

File No. 100/06
Our Ref: RAP

8 February 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, 14 February 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 – *Pastor Joshua Miller of Moss Vale Christian Church*
3. PUBLIC FORUM
4. APOLOGIES
5. ADOPTION OF MINUTES OF ORDINARY MEETING *held on Wednesday, 31 January 2007*
6. BUSINESS ARISING FROM THE MINUTES
7. DECLARATIONS OF INTEREST
8. MAYORAL MINUTE *(if any)*
9. OPEN COUNCIL *chaired by Clr Jim Clark*
 - 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

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ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth St,
Moss Vale on 14 February 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 24 lot Rural Subdivision, Joadja Road, Joadja

REF: DEP

LUA06/0994

Reporting on a subdivision application for 24 rural lots. Application lodged pursuant to Clause 31B 'Conservation Incentives' *Wingecarribee Local Environmental Plan 1989* Lots 22/23 DP 1028493 Joadja Road, Joadja

REPORT

BACKGROUND TO CURRENT APPLICATION

An information report was presented at the Council meeting of 31 January 2007, wherein Council adopted the following resolution MN6/07:

1. *THAT Council indicates 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 invites 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 at its next meeting on Wednesday, 14 February 2007 with draft conditions of development consent.*
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.*
4. *THAT an information session on this matter be held on Wednesday, 7 February 2007.*

DETAILS OF PROPOSAL

Application has been made for the subdivision of Lots 22 & 23 DP 1023493 Joadja Road, Joadja into 23 rural residential lots and 1 lot for an eco tourism development (which would be subject to a separate DA at a later date), with one of the lots (Lot 25) containing relics of old tramway to be consolidated into the adjacent historic site (Lot 11).

In support of the application, the applicant makes the following comments:

'The proposed subdivision of Lots 22 & 23 DP 1023493 combined with the boundary re-alignment with Lot 11 DP 858859 provides a marvellous opportunity for a self-funded private and public partnership on one of the most strategically important heritage sites in the Wingecarribee Shire Council.'

The central pillar of this proposal is to conserve Joadja in such a manner so as to ensure that the public can access the site in a self-discovery manner through walking tracks with explanatory plaques. From a heritage perspective, this will be akin to the Newnes experience with plaques outlining the heritage items, their significance and connection to the industrial site. From an ecological perspective, the walking tracks will be in line with those experienced in the Royal Botanical Gardens with plaques explaining the ecological significance of the various botanical species and their connection to their biodiversity.

The result of an approval would be that:

- *Significant heritage items will be reunited with the main Joadja town providing visitors the opportunity to discover Joadja as those who used to live there did, by following the rail line into Joadja past the winding up engine, down Chinaman's Track onto the valley floor, around to Carter's Track and back up to the rail link.*
- *The secured funding arising from this subdivision will ensure that the heritage of Joadja can be maintained and infrastructure provided to turn Joadja into an experience able to be enjoyed on a self-guided basis. This will broaden Joadja's appeal for tourists and turn it into a self-sustaining enterprise.*
- *The proposed eco resort, of up to 100 rooms and conference centre, will provide a great amenity for the region and provide multi-day access to Joadja to fully take in the enormity of the heritage and ecology of the area.'*

The applicant proposes to stage the subdivision in the following manner:

Stage 1	Lots 1, 2, 3, 6 & 8
Stage 2	Lots 5, 7, 9, 10 & 13
Stage 3	Lots 14, 16, 19, 20, 21 & 24
Stage 4	Lots 3, 11, 12, 15, 17, 18 & 22
Stage 5	Lot 23 (eco tourist lot)

The proposed 23 rural residential allotments range in size from 3 hectares to 9 hectares, which is well below the current standard of 40 hectares (Clause 12 (2)(a) *Wingecarribee Local Environmental Plan 1989*. Refer **Attachments 1 & 2**.

An integral part of the application is to establish a Joadja Conservation Trust, which will be responsible for the raising and distribution of funds to be directed towards conservation work on the adjacent Lot 11, the Joadja site.

The applicant proposes a charge of \$30,000 from the sale of the 23 residential lots, and a charge of \$60,000 from the eco-resort. The money would flow to the Trust upon the sale of the individual lots. This would result in a total of \$750,000 available to the Trust if all lots were sold.

BACKGROUND TO JOADJA HISTORIC SITE AND DEVELOPMENT AIMED AT GENERATING FUNDS FOR CONSERVATION

In the early 1990's, Council approved a subdivision of the Joadja valley which created 13 lots

Lots 1-10, 12 & 13, which were designed for rural residential uses with areas ranging in size from 8,103m² to 56 hectares.

Lot 11, an area of 290.7 hectares, contained the bulk of the known relics from the Joadja township.

In recognition of the unique nature of the locality and the departure from the 40ha standard, this subdivision was facilitated by an amendment to the WLEP. Amendment No 25 was gazetted on 5 February 1993. The amendment contained the following objectives:

- *to vary the minimum standard for new allotments of that land from 40ha to 2 ha;*
- *to limit to a maximum of 12 the total number of allotments with a dwelling house entitlement to be created through subdivision of that land;*
- *to retain the environmental heritage significance of the Joadja site as a whole, recognising the collective and individual significance of certain items of environmental heritage;*
- *to facilitate the conservation and management of the historic Joadja ruins precinct.*

Council hoped that the subdivision would generate revenue towards the preservation of the historic site. Proposed conservation works were supported by a Conservation Plan prepared by Freeman Collet & Partners.

In 1998 Council approved an application for guided tours to the historic site. Part of the ticket sales were to be directed to the conservation works.

In 2004 Council approved a whisky distillery. A percentage of sales – an excise of \$1.00 per litre – was to be directed to conservation works. .

STATUTORY CONSIDERATION

Lots 22/23 are zoned Rural 1(a). Clause 12(2)(a) of *Wingecarribee Local Environmental Plan 1989* stipulates a minimum area of 40 ha for each lot created by way of subdivision within this zone.

As previously noted, the application represents a significant departure to the LEP standard.

The applicant has discovered a range of significant relics upon the subject land (Lots 22 & 23) which was formerly part of the historic site.

In recognition of this and the objective of preserving the integrity of the entire Joadja area, the application has been made under the provisions of Clause 31(B) of *Wingecarribee Local Environmental Plan 1989*. Relics discovered include:-

- railway formation, including elevated track-bed, cuttings and an extensive track-end arrangement;
- the upper termination of the main incline
- the winding engine for the incline;
- the upper end of Chinaman's track, a bridle track connecting the valley bottom to the plateau;
- remains of structures associated with the railway and incline and Chinaman's Track

Clause 31(B) is reproduced below:

'Conservation Incentives

31B The consent authority may grant consent to the use for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though the use would otherwise not be allowed by this plan, if:

- (a) it is satisfied that the retention of the heritage item depends on the granting of consent; and*
- (b) the proposed use is in accordance with a conservation management plan which has been endorsed by the consent authority, and*
- (c) the granting of consent to the proposed use would ensure that all necessary conservation work identified in the conservation management plan is carried out; and*
- (d) the proposed use would not adversely affect the heritage significance of the heritage item or its setting; and*
- (e) the proposed use would not adversely affect the amenity of the surrounding area otherwise than to an insignificant extent.*

The purpose of Clause 31B is to allow some flexibility for Council and applicants when dealing with sensitive heritage items. The overriding objective is to secure the long term future of heritage items, recognising their importance to the wider community. This approach is well recognised across the State with a similar heritage incentive clause included in the Department of Planning's template LEP.

If Council is of the opinion that Clause 31B enables the assessment of this proposal, then it is appropriate to proceed with this application.

GOVERNMENT AGENCIES

The application was forwarded to the following agencies:

Sydney Catchment Authority	No response to date.
Rural Fire Service	<p>Has granted a Section 100B under the Rural Fires Act 1997, which is reproduced in Attachment 3. The RFS approval has significant implications for the design and construction of civil works. The approval cites relevant sections of the document '<i>Planning for Bush Fire Protection 2001</i>.'</p> <p>In approving <u>public road</u> access, design criteria includes</p> <ul style="list-style-type: none"> • Provide 2 land roads – 8m minimum width. • Roads should be through roads, of dead end not more than 200m in length, with a minimum 12m radius turning circle; • Maximum grades should not exceed 15° and preferably not more than 10°. <p>Property access roads – those that provide access to individual dwellings.</p> <p>Property access road design criteria includes:</p> <ul style="list-style-type: none"> • Minimum trafficable width of 4m; • Passing bay where possible every 200m; • Maximum grades not exceed 15° preferably not more than 10° • Dwellings not sited within 200m of the road system should have alternative road access. <p>The remainder of the RFS response talks about works for the existing dwelling and proposed eco resort.</p> <p>Detailed assessments will be undertaken for individual dwellings as applications are lodged. The RFS will require certain amounts of clearing or managed vegetation to establish an Asset Protection zone.</p> <p>The degree of impact on vegetation will be dependent upon siting, design, existing vegetation and slope.</p>
Hawkesbury Nepean Catchment Management Authority	No response
Dept of Environment and Conservation	DEC are concerned at the potential impact of the DA on the biodiversity values within the Joadja area, particularly

	<p>identified regional fauna pathways and corridors. The DEC is also concerned that the biodiversity assessment undertaken to date does not fully assess the values of the site or acknowledge the broader regional context.</p> <p>Therefore, to ensure that the proposal will have no adverse impact on fauna pathways and biodiversity corridor values at Joadja, a full and comprehensive assessment of potential threatened species and Aboriginal heritage impacts must be endorsed by Council prior to release of the Construction Certificate.</p> <p>This assessment can only be undertaken once road alignments have been pegged.</p> <p>Council can condition the consent to ensure protection of Aboriginal and European relics should they be uncovered during the construction phase.</p>
Department of Natural Resources	No issues.
NSW Heritage Office	<p>Broadly, the NSW Heritage Office supports the proposal subject to the imposition of appropriate conditions.</p> <p>The Heritage Office is of the opinion that the subdivision will be beneficial to the conservation of the Historic Joadja site. Attachment 4 refers.</p>

REFERRALS TO COUNCIL COMMITTEES

Council's Economic Development Committee on 31 January 2007 received a presentation from the applicants. The proposal is supported by the Committee.

Council's Heritage Advisory Committee on 5 February 2007 received a presentation from the applicants. The draft Minutes from that meeting, yet to be endorsed by Council, are as follows:

'5.2 Joadja Village Presentation

Mark Longobardi and John Peters attended the meeting to give a presentation on the development proposal for Joadja Village. This application is currently being assessed by Council.

A PowerPoint presentation was shown with both Mark and John providing an overview of the proposed 24 lot subdivision. They explained the situation at Joadja and gave details of the concept and way in which the proposed development would help in restoring and maintaining the village of Joadja.

After the presentation, Scott Lee (Director, Environment & Planning) addressed the Heritage Committee.

It was explained that the application had been referred to various Government Departments, with comments and responses returned to Council.

The impact on the visual landscape and remaining heritage items were discussed with setbacks for the future dwellings (on the newly created lots) from the escarpment, also discussed.

The vegetation and native species on the proposed site to be developed were raised. An extract from the Flora and Fauna Statement were read by Scott Lee.

It was suggested that consideration be given to the impact on the native species on the proposed development site.

It was also suggested that a surcharge be placed on each visitor, which could be directed to the Trust, to ensure future maintenance of the village. It was agreed that this percentage charged per person could be ascertained by the Trust or Directors.

RECOMMENDATION:

1. *THAT the Heritage Advisory Committee support in principle the application so that financial resources can assist in the restoration and future development of the Joadja site.*
2. *THAT a surcharge be paid, per visitor, which would be directed to the Trust, to ensure the future maintenance of the Village.'*

CONSIDERATION OF MAJOR ISSUES

This section deals specifically with Clause 31B.

31B The consent authority may grant consent to the use for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though the use would otherwise not be allowed by this plan, if:

- (a) *it is satisfied that the retention of the heritage item depends on the granting of consent;***

In the listing of Joadja, the following comments were made:

'The Joadja cultural landscape has been assessed to be of State and National heritage significance (Lot 11). The Statement of Significance recognises that it is one of the most important nineteenth century industrial and archaeological mining relics in Australia, and certainly the most spectacular of the early shale mining sites in NSW. The Statement of significance accompanying the listing notes also that it is extremely rare in its (high) level of preservation which maintains the relationships between industrial sites and habitation sites with very little twentieth century intrusion. Joadja demonstrates close links with Scotland through technology, managers, miners and refinery workers. The outline of much of the site is still available from surface evidence. Enough is still standing to allow industrial archaeologists to learn a great deal about early mining towns and about the technology of kerosene shale refining.

The State Heritage Register (SHR) listing also highlights how the heritage significance of the valley is due not only to the quality of the evidence of the mining works, but also the way that the valley setting is largely untouched by more recent development.'

Clearly, the approved additional uses on Lot 11 have not generated sufficient revenue to make an appreciable impact on conservation works. The owners of Lot 11 have made significant financial contributions from their own resources with little assistance from Government sources. Support of the proposed subdivision and guaranteed revenue from the Conservation Trust will assist in preservation works.

Council needs to be satisfied that the retention of the items that make up the historic Joadja site depends upon the granting of consent to the proposed subdivision. Although previous approvals have attempted to provide an income stream for Joadja, the evidence is that items within the site continue to deteriorate. Without a sustainable income directed towards conservation, a worsening of that situation will occur.

(b) the proposed use is in accordance with a conservation management plan which has been endorsed by the consent authority

Council is not in receipt of a current conservation management plan (CMP). The applicant is relying on the following:

- Conservation Plan prepared by Freeman Collett and Partners (prepared at the time of Joadja Valley subdivision) which states in part:

'The Conservation Plan identifies all buildings and structures of significance, and locates them on a survey plan of the valley. The Conservation Plan delineates curtilages around sensitive items, defining areas that should be reserved from any possible future development. In addition, the Conservation Plan discusses the location and distribution of exotic plant species around many of the historic remains. It points out that most of the remaining exotic trees in the valley were originally associated with Joadja residential buildings. Many of the current exotic trees are escapes from the original gardens, and are readily identifiable by their location and type.'

The plan requires updating to reflect continued deterioration of relics on Lot 11, and new material located on Lots 22-23.

- Draft Joadja Creek Master Plan 2000-2003 (prepared by the owner)

The Master Plan provides a schedule of works for the conservation of heritage items identified at Joadja Creek (Lot 11). The identified items have suffered damage due to:

- pilfering of building materials;
- damage due to felling trees;
- damage by invasion of tree suckers, weeds, (blackberries, etc);

It is worthwhile noting that the retorts have been partially covered through a recent Federal Heritage grant.

- Statement of Heritage Impacts prepared by Banksia Heritage & Archaeology September 2006 to support this application.

The combination of these plans is considered to be sufficient to provide a framework for the Trust to commence. It may be necessary after initial deliberation by the Trust for the applicant to provide additional / updated information to fully satisfy the requirement for a Conservation Management Plan.

(c) the granting of consent to the proposed use would ensure that all necessary conservation work identified in the conservation management plan is carried out

Council needs to be certain that necessary conservation work is carried out. The charge of \$30,000 per lot and the establishment of the proposed Trust is an appropriate mechanism to ensure that the required conservation work is carried out. It is important however that the full details of the Trust be agreed prior to any consent being activated so a deferred commencement consent is recommended.

(d) the proposed use would not adversely affect the heritage significance of the heritage item or its setting

Council needs to be satisfied that heritage significance of the items is not adversely affected by the proposed development. This can best be dealt with through the imposition of restrictions upon the lots to ensure the appropriate siting of dwellings and the preservation of any relics. Appropriate conditions of consent are recommended. This is consistent with the advice received from the NSW Heritage Office.

Potential impacts are twofold:

- Maintaining the sense of isolation of the historic Joadja site - when visitors are in the valley, the views are dominated by rugged cliff faces and native vegetation. Should the setting be altered by indiscriminate clearing along the cliff lines, then the sense of isolation will be lost.
- Protecting relics located within the subdivision - once again, indiscriminate clearing / placement of buildings could impact on the significance of recently

discovered items. Further investigation on the location of building envelopes along the rail corridor needs to be undertaken.

