

5 July 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, 11 July 2007** commencing at **3.00 pm**.

Yours faithfully

Barry W Paull
Acting 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
7.15pm	Closed Council

BUSINESS

1. OPENING OF THE MEETING
2. PRAYER – *Reverend Steven North of Moss Vale Presbyterian Church*
3. PUBLIC FORUM
4. APOLOGIES
5. ADOPTION OF MINUTES OF ORDINARY MEETING – *Wednesday, 29 June 2007*
6. BUSINESS ARISING FROM THE MINUTES
7. DECLARATIONS OF INTEREST
8. MAYORAL MINUTE (*if any*)
9. OPEN COUNCIL *chaired by Clr N N Campbell-Jones*
 - Visitor Matters
 - Environment and Planning
 - Corporate Services
 - Technical Services
10. MAYOR TO RESUME CHAIR AT 4.30PM
11. COUNCIL MATTERS
 - General Manager
 - Corporate Services
12. NOTICES OF MOTION
13. DELEGATES REPORTS
14. PETITIONS
15. QUESTIONS FROM THE PUBLIC
16. CORRESPONDENCE FOR ATTENTION
17. QUESTIONS WITH NOTICE
18. COMMITTEE REPORTS (*Tabled*)
19. COMMITTEE REPORTS (*Attached*)
20. GENERAL BUSINESS
21. CLOSED COUNCIL

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ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth St,
Moss Vale on Wednesday, 11 July 2007

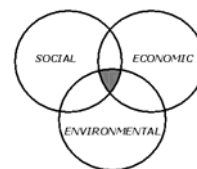


DECLARATIONS OF INTEREST

DECLARATION OF INTEREST

101/3

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



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 20/6/07 and 4/7/07.

RECOMMENDATION

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

**Development Applications (DAs) Determined – 20/06/07 and 04/07/07
(Excluding Small Lot Subdivisions and Domestic Applications)**

1	LUA07/0631	Lot A DP 342460, No 60 Bendooley Street, Bowral	Bed & Breakfast signage
2	LUA07/0190	Lot 1 SP 75970, 1/4 Vera Street, Hill Top	Addition to surgery and carport
3	LUA06/1169	Lot 1 DP206463, Lot 1 DP320987, Lot 39 DP668651 Range Road, Mittagong	Boundary adjustment between 3 lots
4	LUA07/0616	Lot 1 DP 799595 Banksia Street, Bowral	Strata Subdivision
5	LUA07/0510	Lot 1 DP 633623, 79-81 Kirkham Street, Bowral	Re-occupy premises as service station
6	LUA07/0513	Lot 91 DP 746205 Kiama Street, Bowral	2 lot subdivision & internal alterations including disabled toilet Unit 5.



o-EP2 List of Development Applications Received By Council

REF: DCM

5302

Submitting list of development applications which have been received between 18/6/07 and 3/7/07, 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 1-16 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 –18/06/07 to 03/07/07
(Excluding Small Lot Subdivisions and Domestic Applications)**

	Date Lodged	LUA Number	Legal Description	Property Address	Description	Works & Planning	Delegation	Committee Referrals
1	18/06/2007	LUA07/0618	Lot 2 Sec 36 DP 758098 (near corner Oxley Street)	25 ARGYLE STREET, BERRIMA	Additions to Dwelling & Garage		✓	
2	18/06/2007	LUA07/0621	Lot 3 DP 1097539 (opposite corner Boolwey St)	STATION STREET, BOWRAL	2 x Lot Subdivision		✓	
3	19/06/2007	LUA07/0631	Lot A DP 342460	60 BENDOOLEY STREET, BOWRAL	Sign for B&B (co-ordinated colour & style with architectural features)		✓	
4	19/06/2007	LUA07/0632	Lot 2 DP 829931	'PRITTLEWELL' SHEEPWASH ROAD, AVOCA (off Vermont Road)	Mobile Phone Base Station Facility Comprising 35m high Pole & Equipment Shelter	✓		
5	19/06/2007	LUA07/0634	Lot 30 DP 1061441	31 LINKS ROAD, BURRADOO	Addition of a Powder Room to Existing Studio		✓	
6	26/06/2007	LUA07/0653	Lot 3 DP 262034 (near corner Sullivan Road)	133 OSBORNE ROAD, BURRADOO	Alts & Adds to Dwelling Carport Garage & Tennis Pavilion		✓	
7	26/06/2007	LUA07/0659	Part Lot 2 Sec 4 DP 975495 Lot 9 DP 1084538 (between Throsby & Arthur)	33 SPRING STREET (south side), MOSS VALE	4 x Cluster Houses (demolition of existing cottage & outbuildings). Revised proposal of previous application for 3 residential flats – 6 dwellings)		✓	
8	27/06/2007	LUA07/0660	Part Lot 8 DP 270473	OLD HUME HIGHWAY, BRAEMAR (Biggera Street)	6 x new Dwellings		✓	
9	27/06/2007	LUA07/0662	Lot 2 DP 1077400	WILDWOOD HILL, KANGALOOON ROAD, KANGALOOON (horse stud)	Dwelling & Attached Granny Flat & Pool		✓	



**Development Applications (DAs) Received –18/06/07 to 03/07/07
(Excluding Small Lot Subdivisions and Domestic Applications)
(Continued)**

	Date Lodged	LUA Number	Legal Description	Property Address	Description	Works & Planning	Delegation	Committee Referrals
10	28/06/2007	LUA07/0667	Lot 2 DP 21133 (between Bowral & Funston- next to car yard)	73 STATION STREET, BOWRAL	Retail Outlet 4A Organic Products (fruit, veg, meat, plants & garden products)		✓	
11	29/06/2007	LUA07/0674	Lot 2 DP 1015623 Lot 45 & 46 Sec G DP 4380 ... plus 10 more land parcels	Bowral Golf Club, 25-43 KANGALOO ROAD, BOWRAL	Refurbishment of Existing Golf Course Dam to provide additional stormwater detention & storage capacity		✓	
12	29/06/2007	LUA07/0675	Lot 2 DP 549710	THE ABBEY, RANGE ROAD, MITTAGONG	Demolish existing Nursing Home & rebuild - 2 storey (total 148 beds, with chapel, communal living & dining areas)	✓		
13	29/06/2007	LUA07/0677	Lot 1 DP 808623	KILAT, RAILWAY PARADE, BALMORAL	Alterations & Additions to Meditation Hall – creation of amenities and kitchen		✓	
14	29/06/2007	LUA07/0680	Lot 4 DP 839969	4 VICTOR CRESCENT, MOSS VALE	Attached Dual Occupancy & Carport		✓	
15	2/07/2007	LUA07/0682	Lot 5 DP 1095511 (near corner Purcell Street)	3 DERBY STREET, BOWRAL	4 Lot Strata Subdivision		✓	

o-EP3 Land Use Applications Received

REF: DCM

5302

Submitting list of Land Use applications received under delegated authority of the Director of Environment & Planning for the month of June 2007.

RECOMMENDATION

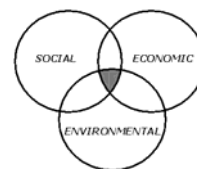
THAT the information regarding the List of Land Use Applications Received by Council for the month of June 2007, be received and noted.

LAND USE APPLICATIONS								
(Includes DA's, Const. Cert., BA's Local Gov. Act, Sandwich Boards, St App)								
Month	Total Applications Received		Cumulative		Dwellings DA's Only		No of Flats/ Units / Dual Occ /ClusterHousing SEPP SL	
	2006	2007	2006	2007	2006	2007	2006	2007
January	99(*33)	105(*20)	99	105	7	12	1(5)	
February	80(*15)	116(*11)	179	221	8	15	3(19)	
March	115(*12)	115(*13)	294	336	16	25	2(10)	
April	76(*9)	96(*8)	370	432	6	15	1(4)	1(4)
May	123(*10)	121(*19)	493	553	13	25	1(2)	2(8)
June	175(*12)	131(*18)	668	684	25	19	2(59)	1(4)
July	128(*15)		796		20			
August	145(*12)		941		24		3(3)	
September	125(*12)		1066		13		1(3)	
October	154(*29)		1220		18			
November	137(*23)		1357		15			
December	112(*6)		1469		17		2(152)	

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

NOTE # Includes Seniors Living (SEPP 5)

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



o-EP4 Public exhibition of Draft Amendments to DCP 54 – Exeter – relating to the Vine Lodge and Exeter Quarry sites

REF: SPM

5700/54

The purpose of this report is to inform Council of the results of the public exhibition of draft amendments to DCP 54 – Exeter – to include the Exeter Quarry site.

REPORT

BACKGROUND

On 28 March 2007 Council resolved to amend DCP 54 – Exeter Village so as to have the controls for erecting a dwelling house in the Exeter Village area apply to the Exeter Quarry Lands. A report containing the proposed amendments was submitted to Council at its meeting on 23 May, 2007 when Council resolved:

1. THAT the recommended amendments to DCP 54 be adopted.
2. THAT the amended DCP be placed on public exhibition in accordance with the requirements of the Environmental Planning and Assessment Act 1979.
3. THAT the owners be notified of Council's decision.'

The amendments were placed on public exhibition from Wednesday 6 June to Tuesday 3 July, 2007 and a notice advertising this was placed in the local newspaper. Submission makers to draft LEP 124 (relating to the Vine Lodge and Exeter Quarry sites) were notified by mail of the exhibition. The draft amendments were available at the Civic Centre and on Council's website.

Three residents visited the Civic Centre to view the draft amendments. No submissions have been received.

At Council's meeting on 23 May there was a question from the floor regarding the need for an aboriginal archaeological survey to be undertaken on both sites. Such a survey would be required at the Development Application stage.

ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

(i) Environmental Factors

The extension of controls to include the former Exeter Quarry will help ensure that future development on that site is of a high standard compatible with the overall objectives of the DCP.

(ii) Social Factors

Not applicable.

(iii) Economic Factors

Not applicable.



CONCLUSION

There appear to be no objections to the draft amendments.

RECOMMENDATION

1. THAT the amended DCP 54, as exhibited, be adopted and implemented in accordance with the provisions of the Environmental Planning and Assessment Act & Regulation.
 2. THAT the owners be notified of Council's decision.
-

o-EP5 Request to Release Restriction on use of Land, Foldgarth Estate

REF: DEP

LUA04/1127

Reporting further on request to Council to release restriction on land, The Foldgarth Estate, Sunninghill Avenue, Burradoo.

REPORT

An information session was held with Councillors on 4 July. As a result of that session, a legal opinion has been sought from Wilshire Webb Solicitors. The letter of request is attached.

In brief the following points set out the background and current situation:

- DA256/97 was approved for a two lot subdivision with Restriction as to user placed on southern portion covering the area potentially affected by flooding;
- LUA04/1127 was subsequently approved for a 18 lot subdivision;
- The linen plan was registered in June 2006 with the original restriction as to user incorrectly affecting the whole of the area of previous Lot 5 rather than just the area potentially affected by flooding;
- Council has been asked to release this restriction for those lots that are situated in an area never previously affected by the restriction because they are not affected by flooding;
- The lots within the new subdivision that are potentially affected by flooding are burdened by a restriction as to user that is part of the new Deposited Plan and s88B instrument.

