

File No. 100/06
Our Ref: RAP

24 January 2007

Dear Councillor

You are kindly requested to attend an **ORDINARY COUNCIL MEETING** of Wingecarribee Shire Council to be held in the Council Chambers, Elizabeth Street, Moss Vale on **Wednesday, 31 January 2007** commencing at **3.00 pm**.

Yours faithfully

Mike Hyde
General Manager

3.00pm	Council meeting
	Open Council (Mayor vacates Chair)
	Nominated Councillor to Chair Open Committee
4.30pm	Mayor resumes Chair
5.30pm	Questions from the Public

BUSINESS

1. OPENING OF THE MEETING
2. PRAYER – Reverend Robyn Triglone of Mittagong Uniting Church
3. PUBLIC FORUM
4. APOLOGIES
5. ADOPTION OF MINUTES OF ORDINARY MEETING *held on Wednesday, 13 December 2006*
6. BUSINESS ARISING FROM THE MINUTES
7. DECLARATIONS OF INTEREST
8. MAYORAL MINUTE *(if any)*
9. OPEN COUNCIL *chaired by Clr N N Campbell-Jones*
 - Visitor Matters
 - Environment and Planning
 - Corporate Services
 - Technical Services
10. MAYOR TO RESUME CHAIR AT 4.30PM
11. COUNCIL MATTERS
 - General Manager
 - Corporate Services
12. NOTICES OF MOTION
13. DELEGATES REPORTS
14. PETITIONS
15. QUESTIONS FROM THE PUBLIC
16. CORRESPONDENCE FOR ATTENTION
17. QUESTIONS WITH NOTICE
18. COMMITTEE REPORTS *(Tabled)*
19. COMMITTEE REPORTS *(Attached)*
20. GENERAL BUSINESS
21. CLOSED COUNCIL



ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth St,
Moss Vale on Wednesday, 31 January 2007



DECLARATIONS OF INTEREST

DECLARATION OF INTEREST

101/3

Councillors are requested to declare any Pecuniary or Non Pecuniary Interests for items on the agenda.

VISITOR ITEMS

ENVIRONMENT & PLANNING DIVISION

v-EP1 Reporting on development of a Council Environment Policy

REF.	EHM	5465/29.2
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The purpose of this report is to advise Council of the development of an organisational Environment Policy and to seek Council's imprimatur to adopt the policy. The report will be presented by the Manager, Environment & Health.

REPORT

BACKGROUND

Wingecarribee Shire Council has recognized the importance of managing risks to council business and to this end has implemented a risk management system incorporating safety and environment.

As part of the process to manage our environmental risks, an environment management system is being prepared to ensure we have the right processes in place to minimize the risks that potentially negatively impact on the environment. A statement is required that outlines Council commitment on the environment so that all processes can be developed in line with this commitment. Such a statement is best articulated through the adoption of an Environment policy.

A drafted Environment policy was presented to the Executive in September and has since been widely circulated through Council for comment. Input was also sought from the Environment and Local Agenda 21 Committees. Comments have been collated and the final draft Environment policy is presented for Council consideration.

MANAGEMENT PLAN ISSUES OR IMPLICATIONS

It is the mission of the council '*To make the Shire a better place to live*'. In order to work towards this mission Council has identified strategies that need to be followed. These cover a range of topics, some of which are associated with environmental outcomes and meeting legislative requirements and community expectations.

An environment management system provides a structure to assist in the achievement of the strategies and vision, by ensuring environmental risks are identified and managed and that relevant environmental best practice programs and training are in place to offset and mitigate environmental risks.

The Environment Policy, as part of the environment management system, sets the guiding principles and builds upon statements made within the 2006/2009 WSC Management Plan.

An Environment Policy supports and directs the corporate planning cycle in the development of the management plan.

POLICY IMPLICATIONS

The adoption of an Environment Policy outlines the commitment of Council from an organisational and individual perspective to be responsible for actions in identifying, ameliorating and mitigating impacts on the environment. The policy has been written such that it reflects current practice within Council. It does not impose any new restrictions or actions upon council operations.

The draft environment policy has been prepared in line with council risk management procedures and in line with the OH&S policy to ensure consistency.

BUDGET IMPLICATIONS

There are no direct budget implications through the adoption of the environment policy.

Budget planning will however need to take into account management of any environmental risks identified as part of the environmental management systems and be prioritized as appropriate.

ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

(i) **Environmental Factors**

An Environment Policy outlines to staff and the community, Council's commitment to the environment and provides a document to guide decision making. The implementation of the policy is such that all staff will be made aware of their responsibilities and of the processes designed to minimize impacts on the environment within individual operational areas.

(ii) **Social Factors**

The adoption of an environment policy outlining Councils commitment can lead to cultural change, particularly when associated with an Environment Management System. With an environment policy in place, staff will become informed of and involved in the identification of environmental risks controls. An Environment policy demonstrates to staff and the community that council is committed to reducing its impact on the environment and being responsible for best practice management of their activities.

(iii) **Economic Factors**

Commitment to an Environment Policy supported by an Environment Management System can add value to Council through the identification and management of environmental risks, thereby reducing our exposure for fines, or costs associated with environmental clean ups. An EMS can also identify efficiencies and improved operational processes that can reduce overall project costs. Furthermore, a commitment to best practice environmental management may be considered favourable by some companies and individuals who because of this commitment chose to invest or locate their business in the Shire.



CONCLUSION

Wingecarribee Shire Council has a broad range of responsibilities relating to the environment. This includes ensuring its own operations and functions meet legislative and best practice standards, to providing appropriate policies and guidance for development.

An Environment Policy would demonstrate to staff and the community our commitment and leadership and provide direction in managing our environmental impacts.

Furthermore, the Policy and formal written procedures and practices are an important component in the development of an organisational EMS.

ATTACHMENTS

There is one attachment to this report (Draft Environment Policy) (**Attachment 1**).

RECOMMENDATION

1. THAT the proposed Environment Policy be adopted by Council
2. THAT the policy be considered and reported on in the preparation of future Council projects and reports.
3. THAT the policy be included in the Council Policy Manual
4. THAT the policy be made available to our staff and community through the intranet and Council web site.

ATTACHMENT 1

POLICY MANUAL
(Post 1 July 1993)

SUBJECT: Environment
POLICY TITLE: Environment
DIVISION: Environment and Planning
FILE NO: XXX

OBJECTIVE:

Wingecarribee Shire Council carries responsibilities under a range of legislation and policies to understand and manage their operations in regard to potential and actual environmental impacts.

Through the implementation of programs associated with our policy it is our aim to:

- Reduce environmental impacts
- Look for opportunities for environmental enhancement
- Reduce corporate and individual liabilities
- Be able to demonstrate due diligence of our environmental obligations
- Achieve our desired environmental outcomes

POLICY:

Wingecarribee Shire Council and the community have a vision to

“Make the Shire a better place in which to live”

Council recognizes that we have a responsibility to manage our impacts on the environment as we carry out our activities and services.

Our local environment is a valuable resource, both for current and future generations. Council is committed to protection of our local environment, the prevention of pollution and improving the sustainability of our operations.

We will demonstrate this commitment by:

- Complying with all relevant environmental legislation and regulations as well as applicable Local Government policies
 - Implementing effective environmental management practices for our sites and activities under our control to protect the environment and prevent pollution
 - Practising resource conservation management for our waste, water and energy
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- Monitoring and reporting on our progress towards sustainable development on a regular basis
- Preventing and minimising adverse environmental effects of developments through integrating the principles of ESD within our planning instruments
- Building environmental awareness amongst our employees through education and training and by encouraging staff to contribute, cooperate and participate in our sustainability initiatives;
- Making this policy readily available to the community, contractors, customers and staff; and
- Working cooperatively with stakeholders, including government, organizations and the community, and availing ourselves of knowledge, programs and educational initiatives that will improve and maintain the local environment.

This policy is supported and adopted by the Council and signed on their behalf by the Mayor and General Manager.

v-EP2 Reporting on WSC Sustainability Indicators

REF. EHM 5455

The purpose of this report is to advise Council of the development of a set of sustainability indicators for the Shire and to seek Council's imprimatur to publish the indicators as part of the community environmental education program under WOFE. The report will be presented by the Manager, Environment & Health.

REPORT

BACKGROUND

For Wingecarribee Shire Council, Sustainable Development is about creating value for the Shire by managing environment, economic and social aspects of not only the organisation's activities, but encouraging positive sustainable actions and outcomes of residents, business, investors, employees and visitors to the shire.

Council cannot create a Sustainable shire alone and has previously consulted the community through forums and workshops to establish the Vision for the Shire. This was captured in the document "Wingecarribee, Our Future Strategic Plan 2002".

Wingecarribee Shire Council has committed to this vision in the development of the draft LEP and the vision's principles are contained in the Corporate Plan. The commitment to a sustainable shire is being implemented through Council's Management Plan 2006/2009 and the recently endorsed Social Plan and other associated plans such as WOFE.

However, how do we demonstrate to the community that we are managing our operations sustainably and moving towards achieving the Vision?

One widely held method, adopted by organisations globally, is the establishment, implementation and reporting of "Sustainability Indicators".

Sustainability indicators are best seen as "signposts" indicating the direction and progress towards the quality of life and future that Council and the local community have aspired to. These indicators are designed to reveal trends and draw attention to changes so actions can be considered and implemented if required. Indicators are also a way of easy and effective communication. There is no universal set of indicators and hence, there is a wide range available to measure a community's performance towards Sustainable development.

The Local Agenda 21 Committee has identified a number of indicators which are considered applicable to the Shire and are seeking Council endorsement to utilize these indicators as a measure of the Shire's performance over time and as a measure to achieving a sustainable shire.

Economic Development

- Population
- Population growth
- Unemployment rates
- Visitor numbers
- Number of development applications – employment generating
- Number of people who live and work in the shire

Environment

Energy

- Council Greenhouse emissions
- Council energy consumption
- Council Green Energy usage

Water

- Residential Use
- Commercial Use
- Rural use
- Public Parks and facilities
- Institutions
- Total water use provided through Council activities
- Sewage treated (excludes OSSM)
- Waste water reused / recycled
- Biosolid reuse

Waste

- Total solid waste collected
- Total waste to landfill
- Total recycled material

Social

Land use

- Urban
- Industrial / business
- Rural
- Public green spaces
- Environment protection
- Water catchments
- National parks / crown land
- Land regenerated

Transport

- Utilisation of bus and rail services
- Method of travel to work by public transport

Housing

- New dwelling approved
- Median dwelling price
- Median weekly rental price
- Proportion of median density housing

Health and community

Chronic Disease rates

Reported crime offences

It is intended to publish these indicators at the same time as raising the community's awareness of sustainability, what it means and what it represents for the Shire. Accompanying the indicators will be a brief outline of why the indicators have been chosen, and what Council is and will be doing to manage them.

A document similar to the one attached is proposed (**Attachment 2**)

This "Snapshot" will be prepared on an annual basis, as part of the State of Environment reporting requirements.

MANAGEMENT PLAN ISSUES OR IMPLICATIONS

All indicators are linked to activities contained in Council's management plan as well as associated plans. This is shown in the table attached "Relationship of Sustainability Indicators to the Corporate Management Plan 2006-2009". (see **Attachment 1**)

This ensures that should the indicators be negative that Council can show there are plans in place to manage any impacts.

It also means that there are no implications for having to undertake additional plans.

POLICY IMPLICATIONS

The use and publication of the Sustainability indicators primarily supports the ESD Implementation Policy.

It is an objective of this policy to

"effectively inform and educate all staff and the broader community about sustainability principles and practice".

The use and publication of the indicators also assists in understanding where we are heading in regards to the Corporate Vision to "Make the Shire a better place in which to live".

BUDGET IMPLICATIONS

The compilation of the indicators and preparation of the publication will be undertaken in-house. Data for the indicators is sourced through freely available information sources such as Australia Bureau of Statistics.

There will be no additional funding required for the use and publication of the Sustainability Indicators.



ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

The use and publication of the Sustainability Indicators allows for the monitoring of the Shire's performance, as we as an organization and community aim for our vision. The indicators outline our performance in regards to environmental, economic development and social aspects. The publication of the indicators assists in promoting ESD in the community.

ATTACHMENTS

There are two attachments to this report:

1. Relationship of Sustainability Indicators to the Corporate Management Plan 2006-2009
2. Proposed Snapshot Publication.

RECOMMENDATION

1. THAT Council endorses the use of the selected indicators as a measure of the Shire's sustainability
2. THAT Council endorses the publication of these indicators to raise community awareness.
3. THAT Council endorse the annual review and update of the indicators.

Scott Lee
Director, Environment & Planning

23 January 2007

TECHNICAL SERVICES DIVISION

v-TS1 Service Level Agreement – Department of Commerce

REF: MBW

7799/15

Reporting on the Service Level Agreement for Occupational Liability in conjunction with the Department of Commerce.

REPORT

Mark Williams will attend the meeting to discuss this item.

BACKGROUND

The NSW Department of Commerce (and previously the Department of Public Works and Services) has historically managed the procurement of major water supply and sewerage infrastructure on behalf of Councils throughout the state. Until changes were made to the Country Towns Water Supply & Sewerage Program in 2004, the Department of Energy, Utilities and Sustainability used to engage Commerce to manage procurement of this infrastructure.

Council and Commerce have been in the process of developing a Service Level Agreement for the provision of project management services since late 2005. As reported to the Legal Committee meeting of 22 November 2006, one issue was preventing the finalisation of this agreement. Council was not satisfied with a proposed clause that would have limited Commerce's liability for acts or omissions in connection with the agreement to the amount of fees paid.

DISCUSSION

A revised proposal for professional liability cover was received from Commerce towards the end of last year and a copy of this letter is attached. While this proposal appears acceptable in relation to project and contract management services, it does not address indemnity cover when Commerce uses "in house" staff for the design phase of projects. Subsequent discussions have resulted in a proposed modification to clause 8 of the agreement to include the following wording:

Commerce's occupational liability arising from the provision of project management and related Services in connection with this Agreement shall be limited to that Monetary Ceiling equivalent to that applicable to a Category A member of Engineers Australia NSW Scheme under the Professional Standards Act 1994 (NSW). Where Design Services are arranged the occupational liability related to those services shall be briefed and fee proposals obtained to meet Wingecarribee Shire Council requirements (whether services are provided by in house or external design consultants).

While Council has sought a higher standard of Professional Indemnity insurance for the Leisure Centre Project Management Services tender (\$2 million as opposed to \$1 million), the level proposed for this agreement is considered acceptable for the following reasons:

1. The water and sewerage projects covered by the proposed agreement involve multiple sites and components, which means that potential professional negligence claims may generally be smaller.
2. Commerce is a government department with high standard risk management procedures.
3. The agreement is for an initial term of four years, which means that there will be ongoing availability of Commerce personnel to address issues as they arise.
4. Council has had a good working relationship with Commerce (and previously Public Works) over a long period of time.

Although the need for a formal agreement between Council and Commerce has been prompted by changes to the Country Towns Water Supply & Sewerage Program, it will be advantageous for both parties to establish clear procedures and accountabilities for the procurement of major water supply and sewerage capital works projects.

MANAGEMENT PLAN ISSUES OR IMPLICATIONS

Execution of this agreement will facilitate the procurement of infrastructure in accordance with Council's Management Plan and its Water Supply and Sewerage Strategic Plans.

ATTACHMENTS

Letter from Department of Commerce dated 27 November 2006.

RECOMMENDATION

THAT the General Manager be given authority to execute the Service Level Agreement with the Department of Commerce for project management services to procure major water supply and sewerage infrastructure on behalf of Council.

M J Brearley
Director Technical Services

25 January 2007

ATTACHMENT 1



South Coast Region
Mittagong Project Office
Lot B Priestley St
Mittagong NSW 2575
PO Box 618 Mittagong NSW 2575
Tel 02 48723716 Fax 02 4872 3712
ABN 54 625 095 406 TTY 1300 301 181
www.commerce.nsw.gov.au

Attn Mark Williams
Wingecarribee Shire Council
PO Box 141
MOSS VALE NSW 2577

27 November 2006

Dear Mark

**Service Level Agreement
Occupational Liability**

I wish to apologise for the excessively long time it has taken to finalise Commerce's position on occupational liability regarding our service provision to Wingecarribee Shire Council.

I have changed the proposed clause in Section 8 (page 12) of the Agreement on instruction from Executive Management of Commerce.

On reviewing the occupational liability capping offered under the Professional Standards Act (1994) and the Engineers Australia policy designed to meet this legislation it has been determined that it is appropriate to met the equivalent of Category A members of the Engineers Australia scheme.

The Category A member is one that derives a fee income up to \$5M per annum and as the fee income that South Coast Region expects to generate from this Agreement with Wingecarribee Shire Council is far less than \$5M p.a. this appears to be appropriate. The Category A member has an occupational liability capped at \$1M.

Obviously if Wingecarribee Shire Council required a level of service from Commerce in excess of \$5M p.a. we would review the liability cap in accordance with the Category B member.

You will understand that the Department of Commerce's arrangements with State Government Clients is on a different basis where Commerce acts more as a partner to supplement the resource abilities of the other government department rather than as a commercial service provider and hence other arrangements exist regarding occupational liability. It is Commerce's intention to maintain our standard insurance cover based on the normal state government client rather than take out specific insurance for our engagements with the WSC as we would have to pass on the additional insurance in our fees to you.

Let me also say that I do not envisage that we would ever get to a situation where our project management services were deficient to a degree that would require legal action on your part (the nature of the Service Level Agreement and its inbuilt review processes should ensure that any issues were quickly addressed). This situation has never arisen over our long association on your projects nor on any other projects in the South Coast Region.

I hope that this has clearly explained Commerce's position and resulted in a fair limitation on any occupational liability that may arise so as not to incur additional costs for insurance that would have to be recovered through our fees to you.

I hope that we can now agree on the Service Level Agreement and expedite execution.

If you have any further concerns please feel free to ring me to further discuss any issues prior to your agreement.

Yours faithfully,

Colin Simpson

OPEN COUNCIL

ENVIRONMENT & PLANNING DIVISION

o-EP1 Development Consents Under Delegated Authority

REF: DCM

5302

Submitting list of development consents executed under delegated authority of the Director of Environment and Planning between 6/12/06 and 23/1/07.

RECOMMENDATION

THAT the information relating to Development Consent Nos 1-18 under Delegated Authority be received and noted.

**Development Applications (DAs) Determined – 06/12/06 and 23/1/07
(Excluding Small Lot Subdivisions and Domestic Applications)**

1	06/1185	Lot 24 DP 1092824, 300 Argyle St, Moss Vale	Shoe Talk – shop fitout and signage
2	06/0088	Lot 1 DP 64663 Illawarra Hwy, Sutton Forest	Alterations & additions to Royal Hotel (Sutton Forest Inn) including strata subdivision of 14 hotel bedrooms & carpark
3	06/0392	Lot 1 DP 152426 & Pt Lot 3 Sec 2 DP 111234 Merrigang Street, Bowral	Proposed addition to existing Baptist Church
4	06/0844	Lot 1 Sec 23 DP 2944 Colo Road, Colo Vale	2 lot subdivision
5	06/1002	Part Lot 1 DP 227903 Garrett Street, Moss Vale (Roman Catholic Church)	2 lot subdivision
6	06/0799	Lot 170 DP 751252 and Lot 7 DP 1094783 Wombeyan Caves Road, High Range	4 lot subdivision
7	06/0992	Lot 1 Sec 31 DP 758098 Berrima Public School, Old Hume Highway, Berrima	Unlit tennis court and removal of 3 trees
8	06/0763	Lots 2-4 Sec 3 DP 2660 Church St, Burrawang	Boundary adjustment
9	06/1347	Lot 100 DP 1101279, 328-330 Bong Bong St, Bowral	Occupation of Shop 6 – Women's accessories
10	06/0772	Lot 11 DP 775073 and Lot 30 DP 807690 Berrima Road, Moss Vale	3 lot subdivision
11	06/1250	Lot 21 DP 1007706 Berrima Road, Moss Vale	3 lot subdivision
12	06/1262	Lot 7 DP 818473, 17 Gantry Place, Braemar	Factory storage shed

**Development Applications (DAs) Determined – 06/12/06 and 23/1/07
(Excluding Small Lot Subdivisions and Domestic Applications)
(Continued)**

13	06/0965	Lot 1 DP 1017008, Lot 1 DP 582277, Lot 2 DP 774598 Berrima Road, Moss Vale	Mineral additions project (Blue Circle Cement)
14	06/1453	Pt Lot 14 DP 751253 Argyle Street, Moss Vale	Columbarium Wall (Anglican Church)
15	06/0876	Lot 10 DP 565942 'Darvy Park' Tugalong Road, Canyonleigh	Vineyard & Olive Grove
16	06/0006	Lot 2 DP 1087669 Kings Road, Moss Vale	2 lot subdivision
17	06/0873	Lot 14 DP 751277, Lot 1 DP 906559, Lot 1 DP 104545, Lot 1 DP 652569 and Lot 1 DP 652056 Kangaloon Rd, Kangaloon	Boundary adjustment
18	06/1390	Lot 4 DP 1053325, 17-19 Old Dairy Close, Moss Vale	Site re-grading (civil engineering works)



o-EP2 List of Development Applications Received by Council

REF: DCM 5302

Submitting list of development applications which have been received between 6/12/06 and 23/1/07, some of which will be dealt with under delegated authority of the Director of Environment & Planning.