(e) the proposed use would not adversely affect the amenity of the surrounding area otherwise than to an insignificant extent.

As discussed in the preceding section, there is the potential for significant impacts if stringent controls are not in place for clearing and building location. In order to comply with the requirements of the RFS, there will be the need for clearing in order to ensure adequate asset protection zones. It is suggested that recommended conditions include a prohibition on removal of any vegetation within 30 metres of the cliff line. However, this does not stop an owner removing vegetation to enhance views.

Council needs to be satisfied that the amenity of the surrounding area is not adversely affected in a significant way. The assessment of the application by staff and relevant State government authorities concludes that impacts can be appropriately managed. Appropriate conditions of consent are recommended.

ESTABLISHMENT OF THE JOADJA CONSERVATION TRUST

Full details on the trust have not been provided. A letter from Harry Couchman, Solicitor dated 22 January 2007 supports the application and is **Attachment 5**. Council will need to seek advice on a range of matters associated with the Trust, including the following:

- Obligations of members;
- Procedures to administer funds;
- Procedures to administer contracts for restoration works.
- Responsibility of members, eg corporation law.

It is recommended that any consent be 'deferred commencement' with all relevant matters pertaining to the Trust to be resolved prior to the consent being activated.

The current Trust structure projects a gradual inflow of money as lots are sold.

No consideration has been given to structuring the revenue stream to allow a significant upfront contribution, in order that meaningful restoration works can get underway.

As suggested by Council's Heritage Committee, there is the need to consider alternative sources of income, including a surcharge based on increased visitation through Joadja Creek Heritage Tours.

In the draft conditions, it has been recommended that the Joadja Conservation Trust be supported by a Heritage Agreement to provide certainty in the allocation of funds.

ROAD UPGRADING

With the increase in residential lots using Joadja Rd, Council needs to carefully consider what level of road upgrades are required and what level of construction is appropriate for proposed new roads associated with the subdivision. This then needs to be balanced against the unique nature of the application.

The works previously undertaken for the subdivision in the valley have significant failures due to poor design, construction and use of materials. Council's Technical Services Division is in receipt of numerous complaints regarding the degree of erosion on the existing road surface. Soil characteristics in the area are highly erodable.

The applicant proposes the following:

- For Joadja Rd they intend to grade and roll up to the entry of the subdivision on its existing alignment, maintaining existing verges and clear culverts.
- For new internal roads they intend 4 metre wide with 1.6metre gutters and shoulders dressed with 30mm sandstone aggregate wetted and rolled to provide a hard surface that has a soft look in keeping with the surroundings.

In relation to the need to upgrade Joadja Rd from the cattle grid to the entry to the new subdivision, Council needs to consider that the proposal effectively doubles the current usage. There is a strong argument to require the applicant to upgrade this part of Joadja Rd to cater for the increased movements to the standard of a rural road as set out in DCP 41 Standard Drawing 101. However, as a public road, Council already has an obligation to maintain it to a safe standard and it could be argued that no upgrading should be required of this applicant other than what they have indicated above. If this position is supported Council needs to be mindful that the only viable source of funds for upgrading of this road is through the Roads to Recovery - Upgrading of Rural Roads Fund and priorities for expenditure of these funds would need to be assessed.

In relation to the new internal roads created as a result of the subdivision, discussions with Council's Technical Services Division resulted in the conclusion that the normally applied standard width of 6 metres could be reduced to a width of 4 metres taking into account the anticipated volumes of traffic, however the road pavement standard should not be compromised as this would lead to unsafe and unacceptable conditions with resultant complaints to Council and a future maintenance problem for Council.

PROVISION OF POWER

The applicant has requested that the subdivision be approved without compulsory power to each lot. In his submission, he makes the following comments:

'As the likely cost of the pole and transformer will exceed \$50,000 per lot, solar power combined with other sources of energy is economically viable and ecologically much friendlier.'

As power is available in Joadja Road, Council should maintain its usual standard of requiring electricity to all new lots.

PUBLIC CONSULTATION

Arising from Council's notification of this proposal, 14 submissions were received from adjacent residents, including one from WIRES. The following is a summary of issues raised:

- Queries the validity of the application – applicant “Joadja Conservation Management Trust”. Objector points out that a Trust is not an entity recognised in law, and therefore has no legal capacity to make such an application.
- Degree of variation from the 40 ha standard.
- Doubts about the adequacy of water for the proposed lots, ability of water table to provide adequate volumes;
- Concerns about the viability of the subdivision – using the comparison of the Joadja Valley subdivision where 4 houses have been built over 13 years and are under construction.
- Developer should be required to upgrade unsealed section of Joadja Road, to provide a safer road and overcome problems of dust and slippery surfaces.
- Impacts on fauna and flora.
- Loss of privacy.
- Joadja Road has a high incidence of roadkill and additional development will only contribute to this.
- In consideration of the need to supply power, Council should be consistent in its approach to other subdividers in the locality (applicant does not want to provide power to each lot due to cost constraints).
- Safety issues with properties along the cliff top. Need for fencing / tree clearing.
- Impacts on wildlife corridor.
- Subdivision will alter the sense of isolation of bushland setting.
- Effects of effluent being released into the sub-soils, and effects on local native flora.
- Rainfall figures used by the Fauna / Flora Consultant not accurate. Consultant used Bowral Average of 950mm per year, local readings in Joadja 615mm (1998-2005).

There was one letter of support which indicated that the subdivision will provide financial infrastructure required for preservation, and will preserve the amenity of current residents due to its proposed position.

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, which will be added to the estimated \$750,000 raised from the development.

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.

The draft conditions of consent have been put forward to enable a consent to be issued, recognising the unique nature of the proposal and relevant planning matters.

Establishment of the Trust is essential and therefore a deferred commencement consent is appropriate to ensure the outcomes envisaged by the application can be secured. This will involve further discussions with the NSW Heritage Office due to the State listing of the Joadja site. It is anticipated that a representative of the NSW Heritage Office would be one of the members of the Trust.

Requirements of relevant government agencies must be taken into account and therefore appropriate conditions of consent have been included. It is important to note that the Sydney Catchment Authority has not provided a response at the time of writing. Under the provisions of State Environmental Planning Policy No. 58 - Protecting Sydney's Water Supply, the SCA must grant its concurrence before Council can issue a consent.

The applicant has stated clearly their intentions in relation to road standards. Equally, other local residents have raised the need to ensure road upgrades to cope with the anticipated increase in traffic. While narrower road widths can be accommodated, Council's Technical Services Division have raised real concerns that if the standard of road pavement is compromised it will result in added liability for Council into the future.

In satisfaction of Clause 31B, there is a need to impose various restrictions upon the proposed lots to ensure the integrity of the Joadja site and various items and relics are protected. This is reflected in the conditions of consent.

MANAGEMENT PLAN ISSUES OR IMPLICATIONS

Nil

POLICY IMPLICATIONS

Significant variation to Council's subdivision standards, based on the intention to preserve a State listed heritage site.

BUDGET IMPLICATIONS

Council may be required to contribute towards necessary roadworks that may ordinarily be the responsibility of the applicant.

ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

(i) Environmental Factors

There needs to be careful management of site works to avoid indiscriminate clearing.

(ii) Social Factors

Will increase the numbers of people residing in an isolated locality, with minimal services.

(iii) Economic Factors

Preservation of the historic relics will be a boost to the local tourism industry.

ATTACHMENTS

There are 7 attachments to this report, which have been circulated separately:

1. Locality plan
2. Proposed lot layout
3. Response from Rural Fire Service
4. Response from NSW Heritage Office.
5. Letter from Harry Couchman, Solicitor re Trust.
6. Road map
7. Draft conditions of consent.

RECOMMENDATION

THAT subject to the SCA granting its concurrence, Council approve LUA06/0994 for the subdivision of Lots 22 & 23 DP 1023493 Joadja Road, Joadja, subject to the conditions contained in Attachment 7 to this report, with the addition of any other conditions required by the SCA.



Scott Lee
Director, Environment & Planning

8 February 2007

TECHNICAL SERVICES DIVISION

v-TS1	Traffic Management System – Cavendish Street to Bessemer Street Precinct – Post Opening of Mittagong Marketplace Development
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REF: DPM

RD 3174, RD8260

Reporting on the Traffic Management System designed to address impacts of increased traffic and redistributed traffic flows post the opening of the Mittagong Marketplace Development expected in mid March 2007.

REPORT

Council's Traffic Engineer and Design Engineer will be present to respond to any technical questions Council may have on this matter.

PREVIOUS 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 (MR260) 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.*

Council at its Ordinary Meeting of 13 December 2006 also adopted the Traffic Committee's 4 December 2006 Recommendations (TC168/06):

1. *THAT Council notes that the Roads and Traffic Authority has written to Council supporting the Traffic Committee's previous recommendation that traffic signals are the preferred option at the intersection of Pioneer Street and Main Street (MR258) in Mittagong;*
2. *THAT parking restrictions be signposted on the eastern side of Cavendish Street prior to the opening of the Big W development AND THAT adjacent landowners/tenants be informed of Council's decision;*
3. *THAT suitable edge lining be marked on Cavendish Street near Davy Street;*
4. *THAT traffic priority at the junction of Old Bowral Road and Cavendish Street be changed to give priority to motorists on Cavendish Street traveling between Bowral Road and the Old Hume Highway;*
5. *THAT a temporary roundabout be constructed at the intersection of Priestley Street and Cavendish Street;*
6. *THAT design plans be prepared (subject to Roads & Traffic Authority approval) for a temporary roundabout at the intersection of Old Hume Highway and Cavendish Streets and traffic signals at the intersection of Bessemer Street and Old Hume Highway AND THAT traffic conditions be monitored so that these works can be put in place as required.*

INTRODUCTION

This report will outline the Traffic Management System proposed to address the traffic impact on the surrounding network created at the time the Land Use Application for the Marketplace development was being considered by Council. The Traffic Management System was recommended by the Traffic Committee at their 4 December 2006 meeting (TC 168/06) – see previous Council resolution above.

The remainder of this report identifies the individual elements of the proposed Traffic Management System and explains the need and the benefits. Preliminary estimates are also provided and a summary of the limited funds that are currently available.

Attachment 2 lists the detailed elements of the Traffic Management System.

TRAFFIC MODELLING & ANALYSIS

Analysis of intersection performance at strategic locations in the network was undertaken during assessment of the Mittagong Marketplace LUA. The analysis was based on the TRACKS modelling outcome which included all the critical intersection facilities of the system being in place with the expected traffic generation from the Mittagong Marketplace development being loaded onto the modified road network.

Traffic volumes of a partly built system are likely to be different to that modelled (using TRACKS) with all the facilities in place as initially proposed by the developer. The consequence of this is that some of the remaining, unimproved, unsignalised key intersections (especially the Bessemer Street/Old Hume Highway intersection) are likely to experience even higher volumes of traffic (than that used in the original analysis) causing

them to operate at service levels lower than previously assessed causing both safety and congestion issues.

PROPOSED TRAFFIC MANAGEMENT SYSTEM

The proposed Traffic Management System covers the precinct bounded by Bowral Road (between Old Bowral Road –Bowral end and the intersection of Bowral Road and Main Street), the Old Hume Highway between Lyell Street and the intersection of Bowral Road and Main Street and the road network within.

The system primarily addresses safety (or conflict) issues likely to arise as a direct result of the development. Where possible, maintenance of satisfactory service levels (i.e. capacity, delay, saturation) are also addressed but is of secondary consideration to that of road safety. The system considers the needs of pedestrians, cyclists and motorists and considers access to all developments in the precinct, not just access to the Marketplace Development.

It should be noted that the proposed Traffic Management System includes both funded (i.e. by the development) and unfunded facilities. The cost of the unfunded facilities is significant however are considered by Council's Technical Services Division and the Traffic Committee, to be of **high priority**.

Whilst facilities can be prioritised, the proposed Traffic Management System will only achieve the expected outcomes if all parts of the system are implemented. A partly built system is likely to cause problems in parts of the network as traffic is likely to seek alternative routes to and from the development.

The proposed Traffic Management System is shown on Attachment 1, the objectives of which are to:

1. Provide facilities to safely convey traffic to and from the proposed Marketplace development (with maintenance of capacity a secondary objective).
2. Provide safe access to all destinations for local residents throughout the precinct.
3. Provide safe access to and from the industrial area (Cavendish and Lyell Streets).
4. Provide safe access for pedestrians and cyclists (along the Old Hume Highway).
5. Cater for the local bus service.

Elements of the Traffic Management System – see Attachment 2 for location:

NOTE: COSTS for proposed works are INDICATIVE ONLY and are subject to survey, design and RTA approval.

Proposed Traffic Management System

I.D. & Priority	Description	Status	Indicative Cost to Council
1	Traffic Signals at Old Bowral Rd/Bowral Rd (Cavendish St end)	Under Construction	Nil
2	Traffic Signals at Roscoe St/Old Hume Highway	Under Construction	Nil
3	Part Closure of Brewster St at Old Hume Highway	Under Construction	\$28k
4	Parking ban along eastern side of Cavendish St	Not programmed for construction HIGH PRIORITY	Nil
5	Re-prioritisation of the Cavendish St/Old Bowral Rd Intersection	Not programmed for construction HIGH PRIORITY	Nil
6	Signalisation of Bessemer St/Old Hume highway	Not programmed for construction HIGH PRIORITY	\$250k
7	Local roundabout – Priestley St and Cavendish St	Not programmed for construction HIGH PRIORITY	\$50k
8	Signals or Roundabout at the intersection of Cavendish St/Old Hume Highway	Not programmed for construction HIGH PRIORITY	\$250k
9	Completion of Welby-Mittagong pathway	Part Funded only – HIGH PRIORITY	\$500k
10	Signalisation of Pioneer St and Main Street	Not programmed for construction HIGH PRIORITY	\$200k
11	Turn Bans at Junction of Old Bowral Rd/Bowral Rd (Bowral end)	Recommendation for review	\$1K
		Total Indicative Cost	\$1.279m

The implementation cost of the Traffic Management System to Council is estimated to be \$1.279m, of which Council has committed and has available (combination of Section 94 and Council funds) \$368,000. A further \$140,000 is available in uncommitted Section 94 roads funds.

There is a short fall in funds of \$771,000 in order to complete the Traffic Management System. It should be noted that this work, except for local pavement improvements at intersections to be improved, **does not** address pavement reconstruction likely to be required in the near future on Cavendish St, estimated to cost an addition \$600,000.

TURN BANS AT JUNCTION OF OLD BOWRAL ROAD AND BOWRAL ROAD (BOWRAL END)

The report of Council's Traffic Engineer re-printed from the Council business paper of 31 January 2007 is included in Attachment 1 (refer to section 11).

IMPACT ON OLD BOWRAL ROAD AND LYELL STREET

The report of Council's Traffic Engineer re-printed from the Council business paper of 31 January 2007 is included in Attachment 1 (refer to section 12).

ATTACHMENTS

1. Description of Elements of the Traffic Management System
2. Traffic Management Plan
3. Precinct Traffic Movement Objectives Plan
4. Roads & Traffic Authority letter re: signalisation of Pioneer and Main Street
***Larger scale plans will be displayed at the Council Meeting**

RECOMMENDATION

1. THAT a developer contribution plan be prepared to assist in funding the work outlined in the Traffic Management Plan for the Cavendish Street and Old Hume Highway precinct.
2. THAT any funding shortfalls be considered as a budget bid in forthcoming budgets.
3. THAT traffic conditions be monitored throughout this precinct following the opening of the Mittagong Marketplace.
4. THAT any modifications to the network (different to that in the proposed Traffic Management Plan) be considered in conjunction with overall affect on the local road network and submitted to the Traffic Committee for further consideration.
5. THAT the banning of the right turn out of Old Bowral Road at the junction of Bowral Road (MR260) be re-considered when traffic patterns have settled following the opening of the Mittagong Marketplace development.