Councillors were particularly interested in how the issue of flooding had been considered in the assessment of LUA04/1127. Council's Development Engineer has provided the following comments:-

Comments by Council's Development Engineer

Campbell & Anderson Consulting Surveyors provided a flood study during the assessment process for the subdivision. The flood study provided a comprehensive review of flood levels and proposed earthworks including the behaviour of the spillway of the large dam on the property. This flood study was used as the basis of the subdivision design and setting floor levels of lots adjacent to the creek. Flood levels were further refined during the Construction Certificate process.

On Wednesday 4 July, Cllr Mauger provided Council staff with a flood level of 674.0m AHD and questioned why this level was substantially higher than those levels used in the 'Foldgarth' subdivision. A further check of past development applications revealed there is a minimum flood height restriction on Lot 122 DP 832011, 50 Osborne Road on the south side at the larger dam in the subdivision of 674.0m AHD. This minimum floor level was based on



a flood study undertaken for that subdivision in 1991 which calculated a flood level of 673.5m and not 674.m AHD.

The flood level at the same point in the flood study by Campbell & Anderson is 672.9m AHD, a difference of 0.6 metres.

The difference of 0.6 metres does not indicate that the Campbell & Anderson flood study is in error as the Campbell & Anderson flood study was more thorough than the earlier flood study, and it was specifically developed to assess flood levels in the Foldgarth subdivision and used specific details of the dam spillway. The earlier flood study was not undertaken for the Foldgarth subdivision and may have used conservative modelling parameters to compensate for their incomplete survey.

Each lot in the Foldgarth estate adjacent to the watercourse has a minimum floor level building height restriction, based on the latest flooding information from Campbell & Anderson.

ATTACHMENTS

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

1. Previous report to Council of 20 June 2007 and attachments.
2. Previous report to Council of 27 June 2007.
3. Letter from B Bilinsky & Co dated 13 June 2007.

RECOMMENDATION

THAT the Mayor and General Manager be granted authority to execute the Release on Restriction of Use of Lots 12, 13, 14 and 17 DP 1102306 Sunninghill Avenue, Burradoo under the Common Seal of Council



Scott Lee
Director, Environment & Planning

6 July 2007

CORPORATE SERVICES DIVISION

o-CS1	Lease of Berrima Museum, Lot 1 Deposited Plan 854821 Old Hume Highway at Berrima
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REF.	PO	7152, 1688/1, 7120/2
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Reporting on proposal to lease the Berrima Museum, being part of Lot 1 Deposited Plan 854821 Old Hume Highway at Berrima to the Berrima District Historical & Family History Society Incorporated.

REPORT

HISTORY

On Wednesday 13 June 2007 (vide OC 156/07) Council resolved as follows:

1. *THAT Council raises no objection to the proposal to lease for a period of five (5) years Lot 1 Deposited Plan 854821 Old Hume Highway Berrima to the Berrima District Historical and Family Society Inc for the purposes of operating a Museum.*
2. *THAT rental be \$1.00 per annum with the Berrima District Historical and Family Society Inc to pay all outgoings associated with its operation of the museum from the site.*
3. *THAT the proposed lease be advertised in accordance with section 47 of the Local Government Act 1993.*
4. *THAT a further report be placed before Council for the formal determination of this matter once the statutory advertising period has expired.*

Public notice of the proposed lease was advertised in the Southern Highland News on 30 May 2007 and 6 June 2007.

No objections have been received from the general public or at all to the proposal to lease the premises known as the Berrima Museum.

It is noted that Council has expressed a view that it would be appropriate to enter into a 21 year lease, rather than the proposed 5 years. The terms of the proposed lease have therefore been altered to provide a 21 years term, subject to Council's concurrence.

CONCLUSION

As the statutory advertising period has now expired and no objections to the proposed lease have been received, it is recommended that Council proceed with the lease to Berrima District Historical and Family History Society Incorporated.

ATTACHMENTS

A copy of the advertisement from the Southern Highland News on 30 May 2007.

RECOMMENDATION

1. THAT Council enters into an agreement to lease the premises and land known as Berrima Museum, being Lot 1 Deposited Plan 854821 Old Hume Highway Berrima to the Berrima District Historical & Family History Society Incorporated, for a period of twenty one (21) years at a nominal rental of \$1.00 per annum.
 2. THAT the permitted use of the property is noted as being archiving, storage, display and administration of matters relating to the operations of the Berrima District Historical and Family History Society Incorporated or any other purpose that is allowed in the premises by the Plan of Management for Lot 1 Deposited Plan 854821.
-

ATTACHMENT 1

File No: 7152 & 7120/2

Proposed Grant of Lease for the use of land
Lot 1 Deposited Plan 854821
Old Hume Highway at Berrima
Section 46 Local Government Act 1993

Wingecarribee Shire Council under the provisions of Section 46 of the Local Government Act 1993 proposes to enter into a five (5) year lease agreement with the Berrima District Historical and Family History Society Inc for Lot 1 Deposited Plan 854821 Old Hume Highway at Berrima for the operation of a Museum.

Comments and submissions on the proposed lease are requested from the public before the matter is formally adopted by Council. Submissions must be in writing and addressed to the General Manager and received by 4.00pm on 12 June 2007.

Enquiries can be directed to Council's Property Officer Mrs Sharon Hauptberger on 4868 0709.

CENTRE • ELIZABETH STREET • MOSS VALE
PO BOX 4961, Bowral website: www.wsc.nsw.gov.au

o-CS2 Deed of Agreement – Southern Councils Group

REF. A/MAS 205, 205/3, 207

Reporting on request from Kiama Municipal Council to enter a formal Deed of Agreement which will formalise Kiama Council's role as manager of the Southern Council's Group and authorise it to act on behalf of the Group.

REPORT

BACKGROUND

For a number of years the Council's of the South Coast, being Bega Valley, Eurobodalla, Kiama, Shellharbour, Wollongong City Council and Wingecarribee Shire have formed a group know as the Southern Council's Group to represent the collective interest of the Councils.

Since the formation of this Group, Kiama Council has acted as manager. As part of this role, Kiama Municipal Council has provided accommodation for and employed staff to make funding applications, carry out administrative work and other wise act on behalf of the Group.

REPORT

Although the Southern Council's Group has been operating for a number of years it is not a legal entity and as such cannot legally make applications for funding or enter into contracts in its own right.

For this reason Kiama Municipal Council has requested that the other member Councils enter into a formal Deed of Agreement and thereby:

1. Confirm Kiama Council as Manager;
2. Provide a structure for the Group to authorise Kiama Municipal Council to act on its behalf;
3. Set out arrangements for the reimbursement of costs incurred by Kiama Council in acting as Manager; and
4. Indemnify Kiama Municipal Council against any claims against it which might arise from its role as Manager.

With regard to point 4 above, advice has been sought from Council's insurer regarding the implications of this clause on Council's insurance. It has been confirmed by Statewide Mutual that Council will be covered under the arrangements of the Deed.

BUDGET IMPLICATIONS

By entering this Deed of Agreement to appoint Kiama Municipal Council as the Manager for the Southern Council's Group, Council agrees to:

1. Pay or reimburse the Manager for all expenses incurred on behalf of the Group.
2. Pay for the Manager's services a fee as determined by the Committee of the Southern Council's Group.
3. Pay for the time spent by officers of Kiama Council on work associated with the administration of the Group and any Projects on the basis

In the 2007/08 a budget of \$18,000 has been allocated for the Southern Council Group fees and expenditure. It is not expected that this amount would be exceeded and so budget implications are minimal.

CONCLUSION

It is recommended that Council enter into this Deed of Agreement with Kiama Municipal Council to confirm its role as manager for the Southern Councils Group. This would also provide a formalised structure which will allow Kiama Council to act on behalf of the Group.

ATTACHMENTS

There are no attachments to this report.

RECOMMENDATION

1. THAT Council enters into an a Deed of Agreement with Kiama Municipal Council to confirm its role as manager for the Southern Councils Group and provide a formalised structure which will allow Kiama Council to act on behalf of the Group.
 2. THAT this Deed of Agreement be executed under the Common Seal of Council.
-

o-CS3 LGSA Request For Assistance With Legal Costs

REF. DCS

207, 203/4

Reporting on correspondence received from the Local Government and Shires Association of NSW regarding a request on behalf of Bankstown City Council for assistance with legal costs for the sum of \$12,112.27 (free of GST) concerning provisions under Section 733 of the Local Government Act 1993.

REPORT

Correspondence has been received from the Local Government and Shires Association of NSW requesting assistance with Legal Costs for a matter involving Bankstown City Council.

This matter is of significance to all Councils in NSW as it confirms the interpretation of Section 733 of the local Government Act. In essence the facts of the case are as follows:

- Alamdo Holdings are the owners of land within the Bankstown City Council area.
- Alamdo's property was flooded as a result of water overflowing from an unlined storm water channel belonging to the council.
- The Supreme Court granted a prohibitory injunction that required the council not to continue nuisance and to abate the flooding.
- The Supreme Court also granted a mandatory injunction ordering that remediation work commence on the storm water channel.
- The matter was appealed to the Court of Appeal which held that even though the council had acted in good faith, it could not rely on the protection of Section 733 of the Local Government Act 1993, "Exemption from liability-flood liable land and land in coastal zone" as an exemption to liability by Section 733 relates to 'anything done or omitted to be done' and does not literally extend to something 'intended to be done'
- Bankstown City Council sought leave to appeal to the High Court. The High Court asked the council to give an undertaking to agree to bear the costs of the appeal as council were attempting to obtain a proper interpretation of Section 733 of the Local Government Act and therefore set a precedent not only for Bankstown but all councils and that Alamdo should not be liable for such costs.
- Bankstown City Council agreed to this request from the High Court and leave to appeal was granted.
- Bankstown City Council were successful in overturning the decision of the Court of Appeal and protection afforded by Section 733 of the Local Government Act for 'anything done or omitted to be done' has been affirmed by the High Court.

The Local Government Association of NSW is of the opinion that this is a matter of great importance to all councils, as if this matter had been allowed to stand numerous claims could have been made against councils by other land owners in similar circumstances.

Bankstown City Council incurred the sum of \$1,534,242 in pursuing this appeal. Wingecarribee Shire Council's proportion of this amount, calculated in accordance with the formula is \$12,122.27.

BUDGET IMPLICATIONS

Due to the importance of this High Court decision, Council should consider allocating the requested funds from the 2007/08 Contingency Vote. The available funding in the Contingency Vote for 2007/08 is \$25,000.

ATTACHMENTS

There are no attachments to this report.

RECOMMENDATION

1. THAT the request for contributions towards legal costs incurred by Bankstown City Council in the sum of \$12,112.27 be approved.
 2. THAT funding in relation to (1) above be allocated from Council's contingency vote.
-

o-CS4 The Rating Structure for 2007/08 Financial Year

REF: FSM 2210, 2210/5, 2210/6, 2210/8, 2210/9

Submitting a report on the implementation of a rating structure to be applied for the 2007/08 financial year.