RECOMMENDATION

THAT the information regarding the List of Land Use Applications Nos 1-44 received by Council be received and noted.

SEE ATTACHED

<p>H – Heritage T – Traffic M – Master Plan E – Economic Devt En - Environment</p>
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**Development Applications (DAs) Received – 06/12/06 to 23/01/07
(Excluding Small Lot Subdivisions and Domestic Applications)**

	LUA No	Legal Description	Property Address	Description	Works & Planning	Delegation	Committee Referrals
1	06/1358	Lot 38 DP 1044938	5 Reflections Way, East Bowral	4 lot subdivision		✓	
2	06/1361	Lot 1 DP 1051557	14 Villiers Road, Moss Vale	2 lot subdivision		✓	
3	06/1362	Lots 152 & 153 DP 551920	'Attunga' 24 Soma Avenue, Bowral	Boundary adjustment		✓	
4	06/1363	No legal fields on this land parcel	Various LUAs	Renwick, Landcom roadworks and traffic lights. New intersection to Old Hume Hwy & Inkerman Road	✓		
5	06/1368	Lot 1 DP 587573	34 Bendooley Street, Bowral (St Judes Church)	Replacement fence (refer earlier Councillor's Circular)		✓	
6	06/1374	Lot 103 DP 1021005	'Murrisk' Illawarra Highway, Sutton Forest	Farm office reception vet's work room, equipment store and general office		✓	

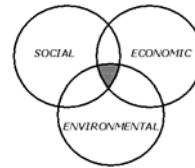


	LUA No	Legal Description	Property Address	Description	Works & Planning	Delegation	Committee Referrals
7	06/1377	Lot 1 DP 197253	3 Church St, Bundanoon	Retail shop		✓	
8	06/1378	Lot 1 DP 802339	1 Church St, Bundanoon	Addition to shops		✓	
9	06/1387	Lot 2 DP 1080318 & Lots 9 & 10 D 786361	Meryla Road, Meryla	Boundary adjustment		✓	
10	06/1388	Lot 12 DP 1040206	Sally's Corner Road, Exeter	Local Rural Industry, timber waste recycling		✓	
11	06/1390	Lot 4 DP 1053325	17-19 Old Dairy Close, Moss Vale	Civil engineering works site, regarding works		✓	
12	06/1394	Lot 16 SP 32202	Milton Park, Horderns Road, Bowral	Additions of front entry to country villa		✓	
13	06/1405	Lot 456 DP 258059	Westpac Bank, 319-323 Bong Bong Street, Bowral	Renovate existing Bank building & new additions at rear & side to provide additional retail spaces to Empire walk arcade	✓		M
14	06/1414	Lot 11 DP 1091676	197 Old Hume Highway, Mittagong (Mittagong MarketPlace)	Shop fitout No 27 – Newsagent		✓	
15	06/1415	Lot 2 DP 842623	Harbison Village, Yarrawa Road, Moss Vale	Aged care facility extension to existing hostel	✓		T
16	06/1416	Lot 2 DP 236783	29 Gladstone Road, Bowral	2 lot subdivision		✓	



	LUA No	Legal Description	Property Address	Description	Works & Planning	Delegation	Committee Referrals
17	06/1426	No legal fields on this land parcel	Various LUAs	Railway Bridge and upgrade roadworks in Inkerman Rd to facilitate access to Renwick	✓		
18	06/1427	Lot 4 DP 262438	Boolwey Street, Bowral	Internal refurbishment of existing Coles Supermarket		✓	
19	06/1430	Lot 37 DP 711066	6 Braeside Road, Bowral	Office / studio		✓	
20	06/1435	Lot 11 DP 1091676	197 Old Hume Highway, Mittagong (Mittagong Marketplace)	Medical consulting rooms fitout (LUA06/1179)		✓	
21	06/1438	Lot 11 DP 1091675	197 Old Hume Hwy, Mittagong (Mittagong Marketplace)	BDCU shop fitout		✓	
22	06/1440	Lot 50 DP 841886	McDonalds, 25-29 Bowral Road, Mittagong	Alterations to McDonalds restaurant		✓	
23	06/1452	Lot 1 DP 874278	Etheridge Street, Mittagong	Waste liquid separator and wash bay facility		✓	
24	06/1428	Lots 1 & 4 DP 231893	514-516 Moss Vale Road, Burradoo	Community Title SEPP / Seniors living dev conversion of Karrara Residence to community facility	✓		T H
25	07/0003	Lot 15 Sec 44 DP 1374	10 Cavendish St, Mittagong Home Hardware	New warehouse & extension of existing warehouse		✓	
26	07/0005	Lot 1 DP 7243511	2 Princes St, Mittagong Home Hardware	Demolition of existing buildings, Masonic Lodge & Hall and existing dwelling		✓	

	LUA No	Legal Description	Property Address	Description	Works & Planning	Delegation	Committee Referrals
27	07/0006	Lot 11 DP 1091676	197 Old Hume Hwy, Mittagong (Mittagong Marketplace)	Shop fitout – Ladies fashion store Ally		✓	
28	07/0007	Lot 1 DP 815038	Berrima Park Lodge, Iona Park Road, Moss Vale	2 lot boundary adjustment		✓	
29	07/0024	Lot 1 DP 1091126, Lot B DP 106191, Lot 51 DP 751289	Jumping Rock Road, Bundanoon	7 lot subdivision – lots of 40 ha +	✓		T
30	07/0025	Lot 11 DP 1091676	197 Old Hume Hwy, Mittagong (Mittagong Marketplace)	Shop fitout – Cold Food takeaway Hut		✓	
31	07/0027	Lot 117 DP 1066945, and Lots 1 & 2 DP 751286	'Nandi' Nandi Road, Canyonleigh	16 lot subdivision – lots of 40 ha +	✓		T
32	07/0034	Lot 11 DP 1091676	197 Old Hume Highway, Mittagong	4 lot subdivision of Mittagong Marketplace and adjacent commercial properties. Subdivision proposes necessary easements, rights of access & separate historical relics.		✓	
33	07/0039	Lots 1 & 2 DP 995850 and Lot 1 DP 155385	Church, Bendooley Street, Bowral	Reforming & resealing of carpark & internal access		✓	
34	07/0041	Lots 1-3 DP 1091775	Walkers Lane, Avoca	3 lot subdivision		✓	
35	07/0042	Lot 8 DP 21133	76 Station Street, Bowral	Site hoarding, Cnr Wingecarribee & Station Streets		✓	



	LUA No	Legal Description	Property Address	Description	Works & Planning	Delegation	Committee Referrals
36	07/0044	Lot 101 DP 805720	15 Old Hume Hwy, Braemar	8 lot strata subdivision		✓	
37	07/0045	Lot 1 DP 589875 and Lots 1-2 DP 620618	Trelm, 65 Argyle Street, Moss Vale	7 lot subdivision		✓	
38	07/0049	Lot 12 DP 748370	Chevalier College, Moss Vale Road, Burradoo	Levelling of open ground for sports pitches		✓	
39	07/0050	Lot 12 DP 748370	Chevalier College, Moss Vale Road, Burradoo	Demountable 4 room music tutorial block		✓	
40	07/0053	Lots A-C DP 332433	101-103 Hoddle Street, Robertson	4 shops proposed behind & to the west of new Post Office		✓	
41	07/0061	Lots 2, 3 & 37 DP 751251	Evandale, Medway Road, Medway	7 lot subdivision	✓		
42	07/0064	Lot A DP 399642	Sandwich shop, 11 Cavendish Street, Mittagong	Demolition of sandwich shop & erection of industrial units.		✓	
43	07/0070	Lot 100 DP 1037724	Moss Vale Services Club, 17 Yarrawa Street, Moss Vale	Unenclosed terrace to Moss Vale Services Club		✓	
44	06/1457	Lot 5 DP 548018 & Lot 5 DP 775976	Capernwray, Moss Vale Road, Burradoo	SEPP SL Retirement village – construction of 99 independent living residences, associated leisure & recreation facilities, cultural & arts facility with a potential seating capacity of 250-300 available to the public & associated parking.	✓		T

o-EP3 Land Use Applications Received

REF: DCM 5302

Submitting list of Land Use applications received under delegated authority of the Director of Environment & Planning for the month of August 2006.

RECOMMENDATION

THAT the information regarding the List of Land Use Applications Received by Council for the month of December 2006, be received and noted.

LAND USE APPLICATIONS								
(Includes DA's, Const. Cert., BA's Local Gov. Act, Sandwich Boards, St App)								
Month	Total Applications Received		Cumulative		Dwellings DA's Only		No of Flats/ Units / Dual Occ / Cluster Housing SEPP SL	
	2006	2007	2006	2007	2006	2007	2006	2007
January	99(*33)		99		7		1(5)	
February	80(*15)		179		8		3(19)	
March	115(*12)		294		16		2(10)	
April	76(*9)		370		6		1(4)	
May	123(*10)		493		13		1(2)	
June	175(*12)		668		25		2(59)	
July	128(*15)		796		20			
August	145(*12)		941		24		3(3)	
September	125(*12)		1066		13		1(3)	
October	154(*29)		1220		18			
November	137(*23)		1357		15			
December	112(*6)		1469		17		2(152)	

*Notice of issue of Construction Certificates & Complying Development Certificates by Private Certifier

NOTE # Includes Seniors Living (SEPP 5)

o-EP4 NSW Food Regulation Partnership

REF: EHM

5401/3

This is an information report on the proposed model for the NSW Food Regulation Partnership between the State and Local Government. The report is to raise Councillor awareness of proposed legislation changes which can impact on Council services and resources.

REPORT

The NSW food safety system was independently reviewed in 2002 by the Hon. John Kerrin. The review identified areas for improvement in the NSW food regulatory system, and in particular the need to clearly define responsibilities and adequately resource the role of local government.

The NSW Government and local governments have worked together to develop a model for a food regulation partnership. This model is proposed to go before state parliament in early 2007, after which the model becomes legislation.

If adopted the model will:

- Clearly define the respective roles of Councils and the NSW Food Authority;
- Provide a dedicated program to support and assist council roles in food regulation;
- Establish arrangements for coordination of the NSW food regulatory systems; and
- Provide a secure funding base for councils' food regulatory work.

The model does provide flexibility and does allow the majority of councils to continue their current level of involvement in food regulatory work if they so choose.

The key recommendation in relation to defining roles is that councils should nominate to participate in food regulatory work at 1 of 3 levels – either Category A, B or C.

Category A would be the base minimum role for all councils. It represents current statutory requirements, food premises approvals, and activities where council involvement is critical to protecting consumers (i.e. responding to emergencies and urgent food recalls).

Category B service level includes the inspection and enforcement action of retail and food service businesses, in addition to Category A duties. Category B activities closely reflect Council's current role.

Category C service level would include any other role negotiated directly between councils and the NSW Food Authority, for example premises inspections of food manufacturers.

It should be noted that the nominated service 'Category' levels can be changed, and must be reviewed after each local government election.



The model also provides flexible funding arrangements, which provide a stronger mechanism for councils seeking cost recovery. This would be achieved by the NSW State Government publishing a schedule of recommended maximum inspection fees (reflecting full cost recovery), enabling councils to make annual administration charges (up to a recommended maximum), and prescribing a fee to recover the cost of issuing and following-up an improvement notices.

Adoption of the category B service level by Council would see a continuation of a regulatory role similar to that currently in force. This would also have the benefit that Council would maintain control over compliance inspection and their enforcement, maintain control over fees and charges, and provide a service expected by local businesses and ratepayers.

It is expected that the NSW Food Regulation Partnership model will go before parliament early in 2007. Adoption of the model by parliament would see an amendment to current legislation. At that point, Council will need to nominate their 'Category' and sign a service level agreement with the NSW Food Authority. If the legislation changes are adopted in January 2007, it is expected that the councils will commence their roles in July 2007.

Therefore on adoption of legislation it is proposed that a further report be submitted to Council where a service 'Category' level will be decided upon. This would then lead to a review of associated fees and charges which would be adopted in accordance with Council's revenue policy process.

MANAGEMENT PLAN ISSUES OR IMPLICATIONS

This report is for information only. Forecasted legislation changes would see a further report to Council that would contain management plan implications.

POLICY IMPLICATIONS

This report is for information only. Forecasted legislation changes would see a further report to Council that would contain policy implications.

BUDGET IMPLICATIONS

This report is for information only. Forecasted legislation changes would see a further report to Council that would contain policy implications.

ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

(i) Environmental Factors

This report is for information only. Forecasted legislation changes would see a further report to Council that would consider ESD.

(ii) Social Factors

This report is for information only. Forecasted legislation changes would see a further report to Council that would consider ESD.



(iii) Economic Factors

This report is for information only. Forecasted legislation changes would see a further report to Council that would consider ESD.

ATTACHMENTS

There are no attachments to this report.

RECOMMENDATION

1. THAT the information be noted in the lead up to proposed legislation changes
2. THAT on adoption of the proposed legislation changes, a further report be submitted for Council to consider the adoption of a service 'Category' level.
3. THAT on adoption of a service 'Category' level, relevant fees and charges be reviewed in accordance with Council's revenue policy review.

o-EP5 Deed of Agreement Signature

REF: DEP (SPM)

5701/9, 6535/1, PN 774400

This report requests the seal of Council on a deed of agreement between Thiessen and Council regarding land at Horderns Road, East Bowral.

REPORT

BACKGROUND

Council considered a report in August 2005 regarding a parcel of land at Hammock Hill in East Bowral zoned 6(d) Proposed Recreation and resolved:

'3. THAT Council supports the rezoning of part of Lot 8 DP 1416 off Horderns Road East Bowral from 6(d) Proposed Recreation Reservation zone and 5(a) Special Uses Reservoir to 1(c) Rural Small Holdings zone, AND THAT this rezoning form part of the Shirewide LEP, AND THAT Council delegates authority to the Mayor and General Manager to enter into a suitable deed of agreement with the land owners.'

The reason for the deed with Council is to ensure that:

- Any development on the land currently zoned 6(d) requires a site specific study by a suitably qualified consultant at the property owner's expense to ascertain the significance of the bushland in terms of what should be conserved, development potential and any maintenance requirements for the land.
- Subject to Council resolving to rezone the land, the owners of the land cannot request that Council acquire the land prior to gazettal of the Shirewide LEP. The new LEP template zone of R5 Large Lot Residential will be applied.

REPORT

A deed was prepared between the parties and ongoing discussions, amendments and delays have meant that it is now ready to be affixed with Council's Seal. The resolution of Council omitted the need for the deed to be sealed. Staff are seeking to execute the deed prior to exhibition of the Shirewide LEP.

This report amends the 24 August, 2005 resolution by including the seal of Council be placed on the deed.

MANAGEMENT PLAN ISSUES OR IMPLICATIONS

None known.



POLICY IMPLICATIONS

Consistent with Council's adopted policy in relation to the disposal of surplus Council land.

BUDGET IMPLICATIONS

Not having to acquire the land is a major cost saving for Council.

ATTACHMENTS

There are no attachments to this report.

RECOMMENDATION

1. THAT Council supports the rezoning of part of Lot 8 DP 1416 off Horderns Road East Bowral from 6(d) Proposed Recreation Reservation zone and 5(a) Special Uses Reservoir to R5 Large Lot Residential zone, AND THAT this rezoning form part of the Shirewide LEP.
 2. Council delegates authority to the Mayor and General Manager to enter into a suitable deed of agreement with the land owners under the Common Seal of Council.
-

o-EP6 Potential Land Release Sites

REF: SPM

5602/13

Reporting on the criteria for the selection and assessment of potential urban land release areas.

REPORT

Council considered a report on 13 December 2006 outlining the Wingecarribee Residential Growth Strategy 2007-2020 and resolved:

1. *THAT the Environmental Studies for Chelsea Gardens, Wensleydale and Gibbergunyah be received and noted by Council.*
2. *THAT the Environmental Studies mentioned in Item 1 be made publicly available at the Council's Customer Service Centre, Public Libraries and on the Council's Web site as soon as practicable.*
3. *THAT three Public Information Sessions be held in Colo Vale, Mittagong and Moss Vale in February 2007 to allow the community to obtain information and provide feedback on the possible future release areas.*
4. *THAT a further report be submitted to Council on the outcomes of the Community Consultations.*
5. *THAT the first edition of Wingecarribee Today 2007 be devoted to the proposed Residential Growth Strategy 2007-2020 with provision for a response from the ratepayers.*
6. *THAT a report be presented to the Ordinary Meeting of Council to be held on Wednesday, 14 February 2007 as to other potential land release areas.'*

The primary purpose of this report is to address Item 6.

Item 2 above was completed prior to Christmas. Item 3 has been organised with details provided in a *Wingecarribee Today* edition which is aimed at circulation in mid March as required under Item 5 (**Attachment 1**). The draft special edition will be presented to the first LEP Steering Committee meeting on 21 February 2007.

Prior to nominating other potential land release areas throughout the shire, criteria for the selection and assessment of such areas should be agreed to. The 'Wingecarribee Our Future Strategic Plan' identifies various criteria for the selection of the expansion of town and village boundaries. In addition, the Illawarra Regional Environmental Plan (REP) also sets out some guidance in this regard.

The following criteria are sourced from these references to formulate a set of criteria that is categorised as essential and desirable criteria.



Illawarra REP

Illawarra Regional Environmental Plan No 1 came into force in April 1986, and must be taken into consideration by Council in the preparation of new or amending local environmental plans or the determination of development applications. Matters for consideration are set out into:

- Residential areas (Living Areas)
- Villages and small settlements
- Services

Provisions Relating to Living Areas

“As part of the objectives of the section relating to living areas the Plan aims to:-

- *Ensure that urban expansion is orderly and efficient having regard to the constraints of the natural environment and that sufficient land is available to prevent price rises resulting from scarcity of land;*
- *Ensure that new residential land or land for higher density development is only developed where there are adequate utility and community services available or there is a commitment from the relevant authorities or developer to provide those services;*
- *To provide for a range of lot sizes, dwelling types and tenure forms to cater for varying household needs in all local government areas;*
- *To ensure that residential development does not take place on hazard-prone lands; and*
- *To minimise bush fire risks to urban development.”*

Extension of villages and small settlements

“Planning of such shall have regard to:

- a) whether at least 50 per cent of the optimum residential development of the existing area zoned for that purpose has been developed;*
- b) whether the type of development proposed cannot be provided in existing larger urban centres;*
- c) whether an assessment of the physical proximity of the area to other small settlements and their capacity to absorb similar development has been made;*
- d) whether preference should be given to the expansion of areas which have been the subject of past subdivision on which development for dwelling-houses is not permitted;*
- e) whether the proximity of the area to sub regional urban resources has been considered;*
- f) whether an assessment has been made of the desirability of establishing new small settlements as an alternative to expansion of existing small settlement; and*
- g) whether the need to preserve the character of existing small settlement has been determined.”*



Services

“A draft LEP for residential development or an increase in the density of existing residential development shall only be prepared when:-

- a) adequate water, electricity and sewage disposal facilities can be provided; and*
- b) public authorities are satisfied that adequate community services and facilities, including schools, and health services to cater for demand generated by the development can be provided.*

A draft LEP involving the rezoning of land that is likely to give rise to the need for additional bus services shall only be prepared after the consent authority has:-

- a) consulted with the Urban Transit Authority and taken into account any recommendation which it makes.”*

Wingecarribee Our Future Strategic Plan

The Sustainable Housing Policy component of the Strategic Plan set out criteria to accommodate the Shire’s residential needs to 2011 and provide a total of 4400 additional housing opportunities. This criteria included (p 145):

“Identification of any suitable sites for limited future residential subdivision that satisfy stringent planning criteria, and which:

- only result in a minor variation to an existing urban zone;*
- do not compromise the existing visual catchment boundary of the town or village;*
- prevention of towns or villages ‘merging’ into each other;*
- have no adverse impact on the environment, particularly water quality, bio-diversity, and landscape character;*
- are within the service and environmental capacity of existing infrastructure, particularly sewer, drainage, water, roads and community facilities;*
- have reasonable access to existing facilities; and*
- have no significant physical constraints or risks to existing or future development, including bush-fire and flooding.”*

In addition, constraints and criteria to the expansion of villages was identified and summarised as (p 134):

- Any expansion of the villages could jeopardise the overall character of the Shire.*
- the expansion of some of the villages is heavily constrained by bushfire risk, topography, ecological significance and issues of effluent management.*
- The size and distance from residences to local facilities in each village significantly influences, a village’s sense of place, cultural identity and sense of community.*
- Expanded villages also create additional infrastructure needs which may not be able to be serviced.*

The Strategic Plan summarised the 'Strategic challenges' as they relate to future development sites as:

- Retain character, especially of the shires villages.
- Natural constraints – bushland (flora and fauna), bush fire, flooding, geotechnical (slope),
- Man made constraints – visual catchment, drinking water catchment, coal and extractive resources, water supply and sewerage disposal.
- Integration of transport and planning – need for sustainable public transport services, separation of isolation of existing villages, location of higher order services in the main towns.

Whilst the Strategic Plan mentioned the environmental capacity of existing infrastructure as a constraint, recent rezonings (eg. Renwick), potential rezoning investigation areas (eg. Chelsea Gardens) and numerous retail/commercial Development Applications have emphasised the importance of maintaining a functioning traffic network and impact of inappropriately located large scale development on infrastructure.

Demand

One important criteria not captured in the Strategic Plan is demand, that is the location of where demand is. For example, it is would not be wise to identify the capacity for a large release of residential lots where there is little demand, eg. say Penrose or Wingello.