ATTACHMENT 1

DESCRIPTION OF ELEMENTS OF THE TRAFFIC MANAGEMENT SYSTEM

THE PROPOSED TRAFFIC MANAGEMENT SYSTEM IN DETAIL:

1. Signals at Bowral Rd/Old Bowral Rd – UNDER CONSTRUCTION – FULLY DEVELOPER FUNDED

This is primarily designed to provide safe gaps for traffic destined from the Marketplace and Bowral via Cavendish Street.

This will also attract traffic from the surrounding precincts – this is quite common when signals are installed.

Minor modifications to lane allocation (line marking) from Mittagong will be required in several years to maintain satisfactory Level of Service (i.e. at nominal expense).

The signals have limited spare capacity – significant additional developments which feed onto Cavendish Street will result in poor Level of Service (i.e. long queues and delays). The impact of the proposed Homemaker centre opposite the Marketplace development in Roscoe Street will be examined closely as it will have an impact on this intersection.

Other options such as roundabouts and grade separation were considered, however:

- The site is too steep for a roundabout
- Grade separation is much more expensive – however, in time when volumes on the network increase this may need to be reconsidered – the level differences and the wide road reserves appear to make it a viable long term option.

2. Signals at the intersection of Roscoe St and Old Hume Highway – UNDER CONSTRUCTION – FULLY DEVELOPER FUNDED

This is important to provide safe access to the development for both vehicles and pedestrians (especially from the bus stops on the Old Hume Highway and the retirement village in Etheridge Street).

The signals should perform at a satisfactory Level of Service beyond 10 years – however the impact of the proposed Homemaker Centre has not been evaluated – Council is awaiting a decision from the RTA on the generation from the site – currently a very low rate has been submitted by the developer's traffic consultant.

The traffic effects of the Homemaker Centre development, along with the impact of further development in the precinct is being modelled within the revised TRACKS model (expected for completion at the end of February 2007) and undertake further SIDRA analyses.

3. Part Road closure – Brewster St and Old Hume Highway – UNDER CONSTRUCTION – COUNCIL PART FUNDED \$28,000

This modification is to prevent traffic heading to the Mittagong Marketplace using the residential Brewster Street as the primary route.

Vehicles will be prevented from turning right in and out of Brewster Street at the Old Hume Highway, prevent the left turn out of Brewster Street onto the Old Hume Highway and allow the left turn from the Old Hume Highway into Brewster Street.

Due to the connectivity of the local roads, it is considered that the turn bans will not inconvenience local residents, however, the benefits of keeping traffic volumes in the residential precinct low should be appreciated by the residents in Brewster Street and surrounds.

4. Parking ban along eastern side of Cavendish St – RTA FUNDED – HIGH PRIORITY

Cavendish Street is expected to carry significant volume of traffic post opening of the Market place. Ideally, the pavement should be 13m wide to more safely convey the increased traffic. The existing pavement width varies from 9m (near Old Bowral Road) to 10m between Davy Street and the Old Hume Highway. These issues were identified in a Road Safety Audit of Cavendish Street.

Pavement widening is both cost prohibitive (in excess of \$1m) and not feasible. A satisfactory width can be achieved by using the eastern parking lane as a travel lane. Currently parking is banned adjacent to the Council Works Depot and most industrial properties have off street parking. It is acknowledged that this will cause inconvenience to the industrial area along Cavendish Street, however, there appears to be no other viable option.

It is considered essential that parking be banned along the eastern kerb line to achieve a satisfactory pavement width. It should also be noted that the pavement requires reconstruction as identified in a Road Pavement Report prepared by Council's Works Engineer (February 2006) It is recommended that funds for this work be included in future budget estimates.

5. Re-prioritisation of the Cavendish St/Old Bowral Rd Intersection – RTA FUNDED – HIGH PRIORITY

Currently, vehicles approaching Bowral Road in Cavendish Street need to give way to traffic on Old Bowral Road which is lightly trafficked. The main movement of traffic is around the "dog-leg". It is illogical to many drivers that the minor movement maintains priority and is likely to catch drivers out resulting in accidents. The additional traffic is likely to increase the likelihood of crashes on this corner.

Simple linemarking and signposting can change the priority so that vehicles heading north-south between Bowral Road and the Old Hume Highway have priority. A disadvantage of this proposal is that the main user in Old Bowral Road (between Lyell Street and Cavendish Street) – Berrima Buslines, will have difficulty accessing Bowral Road via the signals due to delays trying to enter the traffic stream on the Cavendish Street/Old Bowral Road bend.

Options such as roundabouts at the intersection of Cavendish Street and Old Bowral Road are not suitable as traffic will enter the roundabout from Old Bowral Road and block the intersection waiting for the signal phase to clear the queue. The queue during peak periods is expected to extend well north along Cavendish Street.

6. Signalisation of Bessemer St/Old Hume highway – UNFUNDED – HIGH PRORITY - \$250,000

Council analysis has determined that this intersection will require upgrading within the first year post opening of the Mittagong Marketplace complex based on capacity calculations. Also, the intersection has had a history of crashes which abated post opening of the Mittagong By-pass (South Western Freeway).

As traffic volumes have increased, the accident frequency is increasing and the substantial addition of traffic through this intersection is likely to increase the accident frequency unless conditions are improved. There are a number of adverse site conditions which are contributing to the crashes.

The increase in pedestrian traffic along the Old Hume highway will also place these users at significant risk as they cross the intersection, especially across the Old Hume Highway.

Signals will address both the needs of pedestrians and vehicular traffic.

7. Local roundabout – Priestley St and Cavendish St – UNFUNDED – HIGH PRORITY - \$50,000

This roundabout is essential to assist in making cross movements through the industrial area safer. Traffic volumes in Cavendish Street are expected to increase significantly and the cross movement will be difficult to undertake safely once the effects of increased traffic are applied.

Residents in the William Street precinct that wish to access Mittagong via Bowral Road will be unnecessarily severely delayed trying to gain access to Cavendish Street (as they need to turn left onto Bowral Road).

The proposed roundabout will give an alternative route to Mittagong via Priestley Street and Sedgman Avenue.

Load limits may need to be introduced to keep industrial traffic out of the residential area. The usage of these roads by industrial traffic will need to be monitored and the limits applied if needed.

8. Signals or Roundabout at the intersection of Cavendish St/Old Hume Highway – UNFUNDED – HIGH PRORITY - \$250,000

Council analysis indicates that this intersection should be improved with signals or roundabout immediately. The addition of traffic from the proposed Homemaker Centre should enforce this view.

Improvements are required to both convey traffic safely and attract traffic to Cavendish Street (i.e. away from Old Bowral Road and Lyell Street).

A roundabout is preferred as it not only conveys traffic safely (well into the future) it also provides a very useful “U” turn facility on the Highway.

The Welby- Mittagong pathway crosses on the quieter northern leg of the intersection (Frankland Street) and as such a roundabout at this location is considered acceptable for all users.

9. Completion of Welby-Mittagong pathway – PART FUNDED - HIGH PRIORITY – COST TO COUNCIL – \$500,000

The provision of the Mittagong Marketplace is likely to draw significant pedestrian and cycle activity from both the Welby/ William Street area and the Mittagong town centre (including the Mittagong Public School). Pedestrian facilities along the Old Hume Highway (especially east of Roscoe Street) are not currently available. The increase of road traffic along the Old Hume Highway will create hazardous conditions for these users.

The site conditions adjacent to Iron Mines Oval to the town centre are challenging due to creek crossings, rock, deep table drains and steep driveways. Construction costs due to these elements are expensive.

The \$100,000 contribution by the developer will connect the site to the creek at Iron Mines Oval. It is estimated that \$500,000 is required to complete the pathway to the town centre. An Options report will be presented to the April 2007 Works and Planning Committee Meeting.

Pathways will be built by the developer along the southern side of the Old Hume Highway between Etheridge Street and Brewster Street (as a condition of development). This pathway also connects residents and shoppers to the proposed bus bays and traffic signals at the junction of the Highway and Roscoe Street.

10. Signalisation of Pioneer St and Main Street – HIGH PRIORITY - FUNDS AVAILABLE (\$180,000) – COST \$200,000 (SHORTFALL OF \$20,000)

Although remote from the Mittagong Marketplace, the increase in traffic through Main Street will make conditions dangerous for both pedestrians and vehicles needing to cross and access Main Street as there is likely to be a constant stream of traffic during peak periods, both to and from the Marketplace development.

Previously, RTA approval had been obtained to construct a roundabout at this intersection, however it did not proceed due to the high cost (exceeded available funds). At the time a development of the scale of the Mittagong Marketplace had not been envisaged and a roundabout would have been a suitable traffic device.

Council officers were concerned that the increased traffic through Main Street due to the Marketplace development meant that a roundabout would no longer be the most appropriate treatment (for pedestrian safety) and prepared a comprehensive report and study for the RTA's consideration. The RTA recently advised Council that they believed that signals would be the preferred treatment (refer to Attachment 4).

Signals will provide time separation to more safely convey pedestrians across Main Street (which a roundabout does not provide). The signals will also provide gaps between Pioneer Street and Bowral Road assisting cross access between these roads (from carpark to shops).

It should be noted that the Mittagong Masterplan Committee were divided on the type of treatment and were awaiting advice from the RTA. Now that this advice has been received it is strongly recommended that the design and construction of the signals at this intersection proceed immediately.

11. Turn Bans at Junction of Old Bowral Road/Bowral Road (Bowral end)

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.

It is recommended that the banning of the right turn out of Old Bowral Road at the junction of Bowral Road (MR260) be re-considered when traffic patterns have settled following the opening of the Mittagong Marketplace development.

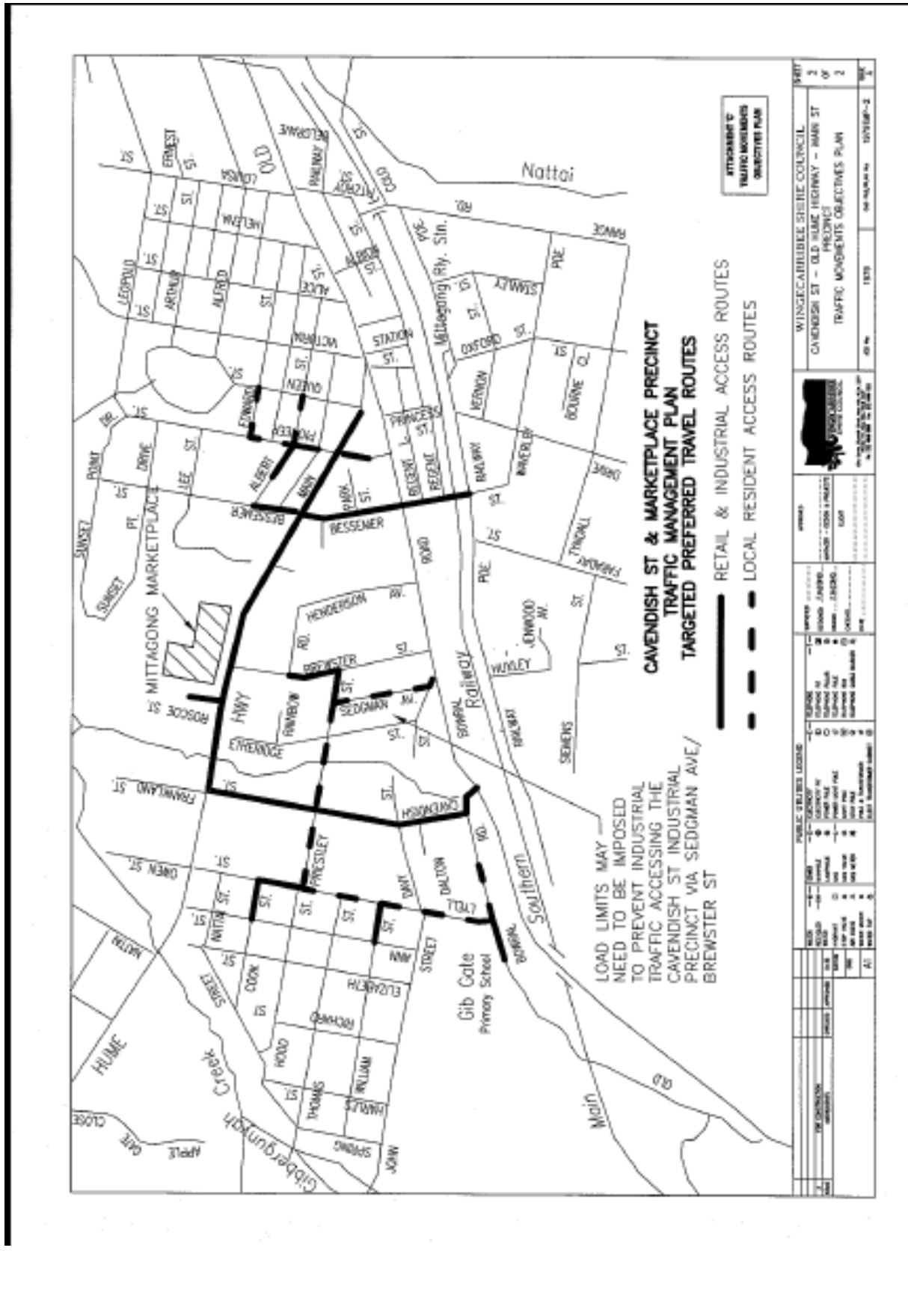
12. Impact on Old Bowral Road and Lyell Street

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:

- a. Old Bowral Road provides important access to Gib Gate School, Berrima Buslines depot and residents in the west Mittagong and Welby precincts.
- b. Turn bans at the intersection of Old Bowral Road/Bowral Rd (southern end) must be considered with care.
- c. 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.
- d. 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.
- e. 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.

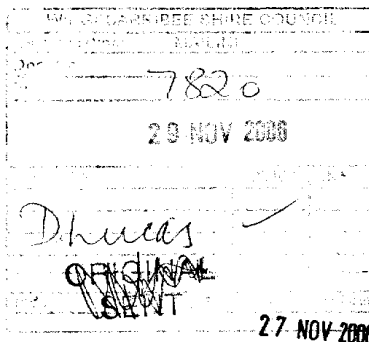
ATTACHMENT 2



ATTACHMENT 4

495TS104
Wal Smart 02.42212456

The General Manager
Wingecarribee Shire Council
PO Box 141
MOSS VALE NSW 2577



**WINGECARRIBEE SHIRE COUNCIL TRAFFIC MANAGEMENT
OPTIONS MAIN STREET (MR258) AND PIONEER STREETS
MITTAGONG**

Attention Mr D Lucas

Dear Sir

I refer to correspondence dated 18 July 2006 seeking the RTA comments in relation to traffic management option proposals for the intersection of Main and Pioneer Streets Mittagong.

The RTA has examined Councils data and modelling and has also undertaken its own modelling for the above intersection, the surrounding road network and recommends the following;

That traffic signals offer a better option than a roundabout at the intersection of Main & Pioneer Streets for the following reasons;

- Traffic Signals offer the safest option for pedestrians and
- will maintain traffic efficiency even with future traffic management scenarios such as the Big VV development
- Traffic Signals can be co-ordinated with existing traffic signals at Bowral Rd and Main St and
- possible future traffic signals at Bessemer and Main St

RTA also recommend that additional micro simulation i.e. a PARAMICS study be undertaken and that further road safety analysis be undertaken at the intersection of Main and Bessemer Sts to address Councils road safety concerns.

I apologise for the delay in replying to your correspondence.

Yours faithfully



Trish McClure
Manager Road Safety & Traffic Management
Southern Operations & Services

Roads and Traffic Authority
ABN 64 480 155 255



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 23/1/06 and 7/2/07 .

RECOMMENDATION

THAT the information relating to Development Consent Nos 1-6 under Delegated Authority be received and noted.

