATES

1. That after considering community submissions, Council adopts the Draft 2005-2006 Management Plan and Estimates, incorporating the Capital Works Program and Fees and Charges, subject to the amendments proposed in 'this report', including those recommended under Section C "Sports and Aquatic Centre Fees", being:
 - (a) That the spectator fee be set at \$2.00 (excl GST) for both carnivals and for supervising parents/guardians.
 - (b) That Council note that the proposed reduction in this fee will result in a loss of revenue of around \$2,300.
 - (c) That outdoor membership passes are transferable between Glenbrook Swim Centre, Lawson Swim Centre and Blackheath Pool Only for the corresponding season. (Note: The current arrangement where Springwood Membership passes allow use of all pools and Katoomba passes allowing entry to the other outdoor pools (Lawson, Blackheath and Glenbrook) will remain.)
 - (d) That the winter season and 10 month membership pass fees be added to the fees and charges schedule as outlined above.
 - (e) That the Waterslide Fee at Springwood remains in place.
 - (f) That the Council notes that the recommendations above will require an additional \$22,000 in reductions to other parts of the budget.

subject to the following amendments:

Blackheath Concession Rate

That, due to the traditional interactive social and recreational usage of the park and pool, holders of concession tickets may access the pool at any time of the day of the ticket's issue.

Footpath Fees

That the fees for footpath usage for 2005/2006 be set at a fixed rate of \$260.

That the criteria for businesses required to pay footpath usage fees remain the same as the criteria used in 2003/2004.

That the rate charged for 2004/05 be set at the 2003/04 rate and that refunds be made available to businesses that have paid the \$150 per metre rate.

Waterslide Fees, Springwood

That the waterslide pass be valid for the day of issue.

That a report on the financial implications come back to Council, if necessary.

Pool Fees

That the spectator fee be set at \$1.00 (plus GST) for both carnivals and for supervising parents/guardians.

That the words “Katoomba Outdoor Pool” be inserted between the words “Lawson Outdoor Centre” and “Blackheath Pool”.

That a report comes back to council on the financial and staffing implications, if necessary.

2. That the expenditure in the Estimates and Capital Works Program for the year 2005-2006, incorporating the amendments proposed in this report, be approved and the necessary money to meet that expenditure be voted.
3. That the rate of interest on overdue rates and charges for the 2005-2006 financial year be set at 9% per annum.
4. That approval be given to:
 - (a) the raising of all loan funds, as proposed in the “Statement of Revenue Policy” of the Draft Management Plan and as also detailed in Part B - Section 6 of this report, from the most appropriate lender on terms and conditions considered to be the most advantageous to Council as determined by the General Manager; and
 - (b) the affixing of Council’s Common Seal to all relevant loan documents.

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MINUTE NO. 193

C00336. Procedural – Recommendations of Committee-of-the-Whole, 21/6/05

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and McInnes that the recommendations of the Committee-of-the-Whole submitted to Council be received and adopted.

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MINUTE NO. 194

5. C07486. Finalisation of Management Plan, Estimates & Capital Works Program and Making Rates for 2005-2006 – Part B

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

B. MAKING OF RATES AND CHARGES

1. That the making of rates and charges for 2005-2006 be deferred until the Minister for Local Government advises Council of his determination of Council's request for a special variation and Council's request that amendments be made to the Local Government (Rates and Charges) Regulation to permit Council to impose a flat rate Annual Charge for environmental works and services in 2005-2006.
2. That the Mayor call an Extraordinary Meeting if necessary to deal with the making of rates and charges for 2005-2006 when the Minister's determinations are known.
3. That the General Manager advises in due course of any amendments necessary to the Management Plan and Estimates, including Capital Works Program, as a result of the Rates and Annual Charges Council ultimately levies.

Councillors Hamilton and McInnes were not present in the Council Chamber when Part B of this matter was considered.

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MINUTE NO. 195

6. C00694. Schedule of Invested Monies

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Brown that the Schedule of Invested Monies as at 31 May 2005 be received.

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MINUTE NO. 196

7. C01698. Land Acquisition in Katoomba by the Roads and Traffic Authority

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Brown:

1. That Council concur with the Roads and traffic Authority's (RTA's) proposal to compulsorily acquire part of Crown Reserve R81547 at the corner of the Great Western Highway and Woodland Road, Katoomba in accordance with the terms and conditions outlined in this report.

MINUTE NO. 196 (CONTD.)