Supply should as much as possible match the location of demand. Previous studies on the ability of new development to absorb developer contributions cited three (3) distinct submarkets within the shire with three different average vacant land sale values.

These, not surprisingly, are the general areas of Mittagong, Bowral and Moss Vale.

Table 1 - Suggested Criteria

ESSENTIAL	DESIRABLE
Ability to avoid natural hazard constraints such as flooding and bushfire.	Retain character of locality
Minimal environmental impact – bushland, slope/geotechnical, flora, fauna, and riparian corridors/water quality/wetlands.	Located near areas of existing vehicle transport capacity
Transport – sustainable impact on existing traffic network.	Ability to connect to pedestrian networks
Services – Ability to be serviced by town water and reticulated sewer.	Proximity to higher order services such as health, schools and major retail etc.
Location of supply matches demand	Visual catchment impacts
Retains distinct boundaries between existing towns and villages (no merging)	No significant Heritage (Aboriginal and European) values
Land contamination	Access to community services
Does not exacerbate existing flooding conditions in residential areas	Noise/amenity impacts
Impacts on viability of adjoining land uses e.g. employment, agriculture	



Management Plan Implications

The level of work involved in the investigation of potential urban land release areas is significant as preliminary assessments need to be undertaken to determine likely suitability. There is also the need to work through potential sites in-house both technically and politically to determine which sites have merit before public release and therefore potentially escalating the expectations of land owners involved.

Summary

The process of identifying other potential land release areas is best carried out in the context of a total review of the Wingecarribee Our Future Strategic Plan.

To this end, it has been suggested that Council, through the 07/08 Budget Process commit funds to a 3 year project of preparing a new Strategic Plan for the Shire. It is noted that this would follow the implementation of the new Shirewide LEP as well as the release of the revised Sydney to Canberra Corridor Strategy which is expected in the near future

Bearing this in mind, it is considered more appropriate that this process be worked through under the terms of the LEP Steering Committee.

ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

(i) Environmental Factors

The above suggested criteria suggests selecting potential urban areas with minimal environmental constraints.

(ii) Social Factors

Not applicable.

(iii) Economic Factors

Not applicable.

ATTACHMENTS

There are no attachments to this report.

RECOMMENDATION

THAT the process for selecting other potential urban land release areas be considered by the LEP Steering Committee.



o- EP7 Wingecarribee Housing Strategy Group Membership

REF: SPM

5600/8, 1823

Reporting on proposed changes to the Wingecarribee Housing Strategy Group Membership.

REPORT

On 25 October 2006, Council adopted the Terms of Reference endorsing that the Wingecarribee Housing Strategy Group would include up to ten members, comprising;

- two Councillors;
- two representatives of Argyle Housing;
- two representatives from the NSW Department of Housing;
- two representatives of Council's Economic Development Committee and
- two officers from Council's Strategic Planning Branch.

Council delegates are Cr Mauger and Cr Campbell Jones. Strategic Planning officers are Mark Pepping Manager Strategic Planning and Margo McClelland, Social Planner. Economic Development Committee nominees are Carl Pemberton, Economic Development Officer and Malcolm Yell who has subsequently submitted his resignation from the Group due to other commitments.

Housing Department participants are Donald Proctor, Director Resource Planning, Greater Western Sydney Division and Michael Oelofse, Senior Policy Officer from the NSW Centre for Affordable Housing. Both will assist the Housing Strategy Group but are unable to attend regular meetings due to respective responsibilities and distance.

Representatives from Argyle Housing are Brian Murnane, Executive Manager Development, Lesley Oatley, Executive Manager Administration and Rod Aistroke, a Board member who originally elected to attend meetings as an observer. Mr Aistroke has attended the three meetings held to date, and now expresses a strong interest in formal participation. Consequently on 28 November, members of the Housing Strategy Group recommended that Argyle Housing representation be increased from two to three participants.

As the next meeting of the Group is scheduled for 6 February 2007 it is appropriate that Council adopt the amendments to the Terms of Reference prior to the first meeting of the new year.

ATTACHMENTS

There are no attachments to this report.



RECOMMENDATION

1. THAT Council endorse an amendment to the Terms of Reference of the Wingecarribee Housing Strategy Group to include up to eleven participants, three of which may be nominated by Argyle Housing.
2. THAT Council request the Economic Development Committee to nominate an alternative community representative to participate on the Housing Strategy Group.
3. THAT Council endorse as members of the Wingecarribee Housing Strategy Group.
 - Councillor Campbell-Jones
 - Councillor Mauger
 - Brian Murnane, Executive Manager Development, Argyle Housing
 - Lesley Oatley, Executive Manager Administration Argyle Housing
 - Rod Aistrop, Board member Argyle Housing
 - Michael Oelofse, Senior Policy Officer, Centre for Affordable Housing.
 - Donald Proctor, Director Resource Planning Greater Western Sydney NSW Housing
 - Carl Pemberton, Economic Development Officer
 - Member of the Economic Development Committee
 - Mark Pepping Manager Strategic Planning
 - Margo McClelland, Social Planner.

o-EP8 Companion Animal Legislation Amendments

REF: EHM

5500/4

Reporting on amendments to the *Companion Animals Act 1998* and the *Companion Animals Regulation 1999*.

REPORT

Amendments to the *Companion Animals Act 1998* and the *Companion Animals Regulation 1999* came into force on 1 January 2007. A number of changes have been made, most of them affecting the way Dangerous Dogs and Restricted Dogs are controlled.

Some of the key amendments include:

- Enabling a dog that displays unreasonable aggression or a dog that is kept or used for the purposes of hunting to be declared a dangerous dog under the Act (dogs used or kept for the purpose of locating, flushing, pointing or retrieving birds or vermin are excluded);
- Increasing penalties for some offences under the Act (particularly in relation to dangerous and restricted dogs);
- Prohibiting the sale (which includes giving away) and the acquisition of dangerous dogs in the same way as restricted dogs cannot be sold or acquired;
- Enabling a dangerous or restricted dog to be seized and immediately destroyed if the dog attacks or bites without provocation or if the enclosure or muzzling requirements have not been complied with on two separate occasions over a 12 month period;
- Requiring the owner of a dangerous or restricted dog to obtain a certificate of compliance in relation to the enclosure in which the dog is required to be kept (this includes the owners of existing dangerous or restricted dogs);
- Requiring a dog owner generally to take reasonable precautions to prevent the dog from escaping from the property on which it is kept;
- Enabling authorised officers of councils to make declarations under the Act in relation to dangerous dogs and restricted dogs instead of the council itself having to make such a declaration;
- Removing the exemption for working dogs from the identification and registration requirements under the Act (working dogs that are ordinarily kept in the unincorporated area of NSW or on rateable land that is categorised as "farmland" under the *Local Government Act 1993* will be exempt from registration by Regulation).

One amendment in particular requires the owner of a dangerous or restricted dog to obtain a 'Certificate of Compliance' in relation to the enclosure in which the dog is required to be kept. Certificates of Compliance are issued by Council's Authorised Officers, and for this purpose the Act requires the payment of a fee prescribed by the regulations (or such fee as does not exceed the prescribed fee). The *Companion Animals Regulation 1999* has set the prescribed fee at \$100. It is proposed for Council to charge the owners of dogs the prescribed fee for the issuing of compliance certificates.



It is proposed to enforce the legislation as amended, and to inform owners of existing dangerous and restricted dogs of the changes to the legislation, the requirement for them to obtain a compliance certificate for the required dog enclosure, and Council's intention to charge the prescribed fee set by the regulation for the issuing of these certificates. There are currently fewer than 50 owners of existing animals that would be affected by these new requirements.

MANAGEMENT PLAN ISSUES OR IMPLICATIONS

Associated activities are part of the existing Environment and Health Program in the current Management Plan.

POLICY IMPLICATIONS

It is proposed for the prescribed fee for the issuing of a certificate of compliance, to be included in Councils Revenue Policy.

BUDGET IMPLICATIONS

It is proposed for the prescribed fee for the issuing of a certificate of compliance, to be included in Councils Revenue Policy. It is expected that the prescribed fee will offset costs associated with the issuing of the certificates.

ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

(i) Environmental Factors

Enforcement of the legislation should contribute to public safety, domestic and agricultural animal welfare, and fauna protection.

(ii) Social Factors

Enforcement of the legislation should contribute to the Shire amenity, public safety and help control community nuisances.

(iii) Economic Factors

Enforcement of the legislation should benefit the agricultural and urban sectors. Inclusion of prescribed fees and increased fines should aid in cost recovery of Council services in administering the Act.

ATTACHMENTS

There are no attachments to this report.



RECOMMENDATION

1. THAT the information relating to the legislation amendments be noted.
 2. THAT Council charge the fee prescribed in the *Companion Animals Regulation 1999* for the issuing of certificates of compliance, as referred to in s58H of the *Companion Animals Act 1998*.
 3. THAT the prescribed fee listed in Recommendation 2 be included in Council's Revenue Policy and that an advertisement be placed in the Local paper advising of the fact.
 4. THAT Council send written advice to owners of existing dangerous and restricted dogs, informing them of the changes to the legislation, the requirement for them to obtain a compliance certificate for the required dog enclosure, and Council's intention to charge the prescribed fee set by the regulation for the issuing of these certificates.
-

o-EP9 24 Lot Subdivision involving Joadja Heritage Conservation Area

REF: DCM

LUA06/0994

The purpose of this report is to provide information to Council in relation to LUA06/0994 and in turn seek endorsement from Council for the preferred path for the remainder of the assessment process for this complex and challenging application.

REPORT

SITE DESCRIPTION

LUA06/0994 involves the land within the Joadja Heritage Conservation Area (Lot 11 DP858859) as well as adjoining land (Lots 22 & 23 DP1023493), that although are outside of the conservation area, contain historically significant items associated with the Joadja site. **Attachment 1** is a site plan that identifies the parcels involved.

The site is zoned Rural 1(a) under the provisions of the *Wingecarribee Local Environmental Plan* (WLEP). In this zone a minimum allotment size for subdivision and the erection of a dwelling house is 40 hectares.

DETAILS OF THE APPLICATION

The Statement of Environmental Effects prepared by the applicant describes the application in the following terms:

'The..... properties were one site until subdivided 20 June 1991 and have significant heritage items upon them. In April 2006, these sites were re-united under common ownership. This statement considers the environmental impacts of the proposal to save the heritage items existing on the lots ...through the subdivision of Lots 22 &23 DP1023493 into 24 lots and a boundary re-alignment which will rejoin the historically significant items on Lots 22 & 23 DP1023493 with the property with the bulk of the heritage items, Lot 11 DP858859.

Associated with the granting of the subdivision, is the raising of \$750,000 for the conservation of the heritage items on Lots 22 &23 DP1023493 and Lot 11 DP858859. These funds will be administered through a special purpose heritage conservation trust at arms length from the land owners....The raising of the conservation funds will be through the sale of the subdivided lots and these funds secured by a charge for \$30,000 per lot...These charges will exist behind the first mortgagee and are akin to a second mortgagee.'

The proposed 24 allotments range in size from 3 hectares to 9 hectares, well below the current allowable minimum of 40 hectares. Under the current minimum lot size, only 3 lots would be possible. **Attachment 2** is a proposed lot layout.



The application has been lodged under the provisions of Clause 31B of the *Wingecarribee Local Environmental Plan*. This clause allows Council to consider proposals outside of the normal planning controls provided Council is satisfied that the proposed development is necessary to conserve items of heritage. This requires firstly a consideration of the vulnerability of the heritage item(s) and the need for assistance, and secondly it requires a mechanism to ensure the appropriate flow-on effect from the development towards the conservation/preservation of the heritage items.

In this case, the applicant is proposing money from the sale of each of the proposed lots will be administered by a Trust on which Council will sit. **Attachment 3** is a letter from the applicant's Solicitor providing some details in regard to the Trust.

REFERRALS TO GOVERNMENT AGENCIES

The application has required referrals to the following State government agencies:

- Sydney Catchment Authority -
- Rural Fire Service -
- Hawkesbury Nepean Catchment Management Authority -
- Department of Environment and Conservation
- Department of Natural Resources -
- NSW Heritage Office.

Staff are in the process of assessing the responses from these authorities. At this stage no insurmountable issues have been raised.

As Joadja is a State listed heritage area, the NSW Heritage Office is taking a keen interest in the proposal. Discussions are ongoing with the Office, but indications are that they are keen to support a proposal that will assist with the long term conservation of this historic site.

The application is scheduled for discussion at the Economic Development Committee meeting of 31 January 2007 and at Council's Heritage Advisory Committee meeting of 5 February 2007.

STATEMENT OF HERITAGE IMPACT

The application was supported by a Statement of Heritage Impacts prepared by Banksia Heritage and Archaeology. This report emphasises the importance of the site and identifies the relationship between the existing conservation area in the valley and the existence of other worthy relics associated with Joadja on the higher ground adjoining the conservation area. Originally these areas were part of the same land holding but were subdivided off in 1993. A key component of this proposal is to rejoin these relics with the main Joadja Conservation Area.

The Statement of Heritage Impact makes a series of recommendations which are at **Attachment 4**. The Statement acknowledges the need for further work and advises that a Conservation Management Plan is currently being prepared which will provide a basis for the prioritisation of works and expenditure. This plan would need to be endorsed by the NSW Heritage Office.



CONCLUSION

There is no doubting the significance of the Joadja Heritage Conservation Area and the importance of the individual items contained therein. It is recognised by a State heritage listing and recently the owner was successful in securing a \$50,000 grant under the State government's Heritage Incentives Program.

However, the extent of the site area involved coupled with the condition, nature and age of the relics, means that considerable financial outlays will be required to fund an ongoing comprehensive conservation program. Efforts from the owner to secure the heritage values of the site warrant Council's support.

Although at this stage there are many complex matters still to be properly assessed, now is an important juncture for Council to either indicate support in principle for the proposal or to indicate that the proposed variations to the existing subdivision standards would not be acceptable in any circumstance. A positive indication would allow the applicant to proceed with some confidence to address the range of outstanding assessment matters in consultation with staff, leading to a more detailed assessment report being presented to Council as soon as possible. Critical amongst the outstanding matters is a more comprehensive assessment of the proposed Conservation Management Plan so that the adequacy of the financial input from the sale of the proposed lots can be judged. It is also critical that further discussions beheld about the mechanics of the proposed Trust.

ATTACHMENTS

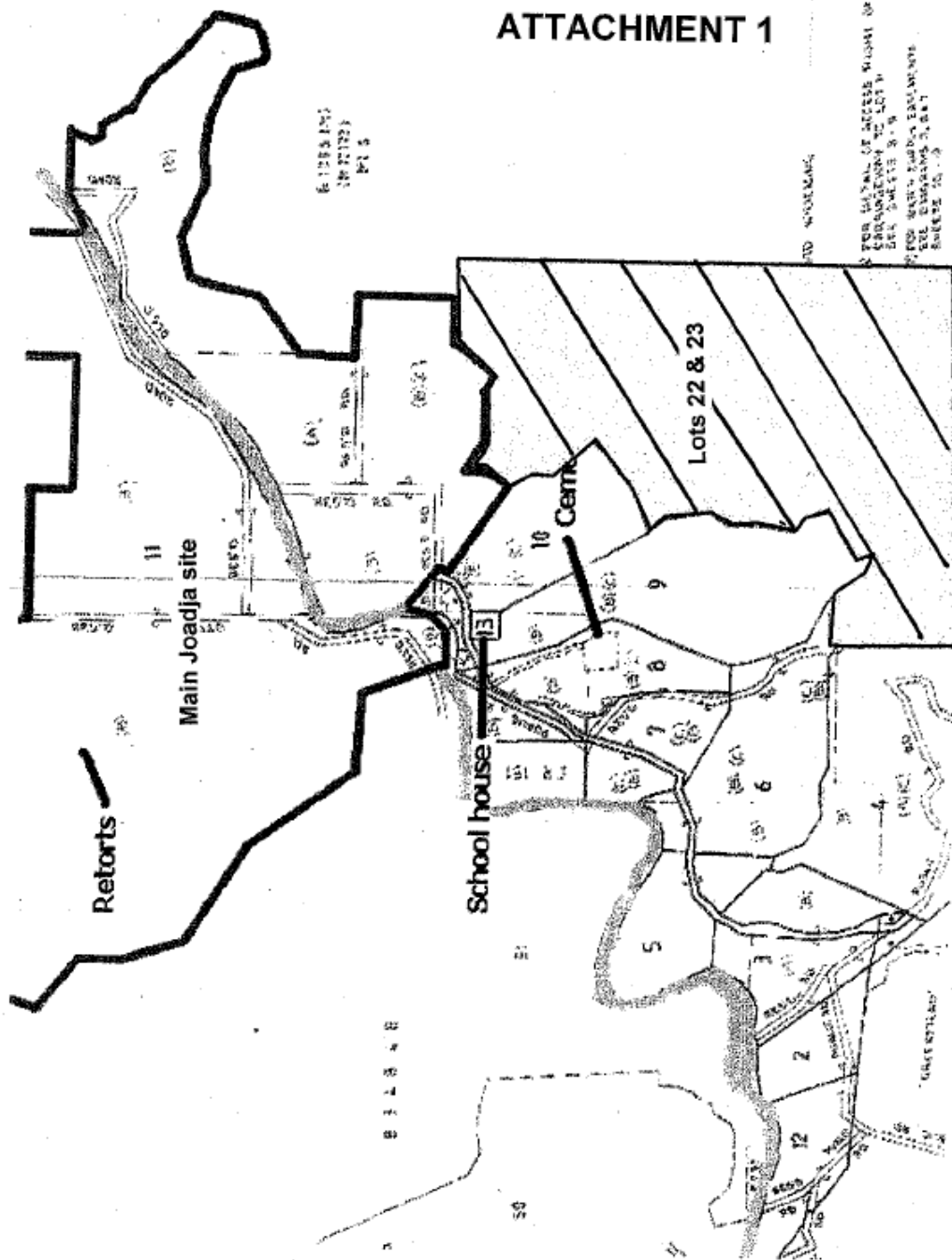
There are three attachments to this report:

1. Site plan identifying the parcels involved.
2. Proposed lot layout.
3. Letter from applicant's Solicitor re Trust.
4. Recommendations to mitigate impacts.

RECOMMENDATION

1. THAT Council indicate to the applicant its support in principle for his efforts to secure the future of the Joadja Conservation Area through the establishment of a Heritage Conservation Trust funded through appropriate and sustainable development of adjoining land
2. THAT Council invite the applicant to continue to work with staff to address the outstanding legal, planning, heritage and environmental issues associated with securing an appropriate and sustainable development for the subject lands and that a comprehensive assessment report of LUA06/0994 be presented to Council as soon as possible.
3. THAT the applicant be requested to provide further details on the operation of the proposed Trust including membership, priorities for expenditure and administration responsibilities.

ATTACHMENT 1





ATTACHMENT 3

Monday, 22 January 2007

Our Ref: HC:CONS:513/07

DRAFT

Dear Sirs

Re: Lots 22 & 23 Joadja, DP 1023493

We have been retained by Mr Mark Longobardi and Mr John Peters to advise on matters pertaining to an application to subdivide the above Lots into 2:4 separate titles.

Our clients have requested our opinion on the possibility of funds from a charge imposed on the sale of the such separate titles being placed into trust to be used for the benefit of the historic village of Joadja which is situated on Lot 11 DP 858859.

The envisaged charge to be thirty thousand dollars (\$30,000.00) against each block save for the proposed 'eco-resort' block which would attract a charge of sixty thousand dollars (\$60,000.00). Such charges against each block to be due and payable prior to settlement of transfer of title.

We have advised our clients that we see no problems in settling a discretionary trust by way of a Trust Deed to administer the trust funds. The Trustees would comprise:

The chairperson of the Heritage Committee of Wingecarribee Shire Council
One town planner from the Wingecarribee Shire Council
One councillor elected to the Wingecarribee Shire Council
Mr Mark Longobardi
Mr John Peters

Decisions would be made on a majority basis with a necessary quorum of three (3).

The duties of the Trustees would be to administer the trust, invest the trust funds in ways permitted by the establishing Deed, and to declare benefits.

The discretionary nature of the Trust would ensure that the trustees have the ability to declare a benefit only when the property is being managed in a manner consistent with the aims of the Trust as set out in the Deed.

The beneficiary would be the owners for the time being of Lot 11 Joadja DP858859.



... It is proposed that the writer will be the legal officer to the Trust to advise the trustees on legal issues and to perform the day to day legal work associated with the Trust.

This letter is an 'in principle' advice only and we are prepared to perform further detailed work in to the settling of such a Trust once we receive further instructions.

Yours sincerely,

Harry Couchman
Solicitor & Barrister
harry@couchman.info

ATTACHMENT 4

4. Recommendations to mitigate impacts

In order to mitigate the impacts upon the significance of the items the following actions are recommended to be included as part of the development.