**Development Applications (DAs) Determined – 23/1/06 and 7/2/07
(Excluding Small Lot Subdivisions and Domestic Applications)**

1	LUA05/1111	Lot 10 DP 871318 44 Osborne Road, Burradoo (near junction Toongoon)	Detached dual occupancy
2	LUA04/1712	Lot 1 DP 710725 Parkes Road, Moss Vale	Industrial units
3	LUA06/1316	Lot 17 DP 593940 115 Lackey Rd, Moss Vale	Industrial clothing warehouse
4	LUA06/0014	Lots 4 & 5 DP 1076603 Marulan Street, Wingello	4 lot subdivision
5	LUA06/1327	Lot 13 DP 654665, 1 Princes St, Mittagong	Part use of dwelling as Real Estate office and sign
6	LUA06/0971	Lots 1&2 DP1017931, Lot 1 DP104246, Lot 1 DP557104, Lot 1 DP549336 & Lot 2 DP843952 Illawarra Hwy, Robertson	2 lot subdivision and boundary adjustment



o-EP2 List of Development Applications Received By Council

REF: DCM

5302

Submitting list of development applications which have been received between 23/1/07 and 2/2/07, 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 1-19 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 – 23/01/07 to 02/02/07
(Excluding Small Lot Subdivisions and Domestic Applications)**

	LUA Number	Legal Description	Property Address	Description	Works & Planning	Delegation	Committee Referrals
1	LUA07/0071	Lot 3 DP 609690	Wallaby Hill, Wallaby Hill Road, Robertson (near corner Belmore Falls Road)	Entrance gate and Front Fence		✓	
2	LUA07/0078	Lot 202 DP 861816	'Greenstead' Joadja Road, Mittagong (14kms from Greenhills Road intersection)	5 Lot Subdivision		✓	
3	LUA07/0084	Lot 13 DP 1085630	43 Railway Street, Moss Vale (between Spring & Yarrowa Sts)	Strata Subdivision (6)		✓	
4	LUA07/0085	Lot 17 DP 1102698	20 Yarrowa Road, Moss Vale (vicinity Lovelle & Arthur Sts)	New 28 Unit Motel	✓		T
5	LUA07/0087	Part Lot 188 DP 751303 Part Lot A DP 83394 Part Lot 14 DP 751253 Lot 1 DP 1033815	Headlam Road, Moss Vale	Hay and Tractor Shed		✓	



**Development Applications (DAs) Received – 23/01/07 to 02/02/07
(Excluding Small Lot Subdivisions and Domestic Applications)**

	LUA Number	Legal Description	Property Address	Description	Works & Planning	Delegation	Committee Referrals
6	LUA07/0088	Lot 1 DP 913059	2-6 Penrose Road, Bundanoon	Section 96 Modification to BA 93/0242 (new verandah & office)		✓	
7	LUA07/0089	Lot 1 DP 1033815	Heritage Park, Moss Vale Road, Bowral	Section 68 for 26 Tourist Accommodation Units		✓	
8	LUA07/0090	Lot 100 DP 873689	Illawarra Hwy, Robertson (near Pearsons Lane)	New Sewer Line for Existing Building – shower / washroom		✓	
9	LUA07/0092	Lot 26 Sec 21 DP 2944	Corker Hill, Colo Road, Colo Vale (cnr Grevillia Road)	Convert section of garage into small commercial kitchen		✓	
10	LUA07/0094	Lot 10 Sec 1 DP 38	551 Argyle Street, Moss Vale	Demolition of existing buildings & erection of new car showroom, service workshop & carpark.	✓		T
11	LUA07/0097	Lot 43 Sec 5 DP 10173 Vol 11223 Fol 00248	30 Telopea Road, Hill Top	Shed with Awning		✓	
12	LUA07/0098	Lot 5 DP 1071572	68 Blue Gum Rd, Bundanoon	Shed		✓	
13	LUA07/0100	Lot 1 DP 789551	Wattle Hill, Illawarra Highway, Moss Vale	2 x Lot Subdivision		✓	
14	LUA07/0103	Lot 22 DP 1000527	Sproules Lane, Glenquarry (east side)	Plant Nursery	✓		



**Development Applications (DAs) Received – 23/01/07 to 02/02/07
(Excluding Small Lot Subdivisions and Domestic Applications)**

	LUA Number	Legal Description	Property Address	Description	Works & Planning	Delegation	Committee Referrals
15	LUA07/0104	Lot 10 DP 8480	88 Railway Pde, Mittagong (between Huxley & Faraday)	2 x Lot Subdivision		✓	
16	LUA07/0105	Lot 35 DP 264009	21 Kirkham St, Moss Vale	Demolition of Existing Dwelling/Sheds & Erection of Educational Establishment & Professional Suits x 3. Use of Suite 2 & 3 for Skill Learning/ Training for Disabled People & Signage	✓		
17	LUA07/0110	Lot 22 DP 1070713	15 Draper Road, Braemar	Fill Unused Sediment Pond and Extend Craine Rail Tracks		✓	
18	LUA07/0111	Lot 3 DP 876891 Lot 4 DP 1035898	Yeo's Road, Glenquarry	Boundary Adjustment		✓	
19	LUA07/0107	Lot 1 DP 738800	Moss Vale Showground	POPE (Circus)		✓	

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 January 2007.

RECOMMENDATION

THAT the information regarding the List of Land Use Applications Received by Council for the month of January 2007, 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 /ClusterHousing SEPP SL	
	2006	2007	2006	2007	2006	2007	2006	2007
January	99(*33)	105(*20)	99	105	7	12	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)

Please note the increase in Dwelling lodged for month of June is due to the introduction of Basix on the 1st July 2005

o-EP4 Developer Contribution Payment Policy for Non-profit organisations

REF: DEP (SPM)

5701

This report considers a new policy in relation to the deferment of payment of Developer Contributions for non profit organisations.

REPORT

BACKGROUND

Council considered a request by Warrigal Care on 13 September 2006 to review their developer contributions and defer payment of their contributions until occupation. As a result of this request, Council resolved:

2. *THAT Council agrees to allow deferred payment of all developer contributions for this application prior to either an Occupation Certificate or Interim Occupation Certificate being issued.*
3. *THAT a further report outlining a written policy on the developer contribution rates payable and timing of payment of contributions for not-for-profit organisations be presented to Council within the next six (6) months'*

REPORT

Whilst no formal records are kept, staff advise that Council receives on average one (1) development application a year from non profit organisations who are levied developer contributions. Such organisations include: schools; churches; aged care (housing) providers; Government agencies; sporting/cultural organisations; and Council.

On average, Council receives developer contributions from over a hundred applications annually. The contributions from non profit organisations make up anywhere between 0.1 to 20% of funds received annually, usually less than 2%.

The resolution of Council in September 2006 in relation to the Warrigal Care application to defer payments until occupation certificate is seen as a sound and appropriate policy for the following reasons:

- Applicants must still pay the contributions the same as for-profit organisations
- On average only one application under this policy would be received which is manageable in terms of monitoring.
- Acknowledges the contribution to the community that non-profit organisations make
- Little risk of not receiving payment as non-profit organisations are usually long term community organisations.
- Legally, Council can enforce payment should this be necessary.
- Allows organisations more time with their funds in the bank to enable the development to occur (eg. building works).
- Contributions still increase due to CPI or regular reviews as part of payment deferral.
- Onus on organisations to prove their non-profit legitimacy.
- May impact positively on affordability of the project, eg. housing affordability.



The report to Council regarding Warrigal Care in September considered the precedent implications of such a policy and also suggested some of the policy aims which specifically referred to aged housing. As this policy will likely apply to many types of developments, the suggested policy objectives have been widened as outlined in the attached policy.

The Policy will be:

“Council agrees to allow deferred payment of all developer contributions prior to either an Occupation Certificate or Interim Occupation Certificate being issued for a Development Consent granted by Council issued to or on behalf of non-profit organisations.”

Precedent

The main implication for Council is the precedent such a decision sets for all future developments. The precedent may be positive in some regards (eg. housing affordability – less cash upfront) and also introduce risks of lost payments if the policy applied to all developments (applications that never have final inspections and occupation certificates issued). For example, Council approves many multi-unit housing developments whose contributions per application generally range between \$35,000 and \$100,000. A loss of even one application through administrative error or deceit from the developer would have significant financial implications to Council's s.94 works programs.

In regard to managing risk, it is appropriate to limit payment deferrals to community and non-profit organisations only. This will increase their viability and also reduce Council's risk of 'lost' contributions by only limiting this circumstance to a few.

MANAGEMENT PLAN ISSUES OR IMPLICATIONS

Council will receive the funds later in the development process under this policy, albeit increased by the CPI or as a result of a review.

POLICY IMPLICATIONS

This report considers adopting this new policy

BUDGET IMPLICATIONS

Not considered to be significant, however there may be lag times experienced in the completion of some works.

ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

- (i) **Environmental Factors**
Non known.
- (ii) **Social Factors**
In terms of deferred payments, while the social impact of a decision to defer the payment of contributions is a positive one (housing affordability), it must be weighed up against the financial impact of such a decision
- (iii) **Economic Factors**
Council will impose the payment of the contributions at the rate applicable at time of payment such that should the rates be increased by the CPI, these new rates will apply. This will ensure Council's financial risk will be managed appropriately.

ATTACHMENTS

There is one attachment to this report being the draft Policy.

RECOMMENDATION

THAT Council adopt the policy in Attachment 1 in relation to deferred payments of developer contributions for non-profit organisations



Scott Lee
Director, Environment & Planning

8 February 2007

ATTACHMENT 1

POLICY MANUAL

(31 January 2007)

SUBJECT: Developer Contributions Deferred Payments

POLICY TITLE: Developer Contributions Payment Policy for Non-Profit Organisations

DIVISION: Environment & Planning

FILE NO: 5701

OBJECTIVES: *“Achieve the social objective of providing affordable projects for non-profit organisations whilst managing the financial impact on Council and the provision of future infrastructure with the deferring of payments.”*

POLICY: *“Council agrees to allow deferred payment of all developer contributions prior to either an Occupation Certificate or Interim Occupation Certificate being issued for a Development Consent granted by Council to or on behalf of non-profit organisations.”*

Non-profit organisations must prove their legitimacy

Non-profit organisations may include but are not limited to:

- schools;
 - churches;
 - aged care (housing) providers;
 - Government agencies;
 - sporting/cultural organisations; and
 - Council
-

CORPORATE SERVICES DIVISION

o-CS1 Exeter Park Management Committee – Proposed Changes to the Bond Charged for the Hire of Exeter Hall

REF: MAS 6536/1.1

Reporting on the proposed changes to the bonds charged for the hire of Exeter Hall.

REPORT

Council adopted the Schedule of Hire Fees for the Exeter Park Management Committee on the 28 June 2006.

Included in the Schedule of Fees are the following bond charges for the hire of the Hall, Kitchen and Supper Room.

Hall, Supper Room and Kitchen before 5.00pm	\$200.00
Hall, Supper Room and Kitchen after 5.00pm	\$500.00

The Committee is concerned that they have lost a couple of bookings as prospective hirers felt that they could not afford to pay a bond of \$500.00.

At its meeting on the 6 November 2006 the committee recommended that the Bonds be reduced to

Hall, Supper Room and Kitchen before 5.00pm	\$250.00
Hall, Supper Room and Kitchen after 5.00pm	\$300.00

COMMITTEE RECOMMENDATION:

That the Bonds for the hire of Exeter Hall be changed to the following:

Hall, Supper Room and Kitchen before 5.00pm	\$250.00
Hall, Supper Room and Kitchen after 5.00pm	\$300.00

ATTACHMENTS

There are no attachments to this report

RECOMMENDATION

1. THAT Council adopt the following Bonds fees for the hire of Exeter Hall:

Hall, Supper Room and Kitchen before 5.00pm	\$250.00
Hall, Supper Room and Kitchen after 5.00pm	\$300.00

2. THAT the committee be notified of Council's determination.

o-CS2 Infrastructure Management and Council's Rating Strategy

REF. DCS 2210/9.2

Reporting on proposal to seek Special Rate Variation for the next 5 years.

REPORT

BACKGROUND

As Councillors would be aware Wingecarribee Shire Council was one of the first Council's in NSW to quantify and plan for the infrastructure problem that is presenting a significant challenge for Council's across Australia.

In May 2002 Council put forward a five (5) year strategy to inject funds into the worst of our road, drainage and footpath assets. The strategy targeted assets that were in such a bad state of repair that they were not being included in our routine maintenance programs.

The strategy which was known as the Infrastructure Maintenance and Renewal Program (IMRP), sought to raise an infrastructure levy for a period of 5 years totalling \$3.45 million. The IMRP will conclude at 30 June 2007 and Council will be required to remove the levy in 2007/08.

At the time of presenting the IMRP to the Minister for Local Government and Director General of the Department of Local Government, Council foreshadowed a more comprehensive approach to the asset management problem in future years.

In 2003 Council developed a more comprehensive model to address the infrastructure maintenance and capital works needs of the Shire. Council identified a need for an additional \$100 million to be spent on infrastructure over a ten year period. Council subsequently brought forward the Infrastructure Recovery Strategy (IRS) which sought to raise \$52 million in additional revenue over the financial years 2003/04 to 2012/13 for vital infrastructure.

Council was successful in 2003/04 in gaining the Ministers support for the 1st year of our strategy. It is noted that both the Minister for Local Government and the Director General acknowledged Wingecarribee Shire as an industry leader in its strategic approach to this issue and the IRS program acknowledged as best practise within the industry at the time. Many other Councils across NSW have since modelled their rating submissions on the Wingecarribee model.

Council subsequently made further application for special variations in 2004/05, 2005/06 and 2006/07 based on the same model, the Infrastructure Recovery Strategy. Council was successful in 2004/05 and 2006/07 in gaining approval for the requested special variation.

In the financial years 2002/03 to 2006/07 inclusive, an additional \$3.47 million under the IMRP levy and \$8.96 million under the IRS program have been spent on shire infrastructure.

WHAT IS PROPOSED? – A CONTINUATION OF THE INFRASTRUCTURE RECOVERY STRATEGY

Council maintains assets with a current value of approximately \$602 million and our asset management plans highlight the fact that overall the condition of these assets continues to decline. Council's investment in maintaining and replacing these assets needs to be significantly increased on an ongoing basis to arrest this decline.

The Independent Inquiry into the Financial Sustainability of NSW Local Government prepared by Professor Allan, has confirmed that under funding of infrastructure maintenance and renewal is a significant and real problem for local government.

Council has therefore again indicated its support at its strategy workshop in October 2006 to remain committed to a rating strategy linked to the identified funding gap for asset maintenance and improvement works.

The proposal being to seek the Minister for Local Government's approval for a special rate variation of 9.5% in each of the years 2007/08 to 2011/12 inclusive.

If approved for the five (5) years requested, the special variation would provide additional funds above rate pegging, as follows:-

2007/8	2008/09	2009/10	2010/11	2011/12
\$1.09m	\$1.19m	\$1.30m	\$1.43m	\$1.56m

Cumulatively, the above increases translate to an additional \$28.1m over the next six (6) years of the originally proposed ten (10) year strategy. This is in addition to \$28.3 million that will be raised via the previous variations approved under the Infrastructure Recovery Strategy (see attached table).

HOW DOES COUNCIL NEED TO PROCEED?

Council must formally advise the Department of Local Government of its intentions in regard to special rate variations by 31 March 2007. Councils are required to have formally resolved that they intend to apply for special variations before completing and forwarding the "Intention to Apply Form".

Council's formal resolution to seek a special variation of 9.5% per year for 2007/08, 2008/09, 2009/10, 2010/11 and 2011/12 is now sought. Subject to this being confirmed, the DLG will be formally advised and the required applications and supporting information will be prepared.



ATTACHMENTS

There is one attachment to this report (IRS table).

