

BLUE MOUNTAINS CITY COUNCIL
MINUTES OF ORDINARY MEETING OF COUNCIL

25 May 2021

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Minutes of the Ordinary Meeting of Council of the City of Blue Mountains, held in the Chambers on Tuesday, 25 May 2021, commencing at 7.30pm.

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There were present:

The Mayor (Councillor Greenhill) in the Chair, and Councillors Bowling, Brown, Christie, Fell, Hoare, Hollywood, McGregor, Myles, Schreiber, Van der Kley.

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In attendance:

Chief Executive Officer; Director Strategy and Corporate Services; Director Environment and Planning Services; Director Cultural and Community Services; Director Economy Place and Infrastructure Services; Executive Business Manager; Program Leader Corporate Communications; Councillor Project Lead; Manager Cultural Services; Manager Economy Tourism & Place; Manager City Planning; Environmental Scientist; IT Technical Officer; Program Leader Communications & Public Relations & Marketing; Digital Marketing Coordinator; Tourism Development & Events Coordinator; Manager Environment; Manager Strategic Resource Allocation; Meeting & Councillor Support Officer;

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Prayer/Reflection:

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

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MINUTE NO. 142

Apologies

A MOTION was MOVED by Councillors Fell and Van der Kley:

1. **That the Council accepts an apology from Councillor Foender for this Ordinary Meeting of the Council; and**
2. **That the Council accepts an apology for lateness from Councillor Christie for this Ordinary Meeting of the Council.**

Upon being PUT to the Meeting, the MOTION was CARRIED, the vote being UNANIMOUS:

For	Against
Councillors	Councillors
Greenhill	
Fell	
Myles	
Hollywood	
Van der Kley	
McGregor	
Bowling	
Brown	
Hoare	
Schreiber	

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MINUTE NO. 143**Confirmation of Minutes - Ordinary Meeting - 27 April 2021**

A MOTION was MOVED by Councillors Fell and Hollywood:

That the Minutes of the Ordinary Meeting of 27 April 2021 be confirmed.

Upon being PUT to the Meeting, the MOTION was CARRIED, the vote being UNANIMOUS:

For	Against
Councillors	Councillors
Greenhill	
Fell	
Myles	
Hollywood	
Van der Kley	
McGregor	
Bowling	
Brown	
Hoare	
Schreiber	

With Councillor Christie out of the chamber

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Declarations of Interest – Ordinary Meeting, 25 May 2021

Councillor Cr Hollywood declared a non-significant, non-pecuniary interest with respect to Item 14:

“I am declaring that I have a non-significant, non-pecuniary interest with respect to Item 14 as 2 people are known to me personally, but will be remaining in the Chamber for the debate and the vote.”

Councillor Van der Kley declared a non-significant, non-pecuniary interest with respect to Item 17:

“I am declaring that a non-significant, non-pecuniary interest with respect to Item 17 as this is the cemetery where my wife is buried, but will be remaining in the Chamber for the debate and the vote.”

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MINUTE NO. 144**Procedural - Procedural Motion**

A MOTION was MOVED by Councillors Myles and Fell:

1. **That the Council allows for filming and photographs to be captured in Council chambers for Item 1 Adoption of Statement of Recognition and Commitment;**
2. **That the Council endorses that the Mayor will speak untimed to allow the Mayor to table the Statement of Recognition and Commitment;**
3. **That the Council allows two (2) representatives of the Aboriginal Advisory Council to address the meeting; and**

4. That the Council adjourns the meeting for up to 15 minutes for an exchange of gifts to occur.

Upon being PUT to the Meeting, the MOTION was CARRIED, the vote being UNANIMOUS:

For	Against
Councillors	Councillors
Greenhill	
Fell	
Myles	
Hollywood	
Van der Kley	
McGregor	
Bowling	
Brown	
Hoare	
Schreiber	

With Councillor Christie out of the chamber

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MINUTE NO. 145

MM1. 21/111342. Adoption of Statement of Recognition and Commitment

The meeting was addressed by: Chris Tobin, Brad Moore

A MOTION was MOVED by Councillors Greenhill and Van der Kley:

1. **That the Council acknowledges the strong partnership between the Council and Gundungurra and Dharug Traditional Owners;**
2. **That in continuing this partnership, the Council recognises the truth of the past injustices visited on the First Nation peoples, and acknowledges the disadvantage caused from the brutal dispossession of their Country (Ngurra);**
3. **That Council's journey is walked together with Traditional Owners and the broader aboriginal community to build a more positive future based on truth, respect and recognition of Traditional Ownership;**
4. **That the Council acknowledges it has an important role in reconciling the past injustice and repairing the disadvantage experienced by Gundungurra and Dharug Traditional Owners and other First Nation peoples;**
5. **That the Council adopts the Statement of Recognition and Commitment provided in the Enclosure;**
6. **That the Council acknowledges and thanks the Aboriginal Advisory Council for their pivotal role in developing the Statement of Recognition and Commitment; and**
7. **That the Council notes the intention for the Statement of Recognition and Commitment to be reaffirmed by each subsequent Council within 12 months of commencing its term in office.**