1. This statement of heritage impact conforms to the requirements of the Wingecarribee LEP 1989, the NSW Heritage Office guidelines and the draft NPWS guidelines for assessment of impacts in development applications, and should be submitted as part of the DA documentation for the proposed development.
2. Consent should be granted under cl. 31B of the Wingecarribee Local Environment Plan for the DA as it conforms to the requirements of the clause and has demonstrably very high potential benefit for a place of state heritage significance.
3. All building envelope locations need to be confirmed with further detailed archaeological survey for Aboriginal and non-indigenous heritage prior to any construction approval being issued.
4. These recommendations are based on the drawings supplied by Jasmman Pty Ltd and listed in section 2.2 of the SOH. Any major changes will require additional consideration of their impact.
5. The design of the subdivision will have no adverse impact on heritage values. If changes are required due to additional information being received then the archaeological potential of the new site should be verified as well.
13. The NSW Heritage Council should be approached to endorse the approach to be taken to establish the Joadja Creek Conservation Trust, the conservation management plan and the principles on which funding priorities are determined.

o-EP10 Community Assistance Scheme 2007/8

REF: SPM

1870/2007

This report outlines proposed minor changes to the application form and guidelines for the 2007/8 Wingecarribee Community Assistance Scheme. The changes are proposed in order to simplify the process for applicants and to streamline administration of the Scheme. The report also proposes the timetable for the 2007/8 Scheme.

REPORT

Section 1 – Application Form and Guidelines

The Application Form and Guidelines for the Community Assistance Scheme were revised in 2006/7 to take into account changes recommended following the Review of the Scheme. This report recommends some minor alterations to the forms and guidelines in the 2007/8 Scheme in order to further simplify the process for applicants and to streamline administration. The amendments are designed to reduce the load on community members preparing the applications, many of whom are volunteers, may work full time and be located in various parts of the Shire.

The following table lists details of the proposed amendments.

Section	Existing	Proposed Change	Comment
Application Form			
General	Form only available in hardcopy or PDF format	Make available in Word format	Handwriting the form is onerous and forms can be hard to read for those assessing them. Also, with forms in Word format, the writing of the application can be easily shared between community members.
6-Financial History	Provide details of past financial assistance etc	Provide details of financial assistance received in the last 2 years etc – <i>refer to Section 8 of draft form</i>	Some community organisations receive small amounts of funding from many different sources each year so listing them all over a number of years is onerous. The 2 year limit reduces the work involved in researching all the sources.
7-Referees	Signatures as well as contact details of referees required	Just ask for contact details including email addresses – <i>refer to Section 9 of draft form</i>	This would save extra running around for community members – they can have a phone or email conversation with referees without having to physically get their signature. E.g. some organisations may have referees who are not necessarily close at hand. In doubt, the referees could be contacted by us.

8.5 – Office bearers	Requires signatures of 3 office bearers plus no. of members and potential members	Delete and incorporate this into Section 10 – <i>refer to Section 10 of draft form</i>	Signatures of 3 office bearers is onerous if all are not located close by
9 Certification	Signatures of 2 executives of the committee	To be signed by two office bearers – <i>refer to Section 10 of draft form</i>	This would become the main signature section of the form.
Checklist for applicants			
2 & 10	2. two years audited financial statements are requested 10 – details of lodgement of financial statement	1 year financial statement – <i>refer to Item 1 of Checklist for applicants</i>	It is usual for one year of financials to be required. As not all organisations require audit, there should be the option of indicating this.
3	2 written quotes	Add – You should check whether your quotations will be valid at the time you will be commencing your project – <i>refer to Item 2 of Checklist for applicants</i>	Some applicants have been caught out when prices have gone up significantly
Guidelines			
2.9 Eligibility for funding		Add to ineligible categories reference to OHS and environmental factors in purchase of equipment etc i.e. projects will be ineligible if proposing something unsafe or if it might have a detrimental effect on the environment	This was recommended in a recent Risk Assessment of the Scheme
3.10 GST		Revised wording to clarify GST requirements.	There has been some confusion about how the organisations should include or exclude GST on their invoices to Council. A review of these sections has been undertaken with Finance. Reporting/claim forms have also been revised to clarify GST.

Section 2 – Proposed Timetable for 2007/8 Scheme

The following timetable is proposed –

2nd February – Applications and Guidelines ready for distribution, Advertising of Scheme

7th February – Scheme opens

19th February – Information Sessions held

30th March – Applications close

April/May – Administrative processes and determination of eligibility, applications referred to Specialist Committees

19th June – Community Assistance Committee meets to rank applications

27th June – Report to Council with recommendations of Community Assistance Committee

July – Successful applicants notified and invited to presentation

Week of 30th July-3rd August – Presentation of certificates

August – June – Funds available and ongoing administration and assistance

POLICY IMPLICATIONS

The proposed amendments relate to minor changes in the administration and documentation of the Scheme, not the overall policy.

ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

(i) Environmental Factors

The proposed amendments require applicants to ensure that their project does not have a detrimental effect on the environment.

(ii) Social Factors

The proposed amendments reduce the workload and complexity of the process for volunteers in community organisations.

(iii) Economic Factors

Nil

ATTACHMENTS

There are two attachments to this report, which have been circulated separately:

1. Wingecarribee Community Assistance Scheme 2007/8 – Draft Application Form
2. Wingecarribee Community Assistance Scheme 2007/8 – Draft Guidelines

RECOMMENDATION

1. THAT the proposed amendments to the application form and guidelines for the Wingecarribee Community Assistance Scheme 2007/8 be adopted
2. THAT the proposed timetable for the Wingecarribee Community Assistance Scheme 2007/8 be adopted.



Scott Lee
Director, Environment & Planning

23 January 2007

CORPORATE SERVICES DIVISION

o-CS1 Future Use of Bowral Courthouse

REF: DCS

1430/2

Reporting on the possible future use of Bowral Courthouse

REPORT

BACKGROUND

In August 2006 a suggestion was put forward at an Arts & Culture Committee meeting that the old Bowral Courthouse would be an appropriate venue as an exhibition space.

Council subsequently confirmed its interest in making enquiries to the Attorney General regarding the future use of the building and the possibility of it becoming a community facility. A letter was forwarded to the Attorney General in November 2006 seeking formal advice on the future disposal of the Bowral Courthouse.

A response has been received from the Attorney General's office (see attached letter date 15 December 2006) and from the Crown Lands Office (see attached letter dated 16 November 2006).

In short, Council has been advised that the building would need to be acquired under the Land Acquisition (Just Terms Compensation) Act, at "full market value".

WHERE TO FROM HERE

Council now needs to determine if it has any intent to proceed to acquire the building from the State Government. Should Council wish to proceed, the first step would be to engage the Valuer General to provide a formal valuation of the property at an estimated cost of \$3,500.00.

Whilst it is difficult to speculate on what the value of the building may be on the open market, a figure of \$1.2m to \$1.4m is suggested as a guide. There would also be additional costs associated with sub-dividing the site, legal costs, potentially significant costs for any fitout or renovations required, ongoing maintenance and operating costs. All of these costs would need to be quantified and factored into Council's budgets if this project is to proceed.

COMMENTS FROM COMMUNITY & CULTURAL DEVELOPMENT OFFICER

The Bowral Court House is located within the arts and culture precinct of Bowral. Neighbouring buildings include the Library, the old Town Hall/Library (used as a gallery space), the Berrima District Arts Society Gallery and Bowral Memorial Hall. Corbett Gardens, the venue for Tulip Time, is across the road. There are also a number of community facilities nearby including Stafford Cottage (Highlands Community Centre), the Uniting Church Hall, the CWA and the Bowral Senior Citizens Centre.

The Arts and Culture Board and the Youth Officer undertook a site visit to the Bowral Court House on 20th November 2006 to assess the suitability of the building for arts or youth related activities. Because of the building's previous use, it was noted that it already has the infrastructure to make it suitable for a public/community facility including disabled access, reception area, air conditioning, security, many power points, blinds, and noticeboard. Toilets and kitchen are located in a separate building behind the main building.

The size of the main room and other offices within the building suggest it would be suitable for the following uses –

- Music and theatre – classes and intimate performances (good acoustics, high ceilings)
- Workshops/master classes
- Gallery space
- Arts and culture information centre including sale of arts and culture products

There would also be the potential to link more directly with the Berrima District Art Society Gallery.

Since the site visit, the Arts and Culture Board has undertaken research into use of old Court Houses by arts and culture organisations. At this point, approximately ten facilities in NSW have been identified. The Court Houses are being used for intimate music/theatre performances, arts workshops, meeting rooms, galleries, tea rooms, craft shops and community technology centres. Research is continuing into how they have been acquired.

CONCLUSION

Council's direction is now sought as to whether any further steps are to be taken to compulsorily acquire this site and if so, a source of funds to be identified for the acquisition and ongoing costs.

If it is unlikely that Council would be committing approximately \$1.5 million to acquire the site, it is suggested that the cost of a formal valuation would be an unnecessary expenditure. However, Council's direction is now sought as to whether it wishes to commit funds for a formal valuation so that the possible acquisition of the site can be further considered.

ATTACHMENTS

There are two attachments to this report.

1. copy of letter received from Attorney General's office dated 15 December 2006
2. copy of letter received from Crown Lands Office dated 16 November 2006

RECOMMENDATION

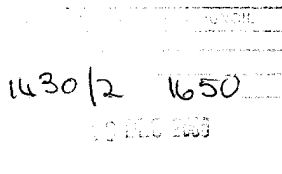
FOR COUNCIL'S DETERMINATION

ATTACHMENT 1



ATTORNEY GENERAL

Mr Mike Hyde
General Manager
Wingecarribee Shire Council
PO Box 141
MOSS VALE NSW 2577



g.m. ✓

ORIGINAL
SENT

15 DEC 2006

Dear Mr Hyde

I refer to your letter dated 13 November regarding Council's interest in the Bowral Courthouse being made available for use by the Council for community purposes.

The Department of Lands are undertaking the divestment of the Bowral Courthouse and I note they have written to the Mayor on 16 November 2006 offering to transfer the property. I am enclosing a copy of that letter.

The contact officer at the Department of Lands is Mr Greg Foster, Manager Crown Land Strategic Development and Marketing, phone 8836 5355.

Please let me know if you require any further information.

Yours sincerely



BOB DEBUS

ATTACHMENT 2

Mayor
Wingecarribee Shire Council
PO Box 141
MOSS VALE NSW 2577

CROWN LANDS NSW
Sydney Metropolitan Office
Level 12, 10 Valentine Avenue
PARRAMATTA NSW 2124

P.O. Box 3935
PARRAMATTA NSW 2124

Phone : 02 8836 5326
Fax : 02 8836 5365

www.lands.nsw.gov.au
Our ref: MN 06 H 48

16th November 2006

Acquisition of Bowral Courthouse [part Lot 1 Sec 8 DP 111234]

Dear Sir,

Reference is made to previous correspondence in regard to the above property especially the letter dated 23rd August 2006 from the Hon. Bob Debus M.P., Attorney General.

Formal approval has now been given to allow the premises to be offered to Council. Should Council be agreeable to accepting ownership of this property it is suggested that action could be now taken under the Land Acquisition [Just Terms Compensation] Act so as to expedite the transfer. The acquisition would be effected by agreement at full market value for the site. Council would also be required to prepare a plan of acquisition for registration at the L.P.I. as the property currently occupies a single parcel of Old System land [lot 1 Sec 8 DP 111234] along with the Bowral Police Station.

It would now be appreciated if Council could advise whether it is prepared to acquire the property in these circumstances. Should Council not be prepared to acquire this site it will be offered for sale on the open market.

Yours sincerely



Ian Lamont
Crown Land Strategic Development & Marketing

o-CS2 Moss Vale Show – Request For Financial Assistance – 2007 Arena Spectacular]

REF: MAS

2155/1 & 6601/1

Reporting on a request from the Moss Vale and District A H & I Show Society Inc for financial support from Council for the 2007 Arena spectacular.

REPORT

Council at its meeting held on Wednesday 8 February 2006 considered a request from the Moss Vale and District A H & I Show Society Inc for a donation of \$5,000 due to financial constraints in conducting the “Salute to the Outback” and Council resolved as follows:

“THAT Council make a one off donation of \$5,000 form the contingency vote towards the celebration of the 120th Moss Vale Show to be specifically spent on the 2006 Arena spectacular entitled “Salute to the outback”.

FURTHER REQUEST FOR FINANCIAL ASSISTANCE.

The Moss Vale and District A H & I Show Society has written to Council on 7 December 2006 requesting a further donation towards “the Waltzing Matilda story” – Arena spectacular to be held at the Moss Vale and District show on Friday 16, Saturday 17 and Sunday 18 March 2007.

Fiona Nixon, Promotion and Sponsorship Officer from Moss Vale Show Society advised inter alia:-

“We would certainly value any support that Council could offer us for another Arena Spectacular – I am aware the same amount of funds will not be available. However, any sponsorship would be graciously accepted – Thank you so much.”

SPONSORSHIP

The Moss Vale and District AH & I show Society Inc has the following sponsorship for the Arena spectacular – the Waltzing Matilda Story:-

- A Gold Sponsorship (naming rights of Arena spectacular) \$13,200 (Inc GST)
- B Silver Sponsorship - \$5,500 (Inc GST)
- C Bronze Sponsorship - \$1,000 to \$2,000 (Inc GST)

BUDGET IMPLICATIONS

There are limited funds in Council’s contingency vote for council to make a donation to the Moss Vale and District A H & I Society Inc.

ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

(i) Environmental Factors

Nil

(ii) Social Factors

An event of this type engenders community spirit for not only Moss Vale residence but for all residents of the Shire and acts as an agent to bring everyone together in an atmosphere similar to the feeling that the community had in the 2000 Olympics. It is particularly beneficial to conduct an Arena Spectacular during times of hardship and drought.

(iii) Economic Factors

An event of this type will act as an agent to bring many people from within and from outside the Shire to view the event with resulting economic benefits to the shire.

CONCLUSION

The Arena spectacular is a significant promotional event for both the Moss Vale Show and the Southern Highlands in general. Council provided a "one off" donation last year

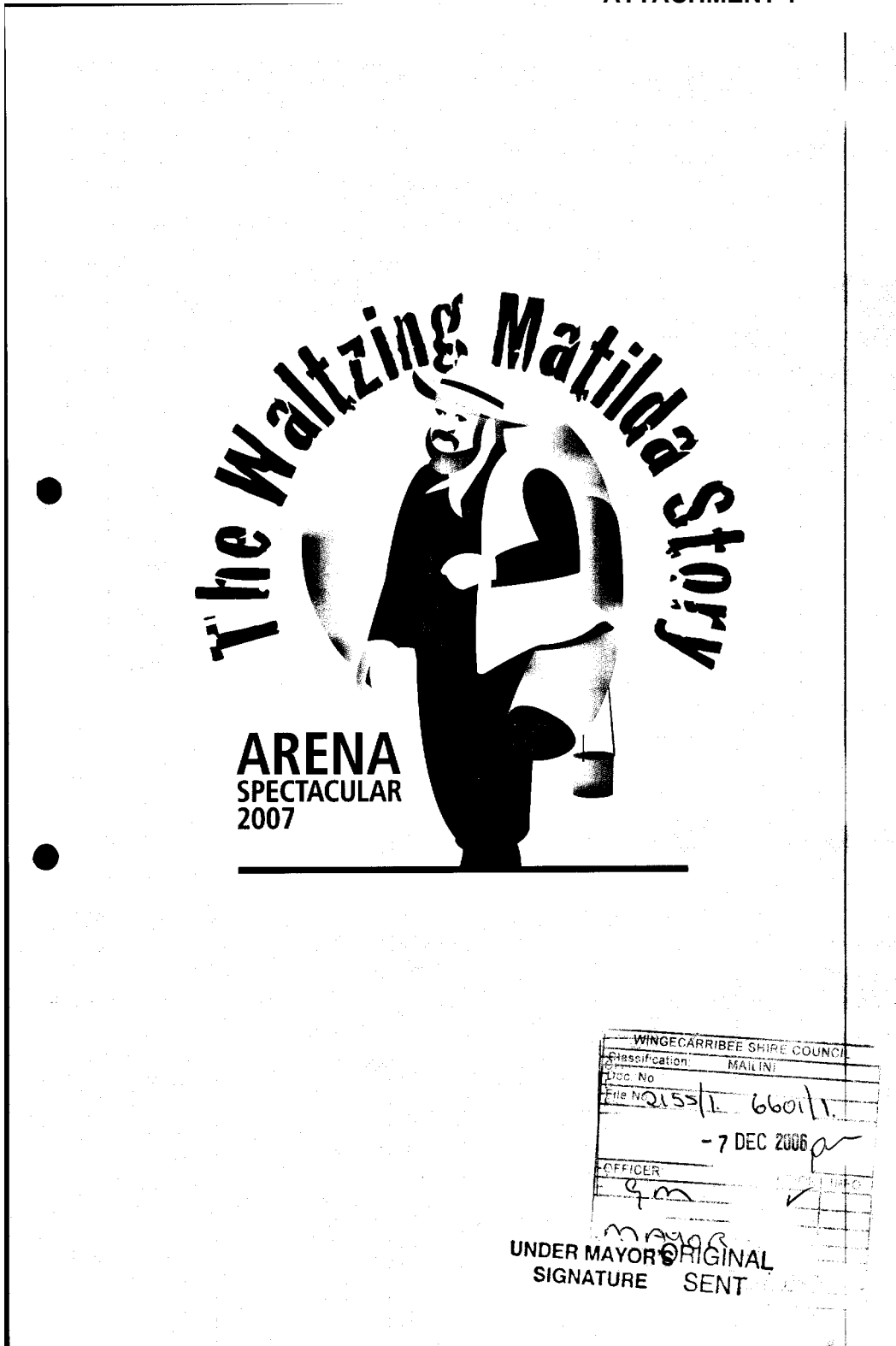
ATTACHMENTS

Letter from the Moss Vale and District A H & I society Inc dated 7 December 2006.
Arena spectacular – The Waltzing Matilda story – Sponsorship details.

RECOMMENDATION

THAT Council determine if it wishes to donate towards the celebration of The Waltzing Matilda Story – Arena spectacular 2007, and if so, the level of sponsorship and funding source.

ATTACHMENT 1



*Moss Vale And District
A. H. & I. Society Inc.*

Postal Address: PO Box 151, Moss Vale 2577.
Showground: Robertson Road, Moss Vale.
ABN 53 270 629 401

Secretary: 02 4868 1869
Showground: 02 48681869
Fax: 02 48691741

Email: mossvaleshowsociety@bigpond.com.au

Secretary: Meredith Lawson

Dear Mayor Lewis,

**The Waltzing Matilda Story'-Arena Spectacular
Moss Vale Show March 16, 17 & 18 2007**

The Moss Vale and District show is being held on 16, 17 & 18 March, 2007.

The outstanding 'Salute to the Outback' Arena Spectacular held at the Moss Vale Show in March this year was so successful the show society has agreed to stage 'The Waltzing Matilda Story' as the feature attraction at next year's show.

The Waltzing Matilda Story starring Dennis Mudd as the Jolly Swagman will be a journey back to the time and place where our country's favourite song was written by Banjo Patterson in 1895. It is also an enchanting insight to the mystical characters of the day. This event is another Ozworks Production and will be directed and produced by local theatrical producer, Fiona Shannon and managed by Mark Eady.

The Arena Spectacular reinvented the Moss Vale Show and resulted in a significant increase in gate numbers and renewed interest in the Show and exhibits across all sections of the Show displaying a great benefit financially.

Over 400 local performers from all corners of the community will be part of a uniquely Australian production under theatre lights with concert sound. This event will unveil talent, create lasting friendships, generate business and encourage community spirit, pride, commitment and goodwill.

In order for the Show committee to stage this event over 3 nights next March, we require strong financial support from the business community. In return, their exposure at this community based event will produce significant benefits while their contribution and investment will be highly valued.

In September this year the Moss Vale and District A H I Society Inc was honoured with a prestigious Community Service award presented by Peta Seaton, Member for Southern Highlands. Only two awards of this kind are able to be presented per year in our electorate. We were honoured to be one of the recipients but acknowledge the show's success would not have been possible without the contribution made by business houses, volunteers, and members of the community. As a result of this combined effort our 2006 Moss Vale Show an official Year of the Outback event proved to be the greatest one on record.

Thank you for your time to consider this proposal. We hope you will value the opportunity to participate in this magnificent community event where locals are the stars of the show. We look forward to hearing from you to discuss the attached at your earliest convenience and hopefully working with you to present another spectacular event in 2007!

Yours sincerely

Fiona Nixon and Shelley Boyce

Fiona Nixon and Shelley Boyce
Promotion and Sponsorship

Fiona: 0418 764 456 Email: Nixon@hinet.net.au
Shelley: 0414 480 630 Email: accounts@boycelayers.com

7 December 2006

We would
certainly value
any support that
Council could
give us for another
Arena Spectacular

I am aware the same
amount of funds will not be available
however, any sponsorship would be
graciously accepted - Thank you so much

REPORT OF DIRECTOR CORPORATE SERVICES

ARENA SPECTACULAR-THE WALTZING MATILDA STORY

GOLD SPONSORSHIP (naming rights of Arena Spectacular)

- * **ONE Business** will carry the naming rights for the Arena Spectacular i.e. The RM Williams Arena Spectacular.
- * **YOUR Logo** will be prominently included in all print advertising for the Arena Spectacular
- * **YOUR Business name** in all TV, radio and print advertising for the Arena Spectacular
- * **Prominent display** space available within the Showground during the Arena Spectacular
- * **10 Complimentary 3 day Passes** to the MV Show 2007 including Arena Spectacular
- * **20 live commercials** via the showground PA system during the show

Your '**Gold**' sponsorship package is \$13,200 (Inc GST)

SILVER SPONSORSHIP

- * **Logo** included in all print and advertising for the Moss Vale Show.
- * **Prominent display** space available within the Showground during the show.
- * **10 live commercials** via the showground PA system during the show
- * **4 complimentary 3 day passes** to the Moss Vale Show including 2007 Arena Spectacular

Your '**Silver**' sponsorship package is \$5500 (Inc GST)

BRONZE SPONSORSHIP

- * **Logo** included in all print advertising for the Moss Vale Show.
- * **Signage opportunities** around Moss Vale Showground during the Show.
- * **2 complimentary 3 passes** to the Moss Vale 2007 Show including Arena Spectacular.
- * **A minimum of 5 live commercials** via the Showground PA system during the Show.