REPORT

In accordance with Section 506 of the Local Government Act 1993 the Minister for Local Government has determined that the rate pegging increase for general income received from ordinary rates for the 2007/08 financial year is not to exceed 3.4 per cent. Council also receive approval from the Minister to increase its general income over and above the rate pegging limit by 6.1 per cent. While the total approved increase is 9.5%, it should be noted that due to the finalisation of Council's Infrastructure Repair Levy, the actual increase to rates for the average residential ratepayer will be 4.6%.

For the 2007/08 financial year, the base date of land values used for the calculation of the ordinary rates is 1 July 2007. These are new values following a general revaluation of the Shire by the Valuer Generals Department in 2006/07. Accordingly, there may be some minor fluctuations in rate accounts between localities as a result of these valuation changes.

For the 2007/08 financial year in accordance with Section 498 of the Local Government Act, Council's ordinary rate levy will be calculated on the basis of an Ad valorem rate determined by the amount in the dollar in respect of the relevant rating category and sub category. A minimum rate also applies to each relevant rating category and sub category in accordance with Section 548 of the Local Government Act.

For the 2007/08 financial year, in accordance with Section 499 of the Local Government Act, Council's Wingecarribee Our Future Environment and Infrastructure Maintenance and Renewal Special Rates will be calculated on the basis of a base amount plus an ad valorem rate determined by the amount in the dollar relevant for this rate. The base amount will be subject to a maximum of 50% of the total revenue raised by the levy in accordance with Section 500 of the Local Government Act.

1. RATING STRUCTURE

The rating structure for the 2007-2008 financial year has been maintained for each of the categories to reflect the actual yields received from those categories in the preceding year.

The following is the proposed rating structure for 2007/08 identifying the various rates in the dollar for each category, along with the approved Special Rates.

REPORT OF DIRECTOR CORPORATE SERVICES

Category	Sub-Category	Rate in the \$	Minimum Rate	Estimated Yield
Residential		0.002555	499.30	14,646,815.29
Farmland		0.001459	728.85	2,380,278.57
Business	Ordinary	0.004722	499.30	2,740,253.35
Business	Inactive	0.001710	499.30	68,107.58
Mining	Ordinary	0.009875	499.30	38,300.52
	Coal Rights Only	0.000785	0.00	227.20
Wingecarribee Our Future Environment		0.00004665	Base Amount 16.83	713,534.82
TOTAL				20,587,517.33

ATTACHMENTS

There are no attachments to this report.

RECOMMENDATION

1. THAT Council sets its general rates for 2007/08 in accordance with the 9.56 percentage variation approved by the Minister for Local Government.
2. THAT the Ad Valorems and minimum rates be set for Residential, Farmland, Business and Mining categories to maintain the percentage yield from each of these rating categories at the same level as were levied in 2006/07.
3. THAT Council makes the following rates in the dollar, minimum rates and base rates for the 2007/08 financial year:
 - (i) An ordinary rate zero point zero zero two five five five cents in the dollar, subject to a minimum rate in accordance with Section 548 of the Act, of four hundred and ninety nine dollars thirty cents per assessment on all rateable land categorised as residential in accordance with Section 516 of the Local Government Act, 1993 be now made for the period 1 July, 2007 to 30 June, 2008 and in accordance with Section 543(1) of the said Act, this rate will be Residential.
 - (ii) An ordinary rate zero point zero zero one four five nine cents in the dollar, subject to a minimum rate in accordance with Section 548 of the Act, of seven hundred and twenty eight dollars and eighty five cents per assessment on all rateable land categorised as farmland in accordance with Section 515 of the Local Government Act, 1993 be now made for the period 1 July, 2007 to 30 June, 2008 and in accordance with Section 543(1) of the said Act, this rate will be Farmland.
 - (iii) An ordinary rate zero point zero zero four seven two two cents in the dollar, subject to a minimum rate in accordance with Section 548 of the Act, of four hundred and ninety nine dollars thirty cents per assessment on all rateable land used or zoned for professional, commercial trade or industrial purposed and categorised as business, sub category ordinary in accordance with Section 529(1) of the Local Government Act, 1993 be now made for the period 1 July, 2007 to 30 June, 2008 and in accordance with Section 543(1) of the said Act, this rate will be Business - Ordinary.

- (iv) An ordinary rate zero point zero zero one seven one cents in the dollar, subject to a minimum rate in accordance with Section 548 of the Act, of four hundred and ninety nine dollars thirty cents per assessment on all rateable land categorised as business, sub category inactive in accordance with Section 529(1) of the Local Government Act, 1993 be now made for the period 1 July, 2007 to 30 June, 2008 and in accordance with Section 543(1) of the said Act, this rate will be Business - Inactive.
- (v) An ordinary rate zero point zero zero nine eight seven five cents in the dollar, subject to a minimum rate in accordance with Section 548 of the Act, of four hundred and ninety nine dollars thirty cents per assessment on all rateable land categorised as mining sub category Ordinary in accordance with Section 517 of the Local Government Act, 1993 be now made for the period 1 July, 2007 to 30 June, 2008 and in accordance with Section 543(1) of the said Act, this rate will be Mining Ordinary.
- (vi) An ordinary rate zero point zero zero zero seven eight five cents in the dollar, and not subject to a minimum rate, on all rateable land categorised as mining sub category coal rights only in accordance with Section 517 of the Local Government Act, 1993 be now made for the period 1 July, 2007 to 30 June, 2008 and in accordance with Section 543(1) of the said Act, this rate will be Mining-Coal Rights.
- (vii) A special rate of zero point zero zero zero zero four six six five (0.00004665) cents in the dollar subject to a base rate in accordance with Section 537 of the Act of sixteen dollars and eighty three cents (\$16.83) per assessment on all rateable land for all rating categories in accordance to Section 495 of the Act be now made for the period 1 July 2007 to 30 June 2008, this rate will be Wingecarribee Our Future Environment Levy.
4. THAT Council make and levy an annual charge for domestic waste collection of two hundred and sixty eight dollars.
-

Barry W Paull
Director Corporate Services

6 July 2007

TECHNICAL SERVICES DIVISION

o-TS1 Swimming Centres

REF: PPM

6700, 6700/4

Reporting on the recommendations of the operation of the Shire's Swimming Centres for the 2007-2008 Season.

REPORT

BACKGROUND

The Pools & Leisure Centre Steering Committee was established in July 2004. The Pools & Leisure Centre Steering Committee's Terms of Reference includes:

- To provide any other information or recommendation that the Steering Committee believes are relevant to any decision that the Council may make in relation to a Leisure Centre and the operations of the Council's four (4) swimming pools.

CURRENT SITUATION

The Pools & Leisure Centre Steering Committee met on Monday 28 May 2007. The Committee reviewed the operational aspects of the 2006-2007 swimming season and discussed recommendations for the operation of the Swimming Centres for the 2007-2008 season.

CONCLUSION

Council staff outlined the Swimming Centres expenditure and income against approved budget for the 2006-2007 season. The Committees recommended options for season length and opening hours take into account community feedback from the 2006-2007 swim season.

BUDGET IMPLICATIONS

The 2007-2008 budget has been set and adopted by Council. This budget was adopted based on preliminary operational strategies for 2007-2008 season, noting that there is no provision in the budget for any significant infrastructure failure.

ATTACHMENTS

Minutes of Meeting for Pools and Leisure Centre Steering Committee of 28 May 2007.

RECOMMENDATION

1. Cost of Admission

THAT the following fee structure be adopted for Council's Swimming Centres.

ADULT	\$3.50
CHILD (under 18 years)	\$2.50
CONCESSION (Cardholder)	\$2.50
SPECTATOR (is defined as a guardian or direct relative accompanying or attending a child's activity at the Swimming Centre except Learn to Swim & squad training)	\$1.50
Children under 3	Free
SEASON FAMILY TICKET (unlimited family size)	\$400.00

Pass Outs be available for School Children under 16 years of age during School Holidays

2. Multiple Entry Tickets

THAT the multiple entry cards be as follows:-

20 Tickets	\$2.50	\$50.00 a book
50 Tickets	\$2.00	\$100.00 a book and

THAT tickets are not refundable and not transferable between swimming seasons.

3. After Hours Usage

- THAT prior to commencement of the season all user groups wishing to use the Centres after hours attend an information session so that their needs and Council's conditions can be addressed.
- THAT Council charges the standard admission fees for after hours usage of the pools.
- THAT all user groups confirm their program formally prior to the season.

4. School Activity/Carnival Booking – School Concessions – Adjustment of Entry Cost for Swimming Carnivals and School Swimming Activities

- THAT a flat entry fee for students for carnivals and organised school activities be \$2.00 and \$1.50 for spectators be applied.
- THAT a booking fee of \$60.00 per event which includes staff entry fees be adopted.
- THAT the booking fee be applicable where the school group requests to have exclusive use of the centre.

REPORT OF DIRECTOR TECHNICAL SERVICES

5. Season Length and Duration

- a. THAT the Mittagong Swimming Centre season be 21 weeks commencing on Saturday 13 October 2007 and close on 11 March 2008;
- b. THAT the Moss Vale and Bundanoon Swimming Centre's seasons be 18 weeks commencing on Saturday 10 November 2007 and close on Sunday 16 March 2008;
- c. THAT the Bowral Swimming Centre season be 20 weeks commencing Saturday 3 November 2007 and close on Sunday 23 March 2008;
- d. THAT the Swimming Centres be open each day of the swimming season excluding Christmas Day and Boxing Day;
- e. THAT only Mittagong Swimming Centre be open on Boxing Day.

6. Opening and Closing Time of the Centres

- a. THAT the opening hours for each Swimming Centre be as follows:

Mittagong		Bowral	
Monday	6am – 9pm	Monday	6am - 6pm
Tuesday	9am – 9.30pm	Tuesday	6am – 6pm
Wednesday	6am - 6pm	Wednesday	6am – 6pm
Thursday	9am - 6pm	Thursday	6am – 6pm
Friday	6am - 8pm	Friday	6am – 6pm
Saturday	9am - 6pm	Saturday	9am - 6pm
Sunday & PH	10am -6pm	Sunday & PH	10am- 6pm

Bundanoon		Moss Vale	
Monday	6am - 10am & 2pm - 6pm	Monday	6am - 6pm
Tuesday	10am – 6.00pm	Tuesday	9am - 6pm
Wednesday	6am – 10am & 2pm – 8pm	Wednesday	6am – 6pm
Thursday	10am – 6pm	Thursday	9am – 6pm
Friday	10am – 6pm	Friday	6am – 8pm
Saturday	9am – 6pm	Saturday	9am – 6pm
Sunday & PH	10am – 6pm	Sunday & PH	10am – 6pm

- b. THAT all pools will remain open to 6pm, conditional that at 5pm should patronage be less than 20 people (10 at Bundanoon) and the air temperature is below 17 degrees celsius, the pool supervisors may close the pools at 5pm.