Upon being PUT to the Meeting, the MOTION was CARRIED, the vote being UNANIMOUS:

For	Against
Councillors	Councillors
Greenhill	

Fell
Myles
Hollywood
Van der Kley
McGregor
Bowling
Brown
Hoare
Schreiber

With Councillor Christie out of the chamber

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MINUTE NO. 146

MM2. 21/112828. Introduction of trucks up to 30 metres long on Great Western Highway

A MOTION was MOVED by Councillors Greenhill and Van der Kley:

1. That the Council supports the concept of a tunnel, or tunnels, at Blackheath and Mount Victoria on the basis that present levels of local and tourist traffic warrant such;
2. That the Council notes the State government also plans to introduce trucks up to 30 metres long to our highway as part of a general by-pass strategy;
3. That, while Council supports a tunnel for the purpose of current traffic, it opposes the introduction of trucks up to 30 metres long and notes the following exclusions in relation to the recent tunnel proposal;
 - a. No planned road improvements of any significance below Medlow Bath;
 - b. No consultation with residents below Medlow Bath;
 - c. No impact assessment on the quality of life below Medlow Bath;
 - d. No strategy is articulated for dealing with any safety impacts that arise; and
 - e. No consultation with communities between Medlow Bath and Lapstone;
4. That the Council supports the concept of an extension of the tunnel(s) to include Medlow Bath to relieve traffic congestion, prevent the significant detrimental impact of a four lane highway through Historic Medlow Bath, provide the urgently needed emergency access road through Medlow Bath and allow creation of a tourist drive connecting Katoomba to Hartley;
5. That the Council writes to the NSW Minister for Transport Mr Andrew Constance and the Minister for Regional Transport and Roads, Mr Paul Toole, supporting the tunnel concept but seeking a moratorium on any introduction of large trucks until such a time as full community consultation takes place, necessary upgrades are identified and funded, and a safety plan is placed before the community for input;
6. That the CEO and Mayor determine a communication strategy and implement it in order that the community is made fully aware of Council's position; and
7. That the Council reconfirms its commitment to freight on rail and again calls on the state government to establish a comprehensive road and rail investment plan to enable increased transport of freight by rail.

Upon being PUT to the Meeting, the MOTION was CARRIED, the vote being UNANIMOUS:

For		Against
Councillors	Greenhill Christie Fell Myles Hollywood Van der Kley McGregor Bowling Brown Hoare Schreiber	Councillors

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MINUTE NO. 147

3. 21/108451. Establishment of Planetary Health Advisory Committee

A MOTION was MOVED by Councillors Brown and Schreiber:

That the Council defer any consideration of this item (3) Establishment of Planetary Health Advisory Committee until all Councillors have viewed the Memorandums of Understanding with the partner tertiary institutions.

Upon being PUT to the Meeting, the MOTION was LOST, the vote being:

For		Against
Councillors	Christie Brown Schreiber	Councillors Greenhill Fell Myles Hollywood Van der Kley McGregor Bowling Hoare

MINUTE NO. 148

A MOTION was MOVED by Councillors Fell and Van der Kley:

- 1. That the Council approves the creation of the Blue Mountains Planetary Health Advisory Committee (“the Advisory Committee”) to assist with the development of the Blue Mountains Planetary Health initiative;**
- 2. That the Council approves the Terms of Reference, proposed membership and governance structure for the Advisory Committee, as outlined in Attachment 1;**
- 3. That the Council approves the approach outlined in the report for appointing broader Advisory Committee membership through a formal Expression of Interest process;**

4. That the Council delegate authority to the Mayor, the CEO and the Chair of the Advisory Committee, to finalise and determine membership of the Advisory Committee taking into consideration the results of the Expression of Interest process; and
5. That the Council notes that a Memorandum of Understanding between the University of Technology Sydney, Institute of Sustainable Futures and Blue Mountains City Council is in the process of being executed by the CEO, that sets out the commitment for both organisations to explore opportunities to work together operationally on Planetary Health initiatives, including the establishment of the Leadership Centre in Katoomba.

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

For	Against
Councillors	Councillors
Greenhill	Brown
Christie	Schreiber
Fell	
Myles	
Hollywood	
Van der Kley	
McGregor	
Bowling	
Hoare	

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MINUTE NO. 149

4. 20/267455. Draft Economic Development and Tourism Strategy

A MOTION was MOVED by Councillors Schreiber and Van der Kley:

1. That the Council endorses the draft Economic Development and Tourism Strategy for public exhibition for a period of 28 days with submissions accepted for a further 14 days following closure of the public exhibition; and
2. That the Council receives a further report following the public exhibition of the draft Economic Development and Tourism Strategy in Quarter 1 of 2021/2022.