Your '**Bronze**' sponsorship package is (\$1000-\$2000 (Inc GST)

All of the above packages are negotiable

Big Screen Advertising
Please see attached

REPORT OF DIRECTOR CORPORATE SERVICES

Testimonials following the 'Salute to the Outback', Moss Vale Show March 2006

Being a scone was really, really fun. I loved dressing up in the costumes and dancing in the show. It was exciting to see the huge audience all smiling at us.

Lulu Ropert, Sutton Forest. Scone and Lamington age 8

We all wanted to congratulate you on a fabulous show on the weekend! It was a really lovely country show and the entertainment on Saturday night was great. Missy was there on Friday night as well for the rodeo and thought it was the best thing she had ever seen. The Outback Spectacular was just that and the horsemen were fantastic. You should be very proud and satisfied that you have done a fantastic job!

Michael and Susie Yabsley, Robertson

The Outback Spectacular brought everyone together in an atmosphere that reminded me of that feeling we had about the 2000 Olympics. Families, kids, farmers, and business all came together to celebrate who we are in Moss Vale and the Highlands. This is even more important as we face the drought.

Peta Seaton Member for Southern Highlands

The Arena Spectacular 'Salute to the Outback' really focused the community on our country heritage and it was great to see young people involved. The production was highly professional and should be applauded.

Ken Gilroy Creative Director, Bowral

"As someone who grew up in the bush myself, I was very moved by the Salute to the Outback at the Moss Vale Show in March. It was a wonderful celebration of everything that's great about rural communities - music, children, tradition and the land. It gave all of us there a real sense of spirit of place."

Sally Loane, Sydney

What an AMAZING EXPERIENCE! To be a part of such a large scale Theatrical production encompassing the whole community was something very special. Due to the Arena Spectacular I was able to have the opportunity to meet so many dedicated and incredibly talented people, making lots of new friends along the way!

A special thank you to Mark Eady and the Moss Vale Show Society for giving myself and the people of the Southern Highlands this truly unique experience. Can't wait for the next one!

Jordan Worner, Male vocalist 'Salute to the Outback' 2006

"The Arena Spectacular generated the most amazing community spirit I have ever experienced during the 16 years of running a business in Moss Vale. The involvement and support of the local people and the many businesses was overwhelming and above all we had so much fun being a part of this wonderful initiative"

Anni Baileau, Moss Vale Cruise and Travel

A wonderful, beautifully planned and co-ordinated event. Everyone associated with the Salute to the Outback including the audience was proud and had smiles on their faces. It was a celebration of community spirit, and special this event was held in Moss Vale. It deserved to be performed at the Sydney Royal.

May King, Shire Councilor and Chairperson of the Arts and Culture Board

“MOSS VALE & DISTRICT SHOW 2007” THE BIG SCREEN

The BIG SCREEN will feature at the Moss Vale Show Friday 16th to Sunday the 18th March 2007.

Through the day from 10am to 6pm the screen will maximize exposure for local community groups and businesses through advertising slots to be screened continuously 8 hours each day. In the evening the BIG SCREEN will be featured in the entertainment program feature “The Waltzing Matilda Story” Arena Spectacular. Television Commercials and acknowledgements will be viewed each evening for major sponsors and supporters of the Evening Entertainment Program.

Details:

Video Screen is 5 x 3 meters mounted on the back of a truck. Maximum of 40 advertising slots to be sold. Advertised slots will be rotated every 5 seconds. Based on the maximum amount of slots sold this would mean your ad would be seen no less than 18 times per hour. Start time each day would be 10 am to 6pm. This would give advertisers 144 revolutions per day. A total of 432 revolutions over the 3 day period.

Cost:

Cost of advertising slots is: \$300 + gst. This works out to be \$0.69 cents per ad.

Artwork:

All advertisers are to supply own artwork. This is to be a logo or high quality picture of their business including any text like phone numbers layered over the logo. What ever you want on the screen is to be supplied. Note that this is a one picture or logo offer, not video or multiple pictures. No sound, read only. Should you not have any pictures or logo then a service is offered for a picture to be taken or logo scanned for a fee of \$50 + gst. This would be burnt to disk and given to you for future use.

Time Line:

All advertising slots are to be sold by no later than Monday 5th March 2007. All artwork is to be supplied by the same date. All monies to be paid by cheque or cash to the Moss Vale and District Show Society Office by no later than Wednesday the 7th March 2007

* Cheques to be made out to “Moss Vale & District Show Society”

It’s your Show....BE PART OF IT!

Mark Eady

Creative

ARTWORK TO KEN GILROY mobile 0419 688 733 email gilroy@acenet.com.au



o-CS3 Pensioner Rate Rebate Claim Number 134

REF: FSM

2211/2006

Submitting a report on the details of amounts written off and amounts to be claimed from the Department of Local Government for pensioner rates rebates granted on general rates, garbage accounts, water and sewerage accounts from 1 September 2006 to 31 December 2006.

REPORT

Please note that the amount of rebate granted to an individual property is stipulated in the Local Government Act 1993.

The rebate amounts per annum are as follows:

General Rates	50% of levy up to a maximum of \$250
Water Rates	\$ 87.50
Sewer Rates	\$ 87.50

Council is then able to claim fifty five (55) per cent of all rebates granted for a financial year from the State Government. The claims are made progressively throughout the financial year.

Details of the claim are as follows :-

Particulars	Abandoned	Claim
Balance brought forward (Previously abandoned/claim:)	927,177.99	509,947.89
Rates	6,380.38	3,509.21
Domestic Waste Charges	4,052.21	2,228.71
Water	90,680.83	49,874.46
Sewerage	78,255.46	43,040.50
Sub Total – Second Claim	179,368.88	98,652.88
Totals	1,106,546.87	608,600.77

ATTACHMENTS

There are no attachments to this report.

RECOMMENDATION

1. THAT Council authorise the abandonment of \$179,368.88 for the Pensioner Rebate Claim Number 134.
2. THAT \$98,652.88 be claimed from the State Government.

o-CS4 Council Meeting Dates

REF.	MAS	100/1
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Reporting on proposed changes in Council meeting date for April 2007.

REPORT

Council's Code of Meeting Practice states that Council Ordinary Meetings be held on the 2nd and 4th Wednesdays of the month.

During April 2007 the 4th Wednesday falls on ANZAC Day which is a public holiday. In this regard the meeting could be held on Tuesday 24 or Thursday 26 of April 2007. However, it is proposed that this meeting be rescheduled to be held on Thursday, 26th April 2007.

Should council hold the meeting on Thursday 26 April the minutes of the meeting will be distributed on Friday 4 May 2007.

ATTACHMENTS

There are no attachments to this report.

RECOMMENDATION

THAT the Ordinary meeting of Council scheduled for Wednesday, 25 April 2007 be transferred to Thursday, 26 April 2007.

c-CS5 Proposed Classification of Land at Hill Top – Mittagong Regional Sewerage Scheme

REF. PLO PN1725640 & 7624/1

Reporting on the proposed classification of Lot 10 DP 1038354 at Hill Top as operational land.

REPORT

It is proposed that under the provisions of Sections 31 and 34 of the Local Government Act 1993 Council classify Lot 10 DP 1038354 at Hill Top as operational land before it vests in Council.

The subject land has been acquired by the Minister for Energy and Utilities as part of the now completed Mittagong Regional Sewerage Scheme. Prior to the land being vested into Council's ownership it is proposed that the land be formally classified as operational land.

The proposed classification was advertised as required under Section 34 of the Local Government Act 1993 and no submissions were received.

CONCLUSION

It is proposed that under Section 31 of the Local Government Act 1993 the land described as Lot 10 DP 1038354 be classified as operational land.

ATTACHMENTS

There is one attachment to this report (Plan)

RECOMMENDATION

THAT Council resolves to classify the land Lot 10 DP 1038354 at Hill Top at operational land.

o-CS7 Restriction of Access to Information - Legal Advice

REF. MAS 201/2.1

For Council to review a decision to restrict access to particular information.

REPORT

STATUTORY BACKGROUND

Members of the public have statutory rights to access many Council documents under Section 12(6) of the Local Government Act 1993.

However, in addition to certain material that is excluded from access under Section 12(6), Council has the right to refuse access to a particular document if it is satisfied that inspection of the document would on balance be contrary to the public interest.

Council has received from B Bilinsky & Co Solicitors acting on behalf of his clients G.A.B. & J.L. Durnford, a request under Section 12(6) of the Local Government Act to gain access to Council's independent legal advice in relation to the proposed dedication of "School Lane" Exeter as a public road.

Mr Bilinsky's request to access this legal advice obtained by Council has been refused for the following reason:

"access to this item was refused on the basis that it would be contrary to the public interest to disclose the legal advice on the basis of legal, professional privilege as it would prejudice council's position in the processing of its application for the proposed acquisition of land for public road."

Mr Bilinsky has been provided with written reasons for the refusal to provide access to this legal advice.

Procedures for restricting access to information are outlined in section 12A of the Act which states:

- (1) If the general manager or any other member of the staff of a council decides that access to a document or other information held by the council should not be given to the public or a Councillor, the person concerned must provide the council with written reason for the restriction.
- (2) The reasons must be publicly available.
- (3) The council must review any such restriction no later than 3 months after it is imposed.
- (4) The council must, at the request of any person made after the expiry of a period of 3 months after that review (or of a period of 3 months after the most recent of any subsequent reviews), carry out a further review of the restriction.

REPORT OF DIRECTOR CORPORATE SERVICES

- (5) The council must remove the restriction if, at any time :
- a. it finds that there are no grounds for the restriction, or
 - b. access to the relevant document or other information is obtained under the Freedom of information Act 1989.
- (6) A review is not required under this section if the restriction concerned has been removed.

LEGAL ADVICE ON REFUSAL OF ACCESS

Council sought additional information from the solicitor that provided the legal opinion and they state in part:-

“ We have now had the opportunity to review that advice and your instructions which gave rise to its preparation. We confirm the view expressed by the writer to Mr Nelson today that Council is more than justified in maintaining its position that the advice is subject to legal professional privilege and that Council is not obliged to make a copy of it available.

It is clear from your initial instructions that you sought advice because at the time it had become obvious that if Council was to take any action to clarify the status of the road there was likely to be a dispute. The advice traverses Council's present position and discusses strategies which might be utilized to resolve the matter. Those strategies include the possibility of litigation for the purpose.

For that reason alone Council is entitled to claim privilege for the advice.”

PROPOSAL

Council is requested to review the decision not to grant access in accordance with section 12 (A) of the Local government Act 1993. Although three months has not elapsed since the refusal has been given, it is in the interest of all parties that Council make a determination in this matter as the closing date for submissions to Council on the road closure is Monday 5 February 2007.

ATTACHMENTS

There are no attachments to this report

RECOMMENDATION

THAT Council confirm its decision not to approve access to the applicant as it is not in the Public Interest to release such information on the basis of legal professional privilege, as it is likely that litigation may be taken to resolve this matter.

o-CS8 Resource Sharing Arrangement with Shellharbour City Council

REF. DCS 820/1

Reporting on a proposal to enter into a resource sharing arrangement with Shellharbour City Council for the provision of payroll services to Wingecarribee Shire Council.

REPORT

BACKGROUND

In September 2006, Council's Payroll Controller and Payroll Assistant resigned from Council. These resignations left Council in a difficult situation regarding the ongoing processing of payroll. Council has utilised temporary contract staff and staff from both Campbelltown City Council and Shellharbour City Council from September to the present, to undertake our payroll functions.

Considerable assistance and support has also been provided by council's finance section and in particular the Expenditure Accountant, Ms Vicki Bush. It is noted that this arrangement has placed considerable additional pressure on the Finance team and is not sustainable on an ongoing basis.

Steps were taken in October 2006 to recruit replacements for the two vacant payroll positions without success. This was the catalyst for management to explore other options for the ongoing provision of payroll services for Council. Management then entered into discussions with Shellharbour City Council regarding a shared services arrangement where SCC would process our payroll on a fixed term contract arrangement.

WHAT IS PROPOSED

As previously discussed, the proposal is to enter into a two (2) year agreement with Shellharbour City Council to provide a complete payroll service to Wingecarribee Shire Council. The proposal would mean that all payroll and human resources data would be hosted on Shellharbour's computer network as of 1 July 2007. Access to payroll and human resource data would be via a secure remote link, with staff at Wingecarribee Shire provided with a seamless solution on their desktop.

A detailed memorandum of understanding has been prepared which details the terms of the arrangement and the obligations of both parties.

WHAT ARE THE BENEFITS OF THE PROPOSAL

The following benefits are expected from the proposed resource sharing arrangement:-

- (i) Reduced costs for council for payroll services (estimated at \$6000-\$10,000 per annum)
- (ii) A guaranteed level of service for payroll services i.e. no issues of recruitment of skilled payroll staff.
- (iii) Compliance with the directives from the Minister for Local Government seeking a commitment from Councils for co-operative effort and resource sharing.
- (iv) Enhancements to payroll services including online access for staff to their personal records. Proposals to move to electronic timesheet data entry and smart swipe cards for indoor staff.

WHAT ARE THE RISKS

It is accepted that there are some risks attached to this proposal, but it is argued that these risks can be mitigated by careful planning and implementation of the project. Potential risks identified include the following:-

- (i) Non acceptance by staff and perceived loss of service
- (ii) Familiarisation by SCC staff with in house corporate systems and conditions eg Road Segment Ledger, Water and Sewer staff award conditions.
- (iii) Reliability of information technology links and security of data.
- (iv) Internal control and monitoring of award compliance and payroll integrity managed via a contract arrangement.

It is noted that each of these matters is being addressed in the project scoping and the MOU document.

WHAT WILL BE THE AFFECT ON COUNCIL'S ORGANISATION STRUCTURE?

Under the proposal for a shared services arrangement, Wingecarribee Shire Council's Organisation Structure would be amended to remove the positions of Payroll Controller and Payroll Assistant. It is highlighted that there will be no loss of existing staff or redundancy under this proposal.

The outsourcing arrangement will also release resources currently deployed in the Technical Services administration section, which currently enter road segment data via payroll. It is anticipated that approximately 14 hours per week of one technical services administrative assistant will now be available to be redeployed. It is proposed that these resources will be used in the asset management system project currently being implemented by technical services.

It is also noted that temporary in-house resources will be committed until December 2007 within the payroll / human resources functions. These resources will be utilised to assist in the change management process in the implementation of the outsourced payroll service and to progress the development of the new HR components of the updated Payroll / HR software.

The above staffing implications and the broad proposal for outsourcing of Payroll Services has been discussed with Council's staff, Consultative Committee and preliminary advice provided to the Australian Services Union.

Subject to Councils concurrence Council's approved organisation structure would be amended accordingly.

CONCLUSION

It is suggested that the proposal for a shared services arrangement with Shellharbour City Council for the provision of payroll services will provide a cost effective solution for Council's payroll services. It will also ensure that Council is proactive in meeting the Local Government Minister's directive for action by Council's on meaningful resource sharing initiatives. It is on this basis that the proposal is recommended to Council for approval.



REPORT OF DIRECTOR CORPORATE SERVICES

ATTACHMENTS

Nil

RECOMMENDATION

1. THAT Council endorse the proposal to outsource Council's payroll services to Shellharbour City Council under a shared services arrangement.
 2. THAT Council confirm the amendment of Council's Organisation Structure to remove the positions of Payroll Controller and Payroll Assistant, and note the redeployment of resources in technical services.
-

o-CS9 Staff Delegations

REF: DCS

800/10

Reporting on a request for delegation under the Contaminated Land Management Act 1997 for the purpose of Council recovering costs incurred in carrying out investigations and remediation of contaminated land.

REPORT

Council at its Ordinary Meeting held 20 March 2006, adopted the General Manager's powers of delegation under the Local Government Act 1993, Environmental Planning and Assessment Act 1979 and Roads Act 1993, and other relevant legislation including the Contaminated Land Management Act 1997.

Approval is now sought to amend of the delegated authority of the General Manager under the Contaminated Land Management Act 1997. It is requested that approval be granted giving delegation to the General Manager to undertake the functions under Sections 35, 36, 37, 39 and 41 of the Contaminated Land Management Act 1997. These sections relate to the ability of a Public Authority to recover costs incurred in carrying out investigations and remediation of contaminated land.

Under this Act, a public authority may, by notice in writing, require appropriate persons and/or the owner of land to pay all or any costs reasonably incurred by the public authority in connection with the public authority's carrying out of the requirements of an investigation or remediation order made in respect of the land.

This power can be exercised by a member of staff. It is proposed to enable the General Manager to exercise this function. Council currently has a case where a Cost Recovery Notice needs to be issued. Approval of this delegation will enable this Notice to be issued forthwith.

CONCLUSION

It is requested that approval be granted giving delegation to the General Manager to undertake the functions under Sections 35, 36, 37, 39 and 41 of the Contaminated Land Management Act 1997 (attached) to allow Council to recover costs incurred in carrying out investigations and remediation of contaminated land.

ATTACHMENT

A copy of Sections 35, 36, 37, 39 and 41 of the Contaminated Land Management Act 1997 is attached for information.



RECOMMENDATION

THAT Council approve delegation under Sections 35, 36, 37, 39 and 41 of the Contaminated Land Management Act 1997 to the position of General Manager for the purpose of carrying out the functions of the Act.

Barry W Paull
Director Corporate Services

25 January 2007

ATTACHMENT 1

Contaminated Land Management Act 1997 No 140

Section 35 Recovery of public authority's substantive costs in carrying out order

- (1) A public authority may, by notice in writing, require a person to pay all or any costs reasonably incurred by the public authority in connection with the public authority's carrying out, under section 30, of the requirements of an investigation or remediation order made in respect of the person.
- (2) A public authority may, by notice in writing, require an owner of land to pay all or any costs reasonably incurred (and not recovered under subsection (1)) by the public authority in connection with the public authority's carrying out (otherwise than as an appropriate person) of the requirements of an investigation or remediation order made in respect of the land (whether or not it was made in respect of the owner).
- (3) A public authority may enter into an arrangement with the owner of land for the payment of any cost under subsection (2), including an arrangement for the periodic, partial or deferred payment of such a cost, or for the compromise of any debt to which the arrangement relates.

Section 36 Recovery of costs of investigation or remediation

- (1) **Investigator or remediator is not contaminator**
If a person who, in relation to the contamination of land with a substance in such a way as to present a significant risk of harm, carries out the requirements of an investigation or remediation order had no responsibility for the contamination, the person may recover a portion of the person's costs in carrying out those requirements from each person who did have such responsibility in a court of competent jurisdiction.
 - (2) **Investigator or remediator is contaminator**
If a person who, in relation to the contamination of land with a substance in such a way as to present a significant risk of harm, carries out the requirements of an investigation or remediation order had some responsibility for the contamination, the person may recover in a court of competent jurisdiction from each other person who also had responsibility for the contamination a portion of the first person's costs in carrying out those requirements.
 - (3) **Issuer, investigator or remediator is public authority**
A public authority may recover any unpaid amounts specified in a notice issued by it under section 34 or 35 as a debt in a court of competent jurisdiction.
 - (4) **Recovery by owner**
If:
 - (a) an owner (or notional owner) of land pays any costs and expenses specified in a notice under section 34 or 35, and
 - (b) the owner (or notional owner) did not have any or sole responsibility for the contamination concerned, the owner (or notional owner) may recover a portion of the amount paid as a debt in a court of competent jurisdiction from each person who had responsibility for the contamination.
 - (5) **Portion**
The portion referred to in this section must reflect what is reasonable and just in the circumstances, including the following circumstances:
 - (a) the proportion of responsibility of each person for the contamination,
 - (b) the reasonable cost of the remediation (if any) carried out by each person in respect of the contamination.
 - (6) **Reference to person**
In this section, a reference to a person includes a reference to a public authority.
 - (7) **Voluntary remediators may agree section not to apply**
If the parties to a voluntary remediation proposal have agreed that this section is not to apply as among themselves, this section does not apply to allow the recovery of any costs by one party from a second party unless the second party has failed to comply with the terms of the proposal.
-

(8) Costs

For the purposes of this section, the costs of a person in carrying out the requirements of an investigation or remediation order include any amount for which the person is liable, or reasonable cost or expense that the person has a duty to meet, under section 33 or 34.

Section 37 Public authority's priority if owner insolvent

If a public authority carries out (otherwise than as an appropriate person) the requirements of an investigation or remediation order in respect of land disclaimed (by a liquidator or trustee in bankruptcy) as onerous property in the course of proceedings for winding up or bankruptcy, the public authority may recover the cost of carrying out the order together with a reasonable commercial rate of interest and all associated administrative or other costs and expenses so incurred in priority to any holder of a security over the land.