7. THAT on inclement days where temperatures fall below 17 degrees the Mittagong, Moss Vale and Bundanoon Swimming Centres be closed from 9:00am AND THAT signage will be provided to advise that the pools have been closed due to inclement weather and that the Bowral Swimming Centre is open.

 8. THAT staff research options for improving operation of turnstiles across all centres and THAT the committee re-convene prior to the opening of the 2007/08 swimming season to review options.
-

M J Brearley
Director Technical Services

6 July 2007

ATTACHMENT

Ref: 7180/4

POOLS & LEISURE CENTRE STEERING COMMITTEE
Report of meeting held Monday 28 May 2007

COMMENCED: 4.10pm

PRESENT: Clr Nick Campbell-Jones (Chairman)
Clr Phil Yeo
Mr Stephen Dunn
Mr Cliff Roberts
Mr James Allman
Mr Andrew Bell

ALSO PRESENT: Mr Peter Byrne – Civic Services Coordinator
Ms Bernice McDonagh – Parks and Facilities Officer
Mr Peter Bowmer – Parks & Property Manager (Part)

APOLOGIES Clr Penny George
Mr Michael Standen
Ms Nicole Bye

Clr Campbell-Jones opened the meeting at 4.10pm.
Minutes accepted from meeting 5 February 2006 as a true and accurate record.
Moved: Clr Yeo
Seconded: Mr Allman

Clr Campbell-Jones advised that the purpose of this meeting is to review the 2006/07 Pool Season and make recommendations for the 2007/08 Swimming Season.
The Committee reviewed a presentation by Council staff on operational aspects of the swimming centre, including attendance, income and comparative opening hours.
The Committee provided the following recommendations:

RECOMMENDATIONS

1. **Cost of Admission**

THAT the following fee structure be adopted for Council's Swimming Centres.

ADULT	\$3.50
CHILD (under 18 years)	\$2.50
CONCESSION (Cardholder)	\$2.50
SPECTATOR (is defined as a guardian or direct relative accompanying or attending a child's activity at the Swimming Centre except Learn to Swim & squad training)	\$1.50
Children under 3	Free
SEASON FAMILY TICKET (unlimited family size)	\$400.00
Pass Outs be available for School Children under 16 years of age during School Holidays	

2. **Multiple Entry Tickets**

THAT the multiple entry cards be as follows:-

20 Tickets \$2.50 \$50.00 a book
50 Tickets \$2.00 \$100.00 a book and

THAT tickets are not refundable and not transferable between swimming seasons.

3. **After Hours Usage**

d. THAT prior to commencement of the season all user groups wishing to use the Centres after hours attend an information session so that their needs and Council's conditions can be addressed.

e. THAT Council charges the standard admission fees for after hours usage of the pools.

f. THAT all user groups confirm their program formally prior to the season.

4. **School Activity Or Carnival Booking – School Concessions –Adjustment of Entry Cost for Swimming Carnivals and School Swimming Activities**

b. THAT a flat entry fee for students for carnivals and organised school activities be \$2.00 and \$1.50 for spectators be applied.

b. THAT a booking fee of \$60.00 per event which includes staff entry fees be adopted.

c. THAT the booking fee be applicable where the school group requests to have exclusive use of the centre.

5. **Season Length and Duration**

f. THAT the Mittagong Swimming Centre season be 21 weeks commencing on Saturday 13 October 2007 and close on 11 March 2008.

g. THAT the Moss Vale & Bundanoon Swimming Centre's season be 18 weeks commencing on Saturday 10 November 2007 and close on Sunday 16 March 2008.

h. THAT the Bowral Swimming Centre's season be 20 weeks commencing Saturday 3 November 2007 and closing on Sunday 23 March 2008.

i. THAT the Swimming Centres be open each day of the swimming season excluding Christmas Day and Boxing Day.

j. THAT only Mittagong Swimming Centre be open on Boxing Day.

REPORT OF DIRECTOR TECHNICAL SERVICES

6. **Opening and Closing Time of the Centres**

a. THAT the opening hours for each Swimming Centre be as follows:

Mittagong

Monday	6am – 9pm
Tuesday	9am – 9.30pm
Wednesday	6am - 6pm
Thursday	9am - 6pm
Friday	6am - 8pm
Saturday	9am - 6pm
Sunday & PH	10am -6pm

Bowral

Monday	6am - 6pm
Tuesday	6am – 6pm
Wednesday	6am – 6pm
Thursday	6am – 6pm
Friday	6am – 6pm
Saturday	9am - 6pm
Sunday & PH	10am- 6pm

Bundanoon

Monday	6am - 10am 2pm - 6pm
Tuesday	10am- 6pm
Wednesday	6am – 10am 2pm - 8pm
Thursday	10am- 6pm
Friday	10am- 6pm
Saturday	9am- 6pm
Sunday and PH	10am- 6pm

Mossvale

Monday	6am - 6pm
Tuesday	9am - 6pm
Wednesday	6am - 6pm
Thursday	9am - 6pm
Friday	6am - 8pm
Saturday	9am - 6pm
Sunday and PH	10am- 6pm

b. THAT all pools will remain open to 6pm, conditional that at 5pm should patronage be less than 20 people (10 at Bundanoon) and the weather is not conducive to swimming, the pool supervisors may close the pools at 5pm.

7. THAT on inclement days where temperatures fall below 17 degrees the Mittagong, Moss Vale and Bundanoon Swimming Centres be closed from 9:00am AND THAT signage will be provided to advise that the pools have been closed due to inclement weather and that the Bowral Swimming Centre is open.

8. THAT Staff research options for improving operation of turnstiles across all centres and THAT the committee reconvene prior to the opening of the 2007/08 swimming season to review these.

Meeting Closed 5.10pm.

Next meeting: TBA

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 26/07 and 27/07 and Council Weekly Circulars Nos 26/07 and 27/07 be noted.

Barry W Paull
Acting General Manager

5 July 2007

COMMITTEE REPORTS TABLED

c-CR1	Management and Advisory Committee Reports
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REF.	DCS	107/1
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Submitting minutes of eight (8) Committee meetings that will be tabled for information.

REPORT

1. Bong Bong Common Management Committee meeting Tuesday 27 February 2007
2. Bong Bong Common Management Committee meeting Tuesday 24 April 2007
3. Wingecarribee Water & Sewerage Steering Committee Wednesday 30 May 2007
4. Mittagong Community Centre Management Committee Thursday 7 June 2007 – to be circulated to Councillors prior to Council meeting.
5. Wingecarribee Housing Strategy Group meeting Tuesday 12 June 2007
6. Wingecarribee Housing Strategy Group Sheaffe Street Project Subcommittee meeting Tuesday 12 June 2007.
7. Companion Animals Advisory Committee meeting Tuesday 12 June 2007
8. Wingecarribee Heritage Advisory Committee meeting Friday, 11 May 2007.

ATTACHMENTS

There are no attachments to this report.

RECOMMENDATION

THAT the information contained in the eight (8) Committee Reports be noted.



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 11 July 2007

COMMITTEE REPORTS



COMMITTEE REPORTS ATTACHED

c-CR2 Minutes of the LEP Steering Committee (Refer Minutes page 34)

REF.	DEP	5900/1
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Submitting Minutes of the LEP Steering Committee meeting held Wednesday, 20 June 2007.

RECOMMENDATION

THAT the recommendations as detailed in the minutes of the LEP Steering Committee meeting held Wednesday, 20 June 2007 be adopted.

c-CR3 Works & Planning Committee (Refer minutes page 36)

REF	GM	107/23
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Submitting minutes of the Works & Planning Committee meeting held Wednesday, 4 July 2007.

RECOMMENDATION

THAT recommendation Nos WP 46/07 to WP 54/07 as detailed in the minutes of the Works & Planning Committee meeting held Wednesday, 4 July 2007 be adopted.

c-CR4 Environment Committee (Refer minutes page 43)

REF	PPM	107/25, 5465/29.01
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Submitting minutes of the Environment Committee meeting held Wednesday, 20 June 2007.

RECOMMENDATION

THAT recommendation Nos 1 to 3 as detailed in the minutes of the Environment Committee meeting held Wednesday, 20 June 2007 be adopted.



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 11 July 2007

COMMITTEE REPORTS



c-CR5	Community Services Consultative Committee (<i>Refer minutes page 49</i>)
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REF	SPM	1800/17
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Submitting minutes of the Community Services Consultative Committee meeting held Tuesday, 5 June 2007.

RECOMMENDATION

THAT the recommendations as detailed in the minutes of the Community Services Consultative Committee meeting held Tuesday, 5 June 2007 be adopted.

c-CR6	Legal Committee (<i>Refer minutes page 56</i>)
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REF	DEP	107/22
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Submitting minutes of the Legal Committee meeting held Wednesday, 27 June 2007.

RECOMMENDATION

THAT the recommendations as detailed in the minutes of the Legal Committee meeting held Wednesday, 27 June 2007 be adopted.

c-CR7	Moss Vale Master Plan Committee (<i>Refer minutes page 62</i>)
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REF	DEP	1603/28
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Submitting minutes of the Moss Vale Master Plan Committee meeting held Monday, 2 July 2007.

RECOMMENDATION

THAT the recommendations as detailed in the minutes of the Moss Vale Master Plan Committee meeting held Monday, 2 July 2007 be adopted.

**MINUTES OF THE LEP STEERING COMMITTEE MEETING
HELD ON WEDNESDAY 20 JUNE, 2007**

File No. 5900

ATTENDANCE:

Councillors Nick Campbell-Jones, Phil Yeo, Duncan Gair, Jim Clark, Gordon Lewis,
Malcolm Murray, Paul Tuddenham and May King

STAFF:

Scott Lee, Mark Pepping and Susan Stannard

1. RESPONSE FROM DEPARTMENT OF PLANNING REVIEW PANEL
--

RECOMMENDATION:

THAT the following changes be made to the Draft LEP.

- Change Commercial Core zone to Local Centre.
- Change Blue Circle, Limeworks, Joy (north of by-pass) to Heavy Industrial.
- Remove all Investigation Areas, including Industrial.
- Delete Group Homes from Rural zones.
- Delete multi-dwelling housing in R2.
- Amend Clause 19B.
- Include restricted premises in B2, B4 and B5.
- Remove R4 areas and change to R3.
- Include residential flat buildings in R3.
- Rezone Braemar Garden World site to RU2 and "Knox" land to IN1. Seek comment from community regarding Braemar Straight land as possible support base for future rezoning to Industrial.

2. DRAFT DCPs FOR BURRAWANG AND WINGELLO/PENROSE
--

RECOMMENDATION:

THAT this item be placed on the Agenda for Wednesday 18 July, 2007 for a detailed discussion AND THAT comments be submitted to Strategic Planning staff prior to the next LEP Steering Committee meeting.

3. VIEWS AND VISTAS DISCUSSION

RECOMMENDATION:

THAT the work done to date be noted and that additional work will be completed by the next meeting.