2. That the Valuer General be appointed to determine compensation for the subject part of Crown Reserve R81547 pursuant to the provisions of the Land Acquisition (Just Terms Compensation) Act, 1991.
3. That Council declines the RTA's request for a temporary lease over Council land at 189-191 Great Western Highway, Katoomba being Lot 10 in DP 804749 and at 6 Orient Street, Katoomba being Lot 2 in DP 500674 and ask the RTA to review its offer to purchase the land, and continue its negotiations with Council for the purchase of the said land by agreement.
4. That should the continued negotiations on the fair market value of Council land being acquired by the RTA be successful, the outcome be reported back to Council for its final decision.
5. That should the continued negotiations on the fair market value of the Council land being acquired by the RTA be unsuccessful, Council express its disappointment at the RTA's inability to commence negotiations when requested by Council in May 2000 and that given the RTA's current time critical situation, Council is in position of having no alternative other than to agree to the compulsory acquisition process being pursued.
6. That the RTA be requested to allow the [K@2mba](#) Men's Shed project to proceed in the old Trotters Pavilion located at 6 Orient Street, Katoomba (Lot 2 in DP 500674) if they obtain ownership of that entire site.

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MINUTE NO. 197

8. C07508. Proposed Lease to Telstra – Ridge Street, Woodford

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Brown:

1. That Council grant a lease to Telstra Corporation Limited of Lots 10 & 11 in Deposited Plan 9917 for an annual rental of \$14,000 per annum plus GST under the terms and conditions set out in this report.
2. That Council grant an access licence to Telstra Corporation Limited over Lot 12,13 and 14 in Deposited Plan 9917 for an annual rental of \$8,000 per annum plus GST under the terms and conditions set out in this report.
3. That the Common Seal of Council be affixed to the necessary documents.

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MINUTE NO. 198

9. R10/0026. Road Closure – Lot 1 Deposited Plan 1053184, Yileena Avenue, Lawson

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Brown:

1. That Council agree to the sale of Lot 1 Deposited Plan 1053184 for \$19,000 in accordance with the terms and conditions as set out in this report.
2. That the common Seal of Council be affixed to the necessary documents.

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MINUTE NO. 199

10. H00777. Proposed Lease to Springwood Soccer & Sports Club, Summerhayes Park

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Brown:

1. That Council give notice under Section 47 of Local Government Act 1993 that it proposes to grant a lease of a portion of Part Lot 2 Deposited Plan 220070 and portion of Part Lot 6 Deposited Plan 661403 being the clubroom building (approximately 1700 square metres) of Summerhayes Park, Hawkesbury Road, Winmalee, to Springwood Soccer & Sports Club Inc.
2. That should Council receive a submission by way of objection to the proposal, the matter be referred to the Minister for Local Government for consent and a further report on the Ministers decision be submitted to Council.
3. That should there be no objection received, Council lease a portion of Part Lot 2 deposited Plan 220070 and portion of Part Lot 6 Deposited Plan 661403 being the clubroom building (approximately 1700 square metres) of Summerhayes Park, Hawkesbury Road, Winmalee to Springwood Soccer & Sports Club Inc. for a period of 5 years with a 5 year option in accordance with Section 46 and 46A of the Local Government Act 1993 and the terms and conditions set out in this report
4. That the Common Seal of Council be affixed to the necessary documents relating to this matter.

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MINUTE NO. 200

11. S04/0034. Section 96 Application to Modify Development Consent No. S04/0034 for a One into Two Lot Subdivision at Lot 1 DP 801786, Nos. 32-34 Great Western Highway, Valley Heights

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Brown that the Section 96 amendment application to modify Development Consent No. S04/0034 for a one into two lot subdivision at Lot 1 DP 801786, Nos. 32-34 Great Western Highway, Valley Heights be determined pursuant to Section 80 of the Environmental Planning and Assessment Act 1979 by the granting of consent subject to the amended conditions shown as Attachment 1 to this Report.

Attachment 1—Conditions of development consent

Confirmation of development plans

1. To confirm and clarify the terms of consent, the development shall be carried out in accordance with the plans prepared by J Wyndham Prince Pty Ltd, numbered 7410/P1 and dated 28 May 2004, and accompanying supportive documentation, except as otherwise provided or modified by the conditions of this consent.

Lapsing of consent

2. Pursuant to Section 95(2) of the Environmental Planning and Assessment Act 1979, this consent will lapse two (2) years from 12 October 2004 unless works are physically commenced on the land to which the consent relates before the expiration of the two (2) years.