Section 39 Registration of cost notices

- (1) If a cost notice under section 35 (2) has been issued under this Division by a public authority to a person, the authority may apply to the Registrar-General for registration of the notice in relation to any land that is owned by the person and was the subject of the investigation or remediation order to which the notice relates.
- (2) An application under this section must specify the land to which it relates.
- (3) The Registrar-General must, on application under this section and lodgement of a copy of the notice, register the notice in relation to the land in such manner as the Registrar-General thinks fit.

Section 41 Removal of charge

- (1) When a charge under this Division ceases to have effect, the relevant public authority must apply to the Registrar-General for the cancellation or removal of the relevant notice registered under section 39.
- (2) The regulations may make provision for or with respect to the removal of a charge under this Division.



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 31 January 2007

REPORT OF DIRECTOR TECHNICAL SERVICES

TECHNICAL SERVICES DIVISION

o-TS1 Pesticides Notification Plan

REF: PPM

6900/5

The purpose of this report is for Council to consider and adopt a Pesticide Notification Plan for Wingecarribee Shire.

REPORT

BACKGROUND

Recent amendments to the *Pesticides Regulation 1995* require NSW Councils and other declared Authorities who use pesticides in outdoor/indoor public places to prepare a notification plan in relation to their pesticide use, and to give notice according to the steps outlined in the plan.

The Plan is based on the principle that people should have access to information on pesticide use so that they can reduce their exposure to pesticides if they desire, and to make informed decisions about the pesticide. The Regulation amendment has been progressively developed since 2000 through several rounds of consultation with Councils and other stakeholders.

CURRENT STATUS

Consultation with internal sections with Council was undertaken and a draft Pesticide Notification Plan prepared. This draft Plan was placed on public display on December 11th 2006 for the required period of 28 days, until 8th January 2007, with the aim of receiving public comment about the Plan. No public submissions or comments regarding the draft Pesticides Notification Plan were received in that time period.

The Pesticides Notification Plan must be finalised and implemented by February 2007.

BUDGET IMPLICATIONS

Each Council section that uses pesticides will be required to purchase appropriate signage as outlined in the Pesticides Notification Plan. One-off costs for each Section that uses pesticides will be approximately \$100.00 for six signs.

ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

(iv) **Environmental Factors**

Adoption of the plan will allow greater information to be made available to the community

(v) **Social Factors**

Adoption of the Pesticide Notification Plan by Council will allow the community to make informed decisions to reduce their exposure to pesticides if they wish.

(vi) **Economic Factors**

Direct economic costs of the Plan are limited to minor additional costs of signage for Council.

CONCLUSION

Amendments to the Pesticides Regulation 1995 necessitate the preparation and adoption of a Pesticide Notification Plan by Council.

The aim of the plan is to set out how Council will notify members of the community of pesticide applications it makes or allows to be made to public places.

Notification of pesticide use will allow members of the community to make informed decisions to reduce their exposure to pesticides if they wish.

ATTACHMENTS

1. Pesticide Notification Plan (**Attachment Under Separate Cover**).

RECOMMENDATION

THAT Council adopts the Pesticide Notification Plan.



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 31 January 2007

REPORT OF DIRECTOR TECHNICAL SERVICES

o-TS2 Traffic Matters, Mittagong

REF: TE

RD 3174, RD 8260

Reporting on Traffic matters at Mittagong, arising from resolutions from the Council meeting held 13 December 2006.

REPORT

COUNCIL RESOLUTIONS

At its meeting on 24 October 2005 Council discussed banning of the right turn out of Old Bowral Road nearest to Bowral and adopted the recommendation of the Traffic Committee as follows:-

1. *THAT the traffic movements at the junction of Old Bowral Road and Bowral Road (MR 260) closest to Bowral not be restricted at present; and*
2. *THAT the matter be further considered pending the installation of traffic signals at the junction of Old Bowral Road and Bowral Road closest to Mittagong.*

At its meeting on 13 December 2006 when discussing a Section 96 modification to a condition of consent for the Highlands Market Place (LUA04/1134) which sought to delay the installation of traffic signals at the intersection of Old Bowral Road and Bowral Road, Council resolved as follows:-

1. *THAT Council rejects the application to amend Condition 53 (b) (viii);*
2. *THAT prior to the opening of the Big W facility the right hand turn from the southern end of Old Bowral Road onto Bowral Road be prohibited.*
3. *THAT an urgent report be provided to Council on the safety issues regarding the usage of Old Bowral Road/Lyell Street as an alternative route to the Big W facility.*

In 'Questions from the public' at the Council meeting held 13 December 2006, the President of the Mittagong Chamber of Commerce enquired about an overall traffic plan for Mittagong.

This report addresses Resolutions 2 and 3 from the Council Meeting of 13 December 2006 and provides information on an overall traffic plan for Mittagong.

3. Banning the right turn out of Old Bowral Road at Bowral Road nearest Bowral

There have been two crashes attended by police for the five years from 2001 to 2005 at the junction of **Old Bowral Road and Bowral Road nearest to Bowral**. The crash frequency is relatively low considering the volume of traffic on Bowral Road and no worse than a number of neighbouring junctions with far lower traffic volumes. Banning the right turn out of Old Bowral Road is not justified based on the current crash record. Sight distance at the junction is adequate although delays for right-turners are common at peak times.

By contrast, there have been seven crashes (five injury and two non-injury crashes) attended by Police for the five years to December 2005 at the junction of **Old Bowral Road and Bowral Road nearest to Mittagong**. The frequency and severity of crashes is much worse than any of the neighbouring junctions on Bowral Road (refer to the following table).

Junction with Bowral Road	Total Crashes	Injury Crashes	Non-Injury crashes
Cliff Street	2	2	0
Kirkham Road	1	0	1
Tulloona Avenue	2	1	1
Old Bowral Road (Bowral end)	2	0	2
Old Bowral Road (Mittagong end)	7	5	2
Sedgman Avenue	5	1	4
Brewster Street	1	0	1
Henderson Avenue	3	2	1

Advantages of banning the right turn out of Old Bowral Road at Bowral Road (Bowral end)

- a. Traffic volumes would be reduced past Gib Gate School. In 2003 there were 2200 vpd on Old Bowral Road west of Lyell Street. Modelling suggests this will increase to approximately 3000 vpd following the opening of Woolworths Market Place. While any increase is undesirable, this is considered to be a manageable increase in the level of traffic. It is to be noted that three quarters of all the traffic travelling past Gib Gate School does so outside of school hours, on weekends and during school holidays.

Disadvantages of banning the right turn out of Old Bowral Road at Bowral Road (Bowral end)

- a. Berrima Buslines (located at 90 Old Bowral Road) mainly uses the junction of Old Bowral Road and Bowral Road nearest Mittagong to travel to and from Bowral although there are 10 services a day from the Welby area which use the junction of Old Bowral Road at Bowral Road nearest Bowral. The signals will be beneficial for the bus company most of the time, but banning the right turn would concentrate traffic in Cavendish Street and create longer queues back from the traffic signals than otherwise would be the case. At peak times, queuing may extend past Old Bowral Road and make the junction of Old Bowral Road and Cavendish Street unusable for Berrima Buslines. This would leave the only alternative bus routes from the bus depot to Bowral as via the junction of Old Bowral Road at Bowral Road nearest Bowral or to join the back of the queue in Cavendish Street via Lyell and Priestley Streets.
- b. The existing traffic using Lyell Street and Old Bowral Road is mainly residential and industrial traffic from the west Mittagong and Welby areas who use the route to travel to and from Bowral. The use of vertical displacement devices (speed humps, platforms etc) in Old Bowral Road and Lyell Street to discourage through traffic is not recommended. The disadvantages and the costs associated with these treatments usually outweigh the advantages and they are not recommended on bus routes such as Old Bowral Road and Lyell Street. Any turn bans or vertical displacement devices will disadvantage these

residents as there is much more local traffic from the Spring Street and Welby areas than the forecast traffic to and from Woolworths.

3. Safety Issues - Impact on Old Bowral Road and Lyell Street

There are no urgent safety issues with traffic using Old Bowral Road / Lyell Street instead of Cavendish Street as an alternative route to the Big W facility. Sight distance for vehicles entering or leaving Gib Gate School is adequate and there is a 40 km/h school speed zone in place before and after school. It is recommended that traffic volumes be monitored and a report be submitted to Council when traffic patterns have settled after the installation of the signals with any actions considered necessary.

The following points should be noted:

- Old Bowral Road provides important access to Gib Gate School, Berrima Buslines depot and residents in the west Mittagong and Welby precincts.
- Turn bans at the intersection of Old Bowral Road/Bowral Rd (southern end) must be considered with care.
- Turn bans will not only cause significant inconvenience for these precincts but also add additional pressure on the proposed signals at Old Bowral Road/Bowral Road (Cavendish St end) intersection which are then likely to operate less satisfactorily.
- Traffic calming (such as "chicanes", raised platforms etc.) on Old Bowral Road due to the road being steep and winding are likely to make the road more hazardous and are not recommended.
- Should traffic volumes reach unacceptable levels, banning the right turn out of Old Bowral Road at Bowral Road nearest Bowral during peak times on Monday to Friday may be necessary. Policing of any sign posted turn bans is problematical.

4. Overall Traffic Plan for Mittagong

Council's Design Engineer has prepared a comprehensive report on traffic strategies for Mittagong. It is proposed that this report be considered by the Mittagong Master Plan Committee at its next meeting scheduled on 27 February 2007 and by the Traffic Committee meeting scheduled on 26 February 2007. A section 94 Plan will then be prepared for this strategy and will be the subject of a further report to Council.

ATTACHMENTS

Plan of Mittagong



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 31 January 2007

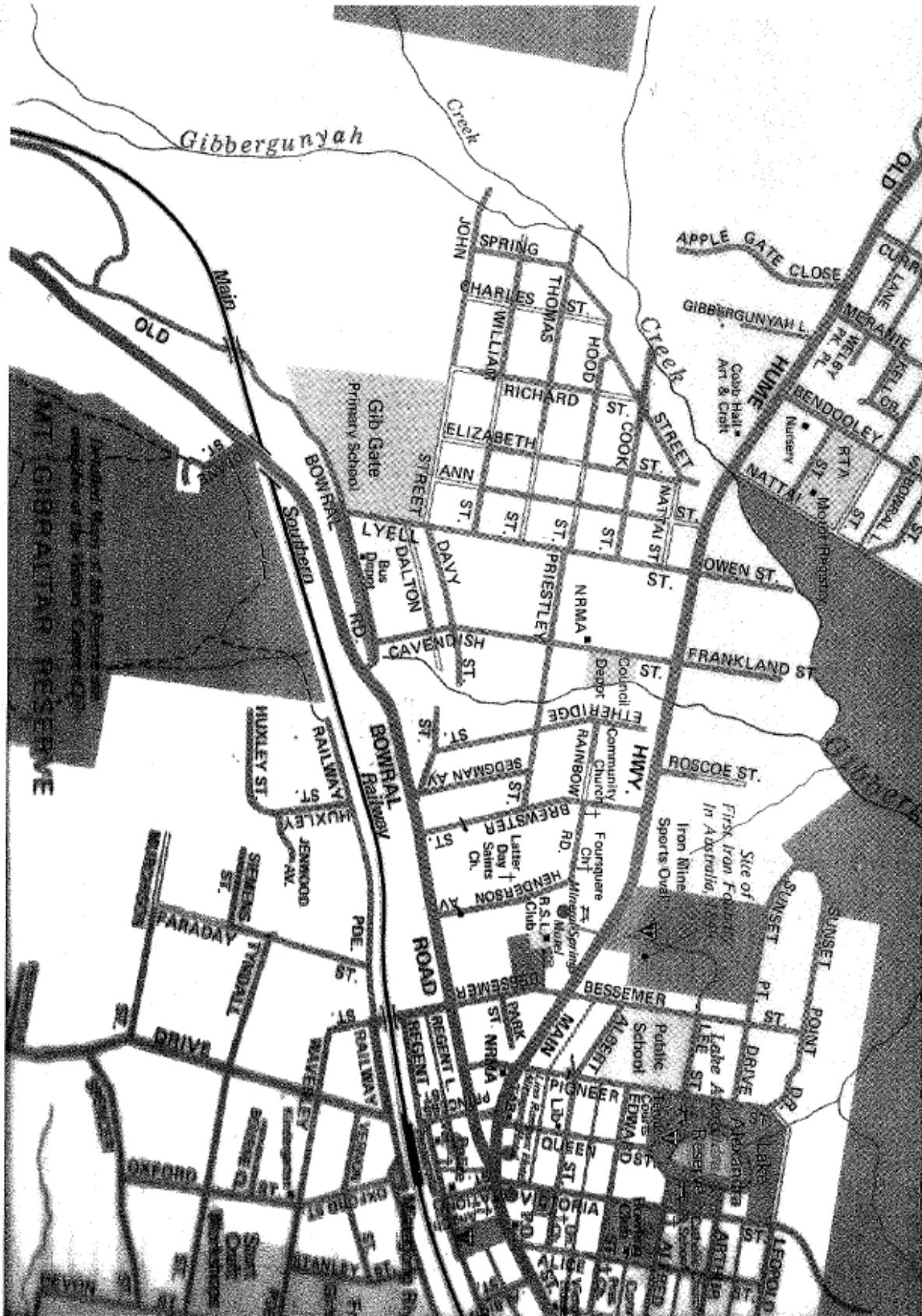
REPORT OF DIRECTOR TECHNICAL SERVICES

RECOMMENDATION

1. THAT the right turn out of Old Bowral Road at the junction of Bowral Road (MR260) nearer Bowral not be restricted at present;
 2. THAT the matter be further considered following the installation of traffic signals at the junction of Old Bowral Road and Bowral Road nearest Mittagong;
 3. THAT before and after traffic counts and the resulting traffic analysis be reported to Council along with any recommended actions when traffic patterns have settled after the installation of the traffic signals;
 4. THAT the draft traffic strategy for Mittagong be considered by the Mittagong Master Plan Committee and Traffic Committee AND THAT a Section 94 Plan be prepared to fund the strategy for further consideration by Council.
-

M J Brearley
Director Technical Services

25 January 2007



COUNCIL MATTERS

GENERAL MANAGER'S REPORTS

c-GM1 Weekly Circulars

REF.	GM	100/8, 203/2007
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Confirming receipt of weekly circulars from the Local Government Association and Council weekly circulars.

REPORT

Weekly circulars from the Local Government Association and Council weekly circulars have been received and circulated to all Councillors.

ATTACHMENTS

There are no attachments to this report.

RECOMMENDATION

THAT the information relating to Local Government Weekly Circulars Nos 01/07, 02/07 and 03/07 and Council Weekly Circulars Nos 01/07, 02/07 and 03/07 be noted.

Mike Hyde
General Manager

23 January 2007

NOTICES OF MOTION

OTHER MATTERS

NOTICE OF MOTION

**c-NRM1 01/2007 – Notice of Motion of Rescission - S96 Timing of Roadworks
associated with Highlands Market Place (Big W)**

REF: MAS

100/5, LUA04/1134

Reference: – Ordinary meeting of Council Wednesday 13 December 2006 o-EP5
(OC 263/06)

Council has received the following Notice of Motion of Rescission.

"We hereby give notice of our intention to move at the next meeting of the Council that the following motion passed at the Ordinary Meeting of Council held on 13 December, 2006 **be rescinded**:

1. ***THAT Council rejects the application to amend Condition 53 (b) (viii).***
2. ***THAT prior to the opening of the Big W facility the right hand turn from the southern end of Old Bowral Road onto Bowral Road be prohibited.***
3. ***THAT an urgent report be provided to Council on the safety issues regarding the usage of Old Bowral Road / Lyell Street as an alternative route to the Big W facility.***

Dated 21 December 2006

Signed Clr T D Gair

Clr M Murray

Clr P B Tuddenham"

RECOMMENDATION

SUBMITTED FOR DETERMINATION.

c-NM2 02/2007 – Notice of Motion – S96 Timing of Roadworks associated with Highlands Market Place (Big W)

REF: MAS

100/4, LUA04/1134

Clrs T D Gair, M Murray, P B Tuddenham have given notice that should the above Notice of Motion of Rescission be passed it is his intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday 31 January 2007.

1. *THAT Council defers its final consideration of the S96 application to amend Condition 53(b)(viii) of LUA04/1134.*
2. *THAT Council advises the application it wishes to see the work required by Condition 53(b)(viii) commence immediately a Construction Certificate has been issued.*
3. *THAT Council further advise the applicant that upon receipt of formal correspondence from the RTA agreeing to the amendment of Condition 53(b)(viii), Council would be willing to approve the S96 application to enable the Highlands Marketplace to commence trading prior to the completion of the works required by that condition.*
4. *THAT the Director Environment & Planning be delegated the authority to finalise this matter.*

COMMENTS OF DIRECTOR ENVIRONMENT & PLANNING

“This matter was reported to Council at its meeting of 13 December 2006. The recommendation in that report was to firstly confirm the views of the RTA and then should the RTA be willing to give its approval to open the Market Place prior to the roadworks being finalised, then Council should not object.

This was based on the fact that the intersection of Old Bowral Road and Bowral Road, a main road, falls under the responsibility of the RTA in terms of traffic management. If the RTA are satisfied with traffic management and traffic safety, then there are no other reasons why the Market Place could not open.

The concern that the work would not be done at all is not a realistic risk with approvals for the work now issued and significant security bonds being held by the RTA for the work. Council is in receipt of a letter from Woolworths Limited outlining their commitment to the works and this is at Attachment 1.”

RECOMMENDATION

SUBMITTED FOR DETERMINATION.

ATTACHMENT 1

WOOLWORTHS LIMITED

A.B.N. 88 000 014 675

10 January 2007

Mr Scott Lee
Director Environment & Planning
Wingecarribee Shire Council
Po Box 141
MOSS VALE NSW 2577

Fax: 02 4869 1203

WINGECARRIBEE SHIRE COUNCIL	
Classification	MAILING
Doc No	
Doc No	LUA06/0227
12 JAN 2007	
Glenval	
DEP	
E-LAW	

Dear Scott,

**Re: Highlands Marketplace, Old Hume Highway Mittagong
s.96 (1) Application – Old Bowral / Bowral Road**

Further to our s.96(1) application to modify the DA consent regarding the timing of completion of works in Bowral / Old Bowral Road in November 2006, Council's subsequent rejection, and continued communications between Woolworths and Council to rescind the rejection, we would like to formally put forward our position.

We are of the understanding that Councillors had concerns regarding Woolworths' commitment to the traffic light works at the intersection, however we confirm that Woolworths are fully committed to these works and cite that:

- Woolworths are seeking leniency with regards to the timing of completion of the works only, not that the works be carried out.
- Woolworths has entered into a separate Works Access Deed (WAD) with the RTA which requires the road works be carried out.
- Woolworths has provided a security bond to the RTA for the full amount of all intersections (\$714,516). Under the terms of the WAD this full amount is retained by the RTA until all intersections are completed. The RTA also has "step-in" rights should the intersections not be completed in a timely manner.
- All traffic consultants involved in the Land and Environment Court proceedings identified that traffic lights are required at this intersection at a point in time.
- RTA roadworks and Council CC approvals were granted for the intersection on 21 December 2006. The contractor (State Wide Civil) has been engaged for the works and mobilisation has commenced.



NOTICES OF MOTION

Additional measures which have been put in place to ensure that the roadworks are completed asap are:

- RTA has allocated a full time supervisor to monitor quality and road conditions.
- Dedicated foremen from the head contractor (Adco) and subcontractor (State Wide Civil) have been assigned to monitor the roadworks and ensure smooth, safe and orderly control of traffic.
- Weekly subcontractor meetings by the head contractor.
- Fortnightly site meetings with our project manager (APP), the RTA, head contractor and subcontractor.
- Direct lines of communication between all of the above to ensure timely resolution of any issues.

Whilst we have adopted the above measures to ensure the risk of not completing the roadworks is low, there may still be risks beyond our control. These include:

- Inclement weather.
- Possible amendments to the traffic management plan should they be required.
- Latent ground or site conditions.
- Unknown services, or
- Delays in final documentation to enable a full and final "practical completion" certification of the roadworks by the RTA.

Following Council's rejection of the s.96(1) and the imminent contractual handover of tenancies and commencement of fitouts, Woolworths postponed the opening of the Highlands Marketplace until 8 March 2007. Whilst this further decreases the risk of not completing the roadworks prior to the Centre opening, there remains a lead time for tenancy fitouts, stock placement, and hiring of staff that is many weeks prior to the Centre opening.

There therefore lies a risk that despite our best and fully committed efforts to complete the roadworks in time, one or more of the above events may affect completion, yet the Centre remains stocked and ready to open. This would affect not only Woolworths but the many local small business tenants, their employees and suppliers who are less able to bear the financial burden.

We are therefore seeking Council's reconsideration of our application, such that:

- as long as Woolworths has continued to show good faith in continuing with construction of the intersection, and
- that circumstances beyond our control delay completion, and
- that a safe intersection to the satisfaction of the RTA can be provided,

then Council will allow Woolworths to open the Centre for trading.

We confirm that in our November 2006 application we included a statement from our traffic expert, Mr Tim Rogers of Colston Budd Hunt Kafes, which includes an extract from the Court Appointed Expert's Report by Mr Coady, which identifies that a Level of Service B (a satisfactory level of operation) would be maintained at the intersection for the immediate 6 month period.

NOTICES OF MOTION

We maintain that completion of the works, if delayed, would be a matter of days rather than months, with full action plans/programmes defining completion of the works provided.