RECOMMENDATION

1. THAT Council confirm its position in regard to the proposal to seek a special rate variation of 9.5% for the next five (5) years.
 2. THAT subject to the above, the DLG be formally advised by lodging an “Intention to Apply” form.
-

ATTACHMENT 1

ADDITIONAL FUNDS FROM REVISED (5) STAGE RATE PROPOSAL INFRASTRUCTURE RECOVERY STRATEGY 2003 - 13

Year	Stage 1 : 12% Approved Rate Increase 2003/04	Stage 2 : 12% Approved Rate Increase 2004/05	Stage 3 (Not approved) 2005/06	Stage 3 : 9% Approved Rate Increase from 2006/07	Stage 4 : Future 9.5% Rate Increase from 2007/08	Stage 5 : Future 9.5% Rate Increase from 2008/09	Stage 6 : Future 9.5% Rate Increase from 2009/10	Stage 7 : Future 9.5% Rate Increase from 2010/11	Stage 8 : Future 9.5% Rate Increase from 2011/12
	Phase 1 - Maintenance & Level of Service								
	Additional Basic Infrastructure								
2003/04	\$ 1,041,603								
2004/05	\$ 1,041,603	\$1,212,570	Not Approved						
2005/06	\$ 1,041,603	\$1,212,570	Not Approved						
2006/07	\$ 1,041,603	\$1,212,570	Not Approved	\$ 1,000,003					
2007/08	\$ 1,041,603	\$1,212,570	Not Approved	\$ 1,000,003	\$ 1,090,003				
2008/09	\$ 1,041,603	\$1,212,570	Not Approved	\$ 1,000,003	\$ 1,090,003	\$1,193,553			
2009/10	\$ 1,041,603	\$1,212,570	Not Approved	\$ 1,000,003	\$ 1,090,003	\$1,193,553	\$1,306,941		
2010/11	\$ 1,041,603	\$1,212,570	Not Approved	\$ 1,000,003	\$ 1,090,003	\$1,193,553	\$1,306,941	\$1,431,100	\$1,567,055
2011/12	\$ 1,041,603	\$1,212,570	Not Approved	\$ 1,000,003	\$ 1,090,003	\$1,193,553	\$1,306,941	\$1,431,100	\$1,567,055
2012/13	\$ 1,041,603	\$1,212,570	Not Approved	\$ 1,000,003	\$ 1,090,003	\$1,193,553	\$1,306,941	\$1,431,100	\$1,567,055
Totals	\$ 10,416,032	\$10,913,129	Nil	\$7,000,020	\$ 6,540,018	\$5,967,767	\$5,227,764	\$5,724,401	\$4,701,165
									\$ 56,490,296
TOTAL YIELD OVER 10 YEAR INFRASTRUCTURE STRATEGY									

Notes: Table shows projected income in current dollar values

o-CS3 Councillors' Payment of Expenses and Provision of Facilities to the Mayor and Councillors.

REF. MAS 101/5

Reporting on further consideration of Councillors Payment of Expenses and Provision of Facilities to the Mayor and Councillors following public exhibition.

REPORT

BACKGROUND

Council at its meeting held on Wednesday 13 December 2006 considered a report in relation to this matter and resolved as follows:-

“THAT the Policy for the Payment of Expenses and Provision of Facilities to Mayor and Councillors be placed on Public Exhibition subject to the removal of all words after the work “phone” in clause 2.2.2 and all words after the words” Council provided telephone line” in 2.2.4 (c), for a period of not less than twenty eight (28) days AND THAT a further report be forwarded to the Ordinary meeting of Council to be held on Wednesday, 14 February 2007.

ADVERTISING

An advertisement was placed in the local paper (Southern Highland Post) on Wednesday December 20 2006 and each subsequent Wednesday's paper up to and including Wednesday 31 January 2007 calling for Public Comment prior to further consideration by Council at this meeting.

Copies of the Council report were distributed to Mittagong, Bowral and Moss Vale libraries as well as Customer Service and Council's switch area.

PUBLIC COMMENT

As at the close of business on Wednesday 31 January 2007 no public comments were received and no telephone enquiries were made of the contact officer.

DEPARTMENT OF LOCAL GOVERNMENT GUIDELINES

Council at its December 2006 Meeting was advised that the Department of Local government had released a comprehensive set of guidelines to assist council in the review and preparation of policies under Section 252 of the Local Government Act 1993 for the payment of expenses and provision of facilities for mayors and Councillors. The guidelines have been formulated following extensive consultation with the NSW Local Government and Shires Associations and are adopted under the provisions of Section 23A and 252(5) of the Local Government Act 1993. As such, Council must comply with the guidelines when preparing and adopting an expenses and facilities policy.

The aim of the Guidelines is to

- (a) Clarify issues in regard to the scope and extent of the expenses that may be claimed by and equipment and facilities provided to, Mayors and Councillors so that these are reasonable and appropriate.
- (b) Ensure a level of consistency in the content of Council's policies.
- (c) Provide direction for new reporting requirements as required by the Department of Local Government.

The overriding principle to be addressed by Council as directed by the Guidelines is that the provisions made by the policy in regard to benefits to councillors are acceptable to and meet the expectations of the local community. Equally important from Council's perspective is that the level of expenses and the benefits provided to councillors must be reasonable, adequate and appropriate.

Specific expense limits and the level of provision of equipment and facilities are not defined in the Guidelines. However, such limits and level of provision must be set by individual councils to suit their needs and their local affordability. Council's policy must not include a general expense or allowance clause and all expense payments must be either reimbursed after the event or reconciled if an advance payment is made to the Mayor or to Councillors.

Council is required by the Guidelines and the accompanying amending legislation to submit its expenses and facilities policy to the department by 30 November each year. Council is also required to include in its Annual Reports relevant information of the payment of expenses and provision of facilities to the Mayor and councillors in accordance with the amending legislation and Guidelines.

For the financial year 2006/2007, Council must submit a policy that complies with the Guidelines by February 2007.

COUNCIL DECISION AT ORDINARY MEETING HELD WEDNESDAY 13 DECEMBER 2006.

Having regard to the above advice and to Council's decision at its meeting held on Wednesday 13 December 2006 not to place any limits on expenses and facilities provided to the Mayor and Councillors, may be questioned by the Department of Local government.

It is noted that a sub committee of Councillors met prior to the report being placed before council at its meeting held on Wednesday 13 December 2006 and the sub committee suggested the limits detailed in the draft policy placed before Council.

POLICY IMPLICATIONS

A copy of the amended policy adopted by Council is attached to the report. The policy is more specific than Councils previously adopted policy as required by the Local Government Act 1993 and the Department of Local Government.

BUDGET IMPLICATIONS

The changes to the policy do not increase the level of benefits provided to councillors and subject to no significant change in use by Councillors there is likely to be minimal impact on Councillors budget provisions in the 2006/2007 Management Plan and Budget.



ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

(i) Environmental Factors

Nil

(ii) Social Factors

The adopted Policy is set and the limits of expenditure set by the Council are to represent Councillors needs and the local affordability of the Shire.

(iii) Economic Factors

Nil

CONCLUSION

It is suggested that the draft policy is submitted for Council's final review prior to its submission to the DLG, noting that there were no community submissions and again highlighting the Department of Local Government Guidelines.

ATTACHMENTS

Copy of the Policy adopted by Council at its meeting held on Wednesday 123 December 2006 with the amended wording to item 2.2.2 and 2.2.4 item c.

RECOMMENDATION

- 1 **THAT** Council reviews the draft policy for "The Payment of Expenses and Provision of Facilities to the Mayor and Councillors" and confirm the policy.
- 2 **THAT** in accordance with the Local Government Act 1993 and the Department of Local Government Guidelines issued by the Department of Local Government dated September 2006, that a copy of the adopted Policy be forwarded to the Department of Local Government prior to Wednesday 28 February 2006.

REPORT OF DIRECTOR CORPORATE SERVICES

o-CS4 Investments as at 31 December 2006

REF	FSM	2104
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Submitting details of Council's Investments as at 31 December 2006.

REPORT

Submitting details of Council's Investments as at 31 December 2006. (See **Attachment 1**) and also a list of commitments for which these investments are held. (See **Attachment 2**)

ATTACHMENTS

1. Investment Reconciliation as at 31 December 2006
2. List of commitments

RECOMMENDATION

THAT the information on Council's Investments as at 31 December 2006 be received and noted.

Barry W Paull
Director Corporate Services

8 February 2007

ATTACHMENT 1

INVESTMENT RECONCILIATION AS AT 31 December 2006

Bank	Certificates	Rate	Days	Due Date	Value	Consideration	Total
<u>Term Deposit</u>							
LGFS		6.36	31	4/01/2007	4,000,000.00	4,000,000.00	
IMB		6.40	32	8/01/2007	2,000,000.00	2,000,000.00	
IMB		6.41	31	11/01/2007	1,500,000.00	1,500,000.00	
IMB		6.42	61	15/01/2007	3,000,000.00	3,000,000.00	
IMB		6.41	34	16/01/2007	1,500,000.00	1,500,000.00	
LGFS		6.31	91	17/01/2007	3,000,000.00	3,000,000.00	
IMB		6.42	32	22/01/2007	2,000,000.00	2,000,000.00	
LGFS		6.40	90	25/01/2007	2,000,000.00	2,000,000.00	
LGFS		6.40	91	29/01/2007	2,000,000.00	2,000,000.00	
IMB		6.48	90	14/02/2007	1,000,000.00	1,000,000.00	
ST GEO		6.37	92	20/02/2007	3,500,000.00	3,500,000.00	
BDCU		6.38	90	21/02/2007	1,500,000.00	1,500,000.00	
IMB		6.45	62	22/02/2007	2,000,000.00	2,000,000.00	
BDCU		6.38	91	26/02/2007	1,500,000.00	1,500,000.00	
IMB		6.47	92	28/02/2007	2,500,000.00	2,500,000.00	
IMB		6.48	91	1/03/2007	1,500,000.00	1,500,000.00	
LGFS		6.50	90	15/03/2007	2,000,000.00	2,000,000.00	
IMB		6.52	91	19/03/2007	4,500,000.00	4,500,000.00	
							41,000,000.00
<u>Committed Rolling Investment</u>							
LGFS		6.39	365	10/01/2007	10,000,000.00	10,000,000.00	
							10,000,000.00
<u>Bank Accepted Commercial Bills</u>							
NAB	Various	6.35	61	3/01/2007	3,000,000.00	2,968,497.33	
NAB	Various	6.36	30	18/01/2007	1,000,000.00	994,799.79	
NAB	Various	6.39	94	19/02/2007	2,000,000.00	1,967,619.98	
							5,930,917.10
<u>Short Term</u>							
NAB						1,700,000.00	
							1,700,000.00
Average Int Rate		6.41					58,630,917.10

"I certify that the investments detailed in the above table have been made in accordance with the Local Government Act 1993, the Local Government (Financial Management) Regulation 1999 and Council's Investment Policies".

Doug Neville
Financial Services Manager

REPORT OF DIRECTOR CORPORATE SERVICES

Attachment 2		
COUNCIL INVESTMENT HOLDINGS - PURPOSE)		
Investments Held		Est 31/12/2006
Developer Contributions	Unexpended funds paid by developers for Section 94 and 64 works	7,045,696
RTA Unexpended Grants	Unexpended grant funds received from Roads & Traffic Authority to be expended in 2006/07	1,024,727
Other Unexpended Grants	Unexpended grant funds received from other government departments to be expended in 2006/07	641,802
Loan Repayment Sinking Fund	Sinking funds held for repayment of sewer loan in 2016	168,262
General Fund Accumulated Cash	Represents all General Funds accumulated cash and cash equivalents held at report date	5,360,481
		14,240,968
General Fund Reserves		
Employee Leave Entitlements	Used to fund Long Service, Annual leave and Council commitments to staff entitlements.	876,719
Entrepreneurial Development	Used to provide internal loans that can be repaid into the Reserve. Funded by internal loan repayments, lease income and sale of surplus land.	2,873,555
Entrepreneurial Investment Fund	Funds to be used to develop strategies for new entrepreneurial activities to reduce Council's reliance on rate revenue	2,000,000
Works In Progress	Uncompleted or works in progress at year end, carried forward for completion in following year..	1,389,644
Cemeteries	Funded by additional burial fees and used to fund specific works in Council cemeteries.	30,977
Plant	Used to fund replacement of Council Plant and Equipment. This is a self funding activity.	1,161,265
Performance Appraisal System	Funded by salary savings across all budgets from staff resignations identified at year end. Used to fund staff maternity leave and replacement of staff on significant periods of sick leave.	144,940
Waste	DWM is required to be a self funding activity. Part of this reserve is allocated to DWM, the remainder to RRC and the rehabilitation of the old Welby Tip site.	432,478
Computer Reserve	Used to fund implementation of Dataworks, NAMS licensing, PABX upgrade and replacement of IT hardware.	274,492
Capital Projects	Contributions and EOY surplus transferred to this Reserve. Used to fund specific projects.	1,601,872
Family Day Care	FDC is a self funding activity. EOY results are transferred to or from this Reserve to ensure it remains self funding.	125,606
Effluent Disposal	Funded by a levy as part of septic tank applications and pump outs. Used to fund cleanout of sludge lagoons and updating of land affectation register.	60,922
Land Rental Reserve	Contributions from Water & Sewer for infrastructure on General Fund land. Used to fund Councils matching developer contributions.	2,712,443
Depreciation	Used to cash fund depreciation. Only one year funded to date for Animal Shelter.	4,000
Saleyards	Surplus operating funds to be used to fund OH & S upgrades at the saleyards.	18,000
Bonds, Deposits Etc..	Represents all bonds and deposits held by Council as restricted cash at reporting date. Includes Bonds, Damage, Contractors deposits, Sundry Deposits and Quarry Royalties.	2,487,623
		16,194,536
Water Fund		
Accumulated Cash	Represents all Water Funds accumulated cash and cash equivalents held at report date	1,906,155
Developer Contributions	Unexpended funds paid by developers for Section 94 and 64 works	4,521,849
Works in Progress Reserve	Uncompleted or works in progress at year end, carried forward for completion in following year..	626,746
Plant Reserve	Used to fund replacement of Water Fund Plant and Equipment. This is a self funding activity.	527,804
Pump Replacement Reserve	Used to fund replacement of specific pumps at Council water pumping stations.	45,000
Augmentation Reserve	Used to fund major capital works and subsidised schemes expenditure.	3,421,231
Sales Fluctuation Reserve	Used to fund variations in income from Water Access and User charges.	5,435,611
		16,484,396
Sewer Fund		
Accumulated Cash	Represents all Sewer Funds accumulated cash and cash equivalents held at report date	1,795,822
Developer Contributions	Unexpended funds paid by developers for Section 94 and 64 works	3,967,462
Works in Progress Reserve	Uncompleted or works in progress at year end, carried forward for completion in following year..	1,009,477
Plant Reserve	Used to fund replacement of Sewer Fund Plant and Equipment. This is a self funding activity.	84,240
Pump Replacement Reserve	Used to fund replacement of specific pumps at Council pumping sewer stations.	50,818
Augmentation Reserve	Used to fund major capital works and subsidised schemes expenditure.	3,377,286
Sales Fluctuation Reserve	Used to fund variations in income from Sewer Access and User charges.	1,425,912
		11,711,017
Totals - Estimated as at 31 December 2006		58,630,917

TECHNICAL SERVICES DIVISION

o-TS1 Status of 'Seal of Approval' & 'Roads to Recovery' Program

REF: DTS 101, 7810/6.1, 7801/2005

Request from Cllr M Murray for a report on the status of the Seal of Approval and Roads to Recovery Program.

REPORT

At the Council meeting held 31 January 2007, Cllr Malcolm Murray requested a report on priorities for the Seal of Approval and Roads to Recovery Programs.

A copy of the programs adopted by Council, the priority lists and the criteria for assessment have been circulated under separate cover.

ATTACHMENTS

1. Roads to Recovery Program
2. Roads Rehabilitation Priority List
3. Rural Road Construction Priority List
4. Assessment of Priority – Rural Roads and Distributor Roads
5. Seal of Approval Program
6. Seal of Approval Priority List
7. Assessment of Priority – Village Streets

All attachments have been circulated under separate cover.

RECOMMENDATION

THAT the information be received and noted.



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 14 February 2007

REPORT OF DIRECTOR TECHNICAL SERVICES

o-TS2 Water Restrictions

REF: WSM

7790/8

Review of water restrictions for domestic and commercial consumers.

REPORT

BACKGROUND

Council at its meeting of 13 September 2006, when considering a review of water restrictions, resolved that the matter be referred to a sub-committee of the Works and Planning Committee.