Upon being PUT to the Meeting, the MOTION was CARRIED, the vote being UNANIMOUS:

For	Against
Councillors	Councillors
Greenhill	
Fell	
Myles	
Hollywood	
Van der Kley	
McGregor	
Brown	
Hoare	
Schreiber	

With Councillor Bowling and Christie out of the room

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MINUTE NO. 150**5. 21/24057. Local Government Remuneration Tribunal: Fees Payable to the Mayor and Councillors 2021-22**

A MOTION was MOVED by Councillors Myles and Fell:

1. That the Council notes the NSW Local Government Remuneration Tribunal determined that there will be a 2% increase in the minimum and maximum fees for Councillors and Mayors, applicable to each existing category, effective for the period 1 July 2021 to 30 June 2022;
2. That the Council notes that the Blue Mountains City Council is categorised as a Regional Centre Category Council;
3. That the Council endorses a 0% increase in the fees payable to the Councillors and Mayor effective for the period 1 July 2021 to 30 June 2022;
4. That the Council sets aside 10% of the annual Mayoral Fee for the Deputy Mayor, for such time as the Deputy Mayor acts in the office of the Mayor;
5. That the Council endorses the Deputy Mayoral reserve be paid to the Councillor holding the Deputy Mayor position during times of absence of the Mayor; and
6. That the Council endorses the unused portion of the Deputy Mayor reserve to be paid to the Councillor holding the position of Mayor in the last fee period of the financial year, proportional to the time in the role of Mayor.

Upon being PUT to the Meeting, the MOTION was CARRIED, the vote being UNANIMOUS:

For	Against
Councillors	Councillors
Greenhill	
Christie	
Fell	
Myles	
Hollywood	
Van der Kley	
McGregor	
Brown	
Hoare	
Schreiber	

With Councillor Bowling out of the chamber

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MINUTE NO. 151**6. 20/90228. Conclusion of the Minor Local Projects Program**

A MOTION was MOVED by Councillors Myles and Hollywood:

1. That affected community groups are consulted in the interregnum;
2. That an urgent briefing is held about the appropriate resolutions required for the July meeting to ensure compliance so that community groups awaiting assistance

are not disadvantaged but that council's actions are properly resolved; and

3. That there is no further expenditure of funds after the July meeting until the new Council considers the matter.

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

For	Against
Councillors	Councillors
Greenhill	Brown
Christie	
Fell	
Myles	
Hollywood	
Van der Kley	
McGregor	
Bowling	
Hoare	
Schreiber	

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MINUTE NO. 152

7. 21/104138. Performance of Investments April 2021

A MOTION was MOVED by Councillors Fell and Van der Kley:

That the Council notes the performance of invested monies for April 2021 including:

- That as at 30 April 2021 funds held in investments totaled \$29.8 million; and
- The enclosed certificate of the Responsible Accounting Officer

Upon being PUT to the Meeting, the MOTION was CARRIED, the vote being UNANIMOUS:

For	Against
Councillors	Councillors
Greenhill	
Christie	
Fell	
Myles	
Hollywood	
Van der Kley	
McGregor	
Bowling	
Brown	
Hoare	
Schreiber	

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MINUTE NO. 153**8. 21/105467. Quarter 3 Quarterly Budget Review Statement**

A MOTION was MOVED by Councillors Schreiber and Christie:

1. **That the Council endorses this report and the enclosed “Quarter 3 Budget Review Statement 2020-2021”; and**
2. **That the Council adopts the budget variations to be included in the Budget as detailed in this report and the Enclosure.**

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

For	Against
Councillors	Councillors
Greenhill	Brown
Christie	
Fell	
Myles	
Hollywood	
Van der Kley	
McGregor	
Bowling	
Hoare	
Schreiber	

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MINUTE NO. 154**9. 21/106087. Progress Update on Enforceable Undertaking between SafeWork NSW and Blue Mountains City Council**

A MOTION was MOVED by Councillors Myles and Fell:

1. **That the Council notes the progress the organisation has made towards the completion of the Enforceable Undertaking between SafeWork NSW and the Council; and**
2. **That the Council notes the second status report provided by SafeWork NSW on the Council’s progress towards completion of the Enforceable Undertaking between SafeWork NSW and the Council.**

Upon being PUT to the Meeting, the MOTION was CARRIED, the vote being UNANIMOUS:

For	Against
Councillors	Councillors
Greenhill	
Christie	
Fell	
Myles	
Hollywood	
Van der Kley	
McGregor	
Bowling	
Brown	
Hoare	
Schreiber	

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MINUTE NO. 155**10. 21/114838. Community Assistance Donations Recommendation by Councillors**

A MOTION was MOVED by Councillors Fell and Van der Kley:

That the Council endorses the following community assistance donations from the Councillor funds:

