

File No. 100/07
Our Ref: RAP

2 May 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, 9 May 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 Thursday, 26 April 2007*
6. BUSINESS ARISING FROM THE MINUTES
7. DECLARATIONS OF INTEREST
8. MAYORAL MINUTE *(if any)*
9. OPEN COUNCIL *chaired by Clr P B Tuddenham*
 - 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 Wednesday, 9 May 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.



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth St,
Moss Vale on Wednesday, 9 May 2007

MAYORAL MINUTE



MAYORAL MINUTE

c-MM1 World Youth Day 2008

REF.	MAYOR	1675, 1611 (CC 102/5)
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Seeking support for the World Youth Day 2008 and the associated Journey of the Cross as it moves through Wingecarribee Shire.

REPORT

On Friday 27th April 2007 I attended a meeting of community leaders at the Campbelltown Catholic Club to discuss issues relating to World Youth Day 2008. The meeting was called by the Most Rev. Peter W. Ingham D.D. who is the Bishop of Wollongong, the diocese covering Wingecarribee Shire.

Also representing this district was Noel and Mrs Levett, representing the Bowral Lions Club and Sisters from St. Paul's International School.

World Youth Day 2008 is open to every member of the community and will impact on our region in extraordinary ways.

We were told there would be a potential local audience of 600,000 people with 180,000 Catholics (which comprise 30% of the population), 50,000 Catholic youth and an anticipated 120,000 plus visiting international pilgrims coming to Australia. It was suggested that we could expect the largest number of international visitors at any one time in the history of our region.

One of the features will be the Journey of the Cross, which will travel for 12 days through our region in much the same manner as the torch relay accompanies an Olympic Games.

The World Youth Day Cross is the most significant tangible symbol of World Youth Day. Originally the idea of Pope John Paul 11, the 3.8 metre high wooden Cross was built and placed as a symbol of the Catholic faith, near the main altar in St Peter's Basilica during the Holy Year of 1983. At the end of that year, Pope John Paul gave this cross as a gift to the youth of the world, to be carried through the world as a symbol of Christ's love for humanity.

This Cross and Icon will undertake a pilgrimage throughout [Oceania](#) and [Australia](#) from early 2007 to July 2008, as it moves through every diocese, in every state, in Australia.

Councils will be asked to play a part with road closures and perhaps other matters. As the event draws nearer, the level of support expected from councils will become clearer.

ATTACHMENTS

There are no attachments to this report.



MAYORAL MINUTE

RECOMMENDATION

THAT Council indicates its support for the World Youth Day 2008 and the associated Journey of the Cross as it moves through Wingecarribee Shire, with the level of involvement dictated by budgetary constraints.

Gordon Lewis
Mayor

3 May 2007

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 17/4/07 and 30/4/07.

RECOMMENDATION

THAT the information relating to Development Consent Nos1-10 under Delegated Authority be received and noted.

**Development Applications (DAs) Determined – 17/04/07 and 30/04/07
(Excluding Small Lot Subdivisions and Domestic Applications)**

1	LUA06/0029	Lots 1-19, 22-27 Sec 6 DP 2660, Part Lots 6-10 Sec 7 DP 2660, Pt Lots 18-36 Sec 5 DP 2660 and Lots 1-11 Sec 8 DP 2660 Church Street, Burrawang	22 lot subdivision
2	LUA06/0815	Lot 5 Sec 1 DP 38 561 Argyle Street, Moss Vale	Home Industry – Hairdressing salon
3	LUA05/0206	Lots 9 & 10 Sec 1 DP 758098 13-15 Market Place, Berrima (Lavender Farm)	Demolition of dwelling, excavation of historic relics & erection of 4 pavilions
4	LUA06/0128	Lots 1-20 Sec 27 DP 758098 Oldbury Street, Berrima	Subdivision
5	LUA07/0372	Lot 1 JDP 194654, 458 Argyle Street, Moss Vale (corner Railway Street)	3 lot Strata Subdivision
6	LUA06/1387	Lot 9 DP 786361 & Lot 14 DP 614158 Meryla Road, Meryla (1.2km south of intersection Yarrawa Road)	Boundary adjustment
7	LUA06/1303	Lot 1 DP 718101, Lot 2 DP 806394, Lot 5 DP 614696 Hume Hwy, Sutton Forest (Eling Forest Winery)	2 lot subdivision
8	LUA06/0633	Lot 2 DP 806934 Hume Hwy, Sutton Forest (Eling Forest Winery)	Additions to existing restaurant building
9	LUA07/0213	Lots 124 & 125 DP 1070534 Warreeah Lane, Kangaloon (east of Reservoir, south side Kangaloon Road)	2 lot subdivision
10	LUA06/0423	Lot 1 DP 312775 'Lavalley' The Illawarra Hwy, Robertson (5km east of Robertson)	Bed & Breakfast



o-EP2 List of Development Applications Received by Council

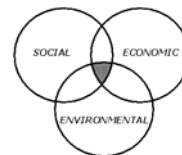
REF: DCM 5302

Submitting list of development applications which have been received between 16/4/07 and 30/4/07, 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 1-13 received by Council be received and noted.

SEE ATTACHED



H – Heritage
T – Traffic
M – Master Plan
E – Economic Devt
En - Environment

**Development Applications (DAs) Received – 16/04/07 to 30/04/07
 (Excluding Small Lot Subdivisions and Domestic Applications)**

	Date Lodged	LUA Number	Legal Description	Property Address	Description	W&P	Delegation	Committee Referrals
1	17/04/2007	LUA07/0389	Lot 3 DP 539399 Lot 3 DP 537154	'CORTERRE PARK', RANGE ROAD, MITTAGONG	Farm Shed (maintenance building)		✓	
2	17/04/2007	LUA07/0390	Lot 3 DP 736096 (cnr Illawarra Highway)	'SHIPLEY VIEW', SHEEPWASH ROAD, GLENQUARRY	2 Lot Rural Subdivision (apx 40ha each)		✓	
3	17/04/2007	LUA07/0391	Lot 4 DP 702752 Lot 1 DP 557104	'THORNHILL', THE ILLAWARRA HIGHWAY, ROBERTSON	2 Lot Subdivision		✓	
4	17/04/2007	LUA07/0395	Lot 2 DP 575709 Vol 13612 Fol 00058	'SPRING HIL'L, WILDES MEADOW ROAD, WILDES MEADOW	Telecommunications Facility (Slimline Monopole) Equipment Shelter and Associated Ancillary Equipment	✓		
5	18/04/2007	LUA07/0402	Lot 5 DP 876018	WOMBELYAN CAVES ROAD, BULLIO	Farm shed		✓	
6	23/04/2007	LUA07/0410	Lot 41 DP 1098839	10 THROSBY STREET, MOSS VALE (near corner Arthur Street)	Alterations & Additions to existing Dwelling & Demolition		✓	



**Development Applications (DAs) Received – 16/04/07 to 30/04/07
 (Excluding Small Lot Subdivisions and Domestic Applications)
 (Continued)**

	Date Lodged	LUA Number	Legal Description	Property Address	Description	W&P	Delegation	Committee Referrals
7	24/04/2007	LUA07/0417	Lot 11 DP 817002	102 BOWRAL ROAD, MITTAGONG (Dental Surgery - near corner Sedgeman Avenue)	Relocatable Portable building (Site Shed)		✓	
8	24/04/2007	LUA07/0419	Lot 1 DP 564618	RAILWAY AVENUE, BUNDANOON (between Church & Osborne Sts)	Signage for Nursery & Gift Shop		✓	
9	24/04/2007	LUA07/0420	Lot 1 DP 1009972	OLD HUME HIGHWAY, MITTAGONG (near corner Frankland Street)	Indoor Play Centre / Recreation Facility		✓	
10	24/04/2007	LUA07/0422	Part Lots 4 & 21 Sec 1 DP 651, Lot 2 DP 712650 + 6 more land parcels	17-25 BELMORE STREET, MITTAGONG	2 lot Subdivision (850m2 and 1,760m2)		✓	
11	24/04/2007	LUA07/0423	Part Lot 10 DP 790969 Lot 10 DP 790969	HERITAGE PARK, MOSS VALE ROAD, BOWRAL	Community Scheme Subdivision 14 x Lots. Comprising villa type residential dwellings, 3 level residential apartment buildings, Iver Bucks House, open space gardens & service infrastructure.		✓	
12	24/04/2007	LUA07/0424	Lot 282 DP 1048165	21 SOUTH STREET, ROBERTSON (near corner Arney Road)	7 x Lot Subdivision (between 2,000 and 2,100m2)		✓	
13	26/04/2007	LUA07/0425	Lot 15 DP 1002962	TUGALONG ROAD, CANYONLEIGH	Boundary Adjustment		✓	

o-EP3 Three Monthly Review of 'Tourist Facility' Penrose Road, Penrose

REF: MC

LUA03/1303

Reporting on Council's review of an existing consent for a 'Tourist Facility' at Lot 116 DP 751259 Penrose Road, Penrose.

REPORT

1. THREE MONTHLY REVIEW OF PAINTBALL OPERATIONS

On 2 March 2006 Council issued an approval for a 96(2) amendment to include 'paintball' activity, within an existing consent for a 'tourist facility' issued 29 August 2003. The amended consent includes a two (2) year review period for paintball operations and a three (3) month review period for conditions relating to:

- Sunday trading;
- safety of vehicular access at Penrose Road;
- the need or otherwise for additional visual screening of playing areas;
- a requirement to provide an acoustic report inclusive of measures suggested to reduce noise impacts.

2. RESULTS OF THREE MONTH REVIEW

The results of Council's three month review were reported to Council's Works and Planning Committee Meeting of 29 November 2006. Within this report it was noted that the applicant had not been successful in commissioning an acoustic report in accordance with Condition 9 of Council's consent within the stipulated 3 month review period. In adopting the minutes of the Works and Planning Committee meeting, Council at its Ordinary Meeting of 13 December 2006 resolved:

'THAT this matter be given an extra review period of three (3) months to enable the owner to comply with the conditions AND THAT it then be further considered by full Council.'

Council, as of 5 April 2007 is now in receipt of an Acoustic Report prepared by Atkins Acoustics dated 12 March 2007. The Acoustic Report forms **Attachment 1** to this report.

3. PUBLIC CONSULTATION

Council during the 3 month review period was in receipt of submissions from adjoining property owners indicating that noise from paintball activity was still an issue, particularly in relation to the 'mock street scene' and water tower and associated corrugated iron 'props'. Council understands that the operator of paintball and the affected property owner have been working in consultation with each other based upon the results of the acoustic report, so as to work towards a satisfactory solution. The operator of paintball advised Council on the 5 April 2007 that the 'street scene' will be relocated by early May 2007 to a site further downhill at a location more distant from adjoining property, with a view to reducing the impact of noise upon neighbouring property. The operator has advised Council's assessing officer that at the



time of preparation of this report that the relocation of the street scene has not as yet occurred and that Council will be advised as to the proposed new location prior to the move.

5. CONCLUSION

The acoustic report concludes that:

'The level of noise measured would not normally be considered as unreasonable or giving rise to unacceptable impacts.'

The acoustic report makes recommendations for further reduction in noise levels including the removal of all sheet metal cladding where impact noise could be generated, that playing area 4 (Refer to Attachment 2) be relocated further to the south and that a combination of earth/mulch mounding be placed along the northern boundaries of Areas 4 and 5.

Discussion between Council and the operator of paintball has indicated that at the time of the writing of this report that these recommendations have not been implemented. In correspondence received 24 April 2007 the operator of paintball states that reorganization of the playing fields to facilitate the relocation of the street scene will be discussed with the owner of the site within a week. All changes proposed will not involve the construction of any new structures but will be measures to lessen the impact of noise upon adjoining property.

Sunday trading:

The operator has requested that Council consider permitting Sunday trading on each and every Sunday with a corresponding prohibition of paintball operations on Mondays-Wednesdays (Condition 35 of Council's consent currently restricts Sunday trading to alternate Sundays only). The operator has been advised that any such application is required to be made in accordance with Section 96(2) of the *Environmental Planning and Assessment Act 1979* and is to include a supporting argument as to why Council should consider the proposed modification to the existing consent.

ATTACHMENTS

There are two (2) attachments to this report which have been circulated separately:

- 1) Acoustic Report prepared by Atkins Acoustics dated 12 March 2007;
- 2) Site Plan prepared by Campbell and Anderson Consulting Surveyors including information plotted by KP Business Services dated 6 March 2006.



RECOMMENDATION

1. THAT a full review of paintball operations inclusive of a review of all conditions of consent occur after a period of two (2) years taken from the issuing of a Firearms Permit, in accordance with Condition 38 of Council's amended consent.
 2. THAT Council permit the continued operation of paintball in the interim provided that the recommendations contained within the acoustic report prepared by Atkins Acoustics are implemented within a period of one month (by 9 June 2007), and strict compliance with Council's conditions of consent is observed by the operator.
-

o-EP4 Proposed 28 Motel Units, Yarrawa Road, Moss Vale

REF: MC

LUA07/0085

Reporting on a proposal for 28 motel units at Lots 17-20 DP 1102698 Yarrawa Street, Moss Vale.

REPORT

1. DESCRIPTION OF PROPOSED DEVELOPMENT

Site Details

Council has previously visited the site on 2 April 2007 prior to the Works and Planning Committee Meeting of 4 April 2007.

The Proposed Development

The proposed development consists of a two storey brick (tiled roof) building containing 28 motel units (2 purpose built disabled), managers, residents, kitchen, guests dining room, indoor heated swimming pool, reception area, portico entry, 36 car parking spaces (2 disabled), service yard, alfresco dining area, a coach parking bay, laundry store rooms and perimeter landscaping along all boundaries. (Refer **Attachment 1**).

2. STATUTORY CONSIDERATIONS

Regional Environmental Plan No. 1

The proposed motel development is identified as being 'Module 5' development under the REP No. 1 adopted 1 January 2007 requiring mandatory referral to the Sydney Catchment Authority in relation to storm water management. Storm water disposal is currently subject to on going assessment by the SCA however as the proposed development is situated upon a recently approved and constructed fully serviced subdivision it is not envisaged that storm water disposal will be an issue to impede Council's ability to issue an approval.

Wingecarribee Local Environmental Plan 1989

The subject land is zoned Residential 2(a) where 'Motel and Tourist facilities' are permitted with Council consent.

3. REFERRALS TO COUNCIL COMMITTEES

The application has previously visited Council's Works and Planning Committee Meeting of 4 April 2007. The resolution of the Committee was:

- . *'THAT the application be deferred subject to further discussion with the applicant in relation to moving the access to the development further south or such other solution to the issue as may be proposed by the applicant to improve the line of sight distance along Yarrawa Road for vehicles entering and leaving the site.*
- . *THAT upon resolution of the access issue the matter be referred directly to full Council on 26 April 2007.*
- . *THAT the use of non spill lighting be used in the development.*



4. PUBLIC CONSULTATION

The application was neighbour notified between 5 February 2007 and 19 February 2007 and during the notification period, no submissions were received. Objections raised within a late submission have been detailed within a previous report to Council's Works & Planning Committee meeting of 4 April 2007. Subsequent to this report, Council was in receipt of an objection letter from the Department of Housing received 12 April 2007. This correspondence reinforces those objections which have already been detailed within the report to Council's Works and Planning Committee meeting of 4 April 2007.

5. INTERNAL STAFF COMMENTS

ENGINEERING ISSUES

Access

The amended plans submitted to Council 24 April 2007 indicate the mirror reversal of the site plan with the access now located further south from that of the originally proposed location. The revised access location is considered to be satisfactory in relation to site distances along Yarrowa Road, and a major improvement on the original location. It is considered that the amendment addresses the concern of the Works & Planning Committee.

PLANNING ISSUES

Privacy, Noise and Overlooking

The mirror reversal of the development reduces the potential for overlooking and loss of privacy for the adjoining property to the north of the development site. The relocation of the swimming pool to the southern property boundary reduces the potential for noise impacts. The applicant has consulted with the owner of adjoining property to the north of the development and no objection to the proposed amendment has been received.

Lighting Impact

Council, at its Ordinary Meeting of 11 April 2007 in adopting the minutes of the Works and Planning Committee Meeting of 4 April 2007 has resolved that the use of non-light spill lighting be used within the development. Accordingly, a condition of consent has been added to the draft conditions accompanying the application as follows:

'All lighting shall be of a design so as to minimize the impacts of light spillage into adjoining and nearby properties. Details to be provided to Council's Development Engineer for approval prior to release of the Construction Certificate for the development.'

Signage (including illuminated signage) will be the subject of a separate application to be assessed in accordance with Council's DCP 33 'Advertising and Signage.'

6. CONCLUSION

The amended site plan demonstrating the mirror reversal of the development addresses Council's concerns in relation to the location for access. The potential amenity impacts upon adjoining property to the north have been reduced with a reduction in overlooking windows and a reduction in potential noise impacts. The minimization of light spillage has been conditioned and signage (including illuminated signage) will be subject to a separate application to Council. The proposed conditions of consent form **Attachment 2** to this report.



ATTACHMENTS

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

1. Amended site plan received 24 April 2007 – DWG 5512-1a dated 23 April 2007 prepared by Project Planning and Design.
2. Draft conditions of consent.