Rural Fire Act 88B Instrument

3. To ensure the appropriate future development of proposed lot 2, an instrument setting out Terms of Restriction on the use of land intended to be created, pursuant to Section 88B of the Conveyancing Act, 1919 shall be submitted in a form acceptable to Council indicating the following:

- No residential building envelope is to be located within a minimum 10m setback from the Great Western Highway frontage.

Fauna Habitat Protection 88B Instrument

(Amended 21 June 2005)

4. To protect the endangered ecological community on proposed lot 1, an instrument setting out Terms of Restriction on the use of land intended to be created, pursuant to Section 88B of the Conveyancing Act, 1919 shall be submitted in a form acceptable to Council indicating the following:

MINUTE NO. 200 (CONTD.)

- No development or bush fire hazard reduction (with the exception of approved understorey management for the purposes of an Outer Protection Zone) is permitted between the “protection fence” indicated in red on the approved plan, and the north eastern boundary between lot 1 and lot 2, such that it will adversely impact on the endangered ecological community.
- A Council approved Vegetation and Weed Management Plan is to be in place prior to release of the Subdivision Certificate.

The 88B Instrument shall also contain a provision that it may not be extinguished or altered except by Blue Mountains City Council.

**Deny Access from Lot 2
88B Instrument**

(Deleted 21 June 2005)

5. ~~To minimise visual impact on the Highway streetscape, an instrument setting out Terms of Restriction on the use of land intended to be created, pursuant to Section 88B of the Conveyancing Act, 1919 shall be submitted in a form acceptable to Council indicating that vehicle access to and from proposed Lot 2 directly via its frontage to the Great Western Highway is denied.~~

~~Access to proposed Lot 2 is to be made available via the battleaxe access to Peninsula Road.~~

~~The 88B Instrument shall also contain a provision that it may not be extinguished or altered except by Blue Mountains City Council.~~

**On-Site detention
88b instrument**

6. To minimise the downstream impact of future development on the site, an instrument setting out Terms of Restrictions on the use of land intended to be created, pursuant to Section 88 B of the Conveyancing Act, 1919 shall be submitted in a form acceptable to Council indicating the following:

- a. *All future development on proposed lot 2 shall incorporate on-site stormwater detention systems that restrict post-development discharge rates to pre-development discharge rates for storms up to and including the 1 in 100 year Return Period.*

MINUTE NO. 200 (CONTD.)

- b. The proprietor/s of proposed lot 2 shall keep clear, maintain all pits, pipelines, trench barriers and other structures comprising any on-site detention system to be built.*
- c. The 88B Instrument may not be extinguished or altered without prior approval being obtained from Blue Mountains City Council.*

The wording of the instrument shall be submitted to and approved by Council prior to release of the Subdivision Certificate.

Land Classification

7. The property described as proposed lot 1 on the approved plan must be held and used for a public purpose. It is to be reclassified by Council to “Community Land” within the meaning of the Local Government Act 1993 within a period of 12 months of the date of registration of the subdivision plan with the Land Titles Office.

Weed removal

(Amended 21 June 2005)

8. All noxious weeds are to be removed from the site to the satisfaction of Council prior to release of the Subdivision Certificate.

To ensure that noxious weeds are removed and environmental weeds are controlled in a sensitive manner that avoids adverse impact on the endangered ecological community, a detailed Vegetation and Weed Management Plan is to be provided to Blue Mountains City Council for approval.

Details in the Plan shall include but not be limited to the following:

- Types of weeds to be removed;
- Method and timing of removal;
- Ongoing management details, including monitoring and maintenance requirements; and
- Details of any proposed site rehabilitation works, including rubbish removal, track rehabilitation, bush regeneration and any appropriate planting of cleared areas.
- Extent and appropriate management of the understorey in the identified No Development Zone for the purposes of maintaining an Outer Protection Zone.

Blue Mountains City Council shall inspect the site to ensure compliance with the condition.

MINUTE NO. 200 (CONTD.)

Protection fencing

9. To minimise the potential for adverse impact on the identified endangered ecological community, an appropriate protection fence is to be erected and located as generally indicated in red on the approved plans.

The details of the final location, its type and finished colour shall be subject to the approval of Blue Mountains City Council. The subject fence shall be erected prior to release of the Subdivision Certificate.

Weed management and vegetation regeneration bond.

Prior to release the Subdivision Certificate

10. A Cash Bond/Bank Guarantee of \$ 5,000.00 shall be lodged with Council as a weed management and vegetation regeneration bond prior to the release of the Subdivision Certificate. This bond shall be held to ensure that weed removal and regeneration of the endangered ecological community is established and maintained in accordance with the approved Vegetation and Weed Management Plan.