The Water Conservation Sub Committee has reviewed Council's water restriction levels and the recommended changes were discussed at the Works and Planning Committee meeting held on 7 February 2007.

In recommending the new restrictions, the sub-committee felt that Level 1 restrictions could become the "norm" for the Shire. The committee also recognised that water demand was much lower in winter and that the times could be adjusted for the winter period to allow people to water their gardens during daylight hours. The days chosen for the restrictions are intended to align with the days selected by Sydney Water.

Council's water and sewerage staff have given further consideration to the "triggers" for the introduction of various levels of restrictions and consider the relationship between Sydney Water storage levels should be relaxed to 50% for Level 1 instead of 60%, 40% for level 2, 30% for Level 3 and 25 % for Level 4. The Water & Sewer staff recommended this change because Sydney Water storage levels are currently less than 35%, which would trigger Level 3 restrictions for Wingecarribee Shire if the original proposal is adopted.

While the review of restrictions for domestic consumers has been completed, review of restrictions for commercial operations, public gardens, sports grounds etc. has only been completed up to Level 2.

The current Level 1 restrictions have been in force in the Shire since September 2004, and in consideration of the extreme water shortage affecting the nation it would be appropriate for Council to move to a tougher level of restriction and that this should be done sooner rather than later.

It is proposed that partial exemptions and/or variations may be permitted allowing bowling clubs, Council's Parks and Property branch and similar groups to operate within the normal spread of working hours.



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 14 February 2007

REPORT OF DIRECTOR TECHNICAL SERVICES

ATTACHMENTS

Recommended water restrictions for domestic consumers as recommended by the Water Conservation Sub-Committee.

RECOMMENDATION

1. THAT the recommendations of the Works and Planning Committee held on 7 February 2007 be amended to reflect the revised “triggers” referred to in the report.
 2. THAT subject to the adoption by Council of the Works and Planning Committee minutes, as amended, that Level 2 water restrictions be introduced from Monday 26 February 2007.
 3. THAT the Manager Water and Sewerage be authorised to approve minor exemptions/ variations following written request from a customer.
-



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 14 February 2007

REPORT OF DIRECTOR TECHNICAL SERVICES

ATTACHMENT 1

Water Restrictions – Domestic Consumers

	Sydney Water	Shoalhaven Water	Wingecarribee Shire Council Existing Restrictions	Wingecarribee Shire Council – Revised Water Restrictions
Level 1 Mandatory Restrictions	<ul style="list-style-type: none"> Introduced when storage levels reach 60% No sprinklers allowed at any time Drip irrigation and hand held hoses allowed any time No hosing hard surfaces including vehicles 	<ul style="list-style-type: none"> No sprinklers allowed at any time One hand held hose per property allowed any time Drip irrigation from a single tap per property allowed in lieu of hand held hose Washing of vehicles and boats allowed on grassed areas No hosing hard surfaces 	<ul style="list-style-type: none"> Introduced when either Bundanoon Creek or Medway dams fall below 70% Watering systems and sprinklers allowed between 8pm and 8am Drip irrigation and hand held hoses allowed any time No hosing hard surfaces 	<p>Introduced when either Bundanoon Creek or Medway dams fall below 90% or Sydney Water storage levels reach 60% (change to 50%)</p> <ul style="list-style-type: none"> Watering systems and sprinklers allowed between 5pm and 8pm and 7am and 10am (1st September-31st May) on Wednesdays, Fridays and Sundays. During winter (1st June-31st August) unrestricted use of watering systems and sprinklers allowed on Wednesdays, Fridays and Sundays. Drip irrigation and one hand held hose per property allowed any time Washing of vehicles preferred on grassed areas but may be washed on hard surfaces where there is direct runoff to garden/grassed area No hosing hard surfaces
Level 2 Mandatory Restrictions	<ul style="list-style-type: none"> Introduced when storage levels reach 50% No sprinklers allowed at any time Hand held hoses and drip irrigation allowed before 10am and after 4pm on Wednesdays, 	<ul style="list-style-type: none"> No sprinklers allowed at any time One hand held hose per property allowed between 6am and 8am and 6pm and 8pm Washing of vehicles and boats allowed on grassed areas No hosing hard 	<ul style="list-style-type: none"> Introduced when either Bundanoon Creek or Medway dams fall below 55% No sprinklers allowed at any time Drip irrigation and hand held hoses allowed between 4pm and 10am No hosing hard surfaces 	<p>Introduced when either Bundanoon Creek or Medway dams fall below 70% or Sydney Water storage levels reach 40%</p> <ul style="list-style-type: none"> No sprinklers allowed at any time Drip irrigation and one hand held hose per property allowed before 10am and after 4pm Washing of vehicles preferred on grassed areas but may be washed on hard surfaces where there is direct runoff to garden/grassed area



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 14 February 2007

REPORT OF DIRECTOR TECHNICAL SERVICES

	<p>Fridays and Sundays only</p> <ul style="list-style-type: none"> No hosing hard surfaces including vehicles No filling of new and renovated pools without a Sydney Water Permit 	surfaces		<ul style="list-style-type: none"> No hosing hard surfaces
<p>Level 3 Mandatory Restrictions</p>	<ul style="list-style-type: none"> Introduced when storage levels reach 40% No sprinklers allowed at any time Hand held hosing and drip irrigation allowed only on Wednesdays and Sundays before 10am and after 4pm No hosing of hard surfaces including vehicles No filling of new or renovated pools without a Sydney Water Permit 	<ul style="list-style-type: none"> No sprinklers allowed at any time One hand held hose per property allowed between 6am and 8am and 6pm and 8pm on Wednesdays and Sundays only Drip irrigation banned Vehicles and boats are to be washed on grassed areas in the same hours as above but only using water sponged from a bucket No hosing hard surfaces 	<ul style="list-style-type: none"> Introduced when either Bundanoon Creek or Medway dams fall below 45% No sprinklers allowed at any time Drip irrigation allowed between 6pm and 8am Hand held hoses allowed between 6am and 8am and 6pm and 8pm No hosing hard surfaces including vehicles 	<p>Introduced when either Bundanoon Creek or Medway dams fall below 55% or Sydney Water storage levels reach 35% (change to 30%)</p> <ul style="list-style-type: none"> No sprinklers allowed at any time One hand held hose per property and drip irrigation allowed before 10am and after 4pm on Wednesdays, Fridays and Sundays Vehicles may be washed in the same hours as above but only using water sponged from a bucket No hosing hard surfaces



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 14 February 2007

REPORT OF DIRECTOR TECHNICAL SERVICES

<p>Level 4 Mandatory Restrictions</p>	<p>Not yet developed</p>	<ul style="list-style-type: none"> All external water use banned 	<ul style="list-style-type: none"> Introduced when either Bundanoon Creek or Medway dams fall below 35% No sprinklers allowed at any time Drip irrigation allowed for a maximum of four hours between 6pm and midnight Hand held hoses allowed between 6am and 8am and 6pm and 8pm on Wednesdays and Sundays only No hosing hard surfaces including vehicles 	<p>Introduced when either Bundanoon Creek or Medway dams fall below 45% or Sydney Water storage levels reach 30% (change to 25%)</p> <ul style="list-style-type: none"> No sprinklers allowed at any time Drip irrigation allowed for a maximum of four hours between 8pm and midnight on Wednesdays and Sundays only One hand held hose per property allowed between 6am and 10am and 4pm and 8pm on Wednesdays and Sundays only No hosing hard surfaces including vehicles
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Notes:

- Hand held hoses must be fitted with a trigger nozzle and must not be left unattended at any time.
- Sprinklers/watering systems are to be timer controlled.
- Hard surfaces are deemed to include paving, driveways, paths, courtyards, decks etc.
- Hard surfaces may be hosed if health or safety issues arise.
- Washing of windows allowed using a bucket and sponge/squeegee and may be rinsed using a hose fitted with a trigger nozzle during Level 1 & Level 2 restrictions.



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 14 February 2007

REPORT OF DIRECTOR TECHNICAL SERVICES

o-TS3 Proposed Stormwater Drainage Works Boolwey Street, Bowral

REF: DPM

RD 1517, 8117

Reporting on proposed storm water drainage works along Boolwey Street, Bowral from Bendooley Street to St.Jude Street.

REPORT

Council at its meeting of the 13th December 2006 when considering the recommendations of the Works & Planning Committee of the 6th December 2006 resolved the following:

1. THAT a meeting be held on site with the residents of Boolwey Street (between Bendooley Street and St Jude Street) commencing at 9:00am on Monday, 29th January 2007 AND THAT 45 minutes be allowed fro this meeting.
2. THAT an information sheet be prepared and sent to residents.

The above meeting went ahead as recommended. A total of 23 residents attended and a respectful discussion took place between the presenters and the residents.

In total, at least five (5) properties were confirmed as being affected by overland stormwater/yard flooding:

- House No 32
- House No 32A
- House No 34-3536
- House NO 38
- House No 40

Residents were generally opposed to the tree removal and many questions were raised regarding alternative drainage options, the costs implications and the impact of the alternative options. Council officers explained the reasons for recommending Option 2. The alternative options can be summarized as follows:

Option 1- Pipe Drainage along Southern side from Bendooley Street to St Jude Street

- Cost \$350,000
- Tree removal required on southern side (17 trees)
- Four (4) trees require removal of on northern side

Option 2 – Grassed swale along Southern side from Bendooley Street to St Jude Street

- Cost \$80,000
- Construction of a grassed swale on the southern side of Boolwey Street
- Construction of a new stormwater box culvert across Edward Street
- Re-shaping of the intersection of Edward and Bendooley Streets as well as the provision of a raised speed hump
- Reconstruction of several driveways both on the northern and southern side of Bendooley Street
- Four trees require removal of on northern side (Note, only one of those trees is of significant size)
- Removal of seventeen small trees on the southern side (large trees to remain).

Option 3- Pipe Drainage along centre of Boolwey Street from Bendooley Street to St.Jude Street

- Cost \$400,000
- Involves restoring road pavement
- Four trees require removal on the northern side.

Option 4- Pipe Drainage along centre of Boolwey Street from Bendooley Street to Mittagong Rivulet

- Cost \$1,000,000 approximately
- Involves restoring road pavement
- Four trees require removal of on the northern side.

Option 5 – Do Nothing

- Five properties remain flood affected

Summary

Option 2 was always a “compromise” solution. None of the options will completely remove the drainage nuisance because there is always the possibility that a storm event will exceed the capacity of the system. For it to be completely effective, all trees on the southern side would need to be removed. However, this is not proposed as it is appreciated that the streetscape in a “conservation” area needs to be protected.

Option 2 is recommended because it is a sensible and cost effective solution. The tree removal proposed is an essential part of the work. A copy of the questions and replies offered to the residents has been circulated under separate cover.

Residents have been advised that this matter is being considered at Council’s meeting of 14 February 2007.

The funds of \$80,000 for this project are nominated in the 2006/07 Drainage Levy and construction is scheduled this financial year.



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 14 February 2007

REPORT OF DIRECTOR TECHNICAL SERVICES

Other Issues Raised at the Public Meeting

Most other questions raised related to traffic issues along Bendooley Street and these will be raised with the Traffic Committee.

The issue of kerb and guttering along the St.Jude Church frontage was also raised as the temporary works undertaken in 2005 is eroding and is quite unsightly. This section of kerb and guttering is the number one priority on Council's kerb and gutter priority list but remains unfunded, which has been the case for many years. The current estimate for this work is estimated at around \$120,000 and includes footpath construction and a bitumen sealed road shoulder. This work suggested is to provide a permanent solution to the parking problems experienced in the vicinity and to replace the temporary construction put in place in 2005.

However, a recent Land Use Application for additional dwellings on the St.Jude Church grounds has resulted in the kerb and gutter, sealed road shoulder and footpath paving being made a condition of consent for the development. Should the development proceed, the works will be undertaken as a condition of consent.

ATTACHMENTS

Notes from Public Meeting 29th January 2007 (**circulated under separate cover**)

RECOMMENDATION

1. **THAT** Option 2 involving the construction of a grassed swale drain and the removal of seventeen (17) trees on the southern side and four (4) trees on the Northern side of Boolwey Street be approved by Council for Construction;
 2. **THAT** Boolwey Street residents between Bendooley Street and St.Jude Street be informed of Council's decision.
-

M J Brearley
Director Technical Services

8 February 2007

COUNCIL MATTERS

GENERAL MANAGER'S REPORTS

c-GM1 General Manager's Quarterly Report

REF.	GM	506/1
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Submitting the General Manager's Quarterly Report to 31 December 2006.

REPORT

The General Manager's Quarterly Report has been circulated under separate cover.

ATTACHMENTS

The General Manager's Quarterly Report has been circulated under separate cover.

RECOMMENDATION

THAT the information in respect of the General Manager's Quarterly Report to 31 December 2006 be received and noted.

REPORT OF THE GENERAL MANAGER

c-GM2 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 04/07 and 05/07 and Council Weekly Circulars Nos 04/07 and 05/07 be noted.

Mike Hyde
General Manager

7 February 2007

OTHER MATTERS

NOTICE OF MOTION

c-NRM1 21/2006 – Notice of Motion of Rescission – Voting by Wards

REF: MAS

100/4, 106

Reference: – Ordinary meeting of Council Wednesday 8 November 2006 c-NM3 MN 390/06

Reference: - Ordinary meeting of Council Wednesday 22 November 2006 c- NRM2 – MN 418/06

Council at its meeting held on Wednesday 22 November 2006 resolved:

**THAT this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday 31 January 2007*.*

The matter was not listed for the meeting of 31 January 2007 and is now listed for Council's consideration.

"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 8 November, 2006 **be rescinded**:

1. THAT at the next election an appropriately drafted referendum be held to determine whether voting by Wards should be introduced into Wingecarribee Shire Council.
2. THAT six (6) months prior to the referendum two (2) public meetings be held to consider the arguments for and against wards AND THAT the potential ward areas be identified prior to any public meeting.

Dated 15 November 2006

Signed Clr T D Gair
Clr P Yeo
Clr J Clark"

NOTICES OF MOTION

c-NM2 22/2006 – Notice of Motion – Voting by Wards

REF: MAS

100/4,

Reference: – Ordinary meeting of Council Wednesday 8 November 2006 c-NM3 MN 390/06

Reference: - Ordinary meeting of Council Wednesday 22 November 2006 c- NRM2 – MN 419/06

“THAT this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday 31 January 2007”.

Clr T D Gair has given notice that should the Notice of Motion of Rescission be passed it is his intention to move the following Notice of Motion.

“THAT suggested Ward maps and boundaries based on current pollution and projected population base of 2012 be presented to Council for appraisal prior to a determination on holding a referendum.”

RECOMMENDATION

SUBMITTED FOR DETERMINATION.

NOTICES OF MOTION

c-NRM3 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)

Reference: - Ordinary meeting of Council Wednesday 31 January 2007 c-NRM1 (MN 19/07)

1. THAT the Notice of Motion of Rescission be deferred for consideration at the Ordinary Meeting of Council to be held on 14 February 2007 AND THAT the Traffic Engineer be invited to attend the meeting to provide clarification
2. THAT Item o-TS2 - Traffic Matters, Mittagong be considered immediately after the Notice of Rescission.

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-NM4 02/2007 – Notice of Motion – S96 Timing of Roadworks associated with Highlands Market Place (Big W)

REF: MAS

100/4, LUA04/1134

Reference: - Ordinary meeting of Council 31 January 2007 (MN 20/07)

“THAT this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 14 February 2007”.

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 their intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday 14 February 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
Date Recd	
Ref 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-NM5 04/2007 – Notice of Motion - Lot 20 DP862590 in Oxley Drive Bowral

REF: MAS

100/4, PN1111001

Clr N N Campbell-Jones has given notice of his intention to move the following Notice of Motion of the Ordinary Meeting at Council on Wednesday 14 February 2007.

“THAT Council add to the list of possible land sales Lot 20 DP862590 in Oxley Drive Bowral”.

RECOMMENDATION

SUBMITTED FOR DETERMINATION.