RECOMMENDATION

THAT Council delegate authority to the Director, Environment & Planning to issue an appropriately worded and conditioned consent based upon the draft conditions forming Attachment 2 to this report, subject to SCA concurrence regarding stormwater disposal.

o-EP5 Proposed Car Showroom, Workshop & Carparking, Argyle St, Moss Vale

REF: DCM

LUA07/0094

Reporting on a proposed new car showroom, workshop and associated car parking provision including demolition of existing buildings and structures at Lot 1 DP 567743, Lot A DP 373138 and Lots 10 and 11 Section 1 DP 38, Nos. 543-549 Argyle Street, Moss Vale.

REPORT

1. DESCRIPTION OF PROPOSED DEVELOPMENT:

The proposal for a new car showroom, workshop and associated car parking provision includes the demolition of all existing structures these being a commercial building and a cottage to Argyle Street, a workshop building setback from the street and a number of sheds towards the rear of the subject site. The existing commercial building and workshop has been vacant for a number of years with the last previous use being for a car dealership. The site is generally level with fall from the east of the site to the street. The most elevated portion of the property is to the rear where the existing workshop building is located.

The site has an 80m frontage to Argyle Street and is located on the south western periphery of the commercial district. The location may be considered to be in transition from a pre-existing commercial/residential district to that of a purely commercial nature, consistent with the existing business (Special) zoning of the site. Opposite the site on the eastern side of Argyle Street commercial activities prevail to the north and older residential cottages along Argyle Street to the south. To the north and northwest of the site lie McKay Auto shop, the Seafood Affair restaurant and Moss Vale Primary School. Adjoining the site to the south is a newly completed medium density residential development 'Scarborough Fair'.

The proposed hours of operation are 8:30am until 6:00pm Mondays to Saturdays and 9:00am until 6:00pm Sundays. The business proposes to employ 15 persons within the showroom and 12 persons within the service department.

A proportion of the subject site has been paved in concrete and is therefore generally devoid of vegetation, however there are a number of existing trees and ornamental gardens proposed to be removed in association with the proposed demolition of the cottage 'The Book Gallery' and the mower repair shop located within the Western corner of the site. The remainder of the site is mostly represented by unkempt vegetation including weed species and accordingly the removal of vegetation is not considered to be an impediment to Council's consideration of the proposed development.

The proposed development as originally submitted to Council included an unloading bay for delivery trucks off Argyle Street, contrary to the proposal as tabled at a DCU Meeting prior to lodgement conducted on 5 September 2006 (Refer to **Attachment 1**: DCU Response letter dated 25 September 2006). The applicant, in response to objections raised both by Council and the RTA has subsequently amended the proposal with the deletion of the unloading bay with all deliveries to arrive at an alternate leased location. The applicant still proposes a holding yard totalling 51 spaces, for the storage of vehicles on site.



It is this amended proposal that is currently before Full Council for consideration (Refer to **Attachment 2: Amended Site Plan Received 11 April 2007**). A copy of an 18 month lease agreement for the use of 193-195 Lackey Road, Moss Vale for the delivery and unloading of vehicles has been supplied to Council. This lease arrangement expires 17 October 2008.

2. STATUTORY CONTROLS:

The proposed development triggers SEPP 55 'Remediation of Land' assessment due to the past use as a motor workshop and undocumented previous commercial uses for the site. An environmental investigation report prepared by Environmental Investigations dated 22 January 2007 accordingly accompanies the application.

The subject site is zoned 3(b) Business (Special) in accordance with the zoning provisions of Council's Wingecarribee Local Environmental Plan 1989 where-in a motor showroom and automotive businesses are a permissible form of development with Council consent.

The following Development Control Plans apply:

DCP 12 'Off Street Parking, Loading Facilities and Vehicular Access';
DCP 33 'Advertising and Signage';
DCP 40 'Moss Vale Town Centre';
DCP 49 'Waste Minimization and Management'

3. Compliance with relevant Council DCPs

Development Control Plan No. 12:

The proposal provides a total of 89 parking spaces, (20 customer spaces, 32 staff, 23 servicing and 14 workshop spaces) plus 51 vehicle storage spaces. Council's DCP 12 – Car Parking calls for a total of 140 car parking spaces. Accordingly parking allocation falls below the minimum standard in accordance with DCP 12 by a total of 51 spaces. This equates to a deficit of approx 36%. Council's Environment and Planning Division is of the opinion that the provision of parking spaces below the minimum standard can be supported in consideration of the arguments put forth by the applicant in correspondence received by Council 11 April 2007 (Refer to **Attachment 3: Correspondence from Paul Wakeling**). Council assessment staff consider however that an additional 6 spaces for customer parking should be provided through the utilization of 6 spaces currently nominated within the car storage holding yard. This may be easily achieved through the relocation of the wall and sliding gate for the holding yard being relocated a short distance to the north west of the site. This would ensure 3 spaces for each service bay (1 vehicle being serviced, 2 waiting).

Development Control Plan No. 33:

Any future signage for the proposed development will be required to be in accordance with the provisions of Council's DCP 33 'Advertising and Signage'. The submitted plans indicate that dealer pylon signs are to be subject to a separate development application to be lodged at a future date.

Development Control Plan No. 40:

The proposed development falls within the precinct No 3 'South Argyle Street' as identified within Council' DCP 40. There are no specific development controls for the subject site within DCP 40, other than to encourage access for car parking via rear lanes or service roads rather than direct access to Argyle Street. Where properties have only a single frontage to Argyle Street, the payment of a Section 94 developer contribution towards the provision of public car parking is suggested within Section 4.4 of the DCP.

Street tree planting to Argyle Street is recommended, and this requirement has been included within the draft conditions accompanying this report.

Development Control Plan No. 49:

A waste management plan has been provided for the proposed demolition of buildings and Council staff considers this plan to be satisfactory.

4. REFERRALS TO STATE GOVERNMENT AUTHORITIES

The proposed development is identified within Schedule 2 of State Environmental Planning Policy No. 11 'Traffic Generating Development' triggering referral to the Roads and Traffic Authority in relation to access to the Illawarra Highway. The plans originally submitted with the application were referred to the RTA. Council subsequently received a response from the RTA objecting to the proposed unloading of vehicles on site, accessing from Argyle Street and further objecting to the proposed no. of car parking spaces, the allocation being insufficient in consideration of the 'RTA Guide to Traffic Generating Developments'. The RTA has subsequently been informed of receipt of amended plans which indicate the deletion of the unloading of vehicles on site and a subsequent increase in the area available for car parking on site.

5. REFERRALS TO COUNCIL COMMITTEES:

Heritage Advisory committee:

The application visited Council's Heritage Advisory Committee on 23 March 2007. The committee strongly recommended that Council consider the retention of the existing cottage 'The Book Gallery' in order to maintain an important component of the streetscape and to provide an improved transition to the adjoining residential area (Refer **Attachment 4:** Minutes of the Heritage Advisory Committee Meeting 23.3.2007). This advice has been relayed to the applicant who has indicated an unwillingness to consider the retention of the cottage citing that any adaptive reuse of the building is not practical for inclusion within the proposed development.

Moss Vale Master Plan Committee:

The development application was referred to the Moss Vale Master Plan Committee on the 26 March 2007. The Committee noted:

'Plans were presented at the meeting. Discussion regarding the cottage, which is the last Commercially zoned building before the Residential zone begins. The Heritage Committee have raised concerns about it being demolished. Chairman advised he would recommend to the Traffic Committee that no heavy vehicles be parked outside of the site. The RTA need input because of access onto the main road. Council's car parking requirements reflect the RTA guidelines. Noted that there is no public carparking area other than on the street. Discussion regarding acoustic wall near the school. Other matters of concern to the Committee were:

- *Shadowing over the school grounds – felt this would be minimal.*
- *Drainage – to what use can on-site retention basins be put.*
- *Some members were concerned about the setback from main street and loss of 2 buildings on the street impacting on Argyle Street view, however, the majority view was that the proposal was acceptable in this section of Argyle Street.'*

6. PUBLIC CONSULTATION:

The application was neighbour notified from the 19 February until the 5 March 2007. During this period a total of three (3) responses were received and the matters raised are detailed within the following table:

OBJECTION	No. of times objection raised
DCP 12 requires car parking to be visually attractive: development lacks landscaping	1
Car parking should be broken up into smaller elements throughout site	1
The Illawarra Highway will be forced to accept spillover customer parking	1
Signage will affect views from adjacent residential dwellings	1
Excessive bulk and scale of showroom	2
Noise: 'Paging' of customers will create unacceptable noise impacts upon adjoining residential property	2
No detailed landscape plan, no detail of proposed gates or security measures	1
Proposal represents an over development of the site	2
Removal of trees from rear of site	1
Loss of views from adjoining residential site	1
Light spillage from development into adjoining residential site	1
Noise from vehicles impacting upon adjoining residential development	2
Peak trading/servicing hours will clash with those of adjoining school	1
Traffic report refers to no traffic accidents at location between 2003-2006. Site vacant during this time.	1
Traffic congestion on highway resultant from development	2
Air pollution from vehicles affecting amenity of adjoining residential development	1
Loss of privacy for residents of adjoining residential development	1
Lack of landscaping buffer between development site and	1

adjoining residential development	
Risk to children of adjacent primary school during construction period phase (resultant from increased traffic)	1
School 40kph signage will need to be upgraded as a result of increased traffic/visual competition from development	1
Traffic lights at Argyle St will need traffic calming devices to improve safety for children	1
Unacceptable noise impacts upon school classrooms at Moss Vale Primary	1
Impacts of dust and debris upon health (proximity to primary school)	1
Scale of development inappropriate for residential/business zone interface	2
Site will become a major accident black spot if approved	1
Loss of amenity for nearby residential area	1

In summary, the amenity impacts upon adjoining residential property can be minimised through conditions of consent. The draft conditions forming **Attachment 5** to this report include hours of demolition and construction. Council review of illumination in relation to neighbourhood amenity, the submission of a detailed landscape plan subject to Council approval, street trees to be provided to the Argyle Street frontage and a restriction on 'offensive noise' as defined by the PoEO Act 1997. It is acknowledged, however, that it is not possible to condition for all amenity impacts at the interface between the residential and business zonings.

NOTE: The above comments relate to the plans originally accompanying the development application that included provisions for the unloading of vehicles on site. The amended plans submitted 11 April 2007 indicating the deletion of the unloading of vehicles on site and including additional car parking allocation were not re-notified as these changes were considered by Council staff to be positive changes consistent with the notification responses received.

7. INTERNAL STAFF COMMENTS:

Development Engineers Comments:

On site parking

The Roads and Traffic Authorities "Guide to traffic Generating Developments" recommends parking requirements at the rate of 0.75 spaces per 100m² of site area plus 6 spaces per workshop bay.

The area of the site minus the area of the car holding yard is 7320m² which equates to 55 car parking spaces for customers and staff. The applicant has shown 52 car parking spaces, which almost complies with the requirements of the Roads and Traffic Authority. The proposal also has 14 work bays which require an additional 84 spaces if the recommendation of the Roads and Traffic Authority is followed. This number is based on criteria derived from the early 1990 and the applicant now suggests that with improved service techniques and longer periods between services, a more realistic number of spaces would be 2.5 per service bay. Assuming this is rounded to 3 spaces per bay and the workshop spaces are included, this will work out at 42 spaces. A draft condition has been



included to decrease the size of the holding area and include another 6 car service parking spaces, which will then provide 43 spaces for the servicing of vehicles.

If the requirements of the Roads and Traffic Authority are adhered to, a total of 144 car parking spaces would be required. The approval, if adopted, would provide a total of 95 off street car parking spaces.

Servicing of the site.

The applicant has heeded the advice of the Roads and Traffic Authority and will now have the unloading and loading of all car carrying vehicles undertaken at a suitable separate site. To ensure this occurs, a condition of approval will be that no unloading or loading of car carrying vehicles will be permitted on the site or within any road reserve, and a current lease agreement is to be maintained for the use of an alternate site for the unloading and loading of car carrying vehicles.

Normal delivery of parts and other equipment by a medium rigid truck and the removal of waste is still permitted as there is sufficient room within the site to allow a medium rigid truck to enter and exit in a forward direction.

Drainage

On site stormwater detention will be provided, which will reduce the amount of stormwater currently flowing from this site.

Footpath

It is proposed to remove the current concrete footpath, as well as the redundant vehicle crossings and construct a new 1.2 metre wide concrete footpath with associated tree planting, to match the existing footpath in this vicinity.

Health and Building Inspector's Comments:

The proposed wash bays will require conditions to be provided by Council's Liquid Trade Waste Officer. A Construction Management Plan and a Traffic Management Plan will be required to be provided. A full BCA assessment, including fire safety measures, will be made at the Construction Certificate stage.

Environment and Health Comments:

The subject site appears on Council's Affected Land Register as a potentially contaminated site as it is known that the site has been used previously as a service station, motor vehicle servicing and repairs and lawn mower repairs. A preliminary contamination report has been prepared by Environmental Investigations. The conclusions of this report are considered acceptable, however if the applicant wishes to retain the in-situ disused fuel tanks on the site, further sampling and analysis will need to occur. The current proposal before Council is for the removal of the existing fuel tanks. If spray painting or fuel storage is proposed for the site (no details provided within the development application) additional conditions to cater to this eventuality will be required.

Consultant Heritage Advisor's Comments:

The application was also referred to Council's Consultant Heritage Advisor who commented that the site is identified as falling within the centre of the Argyle/Browley Street Conservation Area and is a prominent site.

It is to be noted that Argyle / Browley Conservation Area has yet to be adopted by Council and is currently a draft document. His recommendations included the submission of a detailed landscape plan, and the submission of a full heritage assessment, inclusive of a



detailed photographic archival record, of the buildings proposed to be demolished. These can be addressed as conditions of consent.

Town Planner's Comments:

The amended plans received by Council 11 April 2007 indicate a proposal that is more in keeping with that originally tabled and supported at the DCU pre-lodgment meeting of 5 September 2006. The deletion of the unloading of vehicles on site and a reduction in the holding yard area (with corresponding increase in customer parking provision) is considered to be a positive development. The site is located at the South Western extremity of Moss Vale's residential/business zoning interface and accordingly the achievement of a transition between the two land uses is a desirable objective where possible. It is considered that if Council were to support the use of the site as a car dealership that the current arrangement wherein the bulk of the building mass is to be located furthest from the residential zone is preferable.

As previously commented upon in relation to the objections received, it is possible to minimise the impacts upon the amenity of adjoining residential property, however, at the interface of land use zones it is not possible to eliminate all potential impacts. Accordingly, conditions have been prepared with a view to reducing the impact of the development, particularly in relation to the residential dwellings located south west of the development site. As stated within the body of this report, these conditions address demolition and construction, hours of operation, and controls over the amenity impacts of noise, illumination spillage and the visual screening and environmental enhancement of the development.

8. CONCLUSION:

In summary the proposed development is considered to be an appropriate use for the 3(b) Business zone. Council has the ability to consider favourably the applicant's argument for consideration of the provision of less parking space numbers than that required by Council's DCP No. 12 as detailed within this report. In order to minimize the impact of the development upon the adjoining residential zone, a detailed landscape plan will be required to be submitted prior to the release of the Construction Certificate indicating appropriate species for maximizing visual screening between the development site and adjoining residential property.

The provision of street trees will be required, as will the construction of a new footpath to the street frontage of the development site (Refer to **Attachment 5**: Draft conditions of consent).



ATTACHMENTS

There are five (5) attachments to this report as follows, which have been circulated separately:

- 1: DCU Response letter dated 25 September 2006;
- 2: Site Plan, elevations;
- 3: Paul Wakeling correspondence dated 11 April 2007;
- 4: Heritage Advisor's comments dated 12 March 2007;
- 5: Draft conditions of consent.

RECOMMENDATION

THAT Council delegate authority to the Director of Environment and Planning to issue an approval based upon the draft conditions of consent forming attachment 5 to this report.

o-EP6 Revised Draft Shire-Wide LEP

REF: SPM

5900

The purpose of this report is to present to Council the revised draft Shire-wide LEP for adoption.

REPORT

BACKGROUND

Agreed changes to the draft Shire-wide LEP were confirmed at the LEP Steering Committee meeting on 21 March 2007. These changes are now included in the revised draft LEP, a copy of which has been circulated separately.

A total of 9 other changes have been made:

- i) The property known as Holly Cottage in Blue Gum Road, Bundanoon has been included in Schedule 5 - Environmental Heritage – Part 1 – Items of Heritage.
- ii) The provisions for Exeter Quarry, as currently included in Draft LEP 124 have been incorporated in the Shire-wide LEP as clause 38F.
- iii) Lot 20 DP 862590, Oxley Drive has been included in Schedule 4 Part 2 - Land classified, or reclassified, as operational land.
- iv) Lot 104 DP751271, Wattle Ridge Road, Hill Top has been included in Schedule 1 as a 2-lot subdivision with a single dwelling house on each entitlement.
- v) Lot 27 DP 833748 (opposite Stephen's Park, Bowral) has been rezoned from B1 Neighbourhood Business to R2 Low Density residential.
- vi) The Investigation Area 'layer' will no longer be depicted on the maps.
- vii) The 100ha minimum for rural subdivision has been changed back to 40ha.
- viii) The Height Maps have been completed.
- ix) Changes to Exempt and Complying Development following discussion at the Council information session on 2 May, 2007.