Organisation	Amount
Mid Mountains Neighbourhood centre	\$150.00
Hazelbrook Scouts	\$200.00
Springwood RSL Sub-Branch	\$450.00
Blue Mountains Vietnam Veterans	\$450.00
Winmalee Neighbourhood Centre	\$450.00
Valley Heights Locomotive Depot Heritage Museum	\$450.00
Lawson Amateur Swimming Club	\$200.00
Hazelbrook Association	\$200.00

Upon being PUT to the Meeting, the MOTION was CARRIED, the vote being UNANIMOUS:

For	Against
Councillors	Councillors
Greenhill	
Christie	
Fell	
Myles	
Hollywood	
Van der Kley	
McGregor	
Bowling	
Brown	
Hoare	
Schreiber	

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MINUTE NO. 156**11. 21/26482. Cat Management Options to Reduce the Predation of Wildlife by Domestic Cats**

A MOTION was MOVED by Councillors Hoare and Hollywood:

- 1. That the Council notes this report, including the findings following a review of best practice measures to reduce predation of native fauna by roaming domestic cats;**
- 2. That the Council endorses the implementation approach proposed in this report to address the problem of wildlife predation by domestic cats in the Blue Mountains; and**
- 3. That the Council notes that Blue Mountains City Council has been selected as one of 10 successful participants in the NSW Environmental Trust funded RSPCA 'Keeping Cats Safe at Home (KCSAH)' project, which will contribute funding and other resources to enable Council to deliver the aforementioned implementation approach.**

Upon being PUT to the Meeting, the MOTION was CARRIED, the vote being UNANIMOUS:

For		Against
Councillors	Christie	Councillors
	Myles	
	Hollywood	
	Van der Kley	
	McGregor	
	Bowling	
	Brown	
	Hoare	
	Schreiber	

With Councillors Fell and Greenhill out of the Chambers.

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MINUTE NO. 157

12. 21/94623. Ecotourism request for fee waiver

A MOTION was MOVED by Councillors Schreiber and Christie:

1. That the Council notes the local commercial ecotourism industry continues to experience economic hardship resulting from the impact of bushfires and COVID-19;
2. That the Council approves waiving of Ecotourism License Scheme Renewal and Usage Fees for the 2019/2020 and 2020/2021 financial years as an additional initiative to assist and support licensees to recover from bushfire and COVID-19; and
3. That the Council reimburse any Ecotourism License Scheme fees for the 2019/2020 and 2020/2021 financial years that have been paid by licensees.

Upon being PUT to the Meeting, the MOTION was CARRIED, the vote being UNANIMOUS:

For		Against
Councillors	Christie	Councillors
	Fell	
	Myles	
	Hollywood	
	Van der Kley	
	McGregor	
	Bowling	
	Brown	
	Hoare	
	Schreiber	

With Councillor Greenhill out of the Chambers.

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MINUTE NO. 158**13. 21/95552. The Gully Aboriginal Place Draft Plan of Management clarification**

A MOTION was MOVED by Councillors Fell and Van der Kley:

1. That Council notes the minor amendments made to The Gully Aboriginal Place, Draft Plan of Management following review by Department of Planning, Industry and Environment - Crown Lands to the Draft version presented to the 30 June 2020 Council Meeting;
2. That Council notes that resolution from the 30 June 2020 Meeting remain otherwise unchanged; and
3. That the Council endorses placing The Gully Aboriginal Place (AP) draft Plan of Management (PoM) as enclosed on public exhibition for a period of 60 days in accordance with the Local Government Act 1993.

Upon being PUT to the Meeting, the MOTION was CARRIED, the vote being UNANIMOUS:

For	Against
Councillors	Councillors
Greenhill	
Christie	
Fell	
Myles	
Hollywood	
Van der Kley	
McGregor	
Bowling	
Brown	
Hoare	
Schreiber	

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MINUTE NO. 159**14. 21/94994. Blue Mountains City of the Arts Trust Grant Recommendations**

A MOTION was MOVED by Councillors McGregor and Myles:

1. That the Council, as Trustee of the Blue Mountains City of the Arts Trust, endorses the 2021 recommendations of the Blue Mountains City of the Arts Trust Advisory Committee Grants Assessment Panel and approve the allocation of funding to the applicants as outlined in this report; and
2. That the Council endorses that future City of the Arts Trust grants receive annual indexation commencing in the 2022 grants round.