NOTICES OF MOTION

c-NM6 05/2007 – Notice of Motion - Exotic / Wild Circus Animals

REF: MAS

100/4, 5300/13

Clr N N Campbell-Jones has given notice of his intention to move the following Notice of Motion of the Ordinary Meeting at Council on Wednesday 14 February 2007.

1. THAT DA Approval be required from the Moss Vale Show Society to hold a circus on the Moss Vale Show Ground.
2. THAT circuses that use exotic / wild animals in their show be denied DA Approval in Wingecarribee Shire.

RECOMMENDATION

SUBMITTED FOR DETERMINATION.

c-NM7 06/2007 – Notice of Motion - Youth Development Office

REF: MAS

100/4, 1830

Clr P George has given notice of her intention to move the following Notice of Motion of the Ordinary Meeting at Council on Wednesday 14 February 2007.

“THAT Council employ a full time Youth Development Officer immediately with additional funding for the position for the balance of this financial year being funded from the Capital Projects Reserve AND THAT Councillors confirm their support for the Youth Development Officer position to full time in the 07/08 budget”.

RECOMMENDATION

SUBMITTED FOR DETERMINATION.



COMMITTEE REPORTS

COMMITTEE REPORTS TABLED

c-CR1 Management and Advisory Committee Reports

REF. 107/1

Submitting minutes of two (2) Committee meetings that will be tabled for information.

REPORT

1. Hill Top Community Centres Management Committee meeting Thursday 18 January 2007
2. Mittagong Community Centre Management Committee meeting Wednesday 10 January 2007

ATTACHMENTS

There are no attachments to this report.

RECOMMENDATION

THAT the information contained in the two (2) Committee Reports be noted.



COMMITTEE REPORTS

COMMITTEE REPORTS ATTACHED

c-CR2 Works & Planning Committee (Refer minutes page 76)

REF	DEP	107/23
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Submitting minutes of the Works and Planning Committee Meeting held on Wednesday, 7 February 2007.

RECOMMENDATION

THAT the recommendations as detailed in the minutes of the Works and Planning Committee Meeting held on Wednesday, 7 February 2007 be adopted.

c-CR3 Legal Committee (Refer minutes page 89)

REF	DEP	107/22
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Submitting minutes of the Legal Committee Meeting held on Wednesday, 31 January 2007.

RECOMMENDATION

THAT the recommendations as detailed in the minutes of the Legal Committee Meeting held on Wednesday, 31 January 2007 be adopted.

c-CR4 Moss Vale Master Plan Committee (Refer minutes page 94)

REF	DEP	1603/28
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Submitting minutes of the Moss Vale Master Plan Committee Meeting held on Monday, 5 February 2007.

RECOMMENDATION

THAT the recommendations as detailed in the minutes of the Moss Vale Master Plan Committee Meeting held on Monday, 5 February 2007 be adopted.

**MINUTES OF THE WORKS & PLANNING COMMITTEE MEETING
HELD ON WEDNESDAY, 7 FEBRUARY 2007**

File No. 107/23

PRESENT:

Clr N N Campbell-Jones (Chairman)
Clr M Murray
Clr T D Gair
Clr L A C Whipper
Clr P Yeo
Mr Cliff Roberts
Mr Peter Gill

IN ATTENDANCE:

Clr J Clark
Clr M King (from 10.10am)

APOLOGIES:

Mr Greg Searle
Clr P B Tuddenham

INSPECTIONS CARRIED OUT ON MONDAY, 5 FEBRUARY 2007

PRESENT:

Clr P Yeo
Clr T D Gair
Clr J Mauger
Mr Cliff Roberts

	Item	File No
1	Residential flats 33 Spring Street, Moss Vale	LUA05/1481
2	Cluster houses, Suttor Road, Moss Vale	LUA02/0521
3	Alterations & additions, Springetts Arcade	LUA06/1126
4	Shed, Melbourne Street, New Berrima	LUA06/1367

The meeting commenced at 9.02am

ENVIRONMENT & PLANNING DIVISION

**WP-EP1 PROPOSED DEMOLITION OF DWELLING HOUSE & CONSTRUCTION OF
6 RESIDENTIAL FLAT UNITS, NO 33 SPRING STREET, MOSS VALE**

REF: MC

LUA05/1481

Reporting on proposed demolition of existing dwelling house and construction of 6 residential flat units at Lot 9 DP 1084538, No 33 Spring Street, Moss Vale.

Darren Hogan addressed the committee on behalf of the applicant and Mr B McLaren addressed the committee on behalf of the objectors in this matter.

WP 1/07

RECOMMENDATION moved by Clr M Murray and seconded by Clr P J Yeo:

1. THAT the application be refused for the following reasons:

- (i) The proposed second storey to Units 1 – 6 is considered to represent an unacceptable bulk to the street and is therefore not consistent with the objectives of Council’s Moss Vale Conservation Area Study.***
- (ii) The development is considered to present excessive impacts of bulk and scale and loss of privacy upon adjoining properties.***
- (iii) Landscape area does not comply with the minimum of 50% and is not in accordance with the requirements of Council’s DCP 18, and the amended landscape plan submitted is considered unsatisfactory.***
- (iv) The development does not provide adequate area for the manoeuvring of vehicles and does not comply with Council’s DCP 18 in relation to the minimum width for driveways.***

2. THAT on-site facilities for garbage removal be provided in consultation with Council staff.

3. THAT the applicant be requested to remove one unit to provide a wider driveway and more manoeuvrability.

PASSED

WP-EP2 S82A REVIEW – 18 CLUSTER HOUSES, SUTTOR ROAD, MOSS VALE

REF: mc	lua02/0521
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Reporting on amended plans submitted to accompany a S.92A Review of Council's previous refusal for 18 cluster houses at Lot 2 DP 853281 Suttor Road, Moss Vale. The development application was initially submitted to Council in 2002.

WP 2/07

RECOMMENDATION moved by Clr N N Campbell-Jones and seconded by Clr M Murray:

THAT this matter be deferred pending further discussions being held with the applicant.

PASSED

WP-EP3 SPRINGETTS ARCADE, ALTERATIONS & ADDITIONS

REF: PMM	LUA06/1126
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Reporting on an application seeking approval for alterations and additions to Springetts Arcade, Lot 2 DP 706941 Bong Bong Street, Bowral

Interest: Clr N N Campbell-Jones declared a non-pecuniary interest in this matter due to his friendship with the owner of the property. He left the chamber when this matter was discussed, took no part in the debate and refrained from voting thereon.

Clr P Yeo assumed the chair while this matter was discussed.

WP 3/07

RECOMMENDATION moved by Clr T D Gair and seconded by Clr M Murray:

1. **THAT subject to the applicant entering into a voluntary planning agreement regarding a monetary contribution for carparking of \$22,500 per space for seven (7) spaces that the application be approved under delegated authority.**
2. **THAT a parenting room be provided which complies with the provisions of the relevant DCP and that it have a sliding door sensor operation.**
3. **THAT those who made a submission be advised of Council's decision.**

PASSED

**WP-EP4 PROPOSED 34 LOT SUBDIVISION OF “BANGADILLY STATION”,
VARIOUS LOTS, BANGADILLY ROAD, CANYONLEIGH**

REF: MC

LUA06/0165

The proposal is for the consolidation of the existing 23 lots which comprise ‘Bangadilly Station’ and subdivision into 34 new rural lots of 40 Ha or greater in area each with its own dwelling entitlement.

Clr M King joined the meeting at 10.10am.

WP 4/07

RECOMMENDATION moved by Clr M Murray and seconded by Clr T D Gair:

1. **THAT** Council approves the application for subdivision by way of a “Deferred Commencement Consent” pursuant to the Draft Conditions of Consent attached to the report, subject to the following amendments to the Draft Conditions of Consent:
 - (a) Condition 33(a)(ii) be amended to the effect that alternative access be agreed by all affected land owners;
 - (b) The fencing conditions reflect the intent that no fences be built rather than “no clearing for fencing” and that Council be the authority to vary or modify under the Section 88B instrument;
 - (c) That the remnant fence referred to in Condition 12 be listed as an item of environmental heritage and be further protected in an appropriately worded condition in the Section 88B instrument;and subject to Department of Lands approval.
2. **THAT** a Remedial Action Plan to address land contamination be submitted by the applicant prior to the issuing of any consent.
3. **THAT** Council delegates authority to the Director of Environment and Planning to issue an approval subject to the submission of amended plans which address minor changes to lot boundaries so as to negate the need for tree removal in accordance with the requirements of the Hawkesbury Nepean Catchment Management Authority.
4. **THAT** no removal of any native vegetation occur without the approval of Council and the Hawkesbury Nepean Catchment Authority.
5. **THAT** prior to the next Ordinary Meeting of Council to be held on Wednesday, 14 February 2007 information be obtained regarding the applicability of the Environment Protection & Biodiversity Conservation Act to this development.

PASSED

WP-EP5 GARAGE AT 14 MELBOURNE STREET, NEW BERRIMA

REF: EC

LUA06/1367

Reporting on a development application for construction of a garage at Lot 275 DP 15995, No 14 Melbourne Street, New Berrima.

WP 5/07

RECOMMENDATION moved by Clr T D Gair and seconded by Clr P J Yeo:

1. ***THAT*** amended plans be submitted which reduce the bulk and scale of the garage so that it is in keeping with other garages in the locality.
2. ***THAT*** subject to 1, the Director, Environment & Planning be authorised to issue an appropriately worded consent which includes the following condition:

‘the structure shall not be used at any time for residential, industrial or commercial purposes, or used for the storage of goods associated with industrial or commercial undertakings.’

PASSED

WP-EP6 PROPOSED ERECTION OF AN INFORMATION KIOSK AT CORBETT PLAZA, BOWRAL

REF: PPM

LUA06/1268

Reporting on proposed erection of an Information Kiosk at Corbett Plaza, Bowral.

Interest: Clr M Murray declared a pecuniary interest in this matter as the applicant is his former brother-in-law. He stated that he would leave the chamber when this matter was discussed, take no part in the debate and refrain from voting thereon.

WP 6/07

RECOMMENDATION moved by Clr P J Yeo and seconded by Mr Peter Gill:

THAT subject to the receipt of amended plans relocating the Information Kiosk to a more central position, to the satisfaction of the Director Environment and Planning, that the application be approved under delegated authority.

PASSED



WP-EP7 SECTION 96 (2) APPLICATION 19-23 RETFORD ROAD, BOWRAL

REF: PPM	LUA04/1238
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Reporting on Section 96 (2) Modification to Stage 1 of approved Seniors Living Development.

WP 7/07

RECOMMENDATION moved by Clr P J Yeo and seconded by Mr Peter Gill:

THAT the proposed modification as detailed in the report be approved under delegated authority.

PASSED

WP-EP8 PROPOSED COMMERCIAL BULK WATER EXTRACTION FACILITY 'THE LOG CABIN,' HANGING ROCK ROAD, SUTTON FOREST

REF: SW	LUA05/1023
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Reporting on proposed Commercial bulk water extraction facility at Lot 2 DP 240164 "The Log Cabin" Hanging Rock Road Sutton Forest (**Attachment 1**).

WP 8/07

RECOMMENDATION moved by Clr M Murray and seconded by Clr LAC Whipper

THAT this matter be deferred AND THAT Council requests information from the Department of Natural Resources regarding the basis on which they will be granting their licence for bulk water extraction.

PASSED

WP-EP9 PROPOSED MULTIPLE OCCUPANCY COMPRISING 23 LIVING ENTITLEMENTS, COMMUNITY TITLE SUBDIVISION SUPPORTED BY A SEPP 1 OBJECTION, CANYONLEIGH ROAD, SUTTON FOREST (JAMASA PARK)

REF:	GJH	LUA06/1349
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Reporting on proposed multiple occupancy comprising 23 living entitlements, Community Title subdivision supported by a SEPP 1 objection, at Lot 21 DP 1049416 Canyonleigh Road, Sutton Forest. Applicant: C J Herde

WP 9/07

RECOMMENDATION moved by Clr M Murray and seconded by Clr LAC Whipper:

THAT the application be refused for the following reasons:

- i) It does not comply with the standards specified for subdivision under Clause 12 of Wingecarribee Local Environmental Plan 1989. In this respect, each lot to be created is significantly less than the 40 hectare standard specified in Clause 12(2)(a) of Wingecarribee Local Environmental Plan 1989.***

Condition of refusal imposed having regard to matters listed for consideration under Section 79C(1)(i) of the Environmental Planning & Assessment Act 1979.

- ii) Due to the magnitude of variations to the 40 hectare standard, Council considers that the use of State Environmental Planning Policy No 1 is inappropriate, in that it does not consider the underlying planning objectives of the locality.***

Condition of refusal imposed having regard to matters listed for consideration under Section 79C(a)(i) of the Environmental Planning & Assessment Act 1979.

- iii) The proposed Community Title subdivision of the Multiple Occupancy is contrary to Clause 27(1)(b) of IREP No. 1***

Condition of refusal imposed having regard to matters listed for consideration under Section 79C(a)(i) of the Environmental Planning & Assessment Act 1979.

PASSED

**WP-EP10 PROPOSED WATER EXTRACTION, OFF GOVERNORS ROAD,
BUNDANOON (NORLEX HLDGS)**

REF: DEP

LUA06/1081

Reporting on the application for a Construction Certificate (CC) for works associated with a previously approved water extraction operation off Governors Road, Bundanoon.

Clr P George joined the meeting at 11.50am.

WP 10/07

RECOMMENDATION moved by Clr J Clark and seconded by Clr LAC Whipper

THAT Council defers a decision on the approval of LUA 06/1081 and the validity of LUA 057/94 to allow for a review of the consent conditions.

AMENDED RECOMMENDATION moved by Clr T D Gair and seconded by Clr M Murray:

1. **THAT Council acknowledges the validity of Development Consent 057/94 allowing for water extraction from Lot 1 DP307664, Governors Road, Bundanoon and authorises the Director Environment & Planning to issue approval of the application for Construction Certificate LUA06/1081**
2. **THAT Council encourages the applicant to revisit the Conditions of Consent in conjunction with staff and community members.**

PASSED



**WP-EP11 S96 AMENDMENT TO 22 LOT SUBDIVISION, CHURCH ROAD,
BURRAWANG**

REF: DEP

LUA06/0029

Reporting on an s96 amendment seeking to vary a condition of consent attached to an approved 22 lot subdivision, Church Rd, Burrawang. The amendment sought is to remove a condition that restricts all dwellings to single storey only.

WP 11/07

RECOMMENDATION moved by Clr T D Gair and seconded by Clr M Murray:

THAT the s96 application to amend Condition 21(ii) of the development consent LUA06/0029, Church Road, Burrawang, be approved with the existing wording of the condition being replaced with words consistent with the draft Burrawang Development Control Plan to the satisfaction of the Director Environment and Planning.

PASSED

Dissenting Vote: Clr L A C Whipper requested that his dissenting vote be recorded in respect of this recommendation.

SUPPLEMENTARY RECOMMENDATION – LEGAL OPINION

WP 12/07

RECOMMENDATION moved by Clr LAC Whipper and seconded by Clr J Clark:

THAT Council still seeks the previously requested legal opinion in relation to potential liability for approving residential allotments in proximity to high voltage overhead power lines.

PASSED



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 14 February 2007

COMMITTEE REPORTS



TECHNICAL SERVICES DIVISION

WP-TS1 MINUTES OF THE WATER CONSERVATION SUB-COMMITTEE

REF: DTS

7790/8

Submitting the minutes of the Water Conservation Sub-Committee meeting held on Wednesday, 13 December 2006.

WP 12/07

RECOMMENDATION moved by Clr M Murray and seconded by Clr LAC Whipper:

1. **THAT the recommendations as detailed in the minutes of the Water Conservation Sub-Committee meeting held on Wednesday, 13 December 2006 be noted.**
2. **THAT the matter of domestic water restrictions be referred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 14 February 2007 AND THAT a date be set at that meeting for an information session to be held (including the community members of the Works & Planning Committee) to consider commercial water restrictions.**

PASSED

COMMITTEE REPORTS

SUPPLEMENTARY REPORTS

CORPORATE SERVICES DIVISION

**WP-CS1 PROPOSED CREATION OF EASEMENT TO DRAIN WATER OVER PART
LOT 7 SEC C DP 2810 BEACONSFIELD ROAD, MOSS VALE**

REF. PLO	PN1730800 RD3313
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Reporting on the proposed creation of an easement to drain water in favour of Council over part Lot 7 Sec C DP 2810 Beaconsfield Road, Moss Vale.