The Department did request Council to permit sex services premises in at least one zone, however this was not supported by Council, and no provision for such premises has been made in the revised draft plan. The Department of Planning Southern Region has indicated that a conditional s.65 certificate could be granted allowing Council to place the draft plan on public exhibition.



It is also anticipated that any other changes required by the Department would be identified when the Plan goes before the LEP Review Panel, but would not result in a delay in issuing the s.65 certificate.

ATTACHMENTS

- The revised draft LEP has already been circulated.
- The amended pages 94-103 of the Complying Development schedule of the draft Shire-wide LEP are being circulated separately with a covering Memo detailing those changes. Please replace the previous pages with these amended pages.
- Maps will be available at the Council meeting.

RECOMMENDATIONS

1. THAT Council adopt the draft Shire-wide LEP.
2. THAT the draft Shire-wide LEP be forwarded to the Department of Planning for the necessary permission to place on public exhibition.

o-EP7 Retail shops, bowling alley, & function rooms, 68 Station Street, Bowral

REF: DCM

LUA06/0348

LUA06/0348 has been received, seeking approval for demolition of an existing warehouse building and construction of new development containing retail shops, recreational facility (bowling alley) with function rooms and 20 space carpark at Lot 2 DP 1031671, 68 Station Street, Bowral.

REPORT

1. DESCRIPTION OF PROPOSED DEVELOPMENT

The subject site is currently developed with the Springett's Warehouse building, is 2,244.8 square metres in area, and is located on the eastern side of Station Street between Bowral & Banyette Streets (see **Attachment 1** – location).

The proposed development involves:

- Demolition of the existing warehouse;
- Construction of single storey Building 1 in the western portion of the site (283 square metres retail area);
- Construction of part single storey / part two storey Building 2 in the eastern portion of the site (398 square metres ground level retail area, 577.96 square metre ground level bowling alley area and 75 square metres first floor function room area;
- 20 space carpark with one-way circulation (entering via Station Street, exit via laneway);
- Loading zone in northern portion of site;
- The rear two storey building is 9.36 metres in height, which is the same as the existing building height on site.

The application as originally submitted includes a farmer's market. This has been deleted with amended plans received January 2007. The proposed site plan is shown in **Attachment 2** to this report.

The proposed re-development is to the north of the approved 'Intersection' development (LUA05/0732), and is submitted by the same architect and owner as the 'Intersection' development, therefore the same design cues and architectural features are included in the development (refer to **Attachment 3** – Station Street western elevation).

2. STATUTORY CONSIDERATIONS

The subject site is zoned 3(a) Business under *Wingecarribee Local Environmental Plan 1989*.

The site is not within the area covered by DCP 46 : Bowral Urban Design Guidelines.

The provisions of DCP 12 – Carparking apply in the assessment of the application.

3. COMPLIANCE TABLE

Performance Criteria	Relevant LEP/DCP	LEP/DCP Standard	Development Proposes	Compliance with LEP/DCP
Carparking	DCP 12	1 space per 30m ² gross leasable floor area (including retail, function room and terrace).	20 spaces	No
	RTA Guidelines	3 spaces per bowling alley. Therefore total 58 spaces required.		

4. REFERRALS TO STATE GOVERNMENT AUTHORITIES

The RTA have viewed the application and raise no objection to the proposal, however, do offer comments for consideration, including parking being deficient and parking spaces and aisle widths should be designed in accordance with AS.2890.1

5. REFERRALS TO COUNCIL COMMITTEES

Bowral Masterplan Committee

Bowral Masterplan Committee raised concerns regarding adequacy of parking on site.

6. PUBLIC CONSULTATION

The proposed development was notified to surrounding properties. Four submissions were received raising concerns including inadequate carparking, vandalism, noise, traffic problems, and access in laneway should not be jeopardized by the proposal.

COMMENT: Carparking and traffic issues are discussed in Section 8 of this report. Concerns regarding increased vandalism from the bowling alley are not considered justified. As the site is surrounded by commercial properties, the concern regarding increased noise is not considered justified.

7. INTERNAL STAFF COMMENTS

Engineering Comments

The concerns regarding carparking, loading area and laneway / Station Street intersection treatment are discussed in Section 8 of this report.

Building Comments

No objection is raised to the proposed development. Building conditions are included within the draft conditions of consent.

8. DISCUSSION OF MAJOR ISSUES ARISING

a) Traffic management

The submitted application proposes an entry point on the northern side of the property and an entry and exit from the lane to the south of the site.



The proposed traffic arrangements do not make adequate arrangements for the loading / unloading of goods, and the passage of pedestrians to the bowling alley and retail space at the rear, and the physical turning limits of all vehicles into the northern entry point. In order to improve the traffic and pedestrian movements on the site, the following conditions of consent are recommended:

- i) The northern access point, loading area and accessway be deleted.
- ii) A pedestrian boulevard be created in its place with effective lighting and landscaping to cater for pedestrians at night time.
- iii) A loading zone be created in Station Street on the frontage of the site to make adequate provision for the loading and unloading of goods.
- iv) The size of goods capable of being delivered to the site be limited to that which can be pushed with a trolley.
- v) On the corner of the unnamed lane and Station Street, the following shall be provided:
 - A minimum 8.5m kerb return radius;
 - A corner splay to provide a minimum 1.3m width footpath.

This will reduce the footprint of the building by approximately 8 square metres.

- vi) The parking area on site should be enlarged to compensate Council for the loss of street parking in Station Street due to the provision of the loading zone. This increase in on-site parking is a direct offset against loss of on-street public parking spaces and should not be included in parking shortfall calculations.
- vii) As the sites on each side of the laneway are to be consolidated, adequate footpaths, kerb ramps, etc, are to be provided, linking the two sites.

A median island will also be required in Station St that will restrict access to the site from the laneway to left in / left out only. With the imposition of the above conditions, the car park has entry and exit from the laneway only. This allows easy access to the adjoining car park area on the southern side of the laneway. The development will generate approximately \$36,200 in S94 contributions for Roads and Traffic Management.

b) Carparking

The total car parking required for this development under the provisions of Council's carparking DCP (DCP12) is 58 spaces. This is made up of:

- 28 spaces for the retail, function room and terrace at 1 space per 30 sqm gross leasable floor area and;
- 30 spaces for the bowling alley at 3 spaces per lane.

The application provides for a total of 20 spaces on the subject site or 35% of the total required. There are certain factors that must be considered to properly assess this shortfall.



Firstly, the applicant is proposing to consolidate the subject site with the adjoining "Intersection" development previously approved by Council (LUA05/0732) which is currently under construction. That development has an excess of onsite carparking of 22 spaces. If the two developments are considered as one, then the car parking deficiency is reduced to 16 spaces (38 deficient from current application - 22 credit from approved development = 16 deficient). To accept this arrangement, Council would need to be satisfied that the car spaces to be shared are located so as to be accessible to all of the floor space/uses involved and be satisfied that customers would find it reasonable to utilise any one of the three car parking areas when visiting this part of the town centre. **Attachment 4** shows the relationship between the sites and their car parking areas and it is considered that the relationship between all three carparks and the developments they will serve is satisfactory.

If this is unsatisfactory to Council and the site needs to be totally self reliant, then the total eastern retail floorspace would need to be deleted to make way for approximately 20 additional on site spaces.

This would then cater for the reduced retail component and the bowling alley. Alternatively, the applicant may choose to delete the bowling alley with a slight increase in retail floor area.

If consolidating the lots is accepted by Council, then it needs to consider how to address the remaining shortfall of 16 spaces. There are a number of options.

Option 1 - reject any shortfall and seek amendments to the proposal. This could involve a reduction in retail floorspace on any one of the sites to match the capacity of the sites to accommodate the required number of car parking spaces. It could involve a reduction in the number of lanes within the bowling alley, although it is unlikely that a facility of less than 10 lanes would be viable, meaning that the more likely alternative would be total removal of the bowling alley from the proposal. This would be a very unfortunate outcome due to the likely benefits to the Shire in terms of entertainment/recreation opportunities associated with this part of the proposal.

Option 2 - accept the shortfall on the basis of the applicant making an offer to Council for payment in lieu of the spaces. At the current rate of \$22,500 per space in Bowral, the 16 space shortfall equates to a contribution of \$360,000.

Option 3 - accept that the proposal has met its parking requirements for the retail component of the development and consider the shortfall to be in the provision of spaces for the bowling alley. Council could then consider how to deal with the 16 deficient spaces. Council could bear in mind that the bowling alley would have peak demand times outside of normal peak retail hours and consider the "community benefit" of the bowling alley in a similar way to which the redevelopment of the Empire Cinema was dealt with. Negotiations can be had with the applicant that establishes what Council believes to be a fair and reasonable outcome and a legally binding Heads of Agreement can be drafted and signed with the applicant to secure the outcome. This can include provisions that address the situation if the bowling alley ceases.



9. CONCLUSION

The proposed development is considered acceptable and worthy of support subject to the satisfactory resolution of on site car parking. In this respect, the community benefit of the proposed bowling alley needs to be given some weight when judging the shortfall in on site spaces.

ATTACHMENTS

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

1. Location Plan.
2. Site Plan.
3. Elevations.
4. Layout of adjoining developments.

RECOMMENDATION

1. THAT Council advises the applicant that it would support the consolidation of the subject site of LUA06/0348 with the properties comprising Sites A and B of "The Intersection" (LUA05/0732) in order to facilitate the use of on site car parking.
2. THAT Council invite the applicant to enter into negotiations with Council to address the 16 on site car parking space shortfall noting that Council is willing to consider the community benefit of the proposed bowling alley.
3. THAT the General Manager and Director Environment and Planning be authorised to commence negotiations with the applicant and report back to Council on progress made to the meeting of 13 June 2007.

o-EP8 Proposed Driveway and Bridge, Headlam Road, Moss Vale

REF: DCM

LUA06/1033

Reporting further on proposed driveway and bridge at Lot 1 DP 1033815 and Lot 3 DP 579578 Headlam Road, Moss Vale.

REPORT

LUA06/1033 was presented to Council on 26 April 2007 (see report in **Attachment 1**). At that meeting it was noted *'that the Director, Environment & Planning advised that there was no further information submitted to Council prior to tonight's meeting.'*

Advice has now been received from NSW Maritime dated 30 April 2007 stating that *'the proposal does not require consent under the terms of Clause 23 Rivers and Foreshores Improvement Act 1948 as amended.'* (see **Attachment 2**).

The application can now be determined by way of approval.

ATTACHMENTS

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

1. Report to Council of 26 April 2007 and attachments.
2. Letter from Maritime NSW dated 30 April 2007.
3. Draft conditions of consent.

RECOMMENDATION

1. THAT the application be approved, and development consent be issued containing appropriate conditions of consent.
2. THAT those who made a submission be advised of Council's decision.

o-EP9 Proposed Retail / Commercial building & Carpark, Victoria Street, Bowral

REF: DCM

LUA06/0879

Reporting further on the proposed retail / commercial building and carpark at Lot 3 DP 1104038 Victoria Street, Bowral.

REPORT

LUA06/0879 was presented to Council at its meeting of 26 April (see **Attachment 1**). At that meeting, it was noted *'that the Director, Environment & Planning advised that no further information had been received from the SCA and RTA. He stated he would request some additional diagrams from the applicant addressing the matter of the wideness of Victoria Street in relation to trucks.'*

At the completion of this update report, no further response has been received from the SCA or the RTA, however, if a response is received in the interim, this will be presented to Council at its meeting of 9 May 2007.

The applicant has been requested to provide a plan showing truck swept paths in Victoria Street, so that the impact on Victoria Street parking can be determined. At the completion of this update report, the plan had not been provided, however, if a plan is received in the interim, this will be presented to Council at its meeting of 9 May 2007.

ATTACHMENTS

There is one attachment to this report (previous report to Council of 26 April 2007).

RECOMMENDATION

THAT the above information be noted by Council.



Scott Lee
Director, Environment & Planning

3 May 2007

ATTACHMENT 1

Report of 26 April 2007

PROPOSED RETAIL / COMMERCIAL BUILDING AND CARPARK, VICTORIA ST, BOWRAL

REF: DCM

LUA06/0879

Reporting further on the proposed retail / commercial building and carpark at Lot 3 DP 1104038 Victoria Street, Bowral.

REPORT

At its meeting of 11 April 2007, Council considered LUA06/0879, which seeks approval for a retail / commercial development at Victoria Street / Mittagong Road, Bowral, and resolved:

'THAT this matter be deferred until Council receives reports from the SCA and RTA to allow it to fully assess the conditions of consent of the development including the adequacy of the width of Victoria Street for heavy and articulated vehicle access, the proposed building height and advertising signage in the precinct.'

RTA

On 18 April 2007, the applicant supplied to Council and the RTA three plans showing traffic signals and swept paths (See **Attachments 1, 2 & 3**).

At the time of completion of this report, no letter has been received from the RTA granting concurrence. As Mittagong Road is a classified road, the concurrence of the RTA is legally required prior to any development consent being granted.

SCA

The applicant provided additional details for the SCA on 7 November 2006 and 28 March 2007. The SCA have advised by letter dated 13 April 2007 that –

'A number of matters relating to site stormwater quality modelling remain outstanding and clarification continues to be sought from the applicant's consultant. The 'clock' will remain stopped in the interim and the Chief Executive will not be able to consider whether to grant concurrence until all additional information requirements have been satisfied.'

BUILDING HEIGHT

The applicant will not be submitting amended plans deleting the proposed third level from the development.

ADVERTISING SIGNAGE

The applicant has advised that LUA06/0879 does not include advertising signage, and that advertising signage will be applied for under a separate Development Application.