I understand our Mr. Paul Oates had discussions with Clr Lewis, Mayor, regarding rescission of the motion. This is a position we would like to maintain and seek your advice as to the possibility of this. Failing this, we would hope this matter can be raised at the next formal Council meeting on 31 January 2007.

Based on the above we seek your support for the proposed s.96 amendment to the DA and the successful opening of the shopping centre.

I am happy to discuss or clarify any points as may be required on 8885 3023 / 0409 817 350.

Yours sincerely,
Woolworths Limited / Fabcot Pty Limited



Nigel Smith
Development Manager

NOTICES OF MOTION

c-NRM3 03/2007 – Notice of Motion of Rescission – Kangaloon Borewater Extraction

REF: DTS

100/4, 5464/1, 5458/7

Reference: – Ordinary meeting of Council Wednesday 13 December 2006 c-NM3 25/2006 (MN 450/06)

Council has received the following Notice of Motion of Rescission.

"We hereby give notice of our intention to move at the next meeting of the Council that the following motion passed at the Ordinary Meeting of Council held on 13 December, 2006 **be rescinded**:

1. ***THAT Council refuses to pay the Sydney Catchment Authority (SCA) water bill in protest against the Kangaloon Borewater Extraction project until the ramifications for this shire are clearly known.***
2. ***THAT Council calls upon other Member Councils to also refuse to pay their SCA water bills in support of Wingecarribee's move to object to the extraction of groundwater from the Shire until all information has been explored.***

Dated 15 January 2007

Signed Clr M Murray
Clr T D Gair
Clr P Yeo"

COMMITTEE REPORTS

COMMITTEE REPORTS TABLED

c-CR1 Management and Advisory Committee Reports

REF. DCS 107/1

Submitting minutes of seventeen (17) Committee meetings that will be tabled for information.

REPORT

1. Wingecarribee Aboriginal Advisory Committee meeting Tuesday 3 October 2006
2. Wingecarribee Seniors Advisory Committee meeting Tuesday 3 October 2006
3. Wingecarribee Aboriginal Advisory Committee meeting Tuesday 3 October 2006
4. Welby Hall Management Committee meeting Thursday 5 October 2006
5. Mittagong Memorial Hall Management Committee meeting Thursday 2 November 2006
6. Wingecarribee Seniors Advisory Committee meeting Tuesday 14 November 2006
7. Tourism Southern Highlands Board meeting Monday 20 November 2006
8. East Bowral Community Centre Management Committee meeting Tuesday 28 November 2006
9. Wingecarribee Housing Strategy Group meeting Tuesday 28 November 2006
10. Heritage Advisory Committee Meeting Monday 4 December 2006
11. Wingecarribee Seniors Advisory Committee meeting Tuesday 5 December 2006
12. Lake Alexandra Reserve Management Committee meeting Tuesday 5 December 2006
13. Wingecarribee Access Committee meeting Wednesday 6 December 2006
14. Mittagong Memorial Hall management Committee meeting Thursday 7 December 2006
15. Hill Top Community Centres Management Committee meeting Thursday 14 December 2006
16. Wingecarribee Seniors Advisory Committee meeting Tuesday 9 January 2007
17. Wingecarribee Shire Council Water Supply & Sewerage Schemes meeting Wednesday, 29 November 2006

ATTACHMENTS

There are no attachments to this report.

RECOMMENDATION

THAT the information contained in the seventeen (17) Committee Reports be noted.

COMMITTEE REPORTS

COMMITTEE REPORTS ATTACHED

c-CR2 Minutes of the LEP Steering Committee (Refer Minutes page 93)

REF.	DEP	5900/1
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Submitting Minutes of the LEP Steering Committee meeting held Wednesday, 29 November 2006.

RECOMMENDATION

THAT the recommendations as detailed in the minutes of the LEP Steering Committee meeting held Wednesday, 29 November 2006 be adopted.

c-CR3 Economic Development Committee (Refer minutes page 94)

REF	EDO	107/24
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Submitting minutes of the Economic Development Committee meeting held Wednesday, 13 December 2006.

RECOMMENDATION

THAT the recommendations as detailed in the minutes of the Economic Development Committee meeting held Wednesday, 13 December 2006 be adopted.

c-CR4 Wingecarribee Community Services Consultative Committee (Refer minutes page 99)

REF	SPM	1800/17
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Submitting minutes of the Community Services Consultative Committee Meeting held on Tuesday, 5 December, 2006

RECOMMENDATION

THAT the recommendations as detailed in the minutes of the Community Services Consultative Committee Meeting held on Tuesday, 5 December, 2006 be adopted.



COMMITTEE REPORTS

c-CR5 Environment Committee (Refer minutes page 106)

REF	EHM	107/25, 5465/29.01
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Submitting minutes of the Environment Committee Meeting held on Wednesday, 29 November 2006

RECOMMENDATION

THAT the recommendations as detailed in the minutes of the Environment Committee Meeting held on Wednesday, 29 November 2006 be adopted.

**MINUTES OF THE LEP STEERING COMMITTEE MEETING
HELD WEDNESDAY, 29 NOVEMBER 2006**

File No. 5900

ATTENDANCE:

Cr Gordon Lewis, Cr Nick Campbell- Jones, Cr Malcolm Murray, Cr Jim Clark and Cr Phil Yeo

STAFF:

Scott Lee, (Director Environment & Planning), Mark Pepping (Manager Strategic Planning), Susan Stannard and Heath James

APOLOGIES:

Cr Jim Mauger, Cr Duncan Gair, Cr May King, Cr Penny George, Cr Sara Murray and Cr Larry Whipper

REPORTS:

1. FEEDBACK FROM DOP ON DRAFT SHIREWIDE LEP

To provide Council with feedback received from the DOP in relation to the Draft Shirewide LEP.

RECOMMENDATION:

- THAT Council note the comments- from the attached Minutes of the meeting held on 3 October 2006 by staff from the Department of Planning.**
- THAT Council agree to the recommended Actions listed in the Attached Minutes including those resulting in changes to the Draft LEP adopted by Council on 23 August 2006**
- THAT Council formally resolve to increase the minimum subdivision size for new allotments in the proposed RU1, RU2 and E3 zones to 100 hectares to enable the draft LEP to proceed to public exhibition.**

Meeting closed approximately 4:30pm.

**MINUTES OF THE ECONOMIC DEVELOPMENT COMMITTEE MEETING
HELD ON WEDNESDAY DECEMBER 13TH, 2006**

File: 107/24

PRESENT:

Council

Clr Malcolm Murray (Chair) (*arrived 10:50am*)
Clr May King
Clr Duncan Gair (*arrived 10:50am*)
Mike Hyde (General Manager (GM) (*arrived 11:40am*)
Carl Pemberton (Economic Development Officer (EDO))

Community Representatives

Terry Oakes - Ash (Community representative (CR))
Desmond Kennard (Community representative (CR))
Martin Blencowe (Moss Vale Chamber of Commerce)

Also

Malcolm Yell (representing Bowral Chamber of Commerce)
Clr Nick Campbell Jones) (*arrived 11:10am*)
Dawn Taylor (Note taker)
Peter Tyree, (Tyree Transformers) (*arrived 12:00pm*)
Geoffrey Cox (MD Crighton Properties) (*arrived 12:00pm*)
Peter Childs (Director of Planning, Crighton Properties) (*arrived 12:00pm*)
Gail Mullins (CEO Crighton Lifestyle Resorts) (*arrived 12:00pm*)

The meeting commenced at 10:40am

Council

Clr Malcolm Murray – Chair; Clr May King; Clr Duncan Gair; Clr Paul Tuddenham; Mike Hyde (General Manager); and Carl Pemberton (Economic Development Officer).

Community Representatives

Terry Oakes Ash; Alan Spence and Desmond Kennard

cc All Councillors
cc Southern Highlands Business Chamber – C/- Terry Oakes Ash
cc Bowral Chamber – C/- Malcolm Yell
cc Mittagong Chamber – C/- Charlie Johns
cc Moss Vale Chamber – C/- Martin Blencowe
cc DEP, SPM, and James Shelton

APOLOGIES

Alan Spence (Community representative (CR))
Scott Lee (DEP)

COMMITTEE REPORTS

MINUTES OF THE PREVIOUS MEETING

(EDC 18/06) RECOMMENDATION

Moved by Terry Oaks Ash (CR) and Seconded by Desmond Kennard (CR)

Motion Passed

THAT the Minutes of the Economic Development Committee meeting held on Wednesday, October 25th, 2006 be accepted and adopted as a true and accurate record.

MATTERS ARISING

1. DEVELOPMENT APPLICATIONS CURRENTLY BEFORE COUNCIL.

The latest land use applications (DA's) were distributed to members of the committee.
3.1 The matter was held over for discussion at a future meeting.

(EDC 19/06) NOTICE OF MOTION

Moved by Desmond Kennard (CR) and Seconded by Terry Oaks Ash (CR)

Motion Passed

THAT Council's Planning Department is requested to review its procedure for applications of Shire Significant projects to ensure that a formal presentation is made to the EDC to allow for comment, prior to being passed on to Council for their consideration.

(EDC 20/06) NOTICE OF MOTION

Moved by Desmond Kennard (CR) and Seconded by Terry Oaks Ash (CR)

Motion Passed

THAT the Economic Development Committee requests the Environment and Planning Division to provide a procedural map for the events, requirements and timelines involved in the process of Shire Significant Developments.

3.2 To enable the EDO to foster and encourage economic growth as stated within the objectives for the position it was held that the incumbent should be fully appraised of all developments falling within the Shire Significant ambit.

(EDC 21/06) NOTICE OF MOTION

Moved by Desmond Kennard (CR) and Seconded by Terry Oaks Ash (CR)

Motion Passed

THAT the Economic Development Committee believes that in order to achieve stated objectives, the EDO should attend all Shire Significant development meetings between Council and the project proponents, and be authorised to facilitate expeditious consideration of these applications. Further, that the job description of the EDO should be amended accordingly.

2. UPDATE FROM CARL PEMBERTON (EDO):

4.1 Inland Port / Intermodal / Logistics Hub

4.1.a Following the sale of two large tracts of land in the Employment Enterprise Zone, the EDO advised that the timeframe for the rescission clause has now expired,

the sale will proceed and the purchasers intend to progress plans for a business and technology park, as plans for the Logistics Hub are not yet ratified.

4.1b The EDO outlined the forecast growth for container trade through Sydney (Port Botany) over the next 10-14 years, increasing from the current 1.1 million TEU per year to 3.2 million. The EDO restated that the Sydney infrastructure system is not capable of handling such growth and this will enhance opportunity for the Moss Vale option.

4.2 Plannex Exhibition

4.2.a The EDC approved the design for a banner and expenditure for the purchase of same to be used at the exhibition and subsequent similar venues. Desmond Kennard (CR) and Cllr May King both offered to assist with promotion at the Plannex exhibition.

4.3 Advertising

4.3.a A full page advertisement to be used in the Southern Highlands Travel Planner 2007 was approved. The necessity for high resolution photographs of the local area to be taken by a professional photographer for use in similar media was sanctioned, as was investigation into the purchase of a new laptop computer for presentations by the EDO.

4.3b Martin Blencowe (Moss Vale Chamber of Commerce) advised that a link to the WSC website is to be included on the Moss Vale Chamber of Commerce website on the Inland Port project.

4.4 ALGA Conference

4.4.a The Australian Local Government Association (ALGA) Board invited councils (Australia wide) to submit multi-media presentations which showcase innovative solutions to the challenges faced by all councils. The submission by the WSC on the Inland Port project was successful and the first to be shown to the full National General Assembly. The EDO has since received requests from other LGAs for further details.

4.5 China Delegation – report presentation

4.5a Comment was made that the report should vindicate Council's actions in developing the relationship with Kaifeng City, Henan Province.

4.5b The EDC agreed that although a Trade delegation should be business driven, it was premature for Council to consider withdrawing from the process and that Council continue its initiatives to develop the inter city relationship further.

4.5c The EDO authored the report from an Economic Development perspective, the outcomes of which are not necessarily quantifiable. Benefits and opportunities arising from the visit may be determined in retrospect by independents.

4.5d \$\$Public Perception

4.5e The process used by the EDO in determining the level of support from the business community for an invited delegation to attend Kaifeng City, Henan Province in 2007, will be via the business chambers, and the number of local businesses who indicate they wish to participate.

4.5f Randal Kennard has not received a formal letter of thanks for hosting an event during the recent visit by delegates from Kaifeng City, from the WSC.

ACTION

THAT the EDO will arrange to send a formal letter of thanks from the Mayors office of the WSC as soon as practically possible.

4.6 Mapping – It was agreed that the cadastral map available on the WSC Intranet be used for navigation around the Shire during EDC meetings.

3. OUTSTANDING ACTIONS OVERDUE FOR THE ECONOMIC DEVELOPMENT COMMITTEE

Subject	Due Date	Company
ALL COMPLETED		

4. Performance review of Economic Development Committee over 2006

The EDO was thanked for achieving and exceeding the majority of his Key Performance Indicators throughout 2006. The endeavours of the Personal Assistant to the EDO were also recognised.

6.1 It was also acknowledged that outstanding tasks were on track and progressing according to plan.

6.1a The only outstanding tasks were associated with the Economic Development Strategic Plan which is on track for completion. However it was determined that it would be beneficial to defer the report until the EDO completes his Doctoral Literature Review on Regional Economic Developments, to be completed by June 2007.

ACTION

THAT the EDO will defer drafting of the Economic Strategy until the second half of 2007, when the EDO completes his doctorate literature review on Regional Economic Development.

6.2 The Chair called for opinions of the EDC members to promote the way forward for 2007. Suggestions included:

6.2.a Successfully negotiating to finalise the Notices of Motion EDC19/06+ EDC20/06+ EDC21/06, regarding Shire Significant Developments.

6.2b Consolidation of existing projects, including the Heritage Park Development

6.2c Liaise with Berrima Buslines to review the Public Transport system throughout the Shire. Consideration should be given to a regular (smaller) Shire-wide shuttle bus service.

6.2d Traffic logistics in the three major Towns requires revision, in consideration of the proposed Economic Development.

6.2e The topic of 'Affordable Housing' needs to be continued.

6.2f Conference and airport facilities should be included in the review process for Economic Development.

6.2f Determine how the EDC may become better informed of the Utilities available within the Shire.

5. PRESENTATIONS

Presentation to the EDC facilitated by Peter Tyree, (Tyree Transformers) with Geoffrey Cox (MD Crighton Properties) Peter Childs (Director of Planning, Crighton Properties) and Gail Mullins (CEO Crighton Lifestyle Resorts) on the potential development of Tyree rural property.

Plans for a 'foreshore park' were outlined providing a range of amenities for use by the general public, forming part of a broader featured regional scale park. The subject area is 106.9Ha bounded by Eridge Park Road and the Wingecarribee River. A lifestyle resort

development was outlined, consisting of Large Lot Residential home sites, a Conference and Home Based Business Park, Managed Seniors Living and a Community Park. It was noted that rezoning of some land parcels would be required.

Discussion on the topic was held over until the next meeting of the EDC on January 31st, 2007, to enable members to absorb the concept and determine comment and feedback to the project proponents.

6. NEXT MEETING –

The next meeting of the Economic Development Committee will be held in the Nattai room on **Wednesday January 31st 2007** commencing at 10:30am.

The Meeting closed at 1:10pm

**COMMUNITY SERVICES CONSULTATIVE COMMITTEE MEETING
HELD ON TUESDAY 5 DECEMBER, 2006**

File No. 1800/17

The meeting commenced at 5:40pm

1. **ATTENDANCE:**

Cr Phil Yeo (Chairperson), Cr Jim Clark, Cr Penny George, Jenny MacLennan, Noel Andrews, Lesley Oatley, Michelle Coates, Frank Sotheran, Nikki McAdoo, Donna Crawford, Bruce Mumford, Jenny Clough, Cathy Bradley and Janine Masso

ALSO PRESENT:

Margo McClelland (Social Planner) and Stacy Bramble (Administration Assistant)

APOLOGIES:

Apologies were received and noted from Robyn Smith and Travis Holland.

RECOMMENDATION:

THAT apologies received from Robyn Smith and Travis Holland be received and noted.

**Moved: Cr P George
Seconded: N McAdoo
Carried**

Cr Phil Yeo welcomed everyone to the last meeting of 2006 and welcomed Jenny Clough of Disability Services Australia, who is a new Committee member representing disability services.

2. **CONFIRMATION OF MINUTES FROM PREVIOUS MEETING OF TUESDAY 3 OCTOBER, 2006:**

RECOMMENDATION:

THAT the minutes of the meeting held on Tuesday 3 October, 2006 be accepted as a true and accurate record, subject to inclusions being made on both page 3 and 4.

Item 4.8 on Page 3 to include “Nikki McAdoo advised that older persons aged between 25 to 35 years were also of a high priority”.

Item 4.10 on Page 4 to read “Frank Sotheran advised that he has inspected a number of public and *disabled* toilets”

**Moved: Cr J Clark
Seconded: F Sotheran
Carried**

3. **MATTERS ARISING FROM MEETING HELD ON 3 OCTOBER, 2006**

3.1 **Nomination Youth Services Assn Representative.**

Margo McClelland advised that a youth services representative for the CSC Committee has not been identified to date.

Action:

Margo to invite the Wingecarribee Adolescent and Family Counselor to nominate for Committee membership.

3.2 **Affordable Housing.**

Margo advised of Council's resolution of 25 October, donating land in Hansen Street, Bowral for Argyle Housing to commence development of affordable housing targeted to low to moderate income households.

Margo also advised that discussion with Landcom on affordable housing outcomes within the Renwick residential release development are continuing. Landcom is exploring options to include a community housing pilot for long term managed rental housing

Action:

Margo to convene a meeting with Anna Chubb, Landcom Project Officer, Lesley Oatley and Brian Murnane of Argyle Housing regarding potential for a community housing pilot.

That Affordable Housing be placed on the Community Services Consultative Committee agenda as a regular item.

3.2 **Adaptable Housing**

Margo advised that the draft Shire Local Environment Plan includes a requirement that 30% of all new medium density and 50% of all new dual occupancy housing is adaptable. This requirement will need to be included in Town Centre & Development Control Plans.

3.4 **Social Plan Review.**

Deferred for preparation in January and presentation at Committee meeting in February 2007. Committee members were asked to bring their copy of the Social Plan to this next meeting.

Action:

That the Social Plan Review be placed on the agenda for the first Committee meeting to be held in 2007.

3.5 **Wingecarribee Community Assistance Scheme (CAS).**

Margo advised that 50% of allocated funds have been expended in total on approved projects to date.

3.6 **Community Services Centre Regional Partnerships Submission.**

Margo advised on no news to date regarding status of this submission, although recent enquiries were made to Council's Community Worker (Aged & Disability) for further information.

- 3.7 **Wollondilly, Wingecarribee and Camden Youth Action Plan.** Margo gave an update on the Regional Youth Forum Workshop convened at Camden Civic Centre on 27 November and involving student council representatives from high schools across the three LGAs. A copy of the power point presentation on youth issues and local actions was tabled and circulated to Committee members. A Regional Action Plan will also be compiled.
- 3.8 **Wingecarribee Community Foundation MAD Youth Survey.**
A summary on outcomes of the MAD youth survey as forwarded by Travis Holland was tabled and copies circulated to Committee members. Cr Penny George advised on her knowledge of the survey process. Although Moss Vale had not been included, it was agreed that the information collected would be a good resource.
- 3.9 **Wingecarribee Community Drug Action Team (CDAT).**
Margo advised on CDAT funding approval for the "Secondary Supply to Minors – Don't Risk It" project. Council's Road Safety Officer, Kim Davis had prepared this application. The position of Road Safety Officer is currently being advertised for recruitment commencing 2007.
- 3.10 **Illawarra Area Assistance Scheme (AAS).**
Margo tabled the list of projects seeking 2006/07 funding. The Local AAS Planning Committee will convene in November to rank applications and make recommendations to the Regional Planning Committee scheduled for February 2007.

Discussion followed on future project development strategies. Margo would like to hold information sessions early in 2007 on all funding schemes including CAS and CDSES. Cr Yeo suggested that projects should reflect local needs and issues identified in the Social Plan.

Margo advised on a request from South West Sydney community workers, seeking Council participation in a review of the AAS. The source and status of this review is unknown.

Action:

Margo to establish status of South West Sydney AAS review and assess potential for Wingecarribee Council participation.

- 3.11 **Deferred to General Business -** Public Safety
Competitive Tendering
Family and Community Centre

4. **CORRESPONDENCE:**

There was no correspondence submitted to the Committee.

5. **ADVISORY COMMITTEE REPORTS:**

5.1 **Seniors Committee** – Due to the absence of Robyn Smith, there was no update from the Seniors Committee.

5.2 **Access Committee**

Bruce Mumford gave a detailed report on the Access Committee.

Bruce advised of events held to celebrate International Day of People with a Disability. Participants in Foyer Gallery exhibition and official opening event included Moss Vale and Tangara Schools, Moss Vale Art Class, Interchange Wingecarribee, Illawarra Southern Highlands Disability Trust, Wingecarribee Adult Day Care Centre and the Access Committee who all supplied artwork to display in the Foyer Gallery. Over 100 people attended the official opening. The Access Committee also held an essay competition and awarded 3 prizes to local school students which were generously donated from Sportsco, the Empire Cinema and Angus & Robertson in Bowral.

Bruce also spoke about access upgrades planned for Bowral Railway Station and referred to other major development applications including the Lake Alexandra upgrade.