Fifty percent (50%) of the bond shall be refunded where the approved weed management and vegetation regeneration measures have been satisfactorily instigated. The balance of the bond shall be refunded 2 years after the approved weed management and vegetation regeneration measures have been instigated.

Each refund shall be subject to an satisfactory inspection by Blue Mountains City Council's Environmental Landscape Officer to ensure that effective, regular weed management and vegetation regeneration has been undertaken within the endangered ecological community.

It is the responsibility of the applicant to notify Council in relation to the refunding of the bond at the end of the 2 year period.

Public Authority Certificates

11. To ensure satisfactory effluent disposal and utility services are provided to proposed lot 2, you are required to submit to Council prior to release of subdivision certificate, certification from:

- a. Sydney Water indicating that reticulated water and sewer has been made available.

MINUTE NO. 200 (CONTD.)

- b. **Integral Energy indicating that satisfactory arrangements have been made for the provision of electricity supply.**
- c. **An approved telecommunications service provider stating that satisfactory arrangements have been made for telephone services.**

Erosion & Sediment measures

(Deleted 21 June 2005)

12. ~~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 & Construction” manual by the Department of Housing dated August 1998.~~

~~The applicant shall ensure sedimentation and erosion control measures are installed prior to commencement of construction and also maintained at all times during construction in accordance with the plan.~~

~~Prior to release of Subdivision Certificate all disturbed areas are to be stabilised and all redundant sediment & erosion control structures are to be removed to Council’s satisfaction.~~

Advice

House numbering

13. To ensure appropriate definition of the allotments, the following property numbering shall apply to the proposed lots:
- **Lot 1 — 19 Peninsula Road Valley Heights**
 - **Lot 2 — 32-34 Great Western Highway Valley Heights**

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MINUTE NO. 201

12. X04/1484. Development Application No. X04/1484 for a Seniors Living Development of Thirteen Dwellings at Lot B DP 391940, No. 33 Falls Road, Wentworth Falls

The Meeting was addressed by Margaret Garrett and Tim Dean.

RESOLVED UNANIMOUSLY on the MOTION of Councillors Searle and McInnes **that development application No. X04/1484 for a Seniors Living development comprising thirteen units at Lot B DP 391940, No. 33 Falls Road Wentworth Falls 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 development is inconsistent with State Environmental Planning Policy – Senior Living in terms of site analysis and standards, streetscape, privacy and solar access.**
2. **The development is inconsistent with Draft Local Environmental Plan 2002 in terms of setbacks, site disturbance and soft pervious landscaped areas.**
3. **The development is contrary to Section 79C(b) of the Environmental Planning and Assessment Act as it is likely to result in an adverse impact on the neighbourhood amenity and streetscape of the surrounding area.**
4. **The development is inconsistent with the surrounding area in terms of overall scale and design.**
5. **The development does not appropriately consider the environmental characteristics of the site and does not provide reasonable internal amenity and safety.**
6. **The development is considered to be not in the public interest.**

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MINUTE NO. 202

13. C02066. Discussion Paper from the New South Wales Food Authority

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Brown:

1. **That the report be received and noted.**
2. **That Council indicates support, in principle, for the recommendations in the “Food Regulation Partnership - An Exposure Draft” and advises the New South Wales Food Authority accordingly.**
3. **That Council expresses the opinion that training of food handlers to a similar standard to that engendered by the Responsible Service of Alcohol training should be part of the recommendations of this Report.**

MINUTE NO. 202 (CONTD.)

4. That the progress of NSW Food Regulation Partnership be monitored and a further Report be submitted to Council prior to the end of 2005 outlining the implications for Council of the implementation of the strategy.

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MINUTE NO. 203

14. C06389. Mountains Youth Reach Project

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Brown:

1. That Council acknowledge the important contribution of the State Government through the NSW Attorney General's Department towards the funding of the first and second year of the Mountain Youth Reach Project.
2. That Council request the support of the State Member for funding a third year of the Mountain Youth Reach Project through the NSW Attorney General's Department.
3. That Council acknowledge the role of Sydney West Area Health Service in delivering this important project in the Blue Mountains.
4. That the Common Seal of Council be affixed to the necessary documents relating to the funding of the Mountain Youth Reach Project.

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MINUTE NO. 204

15. C02957 Pt 2. Withdrawal of Funding of the Blue Mountains Community Services Settlement Scheme

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Brown:

1. That Council acknowledge the achievements of the Blue Mountains Community Services Settlement Scheme auspiced by the Mountains Community Resource Network over the past 13 years.
2. That Council consider the impact of the withdrawal of funding of this important project and on Council's ability to provide access to services and support to the Blue Mountains Culturally and Linguistically Diverse communities.