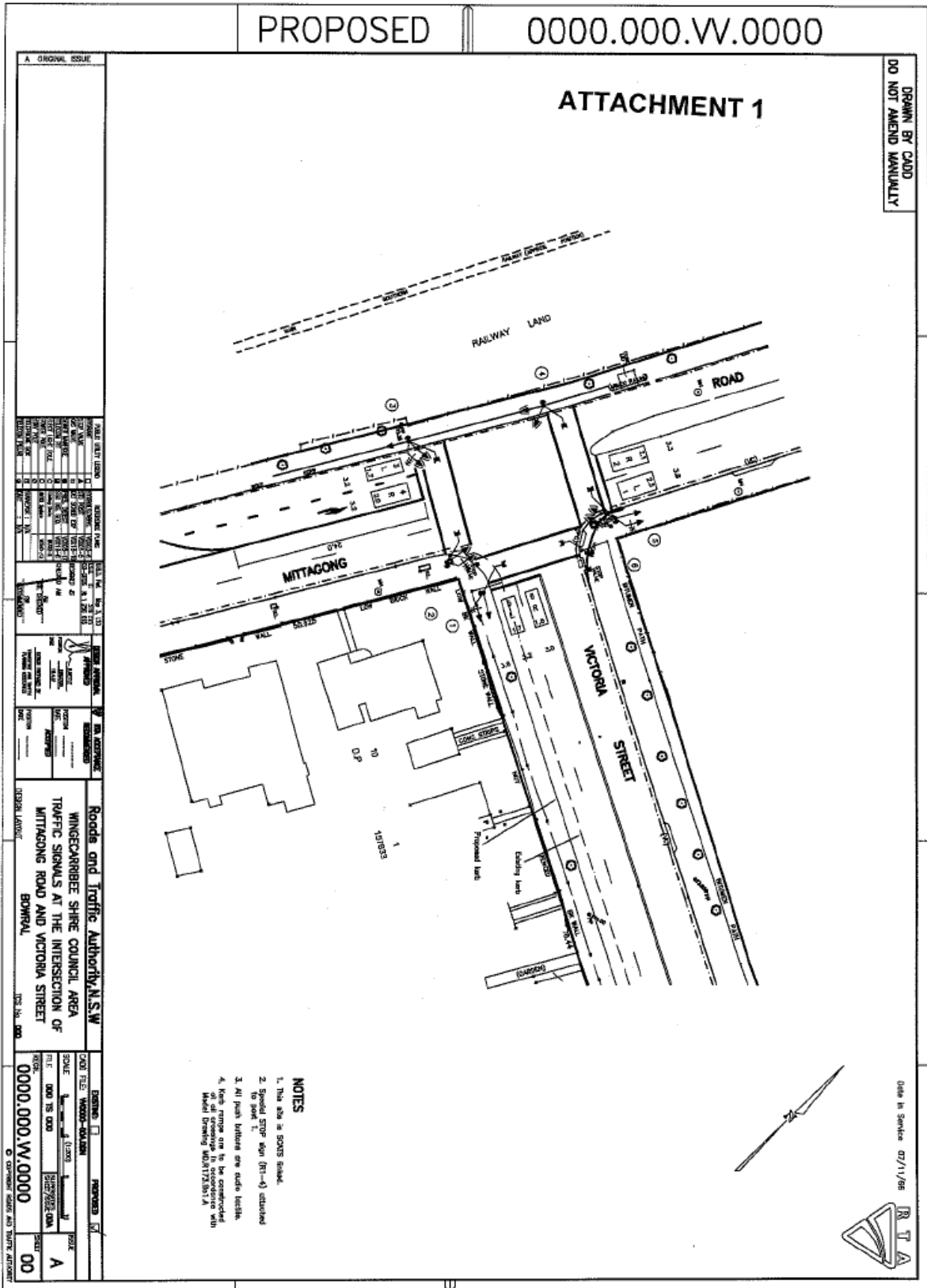
ATTACHMENTS

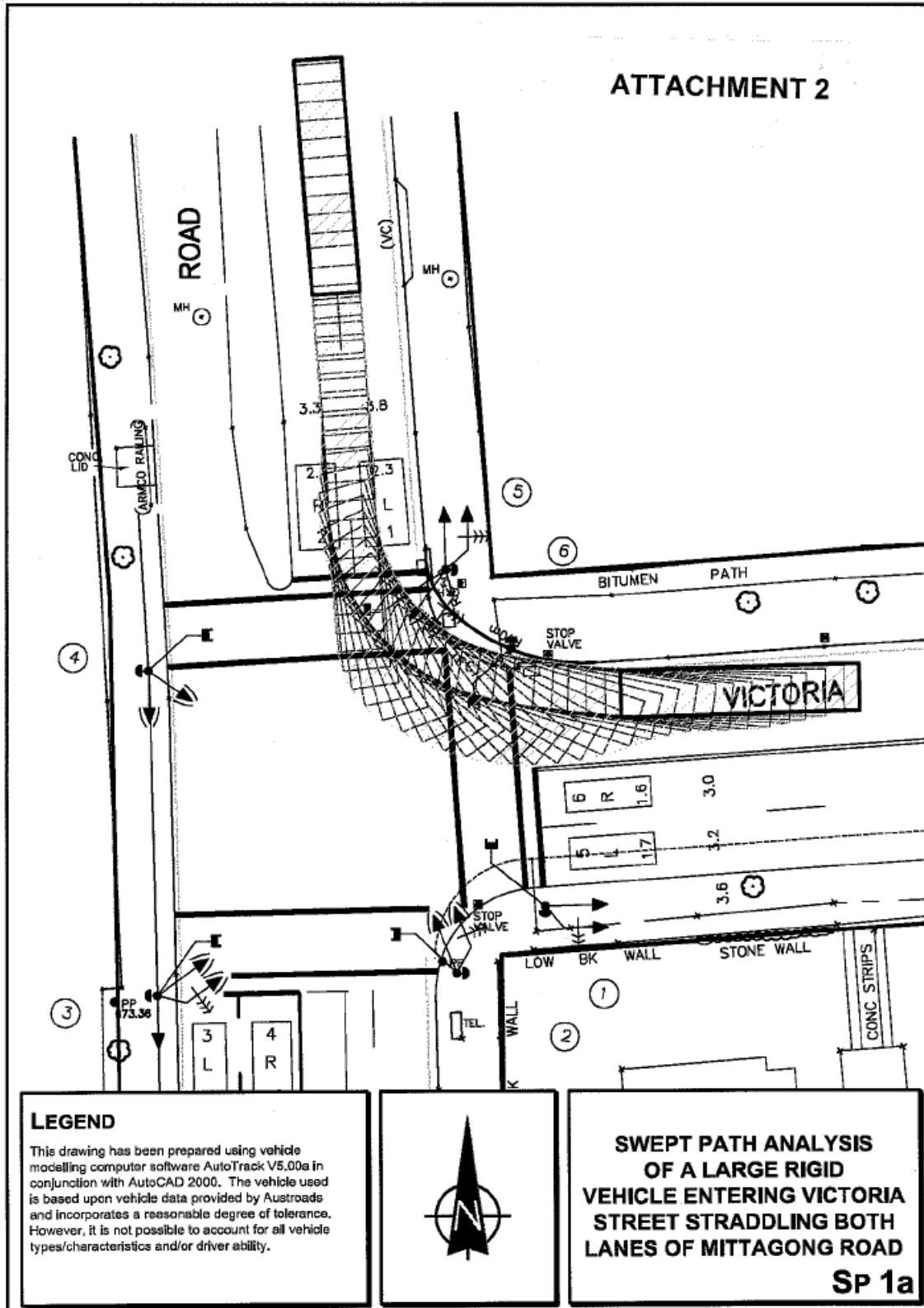
There are three attachments to this report.

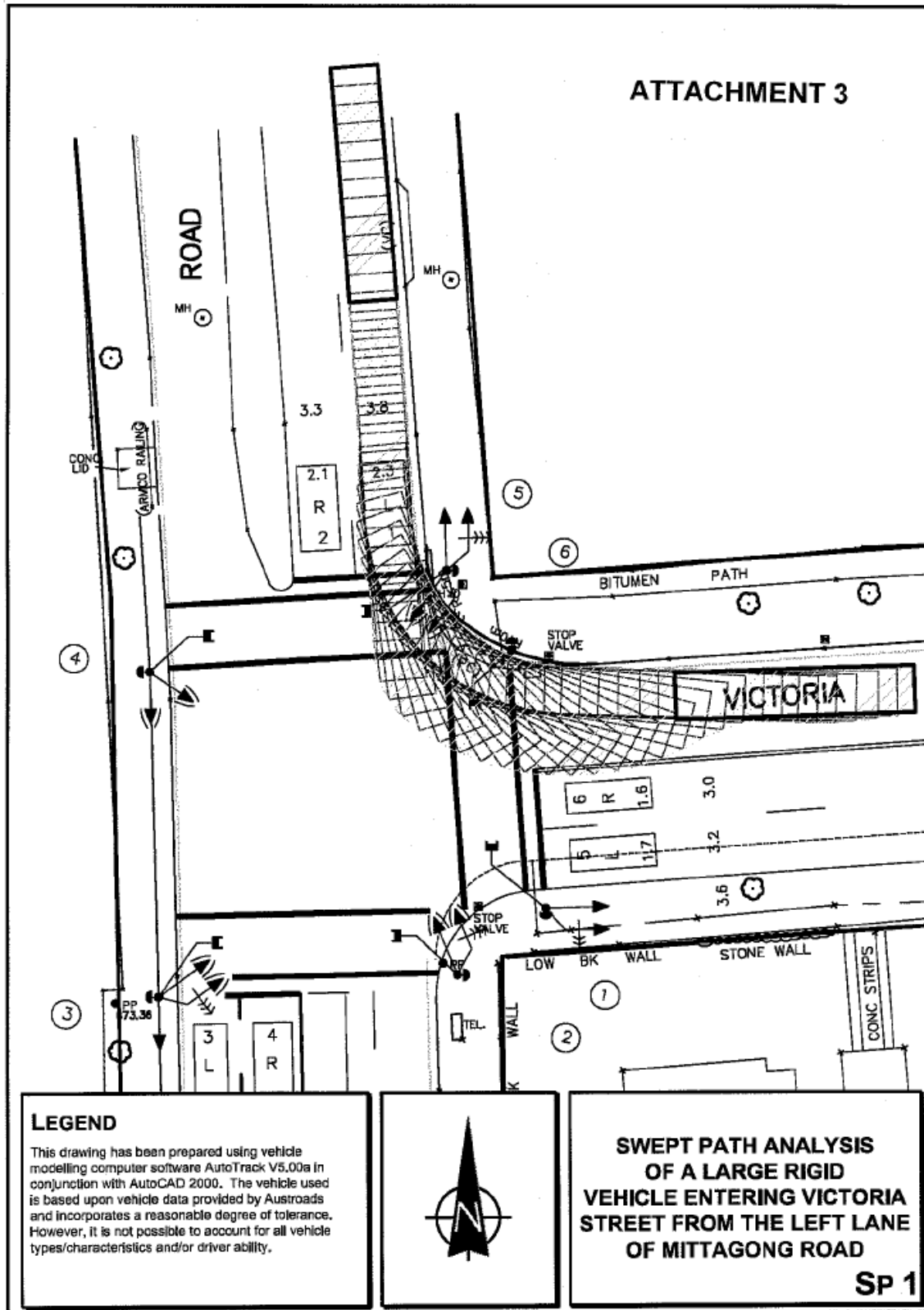
1. Traffic signals
2. & 3. Swept paths analysis.

RECOMMENDATION

THAT the above information be noted by Council.









CORPORATE SERVICES DIVISION

c-CS1 GST Compliance Certificate

REF. DCS

2140/9

Submitting a request by the Department of Local Government for Council to provide a GST Compliance Certificate.

REPORT

The Department of Local Government requires Council's to provide it with a certificate each year confirming that Council has adequate systems and controls in place for the collection and claiming of GST from the Commonwealth. A copy of the certificate to be signed is shown on **Attachment 1** for information.

Council does have such systems in place which have been confirmed by Council's external auditor and also a recent desk top audit by the Australian Tax Office.

It is therefore requested that Council's Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer sign the certificate as requested.

ATTACHMENTS

There is one (1) attachment to this report being the Goods and Services Tax Certificate.

RECOMMENDATION

THAT the Mayor, Deputy Mayor, General Manager and responsible Accounting Officer sign the certificate as requested.



ATTACHMENT 1

COUNCIL OF/COUNCIL OF THE SHIRE OF WINGECARRIBEE

GOODS AND SERVICES TAX CERTIFICATE

Payment of Voluntary GST 1 May 2006 to 30 April 2007

To assist compliance with Section 114 of the Commonwealth Constitution, we certify that:

- Voluntary GST has been paid by Wingecarribee Shire Council for the period 1 May 2006 to 30 April 2007.
- Adequate management arrangements and internal controls were in place to enable the Council to adequately account for its GST liabilities and recoup all GST input tax credits eligible to be claimed.
- No GST non-compliance events by the Council were identified by or raised with the Australian Taxation Office.

Signed in accordance with a resolution of Council made on ...9th May 2007

.....
Mayor's Name
MAYOR

.....
Councillor's Name
COUNCILLOR

.....
General Manager's Name
GENERAL MANAGER

.....
Name
RESPONSIBLE ACCOUNTING OFFICER



c-CS2 Committee Appointments & Resignations

REF. DCS 107/1

Reporting on Management Committee Appointments and Resignations.

REPORT

1. Arts & Culture Board File No: 1660/1
The Arts & Culture Board at its meeting on the 26 March 2007 received the nomination of Josina Metcalfe to the Board.

Committee Recommendation

THAT Council accepts the nomination of Josina Metcalfe to the Arts & Culture Board and that Ms Metcalfe is notified of Council's determination.

2. Wingecarribee Access Committee File No: 1828/3
The Wingecarribee Access Committee at its meeting on the 14 February 2007 received the nomination of Bevan Easy to the Committee.

Committee Recommendation

THAT Council accepts the nomination of Bevan Easy to the Wingecarribee Access Committee and that Mr Easy be notified of Council's determination.

3. Companion Animals Advisory Committee File No: 5501/8.5
The Companion Animals Advisory Committee at its meeting on the 10 April 2007 received with regret the resignation of Elizabeth Speers. Ms Speers was the delegate for the Wingecarribee Animal Shelter Inc. Wingecarribee Animal Shelter Inc has nominated Mr Michael Fenton-Jones as its delegate and Ms Sarah Hennessy as the alternate delegate to the Companion Animals Advisory Committee.

Committee Recommendation

THAT Council accepts with regret the resignation of Elizabeth Speers and the nomination of Michael Fenton-Jones and Sarah Hennessy to the Companion Animals Advisory Committee and that Ms Speers, Mr Fenton Jones and Ms Hennessy be notified of Council's determination.

ATTACHMENTS

There are no attachments to this report.



RECOMMENDATION

1. THAT Josina Metcalfe be appointed to the Arts & Culture Board and that Ms Metcalfe be notified of Council's determination.
 2. THAT Bevan Easy be appointed to the Wingecarribee Access Committee and that Mr Easy be notified of Council's determination.
 3. THAT Council accepts with regret the resignation of Elizabeth Speers and Michael Fenton-Jones and Sarah Hennessy be appointed to the Companion Animals Advisory Committee
 4. THAT Ms Speers, Mr Fenton-Jones and Ms Hennessy be notified of council's determination.
 5. THAT the Arts & Culture Board, Wingecarribee Access Committee and Companion Animals Advisory Committee be notified of Council's determination.
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o-CS3 Complaints Handling Policy

REF.	MAS	800/3
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Reporting on a Complaints Handling Policy for consideration and adoption.

REPORT

BACKGROUND

Council at its meeting held on Wednesday, 27 September 2006 considered a report in relation to the above Policy and resolved as follows:-

*“**THAT** the Complaints Handling Policy be deferred pending the formulation of a process and flow chart.”*

An information session was held with Councillors on Wednesday, 21 March 2007 to consider the Complaints Handling Policy, including a draft General Manager’s Practice Note on the matter and following the feedback and suggestions from Councillors, the Policy is again submitted to Council for consideration and adoption.

The complaints handling policy has previously been circulated to Managers for consultation with employees and some positive feedback was received and introduced into the document. This document can be used as a tool for improving services in Council and should provide valuable information for senior management to identify and manage any procedural or performance issues which will ultimately improve customer service in Council.

Councillors will also receive quarterly reports in relation to the number of complaints received and dealt with via the General Manager’s quarterly reports.

This document is not to be confused with Council’s “Works Request” document which is used where actual works are requested to be undertaken on Council infrastructure – i.e.: potholes, dangerous trees, poor footpaths, water leaks, dust and noise, overgrown allotments and dog issues.

Also attached is the General Manager’s Practice Note which has been developed to provide an efficient, fair and accessible mechanism for resolving complaints quickly. The procedure recognises, promotes and protects the rights of individuals or organisations to comment and make a complaint. It also provides staff with an opportunity to put forward their interpretation of the complaint to senior management.

POLICY IMPLICATIONS

The Complaints Handling Policy is a new policy for adoption

ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

(i) **Social Factors**

This policy is a commitment by Council to deal with bona fide complaints in an open and positive manner and the accompanying General Manager's Practice Note provides a format which will enable dissatisfied resident, non-residents or any authority/organization to make a complaint to Council and have the complaint managed efficiently within Council.

CONCLUSION

The policy is again submitted to Council for its consideration and adoption.

ATTACHMENTS

There are three attachments to the report being:

- Attachment 1 - Complaint Handling Policy.
- Attachment 2 - General Manager Practice Note and
- Attachment 3 - Complaint Advice Form.

RECOMMENDATION

THAT the Complaints Handling Policy document, being Attachment 1 of the report, be adopted.



ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday 9 May 2007

REPORT OF DIRECTOR CORPORATE SERVICES



ATTACHMENT 1



Complaints Handling Policy

March 2007



1.0 Objective

The principal consideration of this policy is the provision of high quality service by Council to its customers and where bona fide complaints are received regarding service delivery, to deal with these complaints in a responsive, open and prompt manner.

1.1 Policy Statement

It is the Policy of Wingecarribee Shire Council to acknowledge and process all bona fide complaints in accordance with the General Managers Practice Note – Complaints Handling Procedure.

The General Managers Practice Note provides a process, which will enable dissatisfied residents, non-residents or any authority / organization to make a complaint to Council and to have the complaint managed efficiently and objectively within Council.

Wingecarribee Shire Council regards all complaints with the utmost seriousness. Council will handle complaints in a professional, respectful and timely manner in order to resolve the issues raised by complainants.

1.2 Complaint Definition

What is a Complaint

A complaint is an expression of dissatisfaction, made in respect to a Council Officer's role in the provision of service delivery or lack of service delivery that has allegedly affected an individual, group or body of stakeholders whether justified or not. A complaint may relate to a specific incident or issue involving Council, or to matters of a more philosophical or general nature regarding Council's processes and/or procedures.

What is not a Complaint

- (a) A complaint about the condition of our infrastructure (pothole, dangerous tree, poor footpath, water leaks, dust and noise, overgrown allotments and dog issues) will be dealt with by Council's Action Request System.
- (b) A request for information or an explanation of a policy or procedure.
- (c) Objections to a development application before Council determination.

A Complaint can progress from Council's lack of action following the lodgment of a request for service or a request for information.

1.3 Public Officer

The Public Officer is a member of Council's senior staff, appointed under the Local Government Act 1993. The functions of the Public Officer include provision of assistance to the public in accessing Council documents, representation of Council in legal and other matters, receipt of submissions made to Council and to assist with requests from the public regarding Council's affairs, including overseeing Council's complaints Handling Procedures.

1.4 How to Lodge a Complaint

Complaints may be lodged with Council

(a) In Writing to;

The General Manager
Wingecarribee Shire Council
PO Box 141
Moss Vale NSW 2577

(b) By e-mail to;

wscmail@wsc.nsw.gov.au

(c) In person at Council's Civic Centre at Moss Vale or at either of its Libraries at Mittagong, Bowral or Moss Vale.

(d) On the appropriate form. (also located on Council web page www.wsc.nsw.gov.au).

1.5 Anonymous Complaints

Anonymous complaints will not be rejected. However, Council's ability to investigate anonymous complaints will be dependent upon the substance of the information supplied.

Due to anonymity, Council will be unable to provide any decision of actions taken.

1.6 Recording of Complaints

All complaints received by Council will be recorded in Council's Records Management System.

Where a complainant is requesting a service, and there are no prior indications of failure to provide that service to the complainant, the request will be recorded as an "action request" rather than a complaint.

1.7 How Complaints are Reviewed

Complaints will be reviewed in accordance with Council's General Managers Practice Note which provides an efficient, fair and accessible mechanism for resolving complaints. It recognizes, promotes and protects the rights of individuals or organizations to comment and complain.

1.8 Dealing with difficult complainants

Council recognizes and accepts members of the public will sometimes display frustration or other behavior. Council staff are to ensure difficult complainants are not unreasonably denied rights.