Upon being PUT to the Meeting, the MOTION was CARRIED, the vote being UNANIMOUS:

For	Against
Councillors	Councillors
Greenhill	
Christie	
Fell	

Myles
 Hollywood
 Van der Kley
 McGregor
 Bowling
 Brown
 Hoare
 Schreiber

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MINUTE NO. 160

15. 21/8606. Blaxland Town Centre Building Envelopes – Outcome of Community Consultation

The meeting was addressed by: Tony Quinn

A MOTION was MOVED by Councillors Bowling and Christie:

1. That the Council receives the results of the community consultation undertaken on revised town centre building envelopes in November and December 2020 as part of the Blaxland Master Planning process (Enclosure 1);
2. That, given the marginal result in the preliminary feasibility work, Council seeks detailed feasibility analysis in relation to options for building height and built form for the Blaxland Town Centre, with a focus on public benefit, to inform consideration of amendments to planning controls;
3. That the Council receives a report following the additional feasibility analysis not later than Q2 of 2021/2022, with recommendations on proposed building envelope controls to be progressed as part of the implementation of the adopted Blaxland Town Centre Master Plan;
4. That the Council notes the ongoing progress toward Action 6.2 of Blue Mountains 2040: Living Sustainably (the Local Strategic Planning Statement) to proceed with place-based master planning of key town centres to investigate diverse housing opportunities close to services and transport; and
5. That the Council acknowledges the approval of the Blue Mountains Local Housing Strategy by the Department of Planning, Industry and Environment on 10 May 2021.

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

For	Against
Councillors	Councillors
Greenhill	Brown
Christie	
Fell	
Myles	
Hollywood	
Van der Kley	
McGregor	
Bowling	
Hoare	
Schreiber	

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MINUTE NO. 161**16. 21/66242. Update on Katoomba Master Plan**

A MOTION was MOVED by Councillors Brown and Schreiber:

1. That the Council receives the summary report on the results of community engagement undertaken from November 2020 to February 2021 as part of Stage 1 of the Katoomba Master Plan (Enclosure 1);
2. That the Council recognises the contribution of the members of the Stakeholder Reference Group as part of the Stage 1 Katoomba Master Plan process; and
3. That the Council receives a future report on a draft concept Katoomba Master Plan to seek endorsement for public exhibition.

Upon being PUT to the Meeting, the MOTION was CARRIED, the vote being UNANIMOUS:

For	Against
Councillors	Councillors
Greenhill	
Christie	
Fell	
Myles	
Hollywood	
Van der Kley	
McGregor	
Bowling	
Brown	
Hoare	
Schreiber	

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MINUTE NO. 162**17. 21/96937. Draft Strategic Plan for Blue Mountains Cemeteries**

A MOTION was MOVED by Councillors Fell and Van der Kley:

1. That the Council endorses the Draft Strategic Plan for Cemeteries managed by Blue Mountains City Council for public exhibition for a period of 28 days;
2. That the Council notes that the additional text below titled internment opportunities, is included in the enclosure document prior to placing the document on public exhibition;
3. That the Council receives a further report on the outcomes of the public exhibition; and
4. That the Council notes a further report will be provided outlining the implications of Council seeking to be appointed as Crown Land Manager for each cemetery which currently devolve to Blue Mountains City Council for management.

Upon being PUT to the Meeting, the MOTION was CARRIED, the vote being UNANIMOUS:

For		Against
Councillors	Greenhill Christie Fell Myles Hollywood Van der Kley McGregor Bowling Brown Hoare Schreiber	Councillors

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MINUTE NO. 163

18. 21/84662. Variations/Exceptions to Development Standards

A MOTION was MOVED by Councillors Fell and Van der Kley:

That the Council notes the report at Attachment 1 which identifies variations to development standards in development applications determined in accordance with the Environmental Planning and Assessment Act 1979 by the Local Planning Panel or determined by staff under delegation for Quarter 3 of 2020/21.

Upon being PUT to the Meeting, the MOTION was CARRIED, the vote being UNANIMOUS:

For		Against
Councillors	Greenhill Christie Fell Myles Hollywood Van der Kley McGregor Bowling Brown Hoare Schreiber	Councillors

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MINUTE NO. 164

19. 21/94805. LEP 2015 Draft Amendment 13 (Low Rise Code Exemption)

A MOTION was MOVED by Councillors Fell and Van der Kley:

- 1. That the Council acknowledges receipt of the letter from the Department of Planning, Industry and Environment dated 20 April 2021 (Attachment 1), which denies the Council an exemption from the Low Rise Medium Density Housing Code, despite acknowledgement from the Minister of Planning and Public Spaces at the meeting of 30 July 2020, that the Council had made a compelling case for such an exemption;**

2. That the Council acknowledges the advice provided by the Local Planning Panel on the Draft Planning Proposal, in support of Amendment 13 to Blue Mountains Local Environmental Plan 2015 (Attachment 2);
3. That the Council endorses the Draft Planning Proposal, Amendment 13 to Blue Mountains Local Environmental Plan 2015 (Enclosure 1) prepared in accordance with the provisions of Section 3.33 of the Environmental Planning and Assessment Act 1979;
4. That the Council refers the Draft Planning Proposal to the Department of Planning, Industry and Environment requesting a Gateway Determination in accordance with the Environmental Planning and Assessment Act 1979;
5. That the Council processes the Planning Proposal in accordance with a Gateway Determination issued under the provisions of Section 3.34 of the Environmental Planning and Assessment Act 1979;
6. That the Council receives a report, subject to Gateway determination, at the conclusion of the public exhibition period to enable consideration of submissions made to Blue Mountains Local Environmental Plan 2015 Amendment 13; and
7. That the Council delegates to the CEO or her delegate the authority to make minor amendments to the adopted Draft Blue Mountains Local Environmental Plan 2015 (Amendment 13) that may arise after the formal endorsement by the Council of this Planning Proposal, subject to such amendments maintaining the policy intent of the draft proposal.