4. SUBMISSION AND DISCUSSION ON SENIORS LIVING SEPP
AMENDMENT

RECOMMENDATION:

THAT the submission to the Department include the following points:

1. The age limit of over 55 is no longer relevant and that an age of over 70 would be more appropriate.
2. Demographic details on percentage of over 55s in population and fact that this is such a significant proportion of the population now that it no longer warrants special accommodation.
3. Current provisions are effectively medium density development 'by stealth'.

5. PROGRESS ON PUBLIC NOTIFICATION BROCHURE FOR LEP
EXHIBITION

RECOMMENDATION:

THAT the following occur:

- Include reference to independent chair at public hearing meetings for reclassifications.
- Ensure there is adequate radio and newspaper coverage and public notification, and that all resident associations etc are advised prior to exhibition period.
- Need to emphasise that proposed reclassification involves land sales.
- Need to emphasise that these are proposals, not faits accompli.
- Council staff to prepare details of benefits and funding on each park.
- Ensure that each community is aware of the local benefits, as well as regional benefits, from proposed land sales.

Meeting closed approximately 12 noon.

The next LEP Steering Committee meeting is scheduled to be held
on **Wednesday 18 July, 2007**

**25 July has been set for a bus tour
of proposed and possible urban release areas.**



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 11 July 2007

COMMITTEE REPORTS



MINUTES OF WORKS & PLANNING COMMITTEE MEETING HELD ON WEDNESDAY, 4 JULY 2007

File No. 107/23

Present:

Clr Nick Campbell-Jones
Clr Duncan Gair
Clr Paul Tuddenham
Clr Larry Whipper
Clr Phil Yeo
Mr Peter Gill (Community Representative)
Mr Cliff Roberts (Community Representative)

In attendance:

Clr Penny George
Scott Lee (Director Environment & Planning)
Les Pawlak (Manager Development Control)

Apologies:

Clr May King

The meeting commenced at 9.10am

The Chair, Clr N N Campbell-Jones, introduced the new Manager Development Control, Mr Les Pawlak, and welcomed him to the meeting.

INSPECTION MEETING HELD MONDAY, 25 JUNE 2007

The Works & Planning Committed met at the Civic Centre but did not carry out any inspections.

PRESENT:

Mr Scott Lee (Director Environment & Planning)
Clr Nick Campbell-Jones (Chair)
Clr Phil Yeo
Mr Peter Gill (Community Representative)
Mr Cliff Roberts (Community Representative)

APOLOGIES:

Clr Jim Clark
Clr Duncan Gair
Clr Malcolm Murray
Clr Larry Whipper

ENVIRONMENT & PLANNING DIVISION

WP-EP1 PROPOSED SUBDIVISION OF LOTS 23 & 24 DP 1095888 CANYONLEIGH ROAD, CANYONLEIGH

REF: DCM

LUA07/0138

Reporting on proposed subdivision of Lots 23 & 24 DP 1095888 Canyonleigh Road, Canyonleigh.

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

WP 46/07

RECOMMENDATION moved by Clr P J Yeo and seconded by Clr LAC Whipper:

1. **THAT the application be deferred and the applicant be requested to provide amended plans addressing the issues outlined in this report.**
2. **THAT the results of discussions on this matter between Council staff and the applicant be presented verbally by the Director Environment & Planning at the Ordinary Meeting of Council to be held on Wednesday, 11 July 2007.**

AMENDMENT moved by Mr Peter Gill and seconded by Clr N N Campbell-Jones:

1. THAT the application be approved subject to there being no removal of any vegetation.
2. THAT prior to the next Council meeting staff meet with the applicant to resolve the outstanding issues.

LOST

MOTION PASSED

**WP-EP2 PROPOSED TELECOMMUNICATIONS TOWER: WILDES MEADOW RD,
WILDES MEADOW**

REF:	MC	LUA07/0395
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Reporting on a proposed Telstra Telecommunications Tower at Lot 2 DP 575709 Wildes Meadow Road, Wildes Meadow.

Ms Louise Taylor addressed the committee on behalf of Telstra.

WP 47/07

RECOMMENDATION moved by *Clr T D Gair* and seconded by *Clr P B Tuddenham*:

- 1. THAT Council delegates authority to the Director of Environment & Planning to approve LUA07/0395 in accordance with the plans and conditions forming attachments to this report.***
- 2. THAT Council endorses a policy that requires all applicants for telecommunications towers to provide a cherry picker or similar on site during the public exhibition of any proposal to ensure the community, staff and Councillors are fully aware of the proposed height of any structure.***

PASSED

WP-EP3 PROPOSED BOUNDARY ADJUSTMENT, SOMA AVENUE, BOWRAL

REF:	PMM	lua06/1362
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LUA06/1362 has been received seeking approval for a boundary adjustment between Lots 152 and 153 Soma Avenue, Bowral.

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

WP 48/07

RECOMMENDATION moved by *Clr LAC Whipper* and seconded by *Clr P J Yeo*:

THAT the applicant be invited to submit amended plans showing access to proposed Lot 1 via Soma Avenue only, and that if amended plans are to the satisfaction of the Director, Environment & Planning, the SEPP 1 variation be supported and the application be approved under delegated authority.

PASSED

**WP-EP4 PROPOSED HALL, MUSEUM, LIBRARY, MONASTERY
ACCOMMODATION AND CAR PARK**

REF:	MC	LUA06/1037
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Reporting on a Shire Significant Development proposal for a hall, Museum, Library, Monastery Accommodation and Car Park at Lot 9 DP 241054 Hume Highway, Sutton Forest

Mr Daniel McNamara of DMPS Consultancy addressed the committee on behalf of the applicant.

WP 49/07

RECOMMENDATION moved by Clr P B Tuddenham and seconded by Clr LAC Whipper:

- 1. THAT the matter be referred for final determination to the Ordinary Meeting of Council to be held on Wednesday, 25 July 2007 in order to allow a site visit to be conducted on Monday, 23 July 2007 AND THAT such site visit have particular reference to identifying the exact location of the proposed buildings on the site and their relationship to adjoining properties and identifying the extent of work required within Council's road reserve to improve the site distances from the site driveway along Hanging Rock Road.***
- 2. THAT the report to the Ordinary Meeting of Council on Wednesday, 25 July 2007 contains a Draft Consent setting out all the proposed conditions.***

PASSED

**WP-EP5 ELING FOREST WINERY RESTAURANT ADDITIONS – S96(2)
APPLICATION FOR MODIFICATION TO CONSENT**

REF:	MC	LUA06/0633
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Reporting on a S96(2) Application for modification to an existing approval for additions to a restaurant building listed as an Item of Environmental Heritage; Eling Forest Winery, Lot 2 DP806934 Hume Highway, Sutton Forest.

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

WP 50/07

RECOMMENDATION moved by Mr Peter Gill and seconded by Clr N N Campbell-Jones:

THAT Council delegates authority to the Director of Environment and Planning to issue a S96(2) Approval to the proposed amendments as detailed within the contents of this report.

PASSED

**WP-EP6 PROPOSED BOUNDARY ADJUSTMENT AND SEPP 1 OBJECTION,
HAWKSHILL ROAD, CANYONLEIGH**

REF:	MC	LUA07/0158
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Reporting on a boundary adjustment and SEPP 1 Objection lodged for lot 141 DP 851110 & Lot 15 DP 263676 Hawkshill Road, Canyonleigh

WP 51/07

RECOMMENDATION moved by Mr Peter Gill and seconded by Clr T D Gair:

THAT Council delegates authority to the Director of Environment & Planning to issue a consent consistent with the applicant's original submission as depicted in Attachment 1 to the report.

PASSED

Clr T D Gair left the meeting at 11.15am

WP-EP7 11 CLUSTER HOUSES, LOVELLE STREET, MOSS VALE

REF:	MC	LUA05/1462
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Reporting on a development application for 11 cluster houses at Lot 21 DP 1102698, No 9 Lansdowne Place, Moss Vale.

WP 52/07

RECOMMENDATION moved by Clr P B Tuddenham and seconded by Clr P J Yeo:

- 1. THAT Council delegates authority to the Director of Environment and Planning to issue an approval to LUA05/1462.**
- 2. THAT the Conditions of Consent be referred for consideration to the next Ordinary Meeting of Council to be held on Wednesday, 11 July 2007.**

PASSED

WP-EP8 PROPOSED DWELLING MERYLA ROAD, MERYLA (OFF BIBBY'S LANE)

REF:	SW	LUA07/0506
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Reporting on proposed dwelling at Lot 2 DP 1080318 Meryla Road, Meryla (off Bibby's Lane).

The applicant, Mrs Robyn Dove, addressed the committee on this matter.

WP 53/07

RECOMMENDATION moved by Mr Cliff Roberts and seconded by Clr LAC Whipper:

THAT the application be refused due to excessive visual impact.

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

1. **THAT** the application be approved **AND THAT** it be noted that Council act as the principal certifier for this development.
2. **THAT** Council's ridgeline policy be reviewed and refined at a future date.

PASSED

AMENDMENT BECAME THE MOTION

MOTION PASSED

COMMITTEE REPORTS

CORPORATE SERVICES DIVISION

WP-CS1 RESIGNATION OF COMMUNITY REPRESENTATIVE - MR GREG SEARLE

REF.	MAS	Pers, 107/23
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Reporting on the resignation of Mr Greg Searle from the Works and Planning Committee and seeking nominations for all community positions.

This matter was deferred for consideration from the Works & Planning Committee meeting held on Wednesday, 6 June 2007 (vide WP 45A/07):

1. ***THAT** this matter be deferred for consideration to the next Works & Planning Committee meeting to be held on Wednesday, 4 July 2007.*
2. ***THAT** a letter of thanks and appreciation be forwarded to Mr Searle”.*

WP 54/07

RECOMMENDATION moved by Clr N N Campbell-Jones and seconded by Clr P J Yeo:

THAT this matter be deferred to the next Works & Planning Committee meeting to be held on Wednesday, 1 August 2007.

PASSED

The meeting closed at 11.43am.

**MINUTES OF THE ENVIRONMENT COMMITTEE MEETING
HELD ON THE 20 JUNE 2007 IN THE GIBRALTAR ROOM**

File No: 5465/29.01

PRESENT:

Clr. Jim Clark (Chair)
Jan Hainke – Community Representative
Tony Hill – Community Representative
Daniel Anderson - Hawkesbury Nepean Catchment Management Authority (HNCMA)
Pam Cooper – Community Representative

IN ATTENDANCE:

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

APOLOGIES:

Clr. Larry Whipper
Clr. Jim Mauger
Jane Lemann – Community Representative
Pat Hall – National Parks & Wildlife Service

Apologies

Were received and noted.

MINUTES OF THE PREVIOUS MEETING HELD ON THE 30 MAY 2007

Recommendation 1:

THAT the Minutes of the Environment Committee Meeting held on the 30 May 2007 be accepted as a true and accurate record, subject to amending the locality description for Lot 13 DP 751303 from Sutton Forest to Moss Vale in Recommendation 4.