1.9 Protecting Complainants

Council acknowledges the rights of members of the public to make a complaint and Council will ensure that people who complain are not subjected to victimization, harassment, discriminated against or otherwise prejudged.

Disciplinary action will be taken against any member of staff who breaches this policy.

1.10 Complaints Handling Officers

Each of Council's Managers will be responsible for ensuring that Council's management of complaints in each of their respective sections of Council is carried out in accordance with the General Managers Practice Note.

Each of Council's Directors will be responsible for signing off on each complaint handled by his/her Manager.

The Public Officer (Director of Corporate Services) will monitor policy and procedure compliance and undertake independent investigations of complaints when requested.

ATTACHMENT 2

PROCEDURE - COMPLAINTS HANDLING

PROCEDURE STATEMENT

The Complaints Handling Procedure is a set of guidelines designed to encourage residents, non-residents and any other bodies who make a complaint to Council to have the complaint managed efficiently within Council.

COMPLAINT DEFINITION

What is a Complaint?

- A complaint is an expression of dissatisfaction, made in respect to a Council Officer's role in the provision of service delivery or lack of service delivery that has allegedly affected an individual, group or body of stakeholders whether justified nor not.
- A complaint may relate to a specific incident or issue involving Council, or to matters of a more philosophical or general nature regarding Council's processes and /or procedures.

What is not a Complaint?

- A complaint about condition of our infrastructure, (road pothole, dangerous tree, poor footpath, water leaks, dust and noise, overgrown allotments and dog issues) will be dealt with by Council's Action Request System.
- A request for information or an explanation of a policy or procedure.
- Objections to a development application before Council or objections to a determination of a development application.

A complaint can progress from Council's lack of action following lodgement of a request for service or a request for information.

COMPLAINTS HANDLING REVIEW PROCEDURES

The Complaints Handling Procedure provides an efficient, fair and accessible mechanism for resolving complaints quickly. The procedure recognises, promotes and protects the rights of individuals or organisations to comment and complain.

The three tiers of review outline processes and responsibilities that will be implemented to manage complaints.

FIRST LEVEL – FRONTLINE COMPLAINT HANDLING

- First point of Council contact with the public will involve a complaint over the telephone or in person. The focus at this level is on an informal resolution of complaints. Council officers have a clear delegation to resolve complaints wherever possible at the first level.



- Council officers at all levels within the organisation, from the General Manager to Customer Service Officers, can be involved in the first level of complaint handling depending on the nature of the complaint.

Council responsibilities when managing complaints at this level are:

- Council officers will deal with complaints from customers within the scope of their decision-making capacity and limitations on remedies that they can authorise.
- To determine if the issue is a customer work request or complaint in accordance with the Complaint Definition described in these procedures.
- If the issue is a request for service, then the Council officer receiving the information is to create an Action Request System in accordance with the appropriate Council procedures.
- If the issue is a complaint, then the Council officer is to deal with the complaint in accordance with their level of responsibility.

Written complaints, then the appropriate Manager must:

- Within fourteen days, contact the complainant by telephone or in writing with a response. When the complaint is resolved it will be forwarded to the Director to be signed off. If the complaint is unresolved, the Manager must forward the complaint to the appropriate Director for further investigation.

Telephone or in person complaints, then the Council Manager must:

- Dutifully record all information in the Complaints Registration Form in Council's Records Management System. (Refer Attachment A).
- Note on the form any comments made to the complainant regarding the resolution of the complaint, including form of response - i.e. telephone or written.
- If the complaint is resolved it will be forwarded to the Director to be signed off. If the complaint is unresolved, the Manager must forward the complaint to the appropriate Director for further investigation.
- At all times, courteously assist with all issues raised by the public.
- Maintain confidentiality of the complainant's personal information.
- Council's Managers must keep the complainant informed of the progress of the complaint at all times.

Final response requirement:

- Where the complainant is dissatisfied with the Council response, including the review by the Director, the matter may be referred to the General Manager for review.

Second level – Internal Review or Investigation

- At the second level of complaint handling, the complaint will be referred to the appropriate Director.
- The role of the Director at this level is to review and/or investigate complaints, when a customer is dissatisfied with the outcome of the first level of complaint handling.

Council responsibilities when managing complaints at this level is

Investigation or review of telephone or in person complaints

- Council Director is to discuss the issue of the complaint with the complainant.
- Council Director is to ensure that a Complaints Registration Form is registered in the Records Management System.
- If the complaint is unresolved, Council must advise the complainant of any action Council intends to undertake, which could involve investigation, conciliation, mediation or further direct negotiation.

Written requests for internal review or investigation

- The Director must within fourteen days contact the complainant by telephone or in writing with a response to the complaint.
- If the complaint is unresolved, Council must advise the complainant of any action it intends to undertake, which could involve investigation, conciliation, mediation or further direct negotiation.
- Council Director must keep the complainant informed of the progress of the complaint at all times.
- Council Director must maintain the confidentiality of the complainant's personal details.

Final response requirement – General Manager.

- After review by the General Manager, Council's final response must address the availability of other external remedies available, where the complainant is dissatisfied with the Council response including seeking an alternative dispute resolution, referring the complaint to agencies such as Ombudsman or Department of Local Government.

Third level – Review by External Agencies

If the complaint remains unresolved after prior levels of review, the General Manager would only take further action if directed by one of the following agencies:

- Alternative dispute resolution remedy such as mediation or conciliation
- The availability of external agencies, to resolve the complaint,
 - NSW Ombudsman
 - NSW Department of Local Government
 - Independent Commission against Corruption (ICAC)
 - Anti Discrimination Board
 - Australian Competition and Consumer Commission
 - Privacy Commissioner

Procedure for anonymous complaints

- Anonymous complaints will not be rejected. However, Council's ability to investigate anonymous complaints will be dependent upon the substance of the information supplied.
- Due to anonymity, the Council will be unable to provide a reason for any decisions or actions taken.



Complaints Handling Officer

- Council's Managers, Directors and General Manager are responsible for ensuring that Council's management of complaints is carried out in accordance with its Complaints Handling Policy and General Manager's Practice Note.
 - These Officers will monitor compliance with the policy and procedures.
 - Summary of Complaints received will be recorded in Council's General Manager's Quarterly Report and Annual Report.
-



Complaint Advice Form

Name

Address Details

Contact Details

Tel
(H)..... Tel:(M)..... Tel:(W).....

e-mail address
.....

Enumerate Complaint

Date received by Records

Date received by Manager/Director

Sign off by Manager

Sign off by Director

o-CS4 Investments as at 31 March 2007

REF	FSM	2104
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Submitting details of Council's investments as at 31 March 2007.

REPORT

Submitting details of Council's investments as at 31 March 2007. (See **Attachment 1**) and also a list of commitments for which these investments are held (See **Attachment 2**)

The following report contains 2 investments bought under Council's new Investment Strategy with Grange Securities. By the end of March all current investments (Term Deposits & Bank Bills) will have been redeemed. Once all investments are with Grange, a different reporting format will be used detailing Capital values, Accrued values and, Market values

ATTACHMENTS

1. Investment Reconciliation as at 31 March 2007
2. List of commitments

RECOMMENDATION

THAT the information on Council's investments as at 31 March 2007 be received and noted.

Barry W Paul
Director Corporate Services

20 April 2007

ATTACHMENT 1

INVESTMENT RECONCILIATION AS AT 31 March 2007

Bank	Certificates	Rate	Days	Due Date	Value	Consideration	Total
<u>Grange Securities</u>							
<u>Individual Managed Portfolio</u>							
Adelaide Bank FR Sub Debt		bbsw + .50%		9/06/2011	3,500,000.00	3,523,415.00	
Aphex (Glenelg)		bbsw + 1.25%		22/06/2009	2,500,000.00	2,505,650.00	
Bank of Qld		bbsw + 1.25%		21/08/2008	500,000.00	510,490.00	
Bank of Qld Sub Debt		bbsw + .29%		2/12/2010	7,000,000.00	7,046,130.00	
Corsair Kakadu		bbsw + 1.00%		20/12/2009	1,500,000.00	1,503,150.00	
Corsair Torquay		bbsw + 1.20%		20/06/2009	2,500,000.00	2,508,925.00	
Cypress Blaxland		bbsw + 1.45%		30/03/2012	600,000.00	603,078.00	
Elders Rural Bank Sub Debt		bbsw + .85%		13/07/2010	500,000.00	511,425.00	
Elders Rural Bank Sub Debt		bbsw + .75%		13/10/2010	500,000.00	510,035.00	
Elders Rural Bank Sub Debt		bbsw + .83%		6/09/2010	1,000,000.00	1,012,140.00	
Helium Esperance		bbsw + 1.10%		20/03/2008	2,000,000.00	2,005,180.00	
Helium Scarborough		bbsw + 1.30%		23/06/2009	7,000,000.00	7,023,506.52	
HSBC FRN		bbsw + .28%		22/09/2011	8,000,000.00	8,031,440.00	
Macquarie Bank Sub Debt		bbsw + .70%		15/09/2009	500,000.00	507,130.00	
Macquarie Bank Sub Debt		bbsw + .85%		18/02/2008	1,000,000.00	1,013,310.00	
Magnolia Flinders		bbsw + 1.50%		20/03/2009	4,200,000.00	4,237,632.00	
Omega Henley		bbsw + .80%		22/06/2012	3,000,000.00	3,005,250.00	
Royal Bank Scotland		bbsw + .28%		17/02/2012	2,000,000.00	2,017,480.00	
Starts Blue Gum		bbsw + 1.40%		22/12/2010	1,050,000.00	1,055,355.00	
Cypress Tree Lawson		bbsw + 1.30%		30/12/2010	1,000,000.00	1,008,280.00	
Elders Rural Bank		bbsw + .60%		6/03/2012	1,000,000.00	1,004,430.00	
ACES SPC Parkes Class		bbsw + 2.00%		20/12/2009	2,000,000.00	2,016,840.00	
Westpac		bbsw + .35%		4/02/2010	500,000.00	506,845.00	
Bishopgate Wentworth		bbsw + 1.50%		30/09/2010	500,000.00	509,265.00	
Zircon Coolangatta		bbsw + 1.30%		20/03/2011	2,000,000.00	2,004,380.00	
Herald Quartz		bbsw + 1.50%		20/12/2008	560,000.00	564,390.40	
Saphir Endeavour		bbsw + 1.30%		4/08/2011	190,000.00	195,783.60	
							56,940,935.52
Macquarie Cash Management Trust					952,185.19	952,185.19	952,185.19
<u>Short Term</u>							
NAB						4,000,000.00	4,000,000.00
	Mar bbsw average 90d	6.43					61,893,120.71

Note: The IMP performance for March was .05% above the 90d Bank Bill Index. Securities were still being bought in March so the following months should show an increase in performance closer to the 80 to 100 basis points range.

"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)		Est 31/03/2007
Investments Held		
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	6,581,184
		15,461,671
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.	2,711,774
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
		16,193,867
Water Fund		
Accumulated Cash	Represents all Water Funds accumulated cash and cash equivalents held at report date	3,469,976
Developer Contributions	Unexpended funds paid by developers for Section 94 and 64 works	3,990,509
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
		17,516,877
Sewer Fund		
Accumulated Cash	Represents all Sewer Funds accumulated cash and cash equivalents held at report date	2,805,510
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
		12,720,705
Totals - Estimated as at 31 March 2007		61,893,120

TECHNICAL SERVICES DIVISION

o-TS1 AusLink Roads to Recovery Program – Ellsmore Road

REF: RTM 7801/2005

Reporting on the selection criteria used to prioritise and select projects for possible inclusion in the Roads to Recovery Program and advising Council on the priority for Ellsmore Road.

REPORT

BACKGROUND

AusLink Roads to Recovery is an Australian Government initiative where grant funds are paid directly to Councils to be used on local road priorities. Payments under the Programme may be used on any project on the construction or maintenance of a road.

Under the AusLink Roads to Recovery Program, Council will receive total funding of \$2,771,307, equating to \$692,827 per annum for the four years of the program (2005/06 to 2008/09 Financial Years).

At its meeting held 14 February 2007, Council resolved to adopt the following revised program of works for the Roads to Recovery Program:

1. ***THAT Ellsmore Road, Exeter be substituted for Ellsmore Road, Bundanoon in the "Roads to Recovery" program and Ellsmore Road, Bundanoon be scheduled to take place immediately after the work on Oxley Drive, Mittagong as follows:***

WORK PROGRAM FOR YEARS 3 AND 4 OF AUSLINK ROADS TO RECOVERY PROGRAM

Year	Road	Description	Length	Estimate
2007	<i>Banyette Street, Bowral</i>	<i>Rehabilitate pavement from Woolworths to Bendooley Street</i>	<i>160m</i>	<i>\$150,000</i>
2007	<i>Tugalong Road, Canyonleigh</i>	<i>Construct pavement and seal from end of bitumen for 1km</i>	<i>1000m</i>	<i>\$250,000</i>
2007	<i>Nowra Road, Moss Vale</i>	<i>Rehabilitate from Illawarra Highway to Yarrawa Road</i>	<i>900m</i>	<i>\$250,000</i>
2008	<i>Carrington Falls Road, Robertson</i>	<i>Construct pavement and seal from Jamberoo Road to Shire Boundary</i>	<i>1530m</i>	<i>\$350,000</i>
2008	<i>Ellsmore Road, Exeter</i>	<i>Construct pavement and seal from Middle Road north for 1km</i>	<i>1000m</i>	<i>\$250,000</i>
<i>Provisional pending availability of funds</i>				
2009	<i>Oxley Drive, Mittagong</i>	<i>Rehabilitate pavement between Bracken Street and Murchison Street</i>	<i>760m</i>	<i>\$200,000</i>
2009	<i>Ellsmore Road, Bundanoon</i>	<i>Construct pavement and seal from end of bitumen for 1 km</i>	<i>1000m</i>	<i>\$250,000</i>

WORK PROGRAM FOR THE AUSLINK ROADS TO RECOVERY PROGRAM SUPPLEMENTAL FUNDING

Year	Road	Description	Length	Estimate
2007	Colo Street, Mittagong	Rehabilitate pavement from Range Road to Southey Street	720m	\$350,000
2008	Old South Road, Bowral	Rehabilitate between Ascot Road and Emily Circuit	460m	\$150,000
Provisional pending availability of funds				
2009	Tugalong Road, Canyonleigh	Construct pavement and seal from end of bitumen for 1km	1000m	\$250,000

2. ***THAT a report be provided to Council on the feasibility and implications of undertaking the sealing work on the worst parts of Tugalong Road.***

AT THE MEETING HELD 28 MARCH 2007, THE MATTER OF THE REVISED PROGRAM OF WORKS ON ELLSMORE ROAD WAS AGAIN RAISED BY CLRS GAIR, YEO AND CLARK DURING GENERAL BUSINESS:

Clr T D Gair stated that he had received a lot of complaints from Ellsmore Road residents regarding the change in the Seal of Approval program (refer Council Meeting minutes of 14 February 2007 - MN 45/07) and the fact that the road surface has now broken down. He asked for a report on the sealing of Ellsmore Road which includes all the reasons why Council should not revert to its original recommendation (including cost comparisons on both sections of road).

Clr J Clark also raised concerns about this section of road being taken off the priority list and the general disquiet this had created among the residents of Bundanoon.

Clr P Yeo asked if the report could highlight what objective criteria was used with regard to rating.

In addition, Council is in receipt of numerous letters, phone calls and petitions from residents of Ellsmore Road regarding the adjustment of priorities on the road.

This report updates Council on the selection criteria used to prioritise and select projects for possible inclusion in the Roads to Recovery Program and makes a recommendation that addresses the needs of residents at both ends of Ellsmore Road. In addition, due to the pending completion of the projects for the 2006/07 Financial Year, the report will also update Council on the program status and the potential to fund additional works in future years.

SELECTION CRITERIA

The selection of roads for inclusion in programs is often controversial. To assist in ranking a roads priority, staff rely on the *Assessment of Priority – Rural Roads and Distributor Roads* guidelines attached to this report. While not an exhaustive list, they do contain several objective considerations, including traffic counts, road safety and pavement condition. All of these items can be physically measured with some certainty and weighted for importance to deliver an indicative “score” for comparison purposes.

By way of explanation, varying traffic volumes have direct and measurable impacts on pavement life, road safety and standard of road required. In much the same way, as the volume of heavy vehicles increases, so does the importance placed on pavement strength and road geometry. Road safety can be measured by accident reports on a stretch of road and used as a measure. This can again be weighted for importance, for example in the case of school bus routes. In addition, Council's Action Request and Finance Systems can give an indication of ongoing problems in terms of excessive maintenance requirements and cost, pointing to poor pavement condition.

The list does not include subjective measures of priority, such as dust nuisance. The impact of road dust on an individual is a personal measure, affected by factors such as personal sensitivities (ie. asthma), proximity to source, prevailing weather conditions and aesthetics (eg. colour of dust in the case of bauxite). Due to the personal nature of the impacts, they cannot be easily measured or weighted. In the absence therefore of any reliable measure, dust nuisance is not used as a primary determining factor in sealing a road.