Upon being PUT to the Meeting, the MOTION was CARRIED, the vote being UNANIMOUS:

For	Against
Councillors	Councillors
Greenhill	
Christie	
Fell	
Myles	
Hollywood	
Van der Kley	
McGregor	
Bowling	
Brown	
Hoare	
Schreiber	

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MINUTE NO. 165

20. 21/96203. Faulconbridge Cemetery and The Corridor of Oaks

A MOTION was MOVED by Councillors Hollywood and Van der Kley:

1. That the Council notes the actions already completed and the successful grant for \$2 million that will allow the delivery of many, if not all of the recommendations from the Conservation Management Plans for Faulconbridge Cemetery and The Corridor of Oaks; and

2. That the Council also considers opportunities to improve the pedestrian access to enable locals and visitors to walk safely between the two historic sites of Faulconbridge Cemetery and the Corridor of Oaks.

Upon being PUT to the Meeting, the MOTION was CARRIED, the vote being UNANIMOUS:

For		Against
Councillors	Greenhill Christie Fell Myles Hollywood Van der Kley McGregor Bowling Brown Hoare Schreiber	Councillors

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MINUTE NO. 166

21. 21/100901. Submission on draft Strategic Guide to Planning for Natural Hazards in NSW

A MOTION was MOVED by Councillors Fell and Van der Kley:

1. That the Council endorses the draft submission (Attachment 1) on the proposed “Strategic Guide to Planning for Natural Hazards”, to be sent to the NSW Department of Planning, Industry and Environment; and
2. That the Council delegates the authority to the Chief Executive Officer (or her delegate) to make minor amendments to the submission (Attachment 1) that may arise after formal endorsement and prior to it being submitted to the Department, subject to such amendments maintaining the policy intent expressed in the document.

Upon being PUT to the Meeting, the MOTION was CARRIED, the vote being UNANIMOUS:

For		Against
Councillors	Greenhill Christie Fell Myles Hollywood Van der Kley McGregor Bowling Brown Hoare Schreiber	Councillors

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MINUTE NO. 167**22. 21/100961. Creation of Easement Over Council Land At 606-620 Great Western Highway, Faulconbridge**

A MOTION was MOVED by Councillors Fell and Van der Kley:

That the Council approves the creation of electrical services easement traversing part of 602-626 Great Western Highway, Faulconbridge (Lots 30, 31 and 32 in DP 1083259), subject to Endeavour Energy, the dominant tenement, agreeing to pay all reasonable survey and legal fees, charges and costs associated with the matter.

Upon being PUT to the Meeting, the MOTION was CARRIED, the vote being UNANIMOUS:

For	Against
Councillors	Councillors
Greenhill	
Christie	
Fell	
Myles	
Hollywood	
Van der Kley	
McGregor	
Bowling	
Brown	
Hoare	
Schreiber	

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MINUTE NO. 168**23. 21/88391. Local Traffic Committee Minutes - 13 April 2021**

A MOTION was MOVED by Councillors Fell and Van der Kley:

1. **That the Council receives the Minutes for the Local Traffic Committee (LTC) of 9 February 2021; and**
2. **That the Council approves the recommendations from the LTC meeting Minutes of 9 February 2021 as follows:**
 - a. **2021:8 Cascade St, Katoomba – ‘No Parking Emergency Personnel Vehicle Excepted’ Signage Installation;**
 - b. **2021:9 Minni Ha Ha Rd, Katoomba – ‘No Stopping’ Signage Installation and Relocation;**
 - c. **2021:10 Station St Car Park, Wentworth Falls – ‘No Parking BMCC Vehicles Excepted’ Signage Installation;**
 - d. **2021:11 Macquarie Rd, Springwood – Pedestrian Crossing Safety Improvements;**
 - e. **2021:12 Koala Rd, Blaxland – Delineation of Bend and Installation of ‘No Stopping’ (C3) Line Marking.**

Upon being PUT to the Meeting, the MOTION was CARRIED, the vote being UNANIMOUS:

For	Against
Councillors	Councillors
Greenhill	

Christie
Fell
Myles
Hollywood
Van der Kley
McGregor
Bowling
Brown
Hoare
Schreiber

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MINUTE NO. 169

24. 21/95005. Wheelchair Access in Glenbrook

A MOTION was MOVED by Councillors Fell and Van der Kley:

That the Council undertakes a review of wheelchair accessibility as soon as possible within the Glenbrook township, with particular focus on crossings, and that a report comes to Council with findings and recommendations.