Moved by Tony Hill

Seconded by Jan Hainke

MATTERS ARISING FROM PREVIOUS MINUTES

Presentation on Greenweb Project in Southern Shire Council

Ian Drinnan, Principal Environmental Scientist from Sutherland Shire Council gave a PowerPoint presentation on the Greenweb program currently being undertaken in the Sutherland Shire.

The presentation gave details of the philosophy this Council has undertaken to maintain its environmental & developmental strategies within the Shire. The overriding goal is to connect currently fragmented areas of remnant bushland which act as core habitat areas into larger, continuous areas of connecting wildlife corridors.

At the conclusion of the presentation discussions occurred and questions asked to Mr Drinnan by the Committee. Mr Drinnan was thanked by the Committee.

IRIS Research Proposal for Survey of Attitudes to Environmental Issues

Andrew DeMontemas introduced Brad Brathwaite from IRIS. Council has approved a Survey to be funded by the Environment Levy, 300 people to be surveyed.

Discussions occurred regarding the Survey, background of the Shire and themes the Committee would like the questions set around.

Andrew led the discussion through the comments he received from Committee members after the last meeting, IRIS will formulate questions for submission to Council.

Cosgrove Park Celebration of Community

The regeneration of Cosgrove Park has reached a significant milestone and a small community celebration is being planned to thank the community for their support on 29 June at 12.30pm. All members of the community who participated in or supported the works are intended to be invited.

Recycling of Light Globes

Sharon Makin has investigated the recycling of fluorescent lights and high density discharge globes. These globes do have a small amount of mercury in each light (4grms per 100 globes). Can collect and recycle, 1 company only in Australia will recycle – specialise in mercury. Standard practice across Australia is to land fill the globes. The cost to recycle is approx \$120 - \$140 per 100 globes.

FEEDBACK FROM COUNCIL MEETING

Nil

NEW PROJECTS

RID Squad Site Clean-up

Seven separate sites containing 10 separate illegal dumps of hazardous type waste, including sites adjacent to Old Hume Hwy and Hanging Rock Road.

The project is initiated to remove a large quantity of hazardous waste product that has been illegally dumped in a number of locations on public land within Wingecarribee Shire. The project deals with barricading sites, product sampling and laboratory analyses and contracting licensed asbestos handlers for the safe removal of all waste to an appropriate authorised waste facility.

Recommendation 2:

THAT: Council approve a budget allocation of \$ 10,500 to undertake site clean up of 10 illegally dumped hazardous waste sites from the environment levy litter reduction budget.

Moved: Tony Hill

Seconded: Jan Hainke

Operation Deterrence – Signage and regular patrols to deter potential dumping

This project is proposed to be initiated to deter potential illegal waste dumping offenders from illegal dumping by installing a further 20 signs in known hot spot areas.

The Committee requested a member of the RID Squad be at the next meeting to answer questions regarding this Project Works. This project proposal to be carried over to a future meeting.

Recommendation 3:

THAT: a member of the RID Squad attend the next meeting to discuss Operation Deterrence with the Committee further.

Moved: Tony Hill

Seconded: Pam Cooper

MONTHLY ACTIVITY REPORT

Activity reports for May were distributed, discussed and noted. Moved Pam Cooper

MONTHLY EXPENDITURE REPORT

A copy of the Monthly Expenditure Report was circulated to members of the Committee, discussed and noted. Moved Jan Hainke

GENERAL BUSINESS

Inquiry into NSW Southern Coalfield – Independent Expert Panel

The State Government is about to open an inquiry into NSW Southern Coalfields. WSC Environment & Planning is proposing a working party to prepare a submission. It was discussed that a representative from the Environment Committee be on the working party. Andrew DeMontemas will advise at further meeting.

Draft Environmental Handbook for Outdoor Council Staff

The draft handbook for outdoor staff was tabled for information to the Committee. The handbook is intended to communicate best practice for staff to assist in raising awareness in environmental management, outline legislation and offer ways to reduce the impact on the environment in day to day Council operations.

Bioregional Mapping and Development Approvals

Discussions occurred regarding developments and the biodiversity of the Shire. There are some large subdivisions currently going through the Planning process at the moment and the cumulative effect of sub-divisions within the area is of concern.

Hawkesbury Nepean Catchment Management Authority, Case Study

Hawkesbury Nepean Catchment Management Authority has appointed a Case Officer to review the ongoing and perceived future stresses on the Upper Nepean catchment areas and will cover a broad range of issues such as groundwater extraction, invasive plants and animals, increased pressures through development and stream management. Currently in draft form and will commence with targeted consultation and an internal workshop. Daniel will be HNCMA representative for area. As Council is a large stakeholder Daniel will keep committee informed.

Next meeting, to be held 18 July 2007 at 2:00pm.

Meeting closed 3.20pm



COMMITTEE REPORTS

Project & location	Work description / progress/ comments	Cost \$	Status
Berrima Stonequarry walk & Wingecarribee Rv.	Sprayed young woody weeds; cut and paint large woody weeds (Pyracantha species; Ulex europaeus; Cotoneaster sp.); sprayed annual weeds; burned previous years greenwaste with Bushcare volunteers	950	ongoing
Chinamans Creek Bushcare	Removed Bambusa sp. (Bamboo), Ligustrum sp. (Large and Small-leaf Privet), Hedera Helix (English Ivy) with volunteers	800	ongoing
Mt Gibraltar Reserve	Assisted Landcare Group with follow-up weed removal. Berberis, Hedera helix (English Ivy), Rubus fruticosus (Blackberry), Solanum psuedocapsicum, Lonicera japonica (Honeysuckle), Ilex aquifolium (Holly), Pinus radiata (Pine).	1100	ongoing
Moss Vale Landcare Group- Cosgrove Park	Worked with volunteers cleaning up and removing rubbish, weeding planted areas, repairing protective bags. Sprayed Cyperus sp., Rumex sp. (Dock), Couch grass, annual weeds.	300	ongoing
Oldbury Rd Bushcare	Removed Berberis species, Cotoneaster sp., Ligustrum sp. (large & small leaf Privet), Asparagus asparagoides (Bridal creeper).	150	ongoing
Penrose Bushcare	Removed and drilled Pinus radiata (Pine trees).	150	ongoing
Hammock Hill	Assisted volunteers spreading mulch. Sprayed annual weeds.	250	ongoing
Bowral Urban Landcare	Worked with volunteers controlling annual weeds, Acer negundo (Maple) and Privet (Large-leaf)	450	ongoing
Yarrawa Bushcare	Sprayed Tradescantia fluminensis (Wandering Jew), Drilled Coprosma repens (Mirror Bush), Ligustrum vulgare. Removed Ilex aquifolium (Holly)	500	ongoing
Mansfield Reserve	Sprayed annual grasses and frost protection to maintain revegetation area	300	ongoing
Wingecarribee River	Weed control on council reserve along riparian area - downstream of Cecil Hoskins	1713	ongoing
Burrawang Bushcare	Removed Ailanthus altissima (Tree of Heaven) with volunteers	150	ongoing
Roadside weed control	Weed control along Kean St, Australia St, Nathan st, Burradoo Rd, Sutton St, Alpine Cl, Jasmine Ave & Wilson Drive	1100	complete
Erosion and Sediment Control program	There were 70 new construction site inspections and 30 reinspections. A Clean Up Notice was issued to a concrete company for allowing concrete residues to wash into the stormwater drainage system. Advice was given to the Director of the company in how to prevent the incident from occurring again. Attended a two day workshop organised by the SCA and the DECC on Law Enforcement for Local Government, which focused on the Protection of the Environment Operations Act 1997. Consultation continuing on the Draft of the Environmental Handbook for Outdoor Council Staff.	5200	ongoing
Wingecarribee Environment Fair - Corbett Gardens	The Fair was held for a local primary school audience. There were a variety of interactive activities which the students could participate in. Activities included: potting up of native plants, educational talks on reptiles and insects, environmental theatre with the focus on climate change and sustainable living. There was good media coverage in the Southern Highlands News prior to and after the event. Teachers, parents and students enjoyed themselves on the day and came away with useful environmental tips that can be implemented in the schools. Council is grateful for the assistance provided by the HNCMA and Lou Flower from the Wingecarribee Landcare and Bushcare Network in the planning and running of this event.	3000	complete



COMMITTEE REPORTS

<p>Vegetation Conservation incentive program</p>	<p>Undertook two site assessments and developed 2 draft project proposals for approval. Advertising of program through the distribution of pamphlets to various retail outlets throughout the shire. Developed concept revegetation plan for Wingecarribee riparian reserve opposite Bong Bong Common. Developed fencing proposal budget for Berrima common. Engaged contractors to undertake works on River health project along Wingecarribee river banks, site visits to inspect works.</p>	<p>1850</p>	<p>ongoing</p>
<p>Environmental Review and Education Program</p>	<p>May was the month of GreenPower. Council partnered with the State Government to undertake an awareness campaign on the opportunities of GreenPower and ways of being energy efficient. Information stalls were held at a number of community markets as well as a static display in the Civic centre to raise community awareness. A survey and competition were also held to gather information on the community's understanding on GreenPower. The competition closes on the 12th June and the survey data is still to be collated.</p> <p>Green Plumbers workshop also held on the 15th May to assist local tradesmen to gather skills and knowledge on the assessment and instalment of solar hot water systems.</p> <p>Funding agreement with the Environment Trust, for the QBL Assessment of Council operations, signed off.</p> <p>Work continues on the incorporation of the environment management system documentation into the Risk Management manual.</p> <p>Assessments of Councils operations as to potential environmental impacts are continuing.</p>	<p>5950</p>	<p>ongoing</p>
<p>Regional Litter Investigation Squad (RID squad)</p>	<p>In May 2007 investigations initiated into a total of 12 incidents of which six have been closed and the remaining 6 continuing to be investigated. Two involved construction and demolition waste, 2 involved green waste, 2 involved household waste, 2 involved landfill/excavated material, 2 involved other, 1 involved asbestos and 1 involved excavated material/soil. A number of projects involving the signposting of 'hotspots' within the shire and blocking off vehicular access to another 'hotspot' are currently being planned for August 2007. One Penalty Infringement Notice was issued to the amount of \$500 for failing to comply with a notice to provide information. During the month of May investigations continued into three major incidents. One involves the transporting of 450 – 500m³ of construction/demolition waste which has been illegally dumped on private property. The second involves the transportation and storage of a large amount of contaminated fill on private property where a residential house is being constructed and the third involves the transportation and storage of a large amount of waste from two demolition sites on private property. These incidents will take many months to fully investigate.</p>	<p>1600</p>	<p>ongoing</p>

COMMITTEE REPORTS

**MINUTES OF THE COMMUNITY SERVICES CONSULTATIVE COMMITTEE MEETING
HELD ON TUESDAY 5 JUNE, 2007 IN COUNCIL'S GIBRALTAR ROOM**

File No. 1800/17

The meeting commenced at 5:40pm

1. **ATTENDANCE:**

Cr Phil Yeo (Chairperson), Nikky McAdoo, Janine Masso, Frank Sotheran, Lesley Oatley, Travis Holland, Donna Crawford and Bruce Mumford.