ELLSMORE ROAD

With specific reference to Ellsmore Road, the Exeter end of the road had been assessed for inclusion in the priority lists presented to Council at the time the Roads to Recovery Program was determined in 2006. The road was assessed as having some merit for sealing when viewed individually, however when viewed on a network basis had considerable potential negative impact.

Exeter end

Consideration	Comment
Traffic count	685 – highest count along length of road, predominantly through traffic, road only serves 6 residences directly
Pavement condition	Fair, road was re-sheeted in 2003/04 however has failed to settle down properly, prone to potholing and dust
Alignment	Generally straight alignment, flat in the south but steep hill in the north, road width is adequate for traffic volume
Heavy vehicle usage	Used by tradesmen as a shortcut to north-western areas of Bundanoon, resulting in additional impact on road
Safety	Few reported accidents, shale used at northern end reported to damage tyres, attraction of additional traffic may impact on accident rate unless whole section sealed
Network	Little value to road network in area, could result in additional traffic wishing to bypass Exeter and sealed main road
Overall	Road could merit sealing however would offer little in way of improvement to network efficiency. Sealing road will result in additional traffic impact on local road by attracting traffic away from main road (Regional Road MR569). Dust mitigation for nearby residences could be achieved at less cost by resheeting with stabilised roadbase.

Bundanoon end

Consideration	Comment
Traffic count	300 – high percentage through traffic but also large volume of residential traffic between Morgans Lane and Bundanoon, road serves 10 including those along sealed Morgans Lane
Pavement condition	Poor, road was topped with material obtained from widening MR569 to raise sub-grade, prone to potholing and dust and very slippery in wet, inadequate drainage
Alignment	Average alignment, typically flat, 90 degree bend near Blue Gums Road, road width is below desirable for traffic volume
Heavy vehicle usage	Used by tradesmen as a shortcut to north-western areas of Bundanoon, resulting in additional impact on road
Safety	Few reported accidents, however wet weather has resulted in some run-off-road incidents in recent times
Network	Does provide sealed access for 10 properties served by it and Morgans Lane, however could result in additional traffic using Ellsmore Road
Overall	Road warrants sealing. Has definite local benefit despite offering little in way of improvement to overall network efficiency. Sealing road may result in additional traffic impact on local road by attracting traffic away from MR569, however this would be less than sealing the Exeter end.

In cost terms, construction on the Exeter end of the road would be cheaper due to the straighter alignment and greater width of the current road. Also, with the pavement being re-sheeted in 2004, required pavement depth would not be as great. Further, dust reduction could still be achieved with a reduced seal length of approximately 600m without reducing the number of properties to be benefited by having sealed road access.

A 600m section at the Exeter end would cost in the order of \$120,000 to seal. A 600m re-sheet using stabilised roadbase would cost in the order of \$33,000 and deliver many of the benefits of the sealed road at a much reduced price. The material that would be used for the re-sheet is a stabilised recycled product that gives a firm long lasting base and provides a reduction in dust when compared with the traditional quarried gravels which have been used previously.

Construction at the Bundanoon end would naturally be more expensive due to the need to widen the formation, undertake additional drainage work and construct a deeper pavement. Construction of this section is estimated to cost \$250,000, against gravel resheeting cost of \$33,000. It should be noted that gravel resheeting the pavement will not address width, alignment or drainage concerns.

In maintenance terms, expenditure at the Bundanoon end is currently runs higher than the Exeter end due to the lack of pavement and poor drainage. The full length of Ellsmore Road is programmed for grading twice annually, however this is currently insufficient for the Bundanoon end.



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 9 May 2007

REPORT OF DIRECTOR TECHNICAL SERVICES

STATUS OF ROADS TO RECOVERY PROGRAM

Work on the projects for the 2006/07 Financial Year are nearing completion, as per the following table:

Year	Road	Local Description	Status	Estimate	Actual
2005	Meryla Rd, Moss Vale	Construct & seal from end of bitumen to State Forest – completion of Phase 1	Complete	\$65,000	\$70,141
2005	Ellsmore Rd, Exeter	Construct pavement and seal from Reedy Creek to Ringwood Lane	Complete	\$100,000	\$98,666
2006	Wingecarribee St, Bowral	Rehabilitate pavement from Bendooley Street to Lamond Lane	Complete	\$300,000	\$278,760
2006	Old South Rd, Mittagong	Rehabilitate pavement from Range Road to Bong Bong Road – part only	Complete	\$150,000	\$149,882
2006	Quarry Rd, Bundanoon	Construct & seal from Penrose Road for 500m	Complete	\$200,000	\$77,498
2006	Belmore Falls Rd, Robertson	Construct & seal from Pearsons Lane east	Complete	\$264,000	\$135,415
2007	Bendooley St, Bowral	Rehabilitate pavement from Banyette Street to Boolwey Street	Due May 07	\$320,000	#\$200,000
2007	Banyette St, Bowral	Reconstruct pavement, kerb and gutter between Bendooley St and Woolworths entrance, construct school crossing	Due May 07	\$150,000	#\$150,000
# - Project cost yet to be finalised				Total Expenditure	#\$1,160,362

There have been savings achieved on several projects during the 2006/07 year, due to factors including:

- favourable weather conditions for road works;
- more efficient work practices;
- use of alternate materials;
- adoption of more realistic levels of service on new works;
- fewer contingency items, for example public utility adjustments

These savings total to approximately \$395,000, which can be redistributed to other projects on the priority list. At current expenditure, a balance of approximately \$1,610,000 remains in the Roads to Recovery Program. The savings also make it possible to bring forward one of the projects listed for 2008/09 to 2007/08.

OPTIONS FOR ELLSMORE ROAD

The revised program adopted at the 14 February meeting totals \$1,100,000 in “committed” works and \$450,000 in “provisional” works. Given savings achieved to date within the program, Council is potentially in a position to undertake all of the projects currently listed, including both projects on Ellsmore Road. **This is not recommended, however.**

There are currently several unfunded road rehabilitation projects which are of greater importance, chief among these being Cavendish Street, Mittagong. This project has risen in importance with the opening of Highlands Marketplace and with future development proposed in this precinct. The allocation of funding for pavement rehabilitation would contribute more to overall network condition than sealing an additional length of Ellsmore Road.

The recent change in priorities on Ellsmore Road has necessitated the provision of \$33,000 for the gravel resheeting of the 1km Bundanoon section of Ellsmore Road to be included in the 2007/08 IRS program. Pending Council's deliberations on this report, this funding could be redirected to other works should the Bundanoon end of Ellsmore Road be funded.

One option for this funding is to use it for the application of stabilised roadbase at the Exeter end to reduce the dust impact. By applying the full re-sheet allocation of \$33,000 over the 600m length, it would be possible to apply sufficient material to allow the road to be shaped and sealed at a later time, if required.

PROPOSED WORKS PROGRAM

While sealing of both sections of Ellsmore Road would have local benefit, it cannot be justified in terms of Councils overall road network. There exist greater priorities for expenditure of the Roads to Recovery funds for road rehabilitation. **Should Council fail to succeed with the Special Infrastructure Rate Variation, further upgrading of unsealed roads cannot be justified and the Roads to Recovery works program would need to be revisited.**

It is possible to provide benefits to both ends of Ellsmore Road while at the same time achieving a more efficient use of funds and overall outcome for the network. This could be achieved by adopting the following works program:

- 1) Gravel re-sheeting with stabilised roadbase of a 600m section of Ellsmore Road, Exeter, north of Middle Road, at an estimated cost of \$33,000 in the 2007/08 Financial Year, funded from the IRS gravel resheeting program;
- 2) Due to savings and poor surface condition, bring forward construction and sealing of the Bundanoon end of Ellsmore Road, between Morgans Lane and Blue Gums Road to the 2007/08 Financial Year, at an estimated cost of \$250,000;
- 3) Confirm the rehabilitation of Oxley Drive, Mittagong, currently listed as a provisional item, for the 2008/09 Financial Year at an estimated cost of \$200,000; and,
- 4) Install pavement rehabilitation on Cavendish Street, Mittagong, at an estimated cost of \$600,000 (pending availability of funds), during 2008/09 Financial Year.

Due to the scale of funds remaining to be spent in the life of the program, further cost savings may be achieved and these will be the subject of a further report when the quantity of the surplus funds are known.



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 9 May 2007

REPORT OF DIRECTOR TECHNICAL SERVICES

ATTACHMENTS

Assessment of Priorities – Rural Roads and Distributor Roads.

RECOMMENDATION

1. THAT the Work Program for year 3 and 4 of the AusLink Roads to Recovery Program be as follows:-

WORK PROGRAM FOR YEARS 3 AND 4 OF AUSLINK ROADS TO RECOVERY PROGRAM

Year	Road	Description	Length	Estimate
2007	Tugalong Road, Canyonleigh	Construct pavement and seal from end of bitumen for 1km	1000m	\$250,000
2007	Nowra Road, Moss Vale	Rehabilitate from Illawarra Highway to Yarrawa Road	900m	\$250,000
2007	Carrington Falls Road, Robertson	Construct pavement and seal from Jamberoo Road to Shire Boundary	1530m	\$350,000
2008	Ellsmore Road, Bundanoon	Construct pavement and seal from Morgans Lane to Blue Gums Road	1000m	\$250,000
2008	Oxley Drive, Mittagong	Rehabilitate pavement between Bracken Street and Murchison Street	760m	\$200,000
<i>Provisional pending availability of funds</i>				
2008	Cavendish Street, Mittagong	Rehabilitate pavement between Old Bowral Road and Old Hume Highway	1000m	\$600,000

2. THAT Council allocate \$33,000 from the 2007/08 IRS gravel resheeting program to the 600m section north of Middle Road, Exeter.
3. THAT a further report be prepared once the quantity of funds remaining in the Roads to Recovery Program is known.

M J Brearley
Director Technical Services

3 May 2007

ATTACHMENT 1

**ASSESSMENT OF PRIORITY
RURAL ROADS AND DISTRIBUTOR ROADS**

Where the road performs a predominantly transport and economic function.

1. THAT it be Council policy to consider the following factors when assessing priorities amongst competing road improvement projects:-
 - (a) Traffic count statistics
 - (b) Road functional class and travel speed
 - (c) Standard of horizontal and vertical alignment
 - (d) Pavement condition
 - (e) Width of seal/pavement
 - (f) Urban or rural location
 - (g) Road usage by heavy vehicles and buses
 - (h) Traffic accident history.

2. THAT it be Council policy to consider as per (1) above, bitumen surfacing of roads only when the traffic count exceeds 100 vehicles per day in the case of rural roads and 30 vehicles per day in the case of urban roads.

3. THAT it be Council policy to consider as per (1) above, reconstruction or rehabilitation of existing sealed roads only when the traffic count exceeds 300 vehicles per day.

COUNCIL MATTERS

GENERAL MANAGER'S REPORTS

c-GM1 Weekly Circulars

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

REPORT

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

ATTACHMENTS

There are no attachments to this report.

RECOMMENDATION

THAT the information relating to Local Government Weekly Circulars Nos 16/07 and 17/07 and Council Weekly Circulars Nos 16/07 and 17/07 be noted.

Mike Hyde
General Manager

3 May 2007

QUESTION WITH NOTICE

OTHER MATTERS

QUESTION WITH NOTICE

c-QWN1 QWN 02/07 – Political Advertising Legal Costs

REF.	GM	101/2
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To: Director Corporate Services
From: Clr J Mauger
Received: 26 April 2007

Subject: Re the \$38,500 costs incurred as a result of legal proceedings in regard to political advertising controversy in 2004.

Question: Could I have a complete report on the exact amount involved and the date when the amounts to be paid were approved by Council. (Claims of this amount were made by Mr C Johns in both the press and Council Chambers recently.)

Answer: COMMENTS FROM DIRECTOR CORPORATE SERVICES

This question will require further investigation and a report will be presented to a future Council meeting.

COMMITTEE REPORTS

COMMITTEE REPORTS TABLED

c-CR1 Management and Advisory Committee Reports

REF.	DCS	107/1
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Submitting minutes of four (4) Committee meetings that will be tabled for information.

REPORT

1. Welby Hall Management Committee meeting held Thursday 8 February 2007
2. Hampden Park Management Committee meeting held Wednesday 4 April 2007
3. Mittagong Memorial Hall Management Committee meeting held Thursday 5 April 2007
4. Access Committee meeting held Wednesday, 28 March 2007

ATTACHMENTS

There are no attachments to this report.

RECOMMENDATION

THAT the information contained in the four (4) Committee Reports be noted.

COMMITTEE REPORTS

COMMITTEE REPORTS ATTACHED

c-CR2 Community Services Consultative Committee (Refer minutes page 69)

REF SPM 1800/17

Submitting minutes of the Community Services Consultative Committee Meeting held on Tuesday, 3 April 2007

RECOMMENDATION

THAT the recommendations as detailed in minutes of the Community Services Consultative Committee Meeting held on Tuesday, 3 April 2007 be adopted.

c-CR3 Legal Committee (Refer minutes page 77)

REF DEP 107/22

Submitting minutes of the Legal Committee Meeting held on Wednesday, 26 April 2007.

RECOMMENDATION

THAT the recommendations as detailed in the minutes of the Legal Committee Meeting held on Wednesday, 26 April 2007 be adopted.

c-CR4 Works & Planning Committee (Refer minutes page 83)

REF DEP 107/23

Submitting minutes of the Works and Planning Committee Meeting held on Wednesday, 2 May 2007.

RECOMMENDATION

THAT recommendation Nos. WP-EP33/07 to WP-EP39/07 as detailed in the minutes of the Works and Planning Committee Meeting held on Wednesday, 2 May 2007 be adopted.



COMMITTEE REPORTS

c-CR5 Environment Committee (*Refer minutes page 88*)

REF	DEP	107/23
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Submitting minutes of the Environment Committee Meeting held on Wednesday, 18 April 2007.

RECOMMENDATION

THAT recommendation Nos 1 to 3 as detailed in the minutes of the Environment Committee Meeting held on Wednesday, 18 April 2007 be adopted.

**COMMUNITY SERVICES CONSULTATIVE COMMITTEE MEETING
HELD ON TUESDAY, 3 APRIL 2007**

File No. 1800/17

The meeting commenced at 5:30pm

1. ATTENDANCE:

Cr Jim Clark (Chairperson), Cr Jim Mauger, Noel Andrews, Lesley Oatley, Frank Sotheran, Donna Crawford, Bruce Mumford, Jenny Clough and Nikky McAdoo.

ALSO PRESENT:

Jenny Kena (Community & Cultural Development Officer) and Stacy Bramble (Administration Assistant)

APOLOGIES:

Apologies were received and noted from Cr Phil Yeo, Cr Penny George, Jenny MacLennan, Robyn Smith, Margaret Mogg, Michelle Coates, Travis Holland and Margo McClelland

RECOMMENDATION:

THAT apologies be received and noted.

Moved: N McAdoo

Seconded: B Mumford

Carried

2. CONFIRMATION OF MINUTES FROM PREVIOUS MEETING OF TUESDAY 6 FEBRUARY, 2007:

RECOMMENDATION:

THAT the minutes of the meeting held on Tuesday 6 February, 2007 be accepted as a true and accurate record subject to the correct spelling of Frank Sotheran's name in the Attendance List.

Moved: F Sotheran

Seconded: N McAdoo

Carried

3. MATTERS ARISING FROM MEETING HELD ON 6 FEBRUARY, 2007

Jenny Kena provided an update on matters arising from the previous meeting.

- 3.1 Nomination Youth Services Assn Representative.
None forthcoming – no further action recommended.
- 3.2 Community Safety in Shopping Centre Toilets.
Request forwarded to MSP “that Town Centre DCPs ensure toilet facilities are located adjacent to high traffic areas in shopping malls”.
- 3.3 Competitive Funding and Tendering Practices.
Submission will be forwarded when Minister for DoCs announced.
- 3.4 Wingecarribee Family and Community Centre.
Clr Information Session 18 April. Francine Bartlett & Donna attending.
- 3.5 Country Passenger Transport Infrastructure Grants Scheme.
Request for funding allocation referred to Roads and Traffic Branch
- 3.6 Affordable Housing
No discussion between Argyle Housing and Landcom due to election.
Housing Strategy Group 20 March agree to prepare Housing Strategy
- 3.7 Wingecarribee Community Assistance Scheme (CAS).
Applications closed 30 March. CSCC ranking meeting on 1 May.
A total of 74 applications were received.
CDESES opens 12 April and closes 12 May.
- 3.8 Councillors’ Meeting with the State Election Candidates.
Three questions only allowed due to time constraints. Questions posed were based on issues identified by CSCC on 6 February
 - DoCs funding policy and impact on community and voluntary sectors
 - Impact of Seniors Living developments on health & welfare services

It was acknowledged that more time should have been allowed for the meeting with candidates and could have been advertised more widely. It was unfortunate that the meeting co-incided with a Council meeting day.

RECOMMENDATION:

THAT any future meetings of this nature, be held separate from a Council meeting and that more time be allocated.

Moved: Cr J Mauger

Seconded: Cr J Clark

Carried

It was noted that Matt Brown was not in attendance.

COMMITTEE REPORTS

It was suggested that the list of questions raised be referred to the newly elected members.

It was also suggested that at the next Community Services Consultative meeting, social issues be discussed and that a list of issues be referred to the local members before they are invited to a subsequent meeting of the Committee. Both the Seniors Committee and Access Committee are proposing a similar meeting. Representatives of the Seniors and Access Committee could participate.