Upon being PUT to the Meeting, the MOTION was CARRIED, the vote being UNANIMOUS:

For		Against
Councillors	Greenhill Christie Fell Myles Hollywood Van der Kley McGregor Bowling Brown Hoare Schreiber	Councillors

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MINUTE NO. 170

25. 21/95858. Improved directional signage to Charles Darwin Walk, Wentworth Falls

A MOTION was MOVED by Councillors Hoare and Van der Kley

- 1. That the Council recognise that Charles Darwin Walk remains an important tourist drawcard to Wentworth Falls, in spite of being closed indefinitely due to flood damage;**
- 2. That the Council writes to the Minister for Transport to ask that Transport NSW staff work with Council to design and implement more conspicuous and highly visible signage on the platforms and at the top of the stairs and lift at Wentworth Falls railway station to more adequately inform visitors that Charles Darwin Walk is currently unusable, and to provide clear directions to the Wentworth Falls Lookouts by directing pedestrians along Falls Road; and**

3. That the Council reviews the state and location of existing temporary directional signage on Council controlled land, and ensure it is upgraded and maintained to an adequate standard until such time as sufficient funding becomes available to enable the repair of the Charles Darwin Walk.

Upon being PUT to the Meeting, the MOTION was CARRIED, the vote being UNANIMOUS:

For		Against
Councillors	Greenhill Christie Fell Myles Hollywood Van der Kley McGregor Bowling Brown Hoare Schreiber	Councillors

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MINUTE NO. 171

26. 21/95882. Hazelbrook Public Domain Masterplan - Update

A MOTION was MOVED by Councillors Schreiber and Hoare:

1. That the Council notes the completion of the pedestrian and vehicular safety elements of the Hazelbrook Village Centre Public Domain Masterplan;
2. That the Council notes that a car parking utilisation study will be programmed for completion early in 2021/22, which will consider potential future population growth in the Hazelbrook area;
3. That, subject to the outcomes of the car parking utilisation study, the Council will undertake a review of options to improve the car parking capacity and arrangements at Hazelbrook Village in the context of the Hazelbrook Public Domain Masterplan (2014) within the next three-year delivery program (2022-2025) and that this review may include consideration of the viability and cost of a two-tiered car park in the lower car park at Hazelbrook Village as well as measures to improve pedestrian access and safety between the upper and lower car parks; and
4. That, Officers, in consultation with our community, review the Hazelbrook Public Domain Masterplan (2014) and identify elements based on the studies to inform the next stage of the Hazelbrook Village improvement works to be delivered in the in the next three-year delivery program (2022-2025).

Upon being PUT to the Meeting, the MOTION was CARRIED, the vote being UNANIMOUS:

For		Against
Councillors	Greenhill Christie Fell Myles	Councillors

Hollywood
Van der Kley
McGregor
Bowling
Brown
Hoare
Schreiber

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27. 21/95891. Rest Park

This motion was withdrawn from the agenda at the request of Councillor Foenander to be presented to the June Council meeting.

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MINUTE NO. 172

28. 21/107285. Precis of Selected Correspondence

A MOTION was MOVED by Councillors Fell and Van der Kley:

That the Précis of Selected Correspondence be received and appropriate letters forwarded where necessary.

Upon being PUT to the Meeting, the MOTION was CARRIED, the vote being UNANIMOUS:

For		Against
Councillors		Councillors
	Greenhill	
	Christie	
	Fell	
	Myles	
	Hollywood	
	Van der Kley	
	McGregor	
	Bowling	
	Brown	
	Hoare	
	Schreiber	

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Mayoral Matter of Urgency

That the Council now considers a matter arising in relation parking at Blue Mountains ANZAC Memorial Hospital that has been ruled by the Mayor to be a matter of great urgency.

MINUTE NO. 173

Procedural - Matter of Urgency

A MOTION was MOVED by Councillors Brown and McGregor:

That, in consultation with the management of Blue Mountains Anzac Memorial

Hospital, the Council's Infrastructure Services Branch urgently consider viable options for three disabled parking spaces on Woodlands Road Katoomba outside the hospital emergency entrance to ensure there is adequate disabled parking at appropriate locations and after hours when the emergency entrance is the only one available to the public.

Upon being PUT to the Meeting, the MOTION was CARRIED, the vote being UNANIMOUS:

For		Against
Councillors	Greenhill Christie Fell Myles Hollywood Van der Kley McGregor Bowling Brown Hoare Schreiber	Councillors

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Mayoral Matter of Urgency

That the Council now considers a matter arising in relation Mount Wilson Progress Association that has been ruled by the Mayor to be a matter of great urgency.