ALSO PRESENT:

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

APOLOGIES:

Apologies were received and noted from Cr Jim Clark, Cr Jim Mauger, Jenny MacLennan, Noel Andrews, Michelle Coates and Robyn Smith.

Margo McClelland advised that on 16 May, Robyn Smith communicated her need to resign from the Committee due to competing commitments.

Sharon Makin, Council's Environmental Review Officer was also an apology. Sharon was to address the Committee on Council's Sustainability Smart Program and will attend the next Committee meeting to do so.

RECOMMENDATION:

THAT apologies be accepted and noted.

2. **CONFIRMATION OF MINUTES FROM THE SPECIAL MEETING HELD ON
TUESDAY 1 MAY, 2007:**

RECOMMENDATION:

THAT the minutes of the special meeting held on Tuesday 1 May, 2007 be accepted as a true and accurate record.

Moved: F Sotheran

Seconded: D Crawford

Carried

COMMITTEE REPORTS

3. CONFIRMATION OF MINUTES FROM THE MEETING HELD ON TUESDAY 3 APRIL, 2007.

RECOMMENDATION:

THAT the minutes of the meeting held on Tuesday 3 April, 2007 be accepted as a true and accurate record subject to the following amendments.

Page 4 Item 4.2 Paragraph 1 – to read “that the Access Committee had not been involved in the process...”

Page 4 Item 4.2 Paragraph 2 – “Not all spaces are located” – to read “Some accessible spaces should be located”

Page 7 – to read “.. footpath involves a relatively steep not step, incline.”

It was noted that the minutes from the meeting held on Tuesday 3 April, 2007 were accepted at the Special meeting held on Tuesday 1 May, 2007.

Moved: B Mumford

Seconded: F Sotheran

Carried

4. MATTERS ARISING FROM MEETING HELD ON 3 APRIL, 2007

4.1 **Affordable Housing**

Margo advised on housing strategy development and on a NSW Shelter seminar, Housing and Support for People with a Disability. Margo reported on content relevant to the Sheaffe Street housing project.

Lesley Oatley advised that there was nothing definitive as yet on options Landcom may wish to develop with Argyle Housing at Renwick.

Cr Yeo requested a copy of the NSW Centre for Affordable Housing, Local Government Affordable Housing (LGAH) Kit.

Action:

A copy of the LGAH Kit will be circulated to Councillors on the Committee and to Housing Strategy Group members. A copy will also be left in the Councillors’ Room.

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

Margo advised that Strategic Planning has confirmed that Town Centre Development Control Plans (DCP) will require that public toilet facilities are sited adjacent to high traffic areas.

COMMITTEE REPORTS

4.3 Competitive Funding and Tendering Practices.

Margo advised that submission is ready for forwarding to DoCS Minister.

Nikki McAdoo advised that DoCs is no longer intending to invite competitive tenders for grant renewals of existing services. DoCS has also commenced a review of the Community Services Grants Program.

4.4 Wingecarribee Family and Community Centre (FCC).

Margo advised that the Clr Information Session presented by Francine Bartlett and Donna Crawford was very good. The preferred site for the FCC Committee remains Alexander Square. A request to vary the Alexander Square Deed of Trust would need to be referred by the Attorney General to the Supreme Court. It was suggested that alternative sites should be investigated.

Action:

Dona Crawford will seek an invitation for Margo to attend the next meeting of the Wingecarribee FCC Committee to resolve what Committee members wish to request of Council.

4.5 Wingecarribee Community Assistance Scheme (CAS).

Grants presentation confirmed for 1 August in Local Government Week.

Margo advised that 32 applications were received under the 2007 Community Development and Support Expenditure Scheme. The Advisory Committee meets to assess and rank applications at end June.

CDESES grants will be presented by the Clubs in early August.

2007 Illawarra Area Assistance Scheme grant approvals were

Northern District Aboriginal Community Project	Bellambi Neighbourhood Centre	\$59,375
Kids Healthy Relationships Groups	Family Services Illawarra	\$16,084
Neighbourhood Centre Consortia Joint Community Resources Project	Illawarra Forum	\$74,211
Out of the Shadows	Coomaditchie United Aboriginal Corporation	\$59,783
Albion Park Youth Project	Central Illawarra Youth Service	\$62,038
Kids Healthy Relationships Groups	Family Services Illawarra Inc	\$16,084
Shoalhaven Community Partnership Development	Illawarra Forum Inc	\$15,500

DoCs pick up funding is confirmed for the Aboriginal Liaison Officer position and recruitment is being actioned.

COMMITTEE REPORTS

Margo advised that community members were required for the Local AAS Ranking Committee and invited nominations. Margo explained Committee processes and that a Council advertisement will also invite nominations from the community.

RECOMMENDATION:

THAT Bruce Mumford and Donna Crawford be nominated to participate on the Illawarra Area Assistance Scheme Ranking Committee.

Moved: N McAdoo

Seconded: F Sotheran

Carried

4.6 Meeting with Local Members

Margo requested advice as to how and when Committee members wished to meet with local Members. Invitations must be organised through the General Manager with the GM, Mayor and Councillors also invited to attend.

It was agreed that separate meetings should be held with each Member and that a list of social issues should be compiled at the next Committee meeting, for circulating to Members prior to meeting.

Action:

That this item be placed on the next Agenda to identify issues to be raised with members.

That Seniors and Access Committees be asked to identify issues.

That Margo contact MP offices to ascertain suitable meeting dates.

4.7 2007 Aged Care Approvals

Approvals yet to be announced as expressions of interest closed in May.

4.8 Parking and Traffic Movement IGA Supermarket Moss Vale

Margo advised on Council resolution of 11 April 07 at MN142/07, regarding regular parking patrols and a long term parking management plan to improve congestion in the Clarence Street precinct.

4.9 Welcome Kit Project Plan

Margo advised on consultation with the New Comers Group and proposed membership of a steering committee as follows; New Comers Group, Breakfast Club, Highlands Community Centres, Bundanoon Community Development Assn, Robertson CTC, Colo Vale Progress Assn and Hill Top Community Centre.

4.10 Moss Vale Community Services Centre SRD grant application

The Centre Committee contrary to original advice has been informed by the State and Regional Development (SRD) Program Officer that an application for project manager would not be eligible under funding criteria.



4.11 Medium Term Housing for Women Affected by Domestic Violence

Margo advised that Council endorsed Committee recommendations regarding the annual donation for this purpose and application of CPI increases. Budget allocations for 2006/2007 and 2007/2008 identify this expenditure and a meeting with Argyle Housing, Pathways and SVDPS confirms arrangements continue to work well.

Action:

Margo to ascertain that CPI increase is applied to this donation in Council's 2007/2008 budget.

It was suggested that the CPI should be applied to all Council donations.

4.12 Major Public & Commercial Development Public Transport Access

Margo advised that the Director for Environment and Planning suggests the Committee identify types of developments to which assessment of public transport and pedestrian access should be applied. There needs to be criteria on what constitutes major development and on how these issues are to be assessed through content in development applications.

Action:

Margo McClelland will research application through Social Impact Assessment for advice at next Committee meeting.

Technical Services advises that location of bus bays on Old Hume Highway near Highlands Marketplace was dictated by proximity to traffic lights. Location of bus bays is not recommended on approach side of traffic signals due to traffic queuing and conflicts. Woolworths was not interested in on site location due to loss of parking spaces.

4.13 Easy Being Green

Environment and Planning Branch are working with the Enviro Saver Program which also offers free energy audits, replacement of light bulbs and showerheads.

4.14 Youth Liaison Facilitator

Michelle Williams commenced with Council on 14 May 2007

5. CORRESPONDENCE:

Letters of support forwarded on request during May 2007

- Harbison Care submission to 2007 Aged Care Approvals Round
 - SH Christian Women's Fellowship submission to Local Answers
-

6. ADVISORY COMMITTEE REPORTS:

6.1 **Youth Committee**

Travis Holland gave an update on the recent Youth Committee meeting.

A brief update was given on the website being generated.

An update on the Loseby Park Youth Centre Festival was provided by Nikki McAdoo.

The Distraction Festival in Youth Week attracted 600 people and aimed to increase road safety awareness amongst young people focusing on passenger safety and driver distraction. The Festival was coordinated by Jane Williams and Robyn Betland of Loseby Park Youth Centre. This was an outdoor music festival held in Loseby Park from noon to 8.30pm.

The Festival featured 8½ hours of entertainment with eleven diverse bands each performing at least one song they had written on driver distraction or passenger safety. Other activities included a skate competition, information stalls and a VRA display on use of the Jaws of Life. Murals on road safety painted by young people and youth workers were also placed in strategic places around the Festival site.

An Arrive Alive Grant from the Motor Accident Authority of \$9,970 plus \$800 from the Council's Youth Week fund helped to stage the event.

Organisations involved were: Loseby Park Youth Centre, Mad Youth, Wingecarribee Youth Council, Last White Cross, WHAM, COY, Adolescent & Family Counsellor, Traxside, Ambulance, Police, Rescue Squad, Landcare, Youth Radio and young people who were a driving force behind the event.

The need for networking of all local youth organisations was discussed. Margo offered to contact the WYSA Network to seek updates on youth matters and initiatives.

6.2 **Access Committee**

Bruce Mumford gave a verbal update on the Access Committee. Bruce outlined International Day of Disability, review of development applications, accessible tourism and the Tourism Office in Mittagong.

COMMITTEE REPORTS

7. GENERAL BUSINESS:

- A brief update was given on the recent workshop and meetings being held on gambling issues in the Southern Highlands.
- Donna Crawford circulated a brochure on "The Dilly Wanderer". This is a free community information and development service which includes a supported children's playgroup, operating across Wollondilly Shire.
- It was advised that the YWCA Family Violence Worker had been recruited.
- It was also advised that frail and aged persons who walk to bank and shop in Mittagong's town centre are opting to change from banks and services that relocated to Highlands Market Place as walking distances are too great.

NEXT MEETING:

The next Community Services Consultative Committee meeting will be held on Tuesday 7 August, 2007 in Council's Gibraltar Room commencing at 5:30 pm.

FUTURE MEETING DATES:

Tuesday 2 October, 2007 - Meryla Room
Tuesday 4 December, 2007 - Gibraltar Room

MEETING CLOSURE:

The meeting was declared closed at 7:30 pm

COMMITTEE REPORTS

MINUTES OF THE LEGAL COMMITTEE MEETING
HELD ON WEDNESDAY 27 JUNE 2007

File No. 107/22

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

The meeting commenced at 1.00pm.

DEVELOPMENT CONTROL

1. **Boen Boe Piggery (Zammit)** 502/8

Timetable of proceedings agreed. Costs hearing 10 July 2007.

RECOMMENDATION

THAT the information be received and noted.

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

Further submissions to be made to the Court before determining sentencing. For hearing 10 July 2007, but a different date to be confirmed due to Item 1 having the same date.