RECOMMENDATION:

That Council endorse a meeting with the local members including Kiama and Goulburn, to be held with the Community Services Consultative Committee and representatives from the Access, Seniors and Youth Committees; to brief them on local concerns and issues.

Moved: N McAdoo

Seconded: Cr J Mauger

Carried

- 3.9 2007 Aged Care Approvals Round
Response to Minister, Health and Ageing forwarded 16 February.

The Committee requested advice on approvals for Wingecarribee Shire

- 3.10 Parking and traffic movement IGA Supermarket Moss Vale
Access Committee consulted 14 Feb - while traffic flow not ideal accessible parking in good location near ramp and market entrance.
A request has also been referred to Technical Services Branch requesting Traffic Committee advice.

Concern was raised that there may soon be a serious accident as many people did not obey the signs and continued to travel into oncoming vehicles.

It was stressed that with the new developments occurring in the area, an increase in traffic movements and parking was of major concern.

- 3.11 Welcome Kit Project Plan
Unable to progress due to staff shortages. For priority action.
It was advised that a Newcomers Group has been formed to advise new residents to the Shire of local services etc. This group may be able to assist with the Welcome Kit Project.

Bundanoon also provides a Welcome Kit to new residents.

COMMITTEE REPORTS

Other

- Youth Liaison Facilitator
Recruitment finalised. This position is now a full time position.
 - Aboriginal Liaison Officer
Recruitment pending confirmation 30 April - DoCS pick up funding.
-

4. ADVISORY COMMITTEE REPORTS:

4.1 **Seniors Committee**

Due to the absence of Robyn Smith, Frank Sotheran gave an update on the recent Seniors Week Activities.

Frank congratulated the Seniors Committee and staff on the many events organised during the Week. The only event Frank felt could do with some improvement was the Concert. It was suggested that the Seniors Concert could be conducted differently next year with a more modern approach to the selection of music and a more suitable venue.

It was advised that it was unfortunate that staff and the Seniors Committee were not aware of the grand piano locked away on the stage at the Bowral Memorial Hall, and that the bands and choir did not have acceptable equipment to perform with.

4.2 **Access Committee**

Bruce Mumford gave a detailed update on the Access Committee. Bruce explained that the Access Committee had been involved in the process of reviewing commercial and large development plans to provide advice on access issues.

Access issues were discussed with it noted that the accessible parking spaces in the Big W development are scattered and not located in the one location. Not all spaces are located close to the lifts.

The Access Committee are inviting Steve Rosa to attend their next meeting to discuss access concerns at the Visitor Information Centre and Accessible Tourism in general. The Tourism Office was discussed briefly with the way in which "stall holders" are advertised within the Centre.

It was noted that the venue used for pre-polling at Mittagong was not accessible. **It was suggested that the Electoral Commission be advised that any venue used for either State or Local elections should be an accessible building.**

COMMITTEE REPORTS

RECOMMENDATION:

THAT the Community Services Consultative Committee support the Access Committee in its role of viewing development applications and providing guidance and suggestions which may result in the development providing better access.

Moved: B Mumford

Seconded: L Oatley

Carried

4.3 Youth Committee

There was no update given on the Youth Committee.

5. CORRESPONDENCE:

A letter received from the Department of Community Services congratulating the Community Services team was received and noted.

6. GENERAL BUSINESS:

6.1 Moss Vale Community Services Centre Visitor Item - Margaret Mogg (As Margaret Mogg was an apology, Jenny Kena addressed this item.)

Council auspice of application to NSW Dept of State & Regional Development.

Regional Partnership funding now approved for capital facility construction. Project Committee requires a project co-ordinator to oversee construction phase and to establish tenancy and property management agreements.

- Committee made application to IAAS for one off grant to fund this position
- DoCS advice on 2007 IAAS approvals pending NSW Cabinet reshuffle.
- 2007 AAS funds limited to \$300,000 for entire Illawarra region.
- State and Regional development offers an alternative source of funds.

Funding guidelines require Council or Chamber of Commerce auspice, along with 50% funding contribution which the Project Committee can guarantee.

RECOMMENDATION:

THAT Council auspice an application to NSW State and Regional Development for one off funding to employ a Project Co -ordinator to establish the Wingecarribee Community Services Centre on the proviso that the Project Management Committee contributes the 50% of funds required for this purpose.

Moved: N Andrews

Seconded: N McAdoo

Carried

6.2 Medium Term Housing for Women Affected by Domestic Violence

Review of Agreement re: Annual Council donation to Argyle Housing

In 2003, Council resolved to provide \$20,000 annually to Argyle Housing towards transitional housing for women and children escaping domestic violence as referred by the Southern Highlands Pathways Brokerage Service.

With respect to application of these funds, the General Manager was granted delegated authority by Council to enter into a partnership agreement with Argyle Housing. The term of this Agreement was three years as from end June 2003 to end June 2006, at which time Council resolved to review its position when brokerage funding was to be renewed by the Department of Community Services.

Since 2003, Council's donation has been utilised as per the Agreement to maintain two community houses managed by Argyle Housing and providing transitional housing for women referred and supported by Pathways into securing long term accommodation.

Since the transitional housing project commenced in mid 2003, 25 women have been assisted with accommodation. Of these clients, 13 moved back to the family home or to private rental, 1 entered a rehabilitation program and 11 became long term Argyle Housing tenants. For 2005/06, Argyle Housing reports eight clients assisted. Over the year, both properties were vacant a total of 154 days which includes vacancy times for maintenance and for tenants to relocate.

The St Vincent De Paul Society continues to receive funding to operate the Southern Highlands Brokerage Service from the NSW Department of Community Services. Funding is subject to Departmental review anticipated in May and which will involve consultation with all stakeholders.

Argyle Housing advises that in the most unlikely event that DoCs funding ceased, the transitional housing project will continue to operate through referrals from the new YWCA Family Violence Worker and the Police Domestic Liaison Officer.

It is suggested that the Committee requests Council maintain the annual donation by extending the current Partnership Agreement with Argyle Housing and that Council initiate immediate discussions with Argyle Housing and the St Vincent De Paul Society about participation and input to the DoCS review.

RECOMMENDATION:

1. **THAT the Community Services Consultative Committee requests Council maintain the ongoing annual donation of \$20,000 by extending the current Partnership Agreement with Argyle Housing AND THAT Council initiate immediate discussions with Argyle Housing and the St Vincent de Paul Society about participation and input to the DoCS review.**
2. **AND FURTHER THAT the amount be subject to the CPI increase.**

Moved: B Mumford
Seconded: N McAdoo
Carried

6.3 Major public and commercial development – public transport access

Motion referred by Southern Highlands Transport Forum as per extract Forum

Minutes 12 February Item 3.7 Woolworths Development Mittagong as follows:

Transport Forum Motion:

That the Community Services Consultative Committee request Council include assessment of public transport access and of pedestrian mobility, amenity and safety in all major public and commercial development or redevelopment.

Moved: Janice McNamarra
Seconded: Peg Ludwig

This motion stems from positioning of bus stops at the Highland Market Place. Stops are located on either side of the Old Hume Highway some distance from the mall entrance. Access from the entrance to the roadside footpath involves a relatively steep incline. Pedestrians must then cross the highway at traffic lights and traverse south to access the south bound bus stop. This is poor access for elderly people and people with mobility problems when carting shopping, particularly in adverse weather. Bus stops should have been positioned within the complex, adjacent to all weather waiting areas.

COMMITTEE REPORTS

RECOMMENDATION:

1. **THAT the Community Services Consultative Committee request Council to include an assessment of public transport access and pedestrian mobility, amenity and safety in all major public and commercial developments or re-developments.**
2. **THAT the current placement of bus stops at Big W be reviewed.**

Moved: B Mumford
Seconded: F Sotheran
Carried

7. **NEW BUSINESS AND MATTERS FROM COMMITTEE MEMBERS:**

- 7.1 It was acknowledged that local businesses need to be educated on access issues. An example is a newly opened Art Gallery which does not allow entry for wheelchair users nor pram access.
- 7.2 Frank Sotheran advised of a successful gambling meeting he had attended in the Henrietta Rose Room and advised he was attending a subsequent workshop on gambling issues.
- 7.3 Lesley Oatley advised the Committee on "Easy Being Green" and the free home installation service offer for energy saving lights. Argyle Community Housing is replacing all light globes in all properties and wondered if Council was aware of this offer.

The Committee suggested that this offer be referred to Environment and Health Branch and widely promoted.

- 7.4 Nikky McAdoo briefly discussed Youth Week and advised of the Distraction Concert being held at Loseby Park Youth Centre on 21 April. Youth Week events are being held 14 – 21 April.
-

NEXT MEETING:

The next Community Services Consultative Committee meeting will be held on Tuesday 1 May, 2007 upstairs in Council's MERYLA ROOM.

This is a special meeting to rank the Shire Community Assistance Applications.

MEETING CLOSURE:

The meeting was declared closed at 7:50 pm

COMMITTEE REPORTS

**MINUTES OF THE LEGAL COMMITTEE MEETING
HELD ON THURSDAY 26 APRIL 2007**

File No. 107/22

PRESENT:	Clr P Tuddenham (Chairman) Clr J Mauger Clr M Murray (arrived 5.30pm)
IN ATTENDANCE:	Mayor Clr G Lewis (part of meeting) Clr N Campbell-Jones Clr J Clark Mr M Hyde GM Mr S Lee DEP Mr B Bilinsky
APOLOGIES:	Clr P Yeo Clr D Gair

The meeting commenced at 5.00pm.

Note: There are no nominated alternate delegates for this Committee.

DEVELOPMENT CONTROL

1. Boen Boe Piggery (Zammit) 502/8

Timetable of proceedings agreed. For callover 3 December 2007. Notice of Motion re costs order adjourned until callover 14 May 2007.

RECOMMENDATION

THAT the information be received and noted.

**2. 'Hopewood', (Rellgrove/Jamsapi Pty Ltd) Centennial Rd, Bowral 502/40;
PF2586; PN328900**

Property sold by mortgagee, for settlement 13 August. New owners unlikely to conduct prohibited and illegal functions on the property. Council's Solicitor to write to owners.

RECOMMENDATION

1. THAT the information be received and noted.
 2. THAT the 149 Certificate for this property be noted: '*no rights exist to conduct wedding receptions pursuant to an injunction by the Land & Environment Court.*'
-

COMMITTEE REPORTS

3. **Unauthorised tree removal, Greasons Road, Bundanoon** **502/43**
5300/15; PN595600 PN595500

Further submissions to be made to the Court before determining sentencing. For further mention on 22 May 2007.

RECOMMENDATION

THAT the information be received and noted.

4. **Ostron Pty Ltd – 55 self-care units, Church Road, Moss Vale** **502/39,**
PN357600 LUA06/0555

Set down for hearing on 28, 30 and 31 May 2007.

RECOMMENDATION

THAT the information be received and noted.

5. **Third Party appeal – Nappa –**
Wholesale Nursery, Sproules Lane, Glenquarry **502/44**

Matter to be presented to Works & Planning Committee on 2 May, then to Council 9 May.

RECOMMENDATION

THAT the information be received and noted.

6. **'Springwood', Lot 4 DP 239391 Hanging Rock Road, Sutton Forest**
(Joannou) **PN 659600**

Development without consent, spring water extraction and associated bottling plant and sheds. Council's Solicitor will brief Counsel.

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.

7. **AG, LS & G Kay – Quarrying activities** **PN722800; 5302/9**

Appeal against validity of requirement for rehabilitation plan be submitted to Council. Court Orders required property owners to cease all material excavation/quarrying/transport activities at Lot 40 Inverary Road, Sutton Forest. Rangers to continue to check for any evidence of ongoing excavation. For further directions and callover 18 May 2007.

RECOMMENDATION

THAT the information be received and noted.

COMMITTEE REPORTS

8. Ghassibe (Rhodes Haskew) 502/48

LUA07/0146 refused by Council on 11 April after being considered by Works & Planning on 4 April. Injunction to be obtained and matter adjourned until 4 May to expedite appeal.

RECOMMENDATION

THAT the information be received and noted.

9. 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

10. Clynton Halstead, Lot 10 Biggera Street, Braemar PN1592500

Applicant successful in appeal against Council. Applicant has sought costs from Council. Notice of Motion to be filed 3 May.

RECOMMENDATION

THAT the information be received and noted.

11. Stanton, John – Walkway, Lot 110 DP 830658 Gibraltar Road, Mittagong PN 1701396

Council considered a report on 23 August 2006 in regard to an elevated walkway at the above property. It was agreed that the Development Application process provides the best opportunity to determine whether the structure should remain or be removed. (Mr Stanton passed away recently). Property Manager to lodge development application.

RECOMMENDATION

THAT Council invite the applicant to submit a development application within 28 days (from 30 April).

12. J Tobbagi – 54 Lytton Road, Moss Vale PN882300

Appeal against deemed refusal of 4 cluster houses. Matter reported to Works & Planning on 29 November 2006. Callover held 23 April. Applicant to submit amended plans.

RECOMMENDATION

THAT the information be received and noted.



13. Bundanoon Water Extraction (Norlex)

PN1105400

Council at its meeting of 11 April 2007 resolved to refuse the application for Construction Certificate. The applicant has lodged both Class 1 and Class 4 proceedings. Statement of Issues has been provided to Council's Solicitor. For callover mid-May 2007.

RECOMMENDATION

THAT Council defend the matter.

STRATEGIC PLANNING

14. Frevcourt and Others

5701/4.1; D9932.301 S2

Offer of settlement accepted. First payment received from Mrs Rutar of \$67,000. 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.

Second Defendant, Lynton Kettle Constructions Pty Ltd has now filed a Defence. Matter listed for pre-trial Conference in the District Court on Wednesday 30 May 2007.

With regard to Frevcourt, Council's Solicitor proceeding to enter judgement for the outstanding amount, together with interest and costs.

RECOMMENDATION

1. THAT judgement be entered against both Defendants.
 2. THAT it be noted it has never been suggested, nor will there be any agreement to the proposal to extend acceptance of payment over a period of time.
-

CORPORATE SERVICES

SUPPLEMENTARY REPORT

15. Renewal of Lease of Bundanoon Memorial Hall

7203/2

The Good Yarn shop have requested to renew their lease which is due to expire on 1 May 2007.

RECOMMENDATION

1. THAT Council enter into a new lease with The Good Yarn on the same terms and conditions as the current lease AND THAT the new lease run from 1 May 2007 for the period of five (5) years expiring 31 April 2012 at a rental of \$3,897.77, subject to annual five per cent (5%) increases.
2. THAT The Good Yarn maintain a minimum Ten Million Dollar (\$10,000,000.00) Public Liability insurance policy, noting the interest of Council as owner.
3. THAT Council retain 10% of the lease fees paid to cover administration costs and donate the balance to The Bundanoon Community Development Association.
4. THAT a form of lease agreement be executed under the Common Seal of Council.

There being no further business, the meeting closed at 5.55pm.

**MINUTES OF WORKS & PLANNING COMMITTEE MEETING
HELD ON WEDNESDAY, 2 MAY 2007**

File No. 107/23

Present:

Clr Nick Campbell-Jones
Clr Duncan Gair
Clr Phil Yeo
Mr Cliff Roberts (Community Representative)

In attendance:

Clr Jim Clark (Alternate Delegate)
Scott Lee (Director Environment & Planning)

Apologies:

Clr Malcolm Murray
Clr Paul Tuddenham
Clr Larry Whipper
Mr Peter Gill

The meeting commenced at 9.05am

INSPECTIONS HELD MONDAY, 30 APRIL 2007

Present:

Clr Nick Campbell-Jones
Clr Duncan Gair
Clr Malcolm Murray
Clr Phil Yeo
Clr Jim Clark (Alternate Delegate)
Mr Cliff Roberts (Community Representative)
Scott Lee (Director Environment & Planning)

The following sites were inspected:

	Item	File No	Inspections Monday 30 April at 9.00am
1	Proposed plant nursery, Sproules Lane	LUA07/0103	✓
2	Community Title Cluster Housing, Loftus Street	LUA06/0123	✓
3	Garage, 14 Melbourne St, New Berrima	LUA06/1367	✓
4	S96 modification SEPP 5 devt St James Close	LUA03/1952	✓

COMMITTEE REPORTS

ENVIRONMENT & PLANNING DIVISION

WP-EP1 PROPOSED PLANT NURSERY, SPROULES LANE, GLENQUARRY

REF: SW	LUA07/0103
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Reporting on proposed plant nursery at Lot 22 DP 1000527 Sproules Lane, Glenquarry.

Mr Darren Hogan addressed the committee on behalf of the applicant.

Mr Nino Nappa addressed the committee on behalf of the objectors in this matter.

WP 33/07

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

1. **THAT** the Land Use Application be approved in accordance with the draft conditions in Attachment 3 of the report (Draft Conditions of Consent – amended 12 July 2006).
2. **THAT** vehicle movements entering and leaving the site be in a forward motion.

PASSED

WP-EP2 14 COMMUNITY TITLE CLUSTER HOUSES, LOFTUS STREET, BOWRAL

REF: PMM	LUA06/0123
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Reporting on a proposal for a 14 cluster house development at Lot 24 DP 713573 Loftus Street, Bowral.

Mr Pat Lynch addressed the committee on behalf of the objectors.