MINUTE NO. 174

Procedural - Matter of Urgency

A MOTION was MOVED by Councillors Brown and Schreiber :

That the Council urgently consult with the Mount Wilson Progress Association and concerned residents and commit to an ongoing schedule for:

- 1. Increased pump outs and cleaning of public toilets, including an all-day cleaning service during the peak periods;**
- 2. Provision of an agreed number of portaloos during peak seasons;**
- 3. Maintenance and upgrade of existing toilets to meet public health standards and community expectations including hand washing facilities; and**
- 4. Urgent assessment of high use sites such as the Cathedral Reserve camping ground followed by prompt investment from grants and/or council rates income for installment of permanent toilets.**

Upon being PUT to the Meeting, the MOTION was CARRIED, the vote being UNANIMOUS:

For		Against
Councillors	Greenhill Christie Fell Myles	Councillors

Hollywood
 Van der Kley
 McGregor
 Bowling
 Brown
 Hoare
 Schreiber

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Mayoral Matter of Urgency

That the Council now considers a matter arising in relation Governor's Drive Lapstone that has been ruled by the Mayor to be a matter of great urgency.

MINUTE NO. 175

Procedural - Matter of Urgency

A MOTION was MOVED by Councillors Christie and Bowling :

1. **That the Council acknowledges the persistent problem of speeding along Governor's Drive Lapstone;**
2. **That the Council notes trucks of excessive weight/size for a small suburban road (i.e. semi-trailers, B-double tipper trailers) routinely use both Governors Drive and Darwin Drive, causing road blocks when they become stuck (attempting to re-route); and**
3. **That the Council writes to Transport for NSW, the NSW Transport Minister Andrew Constance and Penrith MP Stuart Ayres requesting:**
 - a. **Truck height and weight limits be applied to Governor's Drive Lapstone;**
 - b. **Speed/line crossing mitigation devices installed at various points along Governors Drive. The devices need to be of hard rubber design, to enable buses to still traverse the area;**
 - c. **Additional signage to be applied to the Governor's Drive exit from the Great Western Highway and to add further prominent 50km signage along Governors Drive; and**
 - d. **That local Police conduct regular, visible driver education activity along Governors Drive, during peak usage periods.**

Upon being PUT to the Meeting, the MOTION was CARRIED, the vote being UNANIMOUS:

For	Against
Councillors	Councillors
Greenhill	
Christie	
Fell	
Myles	
Hollywood	
Van der Kley	
McGregor	
Bowling	
Brown	
Hoare	
Schreiber	

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29. 21/106714. Public inquiry outcomes

A Question With Notice by Councillor Brown has been submitted to this Ordinary Meeting of the Council:

1. Has the detailed design and development application commissioned from GDH for the asbestos clean-up of the former Blackheath Waste Facility and approved at the BMCC meeting 29 Oct 2019 (Minute # 347) been finalised? What is the estimated cost and when is the application scheduled to be submitted?
2. What are the plans for approximately 4000 tonnes of gravel purchased and delivered to the Katoomba Waste management facility in 2019 where it remains piled up for the purposes of capping the Platform after the asbestos clean-up was completed?
3. What is the itemised cost of all BMCC clean-ups of asbestos at BMCC sites?
4. What amount has been agreed with SafeWork for the full or partial repayment recommended by the NSW Ombudsman for re-testing which totalled \$93,000 in relation to 3 of 43 asbestos management notices issued to Blue Mountains City Council by SafeWork since 2014?
5. What is the full cost of the dedicated staff and contractor time for the Public Inquiry?
6. What is the full cost of the Council's legal advice and representation for the Public Inquiry?
7. What was the nature and cost of the settlement of the grievances of 12 or 13 workers at Lawson car park and stockpile sites in November-December 2016 for which the Council has negotiated an Enforceable Undertaking with SafeWork in lieu of 8 prosecutions?
8. What steps has the Council taken to put in place documented safety responsibilities for Executive offices, Supervisors and Managers in its Council work health and safety management system [WHSMS] documents and employment contracts to align with its commitment to ensure 'that its existing WHSMS complies with the principles of AS/NZS 4801: 2001 within 24 months of the date of the Enforceable Undertaking with Safework' (Enforceable Undertaking 5(g))? and
9. Does the Council intend to seek certification for their Safety Management Systems under AS/NZ 4801? If so, what steps have been taken to engage the services of a certifying body to achieve this?

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MINUTE NO. 176

Procedural – Question that Meeting Close

A MOTION was MOVED by Councillors Van der Kley and Fell:

That as there was no further business before the Ordinary Meeting of Tuesday, 25 May

2021, the meeting closed at 10.39pm.

Upon being PUT to the Meeting, the MOTION was CARRIED, the vote being UNANIMOUS:

For		Against
Councillors	Greenhill	Councillors
	Christie	
	Fell	
	Myles	
	Hollywood	
	Van der Kley	
	McGregor	
	Bowling	
	Brown	
	Hoare	
	Schreiber	

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I confirm that these minutes, consisting of this page 27 and the previous 26 pages, were confirmed at the Ordinary Meeting of the Council on 29 June 2021.

Chairman: Mayor Mark Greenhill..... Date.....