MINUTE NO. 204 (CONTD.)

3. That Council request the assistance of the Federal Member for Macquarie in expressing Council's concern to the Minister for Immigration and Multicultural and Indigenous Affairs, on the withdrawal of funding of the Blue Mountains Community Services Settlement Scheme and the future provision of settlement services in the Blue Mountains.

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MINUTE NO. 205

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

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

<u>Organisation</u>	<u>Amount</u>
Blaxland Public School P&C	\$450
Mid Mountains Netball Club	\$75
Blackheath & Mt Victoria RSL Sub-Branch	\$100
Blue Mountains Family Support	\$100
Blue Mountains East Timorese Sisters Project	\$500
Winter Magic Festival Inc	\$500
Glenbrook & District Historical Society Inc	\$100
Glenbrook Swimming Club	\$150
Blue Mountains Water Polo	\$200
Mt Riverview Neighbourhood Watch	\$100
Lower Blue Mountains Family Support Service	\$180
Lower Blue Mountains Junior Concert Band	\$180
Glenbrook Preschool Kindergarten	\$180
Glenbrook District Guides	\$180
Blue Mountains Creative Art Centre	\$150

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MINUTE NO. 206

17. C02907. Applications for Continued Use of Community Buildings by Community Groups

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Brown:

1. That Council receives and notes this report.
2. That Council gives approval for the continued use of Council's community buildings by the community services groups mentioned in this report and for Agreements to be implemented / renewed in accordance with the Community Buildings Policy.

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MINUTE NO. 207

18. H00135. New Appointments to the Mid Mountains Community Centre Committee

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Brown:

1. That Council receives and notes this report.
2. That Council appoint Mr. Mick Barrett and Mr. Harry Berwick as members of the Mid Mountains Community Centre Committee.

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MINUTE NO. 208

19. C00534. Local Traffic Committee

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Brown **that Council receive and note this report and advise the RTA of the Local Traffic Committee's assessment.**

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NOTICES OF MOTION, 21/6/05

MINUTE NO. 209

20. C01185. Status of Council Resolutions since March 2004

RESOLVED UNANIMOUSLY on the MOTION of Councillors McInnes and Brown **that Council receive a report which provides a list (including the date) of resolutions of Council, passed since September 2003, which have not yet been acted upon, and/or where action has commenced but is incomplete, provides an explanation as to its current status.**

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MINUTE NO. 210

21. C02711. Rubbish Dumping at Blaxland

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Brown **that a report come back to Council addressing actions which might prevent the dumping of rubbish at the clothing bins located within and directly adjacent to the north-western car park at Blaxland, nearest the intersection of Hope and View Streets, with such report to include the option of having the four commercial clothing bins removed from the site.**

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PRECIS OF SELECTED CORRESPONDENCE, 21/6/05

MINUTE NO. 211

22. C00680. Precis of Selected Correspondence, 21/6/2005

RESOLVED UNANIMOUSLY on the MOTION of Councillors Hamilton and Van der Kley **that the Precis of Selected Correspondence, with the exception of Items 5 and 7, be received and appropriate letters forwarded where necessary.**

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MINUTE NO. 212

C00680. Precis of Selected Correspondence, 21/6/2005 – Item 5

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Creed **that Council support Mr Kerry Bartlett in opposing the new program of whaling in the Southern Ocean by Japan.**

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MINUTE NO. 213

C00680. Precis of Selected Correspondence, 21/6/2005 – Item 7

RESOLVED UNANIMOUSLY on the MOTION of Councillors Van der Kley and Searle **that Item 7 of the Precis of Selected Correspondence be received, as well as a further petition containing 444 signatures, and appropriate letters forwarded where necessary.**

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MINUTE NO. 214

In accordance with the decision recorded at Minute No.189, the Council Meeting was then closed to the public while the following matter was considered:

C1. C03199. Blue Mountains Cultural Centre and Library – Stakeholder Development Deed

A MOTION was moved by Councillors Hamilton and Van der Kley **that Council resolves to adopt the recommendations 1 to 16 outlined in section 2 in this report.**

An AMENDMENT was moved by Councillors McInnes and O’Grady that the delegations to the Mayor and General Manager, as outlined in recommendations 1, 12 and 14, be removed.

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

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

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

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

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MINUTE NO. 215

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, 21 June 2005.

The Ordinary Meeting of the Council then closed.

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