Mr Jim Allman addressed the committee on behalf of the applicant in this matter.

WP 34/07

RECOMMENDATION moved by Clr T D Gair and seconded by Clr J R Clark:

1. **THAT** this matter be deferred for consideration at the Ordinary Meeting of Council to be held on Wednesday, 23 May 2007 for the following reasons:
 - (a) Access from Meryla Road onto Bowral Road is not supported;
 - (b) Suitable relocation of the bus stop to be confirmed;
 - (c) Drainage easements preferred to dedicated drainage reserve;
 - (d) Capacity of the culverts under the railway line to take excess flooding;
 - (e) Overhead power lines traversing the site to be placed underground;
 - (f) Width of the road reserve to the rear of the site and the proximity of the units to this proposed road bypass;
2. **THAT** this matter be referred to the Traffic Committee meeting to be held on 14 May 2007 for reassessment of the proposed access from Meryla Road.

PASSED

COMMITTEE REPORTS

WP-EP3 PROPOSED MULTIPLE-OCCUPANCY, CANYONLEIGH RD, SUTTON FOREST

REF: GJH	LUA06/1349
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Reporting on revised multi-occupancy development comprising 23 living entitlements at Lot 21 DP 1049146 Canyonleigh Road, Sutton Forest.

The applicant, Christopher Herde was present in the gallery to answer any questions.

Mr Darren Hogan addressed the committee on behalf of the objectors in this matter.

The Director Environment & Planning provided the following suggested reason for refusal: "As a result of the significant increase in density of the proposal, the application fails to satisfy the provisions of LEP 1987 Clause 16(3)(e), (f) and (i)".

WP 35/07

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

THAT the application be refused and that the reasons for refusal be discussed by the Chairman of this Committee and the Director Environment & Planning prior to clarification at the Ordinary Meeting of Council to be held on Wednesday, 9 May 2007.

PASSED

WP-EP4 S82A REVIEW OF 2 LOT SUBDIVISION 'HERONSLY,' MCGRATHS RD, BURRAWANG

REF: DEP	LUA06/1231
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Reporting on a S82A request to review Council's determination to refuse LUA06/1231 – a 2 lot subdivision at Lot 3 DP 711195 'Heronsly', McGraths Road, Burrawang.

The applicant, Ms Sue Russ addressed the committee.

Mr Bruce Mumford addressed the committee on behalf of the objectors in this matter.

WP 36/07

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

THAT Council's refusal of LUA06/1231 for a 2 lot subdivision of Lot 3 DP 711195 'Heronsly' McGraths Road, Burrawang be confirmed.

PASSED

COMMITTEE REPORTS

WP-EP5 DETACHED GARAGE, 14 MELBOURNE STREET, NEW BERRIMA

REF: GJH

LUA06/1367

Reporting further on a development application for the construction of a detached garage at Lot 275 DP 15995, No 4 Melbourne Street, New Berrima.

The applicant Ms Sheree Adams addressed the committee and tabled a petition signed by local residents in support of the application.

Mr John Winslade addressed the committee on behalf of the objectors in this matter.

WP 37/07

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

1. **THAT** the structure must comply with all conditions of Council's relevant DCP.
2. **THAT** the Director, Environment & Planning be authorised to issue an appropriately worded consent which contains 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.'
2. **THAT** the conditions of consent draw the applicant's attention to policies regarding:
 - a) noise in residential areas;
 - b) the regulations regarding home occupations; and
 - c) truck parking/truck servicing in residential areas.
3. **THAT** subject to 1 above, those who made submissions be advised of Council's decision.
4. **THAT** the Manager, Strategic Planning be instructed to undertake a review of outbuilding sizes when the Residential DCP is drafted.

PASSED

COMMITTEE REPORTS

**WP-EP6 S82A REVIEW OF BOUNDARY ADJUSTMENT AT YEOLA ROAD,
ROBERTSON**

REF: DEP	LUA06/0175
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Reporting on S82A Review of previous refusal of proposed boundary adjustment at Lot 1 DP 907821 and Lot 300 DP 751302 Yeola Road, Robertson.

WP 38/07

RECOMMENDATION moved by *Clr J R Clark* and seconded by *Clr P J Yeo*:

THAT Council not support the Section S82A review and confirms the previous refusal on 7 March 2007 of the proposed boundary adjustment.

PASSED

**WP-EP7 S96 MODIFICATION, 5 DEVELOPMENT, 1 ST JAMES CLOSE,
BURRADOO**

REF: PPM	LUA03/1952
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Reporting on S.96 modification for modification to 4 dwelling SEPP 5 development at Lot 11 DP 238802, No 1 St James Close, Burradoo.

WP 39/07

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

THAT condition 12 of the 61 SEPP 5 development conditions of consent approved by Council in October 2004 for 1 St James Close, Burradoo be deleted and a modified consent issued.

PASSED

GENERAL BUSINESS

1. **RESIGNATION OF MR GREG SEARLE**

Clr N N Campbell-Jones asked for it to be noted that a letter of resignation as a Community Representative on the Works & Planning Committee had been received from Mr Greg Searle effective from 2 May 2007.

Clr T D Gair suggested that a letter of thanks and appreciation from the Mayor be forwarded to Mr Searle.

Clr P Yeo suggested that Council does not advertise for another Community Representative until the Council committee structure has been resolved.

The meeting closed at 11.35am.

**MINUTES OF THE ENVIRONMENT COMMITTEE MEETING
HELD ON THE 18 APRIL 2007**

File No: 5465/29.01

PRESENT:

Clr. Larry Whipper (Chair)
Clr. Jim Mauger
Jane Lemann – Community Representative
Pam Cooper – Community Representative
Jan Hainke – Community Representative
Pat Hall – National Parks & Wildlife Service
Tony Paul – Sydney Catchment Authority
Geoff O'Connor – Hawkesbury Nepean Catchment Management Authority (HNCMA)

IN ATTENDANCE:

Andrew DeMontemas – Environment and Health Manager, WSC (part only)
Eddie Anderson – Natural Resources Co-ordinator, WSC
Sharon Makin – Environmental Review Officer, WSC
Kylie Stefaniuk – Administration Officer, WSC

APOLOGIES:

Clr. Jim Clark
Tony Hill – Community Representative
Daniel Anderson - Hawkesbury Nepean Catchment Management Authority (HNCMA)
Lori McWhirter – Dept Primary Industry

Apologies

Were received and noted.

MINUTES OF THE PREVIOUS MEETING HELD ON THE 21 March 2007

Recommendation 1:

That the Minutes of the Environment Committee Meeting held on the 21 March 2007 be accepted as a true and accurate record.

Moved by Pam Cooper Seconded by Jane Lemann

MATTERS ARISING FROM PREVIOUS MINUTES

1. Landscaping Plan Vegetation List Review

Peter Malloy from Development Control attended the meeting, as requested, to discuss Recommendation made by Committee.

THAT all landscaping plan vegetation lists for development works be reviewed by the Natural Resources Section prior to approval.

Mr Malloy explained that Council receives a large number of LUA's each week and that the department assesses the landscaping and vegetation components of the application.

COMMITTEE REPORTS

Discussions and questioning occurred regarding Landscaping Plans, Vegetation and the LUA approval process. Mr Malloy explained the constraints associated with processing applications and processes that Council has in place to assist in dealing with them.

As a result of previous observations with developments within the Shire, the Committee discussed the creation of a booklet for all developers, business owners, landholders, Council Officer's and the general public. The booklet would be a compilation of information currently in other publications and cover what is recommended and not recommended to be planted within this diverse Shire. Plants that are suited for each of the areas and a list of plants that are considered environmental weeds would assist in the creation of any landscaping plans prior to the lodging of the LUA.

Whilst Council has procedures and guidelines for staff to follow the Committee discussed the employment of a Specialist to ensure the endangered ecological communities are protected and environmental weeds not approved in plans. This however, requires further investigation and discussion in future meetings.

Mr Malloy was thanked for his attendance and presentation.

Recommendation 2:

THAT Noxious & environmental weed lists be available to Council Officer's and the general public on the website and in hardcopy to assist in ensuring that the most appropriate plant species are included in landscaping plans submitted to and approved by Council.

Moved: Jane Lemann

Seconded: Pat Hall

2. IRIS Research Proposal for Survey of Attitudes to Environmental Issues

The wording of the outcomes described in the previous minutes relating to the Shire Wide Environmental Survey, in Paragraph 3, were discussed.

This discussion was held over to General Business.

3. Stormwater drains Robinson Street, Mittagong

Temporary sediment controls have been installed. Permanent works will be dependent on funding being obtained.

Sediment and Erosion Control reports are incorporated in monthly activity reports distributed to the Committee.

4. Clearing approval for Lot 2 DP 1100310 Tyree Place Braemar

Discussions occurred regarding the approved land clearing of this property. There was an endangered ecological community located on the parcel of land.

The Committee requested a Planner attend the next meeting to brief the Committee on:

- 1) How do Planner's determine land use applications which include the clearing of Endangered Ecological Communities.
 - 3) How are other Government agencies utilised in the approval process
-

COMMITTEE REPORTS

FEEDBACK FROM COUNCIL MEETING

Budget & amendments presented to Councillor information session

MONTHLY ACTIVITY REPORT

Activity reports for February & March were distributed, tabled and discussions noted

1. Rid Squad & Dumping of Rubbish (NPWS)
 - Broken glass cleaned up and RRC notified of another lot. Investigations continuing.
 - NPWS showed picture of industrial waste dumped near Belmore Falls. Waste is being dumped quicker than clean up, investigations are underway. Is there any assistance Council may offer as manpower from NPWS and Council waste fees are building up. Pat Hall to contact Vince Emmerick to discuss further, any issue report back to Committee.
2. Outdoor Staff Handbook
The committee requested the Draft Outdoor Staff Handbook be tabled at a future meeting of the Committee. Sharon Makin will organise and advise Committee at a future meeting.

MONTHLY EXPENDITURE REPORT

A copy of the Monthly Expenditure Report was circulated to members of the Committee and noted.

GENERAL BUSINESS

Briefing LUA for 5 lot subdivision at Canyonleigh

Shannon Webb briefed the Committee on an LUA for 5 lot subdivision on Tugalong Road, Canyonleigh. 4 x 40hec and 1 x 138hec, current zoning 1A. Aerial photo tabled for committee to view. Waiting for NSW Government referrals to come back. LUA still in the assessment stage.

Mr Webb was thanked for attending the meeting and his presentation.

Shire Wide Environment Survey

Concerns were raised over the Shire wide telephone survey agreed in the minutes of last meeting. The Committee discussed at length the survey, best way to reach wider community and costs associated. The feeling from majority of Committees members was this is the best way to achieve representative results however, cost was of concern.

It was confirmed that the Committee will see the questions prior to the survey commencement.

Planting of Lleyandii

Councillor support behind education program for Nursery's and residents regarding planting and selling of Lleyandii.

COMMITTEE REPORTS

Committee discussed making representation to Minister Matt Brown, Jan Hainke to bring Recommendation back at next meeting.

Green Power Tour

Green Power Tour, launch 2 May 2007. Will run all month, information stall at Village Markets, letter box drops and Mittagong Shopping Centre.

Fair Update

Organising group is on track for Fair 16 May 2007 at Corbett Gardens. 8 schools are booked in from 1000am to 2.00pm.

Name Change – Department Environment Climate Change & Water(DECCW)

The National Parks & Wildlife Service will now be known as DECCW.

Gujarat Proposal

Gujarat proposal to re-open Avondale coal mine. Sharon Makin briefed Committee regarding proposal. Further information from Department of Planning to be provided.

Cosgrove Park

Willows have been removed and now focussing on vegetation rehabilitation. The Landcare group would like to have a re-opening of the restored Cosgrove Park and an interpretive plaque placed for the Council employee the park was named after – Jim Cosgrove.

Recommendation 3:

THAT: The Council support in-principle a ceremony to re-open the restored Cosgrove Park and the placement of an interpretive plaque in honour of Jim Cosgrove.

Moved: Larry Whipper

Seconded: Pat Hall

The meeting concluded at 4.00pm

Next meeting, to be held 30 May 2007 at 9:00am



COMMITTEE REPORTS

Project & location	Work description / progress/ comments	Cost \$	Status
Berrima Stonequarry walk and Wingecarribee Rv.	Follow up maintenance of rehabilitated riparian areas including with Bushcare volunteers removing Ivy. A meeting was held with Scouts NSW to coordinate their involvement with a weed removal project along the Wingecarribee River and private land. An environmental camp for the Scouts is scheduled for later in the year and they will undertake weed removal on the Scout camp property, with some assistance from Council's Bush Regeneration Team. Discussions commenced with the RFS in regards to implementing some pile burns within the Berrima Reserve, along the Wingecarribee River.	2960	ongoing
Mt Gibraltar Reserve	Cutting timber from worksite area.	550	complete
Moss Vale Landcare Group-Cosgrove Park	Worked with volunteers cleaning up and removing rubbish, weeding area, maintaining bags and stakes	500	ongoing
Hammock Hill	Maintenance weeding	100	complete
Mittagong Creek	Brushcut and sprayed new planting site. Spraying blackberry	1900	ongoing
Chinamans Ck	Worked with Bushcare Volunteers to remove weeds and sprayed blackberry and Montbretia	200	ongoing
Gibbergunyah Creek Bushcare Group	Worked with volunteers removing honeysuckle, blackberry, Psuedo Capsicum	750	ongoing
Caalang Ck Robertson	Sprayed Blackberry along creek bank..	300	ongoing
Friends of Indigo Ck. Landcare Group	Assisted Landcare group with potting on seedlings with students from Exeter School.	250	complete
Wingecarribee River	Sprayed Blackberry along Bong Bong Track.	2150	complete
Roadside weed control	Weed control along Tourist Rd, Kirkland Rd, Range Rd, Lees Rd, Morseby Rd, Sproules Lane, Blencowes Lane and Bresnahans Lane.	5400	complete
Erosion and Sediment Control program	There were 60 new inspections and 20 reinspections. A Prevention Notice was issued under section 96 of the Protection of the Environment Operations Act 1997 for poor sediment and erosion controls onsite. Dirt road managed by Council eroding, particularly along the drainage lines, and depositing a significant amount of sediment into Nattai Creek. An onsite inspection was held with Council's Works Engineer to discuss possible solutions to address the issues on site. Temporary sediment controls have been installed. However permanent sediment and erosion controls are dependent on the availability of a Council work crew to undertake the works. Council's Project Engineer has placed this site on the action request list. Responded to complaints regarding tracking of sediment and rock from a construction site onto a busy road.. The site supervisor was requested to organise a street sweeper to remove the sediment from the affected area, and that a more appropriate aggregate be laid. Planning for the Wingecarribee Environment Fair for schools is well underway. Most of the activities have been organised and confirmed. Draft of the Environmental Handbook for Outdoor Council Staff has been completed.	5200	ongoing



ORDINARY MEETING OF COUNCIL
 held in the Council Chamber, Civic Centre, Elizabeth Street,
 Moss Vale on Wednesday, 9 May 2007



COMMITTEE REPORTS

Vegetation Conservation incentive program	Undertook 4 site assessments, for new projects, developed 3 draft project proposals.. One cheque sent to landholders to initiate works on their projects. Liaised with landholders who are having works done on their properties for the Wingecarribee River Health project. Attended a meeting regarding a strategy for willow control along the Wingecarribee river. Working on Expression Of Interest for HNCMA grant for riparian restoration work. Supervision of contractors undertaking weed control works along Ellsmore Rd..	1750	ongoing
Environmental Review and Education Program	Dept of Environment and Conservation workshop "Environmental Action" undertaken on the 20 March 2007 targeting timber and furniture manufacturers. Small but keen number of attendees. Workshop resulted in follow up inspection of one site to review operations for any potential environmental improvements.	5950	ongoing
Regional Litter Investigation Squad (RID squad)	<p>In March investigations initiated into a total of 30 incidents of which 15 are closed and remainder are continuing to be investigated .. Nine (9) involved household waste, 5 involved Construction/Demolition waste, 4 involved household waste, 3 involved vegetation and the rest involved general litter, bottles and commercial waste. The total amount of waste that has been or is currently being investigated for the month of March 2007 is in excess of 140m3. 3 Clean Up Notices were issued for the amount of \$960 and 1 Penalty Infringement Notice was issued for the amount of \$750 for Failing to Comply with a Clean Up Notice. 3 Written Cautions and 2 Verbal Cautions issued in this period.</p> <p>Continuing Investigations into 3 major incidents involving the transporting and illegal dumping on private property of construction/demolition waste. All of these incidents involve a combined investigation between the Greater Southern Region Illegal Dumping Squad and other governmental agencies and will take many months to finalise.</p>	1600	ongoing

CORPORATE SERVICES DIVISION

c-CS1 Closed Council

REF. DCS

107/9

To consider moving into Closed Council

REPORT

1. BACKGROUND

The following confidential reports have been distributed separately:

GM-1 PROPOSED LEASE OF COUNCIL HOUSE, 73 STATION ST, BOWRAL PN227500

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:

.....Cont'd

Cont'd.....

GM-1 PROPOSED LEASE OF COUNCIL HOUSE, 73 STATION ST, BOWRAL PN227500

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

Submitting report on expressions of interest for the lease of a Council owned property 73 Station Street at Bowral.

Public Interest

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

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

4 May 2007