5.3 **Youth Council**

Cr Penny George addressed the Committee in the absence of Travis Holland. The Youth Council has 12 members and is meeting on a regular basis. Council members are planning local events on a monthly basis. There will be an event at the end of January and in February before planning commences for Youth Week 2007.

It was advised that six local bands, involved in the Kool Schools program had released a CD and had received many awards at the NSW Kool Schools presentation evening. Their participation in the Kool schools program was enabled by a grant awarded to Loseby Park Youth Centre.

Noel Andrews left the meeting at approximately 7:10pm

6. **GENERAL BUSINESS:**

6.1 **Community Safety in Shopping Centre Toilets.**

Cr Yeo advised on his meeting with the Mayor and Director for Environment and Planning which was held to discuss safety issues relating to public toilets, particularly those located in shopping centres. Council does not have authority to request alterations to existing facilities in private shopping centres such as Woolworths in Bowral. Council can however include requirements for new development by incorporating Design Guidelines for Crime Prevention in the Town Centre Plans being prepared by Strategic Planning Branch. In future major developments, design, location and access to public toilets should be viewed as a priority.

COMMITTEE REPORTS

RECOMMENDATION:

1. **THAT the Community Services Consultative Committee urge Council to include Design Guidelines for Crime Prevention in the Shire's Town Centre Plans.**
2. **THAT public toilet facilities within major commercial developments be assessed with respect to access and location as key issues.**

Moved: F Sotheran

Seconded: J MacLennan

Carried

6.2 **Competitive Funding and Tendering.**

Nikki McAdoo gave an update on the insecurity facing local community based organisations in relation to State government funding policies. A summary of issues prepared by Illawarra Forum on the Department of Community Services new Funding Policy was tabled and circulated to Committee members.

Cr Yeo made reference to a Committee recommendation minuted on 6 June and subsequently endorsed by Council as follows:

Extract from minutes of 6 June, 2006

State and Federal competitive tendering processes were discussed and concerns shared regarding potential loss of locally based community services. It was agreed to write to State and Federal members stressing that the Wingecarribee Shire has specific characteristics and needs and that competitive tendering consultation processes are inadequate. It was requested that a report be referred to Council detailing concerns and issues regarding the application of competitive tendering to community based services.

RECOMMENDATION:

THAT Council through the Mayor, write to relevant State and Commonwealth Ministers regarding competitive tendering processes impacting on human services for Wingecarribee Shire residents, with particular reference to appropriate consultation and out of area service delivery

Moved: N McAdoo

Seconded: D Crawford

Carried

Action:

Margo, Nikki and Donna Crawford will meet and draft submission for referral to Mayor and forwarding to respective Ministers.

6.3 **Wingecarribee Family and Community Centre.**

Margo advised that the Committee's recommendation of 3 October was referred to Council's Alexandra Square Sub committee. However, correspondence from the Attorney General was received at the same time,

stating that the public trust relating to this property can only permit public recreation. In this context, the Bowling Club building is probably illegal. The need to explore alternative sites for the Family and Community Centre was discussed. It was suggested that an Information Session be held early in the New Year, to enable all Councillors to be updated on the situation.

RECOMMENDATION:

THAT a Councillors' Information Session be requested in early 2007, to present the Child and Family Centre concept to Councillors and to explore potential for a donation of Council land for this purpose.

Moved: L Oatley

Seconded: Cr P George

Carried

7. NEW BUSINESS AND MATTERS FROM COMMITTEE MEMBERS:

7.1 Matter referred from Southern Highlands Transport Forum

Margo advised on a request from the Southern Highlands Transport Forum seeking that the Committee request of Council a small recurrent budget allocation to support funding applications under the Country Passenger Transport Infrastructure Grants Scheme. This is an annual small grants scheme that offers funding to improve amenities for public transport passengers such as timetable information, bus stops and shelters or lighting. While Councils can apply for funding, applicants that commit matching funding are given higher priority. Roads and Traffic Branch advise that there is no existing Council budget allocation for this purpose.

RECOMMENDATION:

THAT the Community Services Consultative Committee request Council to allocate recurrent funding of \$10,000 per year to support funding applications to the RTA to improve local public transport amenities through the Country Passenger Transport Infrastructure Grants Scheme.

Moved: Cr J Clark

Seconded: Cr P George

Carried

7.2 Matter from Southern Highlands Domestic Violence Forum.

Nikki advised that the Domestic Violence Forum were now writing to the Minister for Community Services seeking a decision on Area Assistance Scheme (AAS) funding for the YWCA Domestic Violence Worker. The Forum also requests that the CSC Committee ask that Council forward similar correspondence seeking a decision on funding approval and expressing concern that Wingecarribee Shire does not have a domestic violence worker.

COMMITTEE REPORTS

RECOMMENDATION:

THAT Council forward correspondence to the Minister for Community Services seeking a decision with respect to Area Assistance Scheme funding for the YWCA Domestic Violence Project and expressing concern that there is no Domestic Violence Worker in the Wingecarribee Shire.

**Moved: D Crawford
Seconded: N McAdoo
Carried**

7.3 State Election – Meeting with the Candidates.

Cr Jim Clark advised that Councillors would be meeting with State candidates on 14 March, prior to the State election. Committee members were invited to raise issues and concerns at the next Community Services Committee meeting, for advice to Councillors.

Action:

That Committee members raise social and community issues at the next Community Services Consultative Committee meeting, for advice to the Councillors' meeting with State candidates.

8. NEXT MEETING:

The first Community Services Consultative Committee meeting for 2007 will be held on Tuesday 6 February, 2007 upstairs in Council's Meryla Room.

It was agreed to meet six times per year, with future meeting dates being confirmed at the meeting to be held on Tuesday 6 February.

9. MEETING CLOSURE:

Cr Phi Yeo thanked everyone for their contribution over the last year and wished everyone a Merry Christmas and a safe New Year.

The meeting was declared closed at 7:50 pm

**MINUTES OF THE ENVIRONMENT COMMITTEE MEETING
HELD ON WEDNESDAY, 29 NOVEMBER 2006**

File No: 5465/29.01

PRESENT:

Clr. Larry Whipper (Chair)
Clr. Jim Clark
Clr. Jim Mauger
Jane Lemann – Community Representative
Tony Hill – Community Representative
Tony Paull – Sydney Catchment Authority
Geoff O'Connor – Hawkesbury Nepean Catchment Management Authority (HNCMA)
Daniel Anderson – Hawkesbury Nepean Catchment Management Authority (HNCMA)

IN ATTENDANCE:

Doug Neville – Financial Services Manager (part)
Jeanette Curley – Revenue Controller (part)
Edward Anderson – Natural Resources Co-ordinator, WSC
Andrew DeMontemas – Environment and Health Manager, WSC
Belinda Rowe – Bushland Project Officer
Tannia Andrews – Administration Officer, WSC

APOLOGIES:

Lori McWhirter – Department of Primary Industries

Apologies

Were received and noted.

MINUTES OF THE PREVIOUS MEETING HELD ON 1 NOVEMBER 2006

Recommendation 1:

THAT the Minutes of the Environment Committee Meeting held on 1 November 2006 be accepted as a true and accurate record.

Moved by Geoff O'Conner Seconded by Jim Clark

MATTERS ARISING FROM PREVIOUS MINUTES

1. Discussion with Financial Services Manager, Doug Neville

Financial Services Manager, Doug Neville, was present at the meeting to discuss the possibilities of rate relief for landowners who designate part of their land for conservation under a conservation agreement. The following points were made:

- Landowners are offered discounts in rates when a conservation agreement is entered into through the National Parks and Wildlife Service.
-



- He suggested that the Environment Committee could offer an incentive for landowners who enter into other Conservation Agreements, funded by the Environment Levy.
- He advised the Committee that the Shire has recently undergone a Valuer General's Valuation in which all landowners have the option to object to their valuation. He informed the Committee that landowners could object to the Valuer General's office for an allowance based on land set aside for Environmental Conservation.
- The chances of having an alteration in rural and farmland ratings are slim as they are set down in the Local Government Act.
- Another option would be to seek approval from Council for a new rating category for Conservation. This would be a policy decision for Council and a recommendation would need to be made through the Committee.
- It was noted that Landowners seeking rate reductions would need to be a formal agreement for conservation with a local body, i.e. Council, CMA etc and would require an annual inspection and management plan.

The Committee thanked Doug Neville for attending the meeting and the information supplied. It was decided to list the matter for the first meeting in 2007 and information should be gathered prior to this meeting in regard to alternate strategies and the approach taken by other Councils.

2. Status of Hedges Committee

The current status of the issue of high hedges is as follows:

- The Department of Planning refused the proposal for high hedges in the Draft LEP, suggesting that it be dealt with in the Shire-wide LEP.
- The Department of Planning is reviewing the draft provision included within the Shire-wide LEP.
- DCP - Council can call in a landscaping plan for rural developments with regulations inserted to protect scenic rural views and vistas.
- Community education approach resolved by Council has not been actioned as no funds were allocated to action it. Possibility of preparing landscaping guidelines as part of the new suite of DCPs and high hedges will be dealt with in some form there.
- The sunset committee is currently inactive.

3. Ellesmore Road Regeneration Project

Issue of possible future road works on Ellesmore Road was raised at the previous meeting in relation to Project Proposals. Previous road works have been carried out and there are currently no plans for further works.

Stage 1, Primary Weed Control is complete on Ellesmore Road and Stage 2, Secondary Weed Control, is scheduled to be carried out in February 2007.

4. Confidential Information

Only information discussed that is flagged as confidential in the meeting cannot be discussed outside the meeting. In addition, matters raised in Committee meetings can be discussed outside of meetings however specifics and personal matters must remain confidential. All recommendations made through the Committee must be accepted by Council prior to informing members of the public.

FEEDBACK FROM COUNCIL MEETING

Nil

NEW PROJECT PROPOSALS

1. *Environmental Education Program*

Funds were requested to print 6,000 of the Environmental Footprint publication flier at a cost of \$2,500.00 to enhance the environmental review and education program.

Recommendation 2:

THAT 6,000 be allocated from the Environment Levy to print 6,000 copies of the Footprint publication flier at a cost of \$2,500.

Moved by Tony Hill

Seconded by Jane Lemann

2. *Vegetation Conservation*

Approval was requested to enter into an agreement to conserve and enhance 1.3ha of Transitional forest in Bowral.

Recommendation 3:

THAT Council proceed with a Vegetation Management Agreement for \$788.00 to be allocated from external grant money received by Council to match the Environment Levy commitment for conservation of Transitional Southern Highlands Woodland/ Robertson Tall Open forest on Lot 1 of Deposited Plan 867717 in Bowral.

Moved by Jane Lemann

Seconded by Tony Paull

3. *Vegetation Conservation of Robertson Rainforest*

External grant funding proposed to be used to conserve 6ha of this endangered vegetation.

Recommendation 4:

THAT Council proceed with a Vegetation Management Agreement for \$8,655.00 of external grant funding received by Council to match the Environment Levy commitment for conservation of Robertson Rainforest on Lot 1 of Deposited Plan 719731 in Robertson.

Moved by Jim Clark

Seconded by Tony Hill

4. *Vegetation Conservation – Robertson Basalt Tall Open Forest*

External grant funding proposed to be used to conserve 5.1ha of this endangered vegetation.

Recommendation 5:

THAT Council proceed with a Vegetation Management Agreement for \$9,770.00 of external grant funding received by Council to match the Environment Levy commitment for conservation of Robertson Basalt Tall Open Forest on Lot 2 in Deposited Plan 1005519 in Kangaloon.

Moved by Geoff O'Connor

Seconded by Tony Paull

5. *Paddy's River Wetland Rehabilitation*

Funds were requested to rehabilitate Paddy's River Wetland. External funding has been secured through the HNCMA (LGAG) to treat a portion of blackberry within the area and \$25,000 has been requested from the Environment Levy to expand works by undertaking further weed control.

Recommendation 6:

THAT \$25,000 be allocated from the Environment Levy to fund bush regeneration works on Paddy's River Wetland.

Moved by Jim Clark

Seconded by Jane Lemann

MONTHLY ACTIVITY REPORT

The NRC distributed the Monthly Activity Report. The report was noted with no comments.

MONTHLY EXPENDITURE REPORT

The NRC distributed the Monthly Expenditure Report. The report was noted.

GENERAL BUSINESS

Mansfield Reserve and Hammock Hill Reserve Plan of Management

A public meeting is to be held in the Council Theatre to discuss the Plan of Management for Mansfield and Hammock Hill Reserves on the 5 December 2006.

Indian Myna Birds

Jane Lemann passed on information to the Manager of Environment and Health in regard to Indian Myna traps.

COMMITTEE REPORTS

Cestrum Parqui

Jane Lemann informed the Committee that *Cestrum parqui* has been declared a noxious weed by the Moss Vale Rural Lands Board and requested that we add it to the Shire's list of declared Noxious Weeds. It was pointed out that the Moss Vale Rural Lands Board covers a wide area and *Cestrum parqui* may not be declared as a noxious weed for this area. NRC to check whether it is currently listed as noxious weed in our Shire.

State of Environment Report

Jane Lemann congratulated the Environment and Health staff on the State of the Environment Report and queried a few items contained in the report.

Environmental Weed List

Recommendation 7

THAT Madiera Vine and Moth Vine be included in the Environmental Weeds List.

Moved by Jane Lemann Seconded by Tony Hill

Signage for bush care groups

The question of signage for Bush Care groups was raised and the process in acquiring them. It was advised that there are general signs provided for Bush Care groups, no individual signage, and to contact the Natural Resources Supervisor for further information or provision of signage.

Streamwatch Program

Invoices for provision of chemicals and result analysis for the SCA Streamwatch program are to be sent the SCA in Goulburn and are not paid for by Council.

Environment Fair

A de-brief meeting was recently held for the Environment Fair. The possibility of holding two events next year will be looked into, a general fair and a fair specifically for local schools.

Wetlands Management Program

Daniel Anderson reported on two new programs targeting conservation of wetlands in the catchment. One by HNCMA targeting wetlands and upland swamps and another sponsored by DEC under the Threatened Species Unit at Hurstville. Daniel to supply further information on the programs to NRC.

Community Nursery

A location has been identified for the community nursery in Robertson and a lease undertaken is being negotiated between the Bushcare and Landcare network and the land owner.



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 31 January 2007



COMMITTEE REPORTS

Spraying of Oxeye Daisy

The issue was raised that there is a limited window of opportunity to spray oxeye daisy. The NRC informed the Committee that funds for spraying were already used in Belmore Road.

The meeting concluded at 4:20pm

Next meeting to be held in the Gibraltar Room on Wednesday 21 February 2007 at 2pm following the Linear Reserves Committee meeting at 1pm.



COMMITTEE REPORTS

Project & location	Work description / progress/ comments	Cost \$	Status
Berrima - Weir reserve - & Stone quarry walk	Primary removal of privet along river. Treated ivy growing up trees along river Sprayed revegetation area for emergent weeds. Repaired walking track with drainage upgrade and installation of new aggregate. Chipping of green waste for bushcare group. Applied wetting agent and watered plants.	2430	ongoing
Mt. Alexandra Reserve maintenance	Undertook fire trail clearing after wind storm. Assisted rebuilding of unsafe stairs on 'red' walking track. Feral animal control program in Reserve.	5560	complete
Mt Gibraltar Reserve	Ivy removal. Removal of tree across track after wind storm.	2300	ongoing
Gibbergunyah reserve	Fire trail maintenance after windstorm.	280	complete
Mittagong Creek Bowral	Supervision of contractor undertaking earthworks on Mittagong Ck in Stanley Park. Weed matting of new shaped creek bank. Follow up weed control along riparian zone below Oxleys Hill Rd.	1120	ongoing
Wingecarribee River – Bong Bong Track	Planted, watered and guarded 400 trees, shrubs and grasses on Youth Landcare project site.	2730	ongoing
Cosgrove Park Moss Vale	Undertook planting at Cosgrove Park with Landcare Group. Planted 1732 grasses and 430 trees and shrubs.	1470	ongoing
Penrose bushcare group	Assisted bushcare group with chipping of green waste.	150	complete
Burrawang	Assisted bush care group with weed control of bush care site	150	ongoing
Mansfield reserve	Undertook tree planting day, planting 800 trees and shrubs. Watered all plants in the following week.	810	ongoing
Yarrawa bushcare group	Sprayed tradescantia for bushcare group.	100	ongoing



COMMITTEE REPORTS

Wingecarribee Environment Fair	Council co- hosted the Wingecarribee Environment Fair with the Wingecarribee Landcare and Bushcare Network, in Corbett Gardens. The target audience was Year 5 and 6, who were invited from schools within the Shire. The students that rotated around a variety of interactive activities such as creating a habitat garden for native wildlife, worm farming, potting up of native plants, and how simple everyday activities can pollute stormwater and the associated waterways within the Catchment area. Feedback has generally been very positive, particularly from the schools that participated on the day.	2000	complete
Erosion and Sediment Control program	There were 70 new inspections and 30 reinspections. A Prevention Notice and a Penalty Infringement Notice (PIN) were issued to a contractor for carrying out works in an environmentally unsatisfactory manner, which had resulted in sediment leaving the works site and causing water pollution. A joint inspection of a large residential development was undertaken with the SCA as there was concern that large amounts of material that had been stockpiled onsite were not adequately being contained and could pose a water pollution risk. Sediment fences were installed to contain the stockpiled materials and a water cart and sprinkler system were required to reduce dust levels generated on internal roads and from the stockpiles.	5120	ongoing
Vegetation Conservation incentive program	Completed 2 site assessments , developed 2 draft project proposal. Follow up on mail out to landowners along Wingecarribee River for approval to undertake Willow Control works as part of the HNCMA River Health grant funding project. Planning for upcoming weed control workshop and Eucalypt ID workshop. Expression of interest forwarded to CSIRO for biological control of Blackberry. Preparation of information and maps for Hammock Hill and Mansfield Reserve Plans of Management. Advertising of program in local papers.	1680	ongoing
Environmental Review and Education Program	Environmental impacts of Council operations being reviewed. Consultation being undertaken on drafted Environment policy. Environment review plan being revised. Proposed program of environmental education events prepared.	5921	ongoing
Regional Litter Investigation Squad (RID squad)	54 jobs, mainly household and green waste with a few builders waste and some involving cigarette butts. 38 investigations commenced 19 of these still being investigated Two PIN's issued (1 for \$500, 1 for \$200) for a total of \$700 Total amount of waste involved - 76m3.	1520	ongoing

CORPORATE SERVICES DIVISION

c-CS1	Closed Council
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REF.	DCS	107/9
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To consider moving into Closed Council.

REPORT

BACKGROUND

The following confidential reports have been distributed separately:

GM-1 LUMP SUM CONTRACT 8/06 - REHABILITATION OF WATER
AND SEWER MAINS 330/06.5, 7799

STATUTORY

Section 10A of the Local Government Act 1993, empowers Council and Committees of which all the members are Councillors to close a part of a meeting in certain circumstances in accordance with the requirements of the Act, and relevant Regulations and Guidelines.

Subject to the provisions of Section 10 of the Act, so much of a meeting may be closed as comprises certain information as outlined in Section 10A(2).

However, the Act also contains the following provisions qualifying the use of Section 10A(2).

Section 10B

- (1) *[Time spent closed to be minimised] A meeting is not to remain closed during the discussion of anything referred to in section 10A(2):*
 - (b) *Except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and*
 - (c) *If the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret-unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.*
- (2) *[Qualification of 10A(2)(g)] A meeting is not to be closed during the receipt and consideration of information or advice referred to in section 10A(2)(g) unless the advice concerns legal matters that:*
 - (a) *are substantial issues relating to a matter in which the council or committee is involved, and*
 - (b) *are clearly identified in the advice, and*
 - (d) *are fully discussed in that advice.*

- (3) *[Qualification of 10A(3)] If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in section 10A(3)), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is a matter referred to in section 10A(2)).*
- (4) *[Irrelevant matters] For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:*
- (a) *a person may misinterpret or misunderstand the discussion, or*
 - (b) *the discussion of the matter may:*
 - (i) *cause embarrassment to the council or committee concerned, or to Councillors or to employees of the council, or*
 - (ii) *cause a loss of confidence in the council or committee.*

Attention is also drawn to provisions contained in Part 7 of Council's Code of Meeting Practice.

DIRECTOR GENERAL'S GUIDELINES

The Director General of the Department of Local Government has issued guidelines concerning the use of Section 10 of the Act. A copy of the Director General's guidelines has been sent to all Councillors. Section 10B(5) of the Act requires that council have regard to these guidelines when considering resolving into Closed Session.

RECOMMENDATION

1. THAT Council move into Closed Council in accordance with the requirements of Section 10 of the Local Government Act 1993 as addressed below to consider the following reports:

GM-1 LUMP SUM CONTRACT 8/06 - REHABILITATION OF WATER AND SEWER
MAINS 330/06.5, 7799

Relevant Legal Provision

This report is placed in Closed Committee as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business under Clause 10A(2)(c) of the Local Government Act.

Brief Description

Reporting on tenders received for the rehabilitation of approximately 2,700 metres of sewerage mains and 3,300 metres of water mains in various locations in Bowral, Mittagong, Moss Vale and Bundanoon.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains information which could confer a commercial advantage.

2. THAT the minutes of the Closed Council part of the meeting (being the Council's resolution) be made public.
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Barry W Paull
Director Corporate Services

25 January 2007