The Chairman requested that construction costs relating to this matter be provided at the Ordinary Meeting of Council to be held on Wednesday, 14 February 2007.

WP 13/07

RECOMMENDATION moved by Clr P J Yeo and seconded by Clr T D Gair:

- THAT Council consents to the terms of the agreement with Ms N M Le Guier for the grant of an easement to drain water over her property Lot 7 Sec C DP 2810, Beaconsfield Road, Moss Vale.***
- THAT all costs in this matter be paid by Council.***
- THAT a transfer Granting Easement form and Deed of Release be executed under the Common Seal of Council***

PASSED

**WP-CS2 PROPOSED CLOSURE AND SALE OF RESERVE ROAD OFF ILLAWARRA
HIGHWAY, ROBERTSON**

REF.	PLO	PN 1720320, RD 8025 0010
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Reporting on an application received from the owners of Lot 30 DP 1026402 "Morinda Springs" Illawarra Highway, Robertson seeking to close and purchase the section of reserve road that forms the entrance to their property.

The Chairman requested that a report be provided to the Works & Planning Committee which clarifies what constitutes a "formed" and "unformed" road.

WP 14/07

RECOMMENDATION moved by Clr P J Yeo and seconded by Clr M Murray:

- 1) ***THAT Council raises no objection to the application to closure and purchase the reserve road forming the entrance to Lot 30 DP 1026402 "Morinda Springs" Illawarra Highway, Robertson by the owners of that land Mr R and Mrs C Simpson.***
- 2) ***THAT the sale price be determined by formal valuation and that all proceeds from the sale be placed in the Property Development Reserve.***
- 3) ***THAT following the road closure the section of closed road be formally consolidated with the applicants' existing holding Lot 30 DP 1026402.***
- 4) ***THAT following the closure of the road a transfer form and Deed of Sale be executed under the Common Seal of the Council.***
- 5) ***THAT all costs in this matter be paid by the applicants.***
- 6) ***THAT no endangered ecological vegetation be removed from the site.***

PASSED

COMMITTEE REPORTS

**WP-CS3 PROPOSED CLOSURE AND SALE OF UNFORMED ROAD BISECTING LOT
137 DP 751289 "ROCKWOOD" FERNDAL ROAD, BUNDANOON**

REF	PLO	PN1743710
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Reporting on an application received from the owner of Lot 137 DP 751289 "Rockwood" Ferndale Road, Bundanoon seeking to close and purchase the unformed road that bisects his property.

WP 15/07

RECOMMENDATION moved by Clr M Murray and seconded by Mr Peter Gill:

- 1 THAT Council raises no objection to the proposed closure and sale of the unformed public road that bisects Lot 137 DP 751289 "Rockwood" Ferndale Road, Bundanoon to the owner of that land Mr S Joice.***
- 2 THAT the road be closed under Council's policy for the Closure and Sale of Unformed Roads which involves the payment to Council of a premium of 25% of the value of the land.***
- 3 THAT following the closure of the road a transfer form and deed of sale be executed under the Common Seal of Council.***
- 4 THAT following the road closure the section of closed road be formally consolidated with the applicant's existing holding.***
- 5 THAT all costs in this matter be paid by the applicant.***

PASSED

The meeting closed at 12.45pm.

COMMITTEE REPORTS

**MINUTES OF THE LEGAL COMMITTEE MEETING
HELD ON WEDNESDAY 31 JANUARY 2007**

File No. 107/22

PRESENT: Clr M Murray
Clr P Tuddenham
Clr P Yeo
Clr D Gair
Clr P Tuddenham

IN ATTENDANCE: Clr N Campbell-Jones
Clr J Clark
Mr M Hyde GM
Mr S Lee DEP
Mr B Paull DCS
Mr B Bilinsky

The meeting commenced at 1.10pm

DEVELOPMENT CONTROL

1. BOEN BOE PIGGERY 502/8

Hearing to commence on-site, set down for 12 & 13 April 2007.

RECOMMENDATION

THAT the information be received and noted.

2. 'HOPEWOOD', (RELLGROVE) CENTENNIAL ROAD, BOWRAL 502/40; PF2586

Council's Solicitor is proceeding with a Class 4 application. Listed for 1 & 2 March 2007 in Sydney Court.

RECOMMENDATION

THAT the information be received and noted.

COMMITTEE REPORTS

3. **UNAUTHORISED TREE REMOVAL, GREASONS ROAD, BUNDANOON** 502/43,
5300/15; PN595600,PN595500
4. **UNAUTHORISED CONSTRUCTION OF SEWER MAIN, ROAD RESERVE,
FERNDALE ROAD, BUNDANOON - WSC -V- GENNER CONSTRUCTIONS** 502/45

The Director, Environment & Planning met with Genners and their legal representatives. Listed 6 February 2007 for Local Court.

RECOMMENDATION

THAT the information be received and noted.

5. **OSTRON PTY LTD – 55 SELF-CARE UNITS, CHURCH ROAD, MOSS VALE**
502/39, PN357600, LUA06/0555

Hearing on preliminary point of law on 19 December. Court decided not to proceed to a determination. Court appointed Traffic expert report received and matter set down this callover on 29 January. Property frontage to be identified. Matter was adjourned until 11.30am on 5 February.

RECOMMENDATION

THAT the information be received and noted.

6. **THIRD PARTY APPEAL – NAPPA –
WHOLESALE NURSERY, SPROULES LANE, GLENQUARRY** 502/44

Council received an appeal lodged by Pike, Pike and Fenwick on behalf of Nino Nappa. The appeal relates to a claim that Council has allegedly failed to consider the provisions of Clause 16CA of its LEP in the consideration of a development application for a nursery on a site adjoining the Nappas. New development application lodged 31 January. Listed for callover 7 February 2007.

RECOMMENDATION

THAT the information be received and noted.

COMMITTEE REPORTS

7. TRANDA HOLDINGS PTY LTD –V- WSC PN198200

Appeal in the Land & Environment Court against deemed refusal by Council of development application lodged 28 August 2006 for Hotel at 228-234 Bong Bong Street, Bowral. Reports to be filed by Monday 5 February. Hearing set for 26 February 2007 on-site.

RECOMMENDATION

THAT the information be received and noted.

8. PROHIBITED DEVELOPMENT – RETAILING OF ANTIQUES, NOWRA ROAD, MOSS VALE WITHIN THE 7(B) ENVIRONMENTAL PROTECTION (LANDSCAPE CONSERVATION) ZONE PN 1050100

Location 'Mt Ashby Estate' Cellar Door, Lot 7 DP 632169 Nowra Road, Moss Vale.

RECOMMENDATION

THAT the complainant be requested to provide strong factual information regarding sales and quantities, and the matter be kept under scrutiny.

9. 'SPRINGWOOD', LOT 4 DP 239391 HANGING ROCK ROAD, SUTTON FOREST PN 659600

Development without consent, spring water extraction and associated bottling plant and sheds.

RECOMMENDATION

THAT the contents of this report and current investigations be noted by Council and that a further report be presented to the Committee when further information is gathered.

10. PARKING PROBLEMS, VICINITY OF ANNESLEY, BOWRAL 7460/8; RD1629

Heavy use by the public of the Annesley facilities, creating parking problems in the vicinity. Although this matter has previously been discussed by the Legal Committee, Council continues to receive complaints in regard to traffic and parking and claims that the use is outside of the consent.

RECOMMENDATION

THAT no further correspondence be entered into.

COMMITTEE REPORTS

Clr N Campbell-Jones and Clr P Tuddenham declared a pecuniary interest in the following matter and left the meeting while it was being considered.

11. NICHOLAS – TRUCK PARKING PN682100

Matter adjourned until 12 February 2007.

RECOMMENDATION

THAT the information be received and noted.

12. LAKE- TRUCK PARKING PN824000

Matters listed on 8 December. Adjourned until 2 February to allow Respondents to continue clearing and clean-up of site and to cease trucking operations.

RECOMMENDATION

THAT the information be received and noted.

13. COMPLIANCE ISSUES 5210/1

The current active Compliance Register as requested by the Committee forms is attached.

RECOMMENDATION

THAT the information be received and noted

STRATEGIC PLANNING

14. FREVCOURT AND OTHERS 5701/4.1; D9932.301 S2

Offer of settlement accepted. At the Legal Committee of 25 October it was resolved that proceedings be commenced by Council's Solicitor to recover Council's outstanding legal costs.

It was decided that a caveat be put in place with Frevcourt at corporate rates commencing 1 October 2006 until 31 March 2007 with a Friday closing, or Council will proceed to recover the monies. Council's Solicitor to update.

RECOMMENDATION

THAT the information be received and noted.

COMMITTEE REPORTS

CORPORATE SERVICES

15. WSC –ATS - THE BOX CONCRETE COMPANY PTY LTD PN1690800

Reporting on a dispute in relation to finished profile for the construction of a concrete slab driveway.

Council is filing a defence in this matter (No 342 of 2005, Local Court, Moss Vale).
Council's Solicitor will provide an update on this matter at the Committee meeting.

RECOMMENDATION

THAT the information be received and noted.

**16. REPORTING OF FORMAL ADVICE OF THE ATTORNEY GENERAL
REGARDING ALEXANDRA SQUARE AT MITTAGONG 6606/3**

Submitting report on the current situation regarding Alexandra Square at Mittagong.
Council at its meeting held on 13 December 2007 when considering a report in relation to
Alexandra Square at Mittagong, resolved MN 440/06

RECOMMENDATION

THAT advice given by Council's Solicitor be noted.

There being no further business, the meeting concluded at 2.05pm.

**MINUTES OF THE MOSS VALE MASTER PLAN COMMITTEE MEETING
HELD ON MONDAY 5 FEBRUARY 2007 IN THE NATTAI ROOM**

File No. 1603/28

PRESENT: Cllr Duncan Gair (Chairman)
Graham Smith (Community rep)
Kathy Barnsley (Community rep)
Denis Cribbin (Rotary)
Steve Newton (Community rep)
Scott Lee (Director, E&P)
Peter Bowmer (Parks & Property Manager)
Dominic Lucas (Design & Projects Manager)
Michael Rayner (Civil Design Officer)

APOLOGIES: Martin Blencowe (Chamber of Commerce)
David Luckie (Community rep)
Bob Murray (Chamber of Commerce)
Bob Conyers (Community rep)

The Meeting commenced at 4.05pm.

- MINUTES OF THE PREVIOUS MEETING HELD 4 December 2006

RECOMMENDATION (Moved Graham Smith, Seconded Denis Cribbin)
THAT the Minutes of the Moss Vale Master Plan Meeting held on 4 December 2006 be noted as a true and accurate record.

- VISITORS

Diamond Jubilee Park (Dominic re-wording- see attached email) 6546/28

Dominic Lucas advised the Committee that all changes from Chris & Charlotte Webb are now in place and endorsed by Council, with a minor change requested by the ARTC for the footpath. Final estimate of the plan is \$190,000.

The ARTC are to finally sign off and Council to approve the final lease. Tender documents to be prepared and reported to Council by end May. Construction period is estimated at 3 months (June to September 2007). There is an estimated \$60,000 remaining in the Moss Vale Town Improvement budget and \$180,000 from the S.94 plan.

Note: There is approximately \$20,000 still to pay to complete the Police Station footpath.

Chairman requested a breakdown of S.94 monies available for Moss Vale.

Lease with ARTC expected to be signed off by end of this month, and the Plan of Management for Moss Vale ready by the first Council meeting in March.

COMMITTEE REPORTS

At the Heritage Committee Meeting on 5 February 2007, it was decided to re-name the taxi rank Leighton Gardens.

COMMITTEE DECISION

THAT Council make a formal enquiry from the ARTC or the State Heritage Office, and any other grants that may be available, for the Weighbridge, as it is an Item of Heritage, and also the Jig, although it is not an Item of Heritage.

• **GENERAL BUSINESS**

PLANTER BOXES 1602/19

Denis Cribbin gave verbal advice to the effect that the Moss Vale Chamber of Commerce had requested input from those concerned regarding the planter boxes, but no replies have been received.

COMMITTEE DECISION

THAT the Moss Vale Chamber of Commerce provide the Committee with a formal response and feedback regarding the planter boxes.

CARPARKING CLARENCE STREET 7472/1, 7472/5

Council is looking at a Shire-wide strategy for carparking capabilities. Strategic Planning Department could perhaps look at areas that would be suitable for a long term parking strategy for Moss Vale, and incorporate in the Town Centre Plan.

It was suggested that Council also write to the SRA advising that we are experiencing pressure in the town centre from commuters regarding parking.

It was felt that rates for certain types of development are not adequate. An updated monetary contribution figure that is realistic is required for those circumstances where a developer cannot provide parking on-site.

COMMITTEE DECISION

THAT the Strategic Planning Department be requested to nominate areas that would be suitable for a long term parking strategy for Moss Vale, and incorporate in the Town Centre Plan, including a projected timetable and S94 contributions.

THAT in the long term, Council budget for a major parking upgrade in Clarence Street, Moss Vale.

CLEANING OF FOOTPATHS IN MOSS VALE 7810/5

At the Council Meeting of 31 January 2007, Clr D Gair asked for an estimate of the cost for the maintenance and upkeep of the Clarence Street precinct including the nature strip opposite the fire station, and that the cost be included as a base budget item in the 2007-2008 budget. The Director, Technical Services advised that the estimated cost was \$10,000. Committee agreed town centres should be included in at least annual washing of town centre areas.

COMMITTEE REPORTS

MOSS VALE MOTOR GROUP PROPOSAL
(Bulky Goods, Medical Centre & offices)

(LUA06/0813)

The Committee noted that Denis Cribbin is still the owner of this land.
Consent not yet issued due to outstanding matters with the RTA.

SUB STATION

6322

Noted that the substation has broken windows. Also discussed reclassifying the substation zoning from 5(a).

COMMITTEE DECISION

THAT Integral Energy be requested to board up the broken windows.

DEVELOPMENT APPLICATIONS – MOSS VALE

5302

Chairman advised details provided are for the Committee's information. If the DA is anything outside the Committee's brief, and it is of interest to a Committee member, then the Committee member should see the Director, Environment & Planning for further details.

ALCOHOL FREE ZONES

5402

This matter has gone to the Traffic Committee and the Regional Commander was going to bring it up with the local Liquor Accord. However, the Liquor Accord and Traffic Committee don't support the Alcohol Free Zones for a large number of reasons. The main ones are that nobody has been able to identify any advantages to having alcohol free zones, and the legislation is flawed. Local Police have stated that the current 'move on' legislation makes alcohol free zones unnecessary.

According to the legislation, alcohol free zones can only be signposted on public streets near licensed premises. This rules out alcohol free zones for the Moss Vale and Bowral skate parks as they are on Council Reserves and are not near pubs or clubs. It also rules them out for Leighton Gardens, Corbett Gardens and Lake Alexandria.

(Information provided by Mr Frank Perger).

COMMITTEE DECISION

THAT the information be noted.

- **NEXT MEETING**

The next meeting will be held in the NATTAI ROOM on Monday 26 March 2007.

There being no further business, the meeting closed at 5.45pm.

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

1. BACKGROUND

The following confidential reports have been distributed separately:

GM-1 ASSESSMENT OF TENDERS RECEIVED FOR TRANSPORT SERVICES
TO THE RESOURCE RECOVERY CENTRE 7500/19.1

2. 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.

3. 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 ASSESSMENT OF TENDERS RECEIVED FOR TRANSPORT SERVICES
TO THE RESOURCE RECOVERY CENTRE 7500/19.1

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 the process and outcome of a tender for transport services to the Resource Recovery Centre for a seven year period.

Public Interest

It would 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.
-

Barry W Paull
Director Corporate Services

8 February 2007