RECOMMENDATION

THAT the information be received and noted.

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

Awaiting Judgement.

RECOMMENDATION

THAT the information be received and noted.

COMMITTEE REPORTS

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

Development without consent, spring water extraction and associated bottling plant and sheds. Matter to be clarified in further report to be supplied.

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.

5. **Ghassibe (Rhodes Haskew)** **502/48**

LUA07/0146 refused by Council on 11 April after being considered by Works & Planning on 4 April. Adjourned for one day hearing on site 9.30am 12 July 2007. Court appointed noise expert.

RECOMMENDATION

THAT the information be received and noted.

6. **Compliance Issues** **5210/1**

Current active Compliance Register.

RECOMMENDATION

THAT an update of the Compliance Register be presented to the next Legal Committee meeting.

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

Applicant's Motion for costs dismissed 5 June 2007. (Each party to pay their own costs of the notice of motion).

RECOMMENDATION

THAT the information be received and noted.

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

Letter forwarded requesting lodgement of development application. No submission received to date, but Allman Johnston are being requested to prepare proposal. Neighbour has been apprised of current situation.

RECOMMENDATION

THAT the information be received and noted.

COMMITTEE REPORTS

9. J Tobbagi – 54 Lytton Road, Moss Vale

PN882300

Appeal against deemed refusal of 4 cluster houses. Discussions held with applicant regarding amended plans. Listed for hearing on-site at 9.30am 25 July. Essential that Planner be present.

RECOMMENDATION

THAT the information be received and noted.

10. Norlex - Bundanoon Water Extraction

PN1105400; 502/54

Points of claim filed. Listed for Directions 5 July 2007. Hearing re Notice of Motion 6 July.

RECOMMENDATION

THAT the information be received and noted.

11. Martin & Spork (Victoria Street)

502/53

Deemed refusal of commercial development, Victoria Street, Bowral. Council has refused the application, and a date is now to be set for the hearing.

RECOMMENDATION (Moved by Mayor G Lewis/Seconded by Cllr J Tuddenham

THAT the matter of Traffic not be pursued as it is not considered to be an issue.

12. Unauthorised vegetation clearing, 'Wombaroo' Diamond Fields Road, Mittagong (owner A Clarke)

PN1703679

Unauthorised vegetation clearing at Lot 5 DP 774371 Diamond Fields Road, Mittagong. (See Attachment 1 consisting of A - letter from consultant planner submitted around the time of the clearing; B - Location of property; C - Photos of clearing; D - letter from Council).

Land is zoned 5(c) Water Catchment and consent is required under Council's Tree Preservation Order and the Native Vegetation Act 2003.

Vegetation on the property is mapped as being Southern Highlands Shale Woodland and Joadja Tall Open Forest, both Endangered Ecological Community. The actual vegetation type on site has not been confirmed. Estimated area of vegetation removed is approximately 20 acres.

RECOMMENDATION

THAT unless we receive a reply within 14 days, the authorised officer to take appropriate legal action with effect from Saturday 14 July 2007.

COMMITTEE REPORTS

13. Corterre Park, Lot 3 DP 537154 Range Road, Mittagong

LUA07/0389

On 16 May 2007, a development application was received for a stable in the 5(c) zone. This is not a permissible usage within this zoning. On inspection of the site, a road and extensive earthworks for a horse exercise yard was found

RECOMMENDATION

THAT upon a written response being received from the owner, and a response being received from the Sydney Catchment Authority, a further report be submitted to the Legal Committee for consideration.

14. Disposal of Excavated Material, Heritage Park construction site, Bowral

PN989000

Council staff have been made aware by the RID Squad of various breaches of the approved Waste Management Plan for the above development application. The approved plan indicated excavated material (11,000m³) was to be transported by Contractor to Jacks Gully landfill.

RECOMMENDATION

1. **THAT** Council take no legal action or serve penalty notices at this point in time, pending further investigations and possible actions by the RID Squad.
 2. **THAT** if a retrospective amended Waste Management Plan is received, Council take no action in processing the Plan until the RID Squad have finalised any actions they undertake in the matter.
 3. **THAT** a response to Mr P Purnell's correspondence be made by Council's Resource Recovery Manager.
-

15. WSC ats Hans

502/55

Refusal of spring water extraction. Council now required to file Contentions as soon as possible.

RECOMMENDATION

THAT this matter be brought forward to Urgent Business at tonight's Closed Committee of Council.

STRATEGIC PLANNING

16. Frevcourt and Others 5701/4.1; D9932.301 S2

Council's Solicitor advised documents prepared to wind-up.

RECOMMENDATION

THAT the information be received and noted

CORPORATE SERVICES

17. Lease of public road, School Lane, Exeter RD2316; 5457/16

Reporting on the status of the lease offered in respect of the unformed section of School Lane Exeter, which has now been rejected by Mr and Mrs Durnford and subsequently rejected in its current format by Mr and Mrs Jefferson.

RECOMMENDATION

1. **THAT** the subject section of road be offered for lease to Ms S Wallace of "Netherby" School Lane, Exeter, with public access being available to the creek and the boundary to be fenced by the lessee.
 2. **THAT** should the said Ms Wallace not accept the offer of a lease, including the abovementioned conditions within 28 days of the offer, then the offer of lease be made to the general public via Expressions of Interest.
 3. **THAT** Council allows a gate to be placed across a section of road and padlocked with a Council lock, and that Council distribute keys to the lock as deemed appropriate **AND THAT** a stile or other entrance be also placed at the entry of the road to allow foot access by the public.
-

COMMITTEE REPORTS

**18. ACQUISITION OF SURPLUS RRA LAND BEING LOT 31 DEPOSITED PLAN 83268
AT DRAPERS ROAD, MITTAGONG PN 452101**

The Roads and Traffic Authority ("RTA") have made an offer to sell land known as Lot 31 Deposited Plan 831268 at Drapers Road, Mittagong to Council.

The RTA has advised that it is prepared to sell land known as Lot 31 Deposited Plan 831268 ("the subject land") at Drapers Road, Mittagong to Council. The subject land is surplus to RTA requirements and is now available for disposal.

RECOMMENDATION

1. THAT the Roads and Traffic Authority be advised in writing that a valuation should be arranged.
 2. THAT the matter be referred back to the Closed Committee of Council when a sale price is known.
-

GENERAL BUSINESS

Council's Water & Sewer Manager will provide a report to the next Legal Committee meeting regarding Water & Sewer servicing plans.

There being no further business, the meeting finished at 2.20pm.

MINUTES OF THE MOSS VALE MASTER PLAN COMMITTEE MEETING
Held on Monday 2 July 2007 in the Nattai Room

PRESENT: Clr Duncan Gair (Chairman)
Bob Conyers (Community rep)
Kathy Barnsley (Community rep)
Bob Murray (Chamber of Commerce)
Denis Cribbin (Rotary)
David Luckie (Community rep)
Steve Newton (Community rep)
Scott Lee (Director, E&P)
Frank Perger (Traffic Engineer) - left at 4.40pm

APOLOGY: Graeme Smith (Community rep)

The Meeting commenced at 4.05pm.

- MINUTES OF THE PREVIOUS MEETING HELD 14 May 2007

RECOMMENDATION (Moved Denis Cribbin, Seconded Steve Newton)

THAT the Minutes of the Moss Vale Master Plan Meeting held on 14 May 2007 be noted as a true and accurate record.

BUSINESS ARISING FROM THE MINUTES

Lights in the Moss Vale Arcade

David Luckie asked that congratulations be conveyed to those responsible for putting up the new lights in the arcade.

Carparking Clarence Street

Frank Perger addressed the Committee with a view to exploring options regarding car parking in Moss Vale. Location of carparks discussed:

Carpark No 1 – corner carpark, Kirkham and Elizabeth Streets;
Carpark No 2 – IGA carpark (Tuckerbag)

Suggestions put forward included:-

- Selling carpark No 1, then re-developing (multi-decking) the Donkin Avenue carpark area;
 - Buying the Police Station site;
 - Swapping the Police Station and residence, and giving the Police a site in the middle of Moss Vale, perhaps in two stages.
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COMMITTEE REPORTS

- Selling Carpark 1 and using the money to buy the Police Station and residence, linking this with the current carpark on the other side of the Police Station;
- Revamping the Clarence Street carpark using the \$27,000 contribution from the development north of Tuckerbag (by Bill Shipton) for design and survey, and perhaps reverting to a two way system instead of the present (to confirm with Dominic and others);
- Timing of Carpark 2 (Tuckerbag) and policing to gauge turnover. Moss Vale Chamber of Commerce to give concurrence to this.

Frank Perger to chase up letter going to the Chamber before their next meeting in three week's time. #

Council's Design Section (Dominic Lucas) should first come up with a parking and traffic arrangement that is an improvement, present it to the Masterplan Committee and then approach the owners.

COMMITTEE DECISION

1. THAT a draft concept plan be prepared for the Clarence Street precinct (funded by the sec 96 contribution from the development north of Tuckerbag) that includes the carparking areas on each side of Clarence Street as a cohesive whole.
 2. THAT as part of the long term carparking strategy for Moss Vale, Council formally approach NSW Police to determine if they are interested in selling (all or part) or exchanging land for use as a car park.
 3. THAT Council investigate the possibility of selling Carpark No 1 and/or further developing/extending the Donkin Avenue carpark.
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Note: The parking recommendations for Moss Vale from the Traffic Committee and Council were mailed to the Moss Vale Chamber of Commerce on 3 July 2007.

Diamond Jubilee Park

Completion date will now be early 2008, with commencement after Council approval at its meeting of 25 July

Substation, Argyle Street

Email reply from Cornelis Duba at Integral attached to Minutes. Bob Murray offered to contact Keiran Poole who is acting in Cornelis' position while he is on leave regarding refurbishment of the substation.

Moss Vale Town Centre

Scott Lee outlined setbacks with the draft LEP after discussions with the Department of Planning panel last week and their apparent need for the 'perfect' planning instrument. If we are successful we will receive a Certificate in the next couple of weeks. Need new DCP to go with the LEP, so DCP gazettal date is crucial.

Discussion regarding where overall development in the Shire is heading, ie commercial development going to Mittagong, but with Bowral still being the main centre. Scott Lee explained how factors and timing influence latent opportunities in every part of the Shire.



GENERAL BUSINESS

Future of Council Committees

Committee members brought up the matter of the future of the Moss Vale Master Plan Committee, and were advised that some Committees may come under the umbrella of other major Committees. However, staff back-up may not be available. Committee felt that members were giving their time free of charge, and have been extremely effective and valuable as volunteers. Scott Lee said Council was very conscious of voluntary contributions and goodwill and did not wish to dissipate these.

Chairman asked that this question be addressed in writing by the representatives of the Moss Vale Master Plan Committee and forwarded to him prior to 1 August 2007.

Tidy Towns

Kathy Barnsley mentioned that the Moss Vale Chamber of Commerce has entered Moss Vale in the Tidy Towns competition, with assessment taking place the first week in September. A 'Clean-up Moss Vale' day is planned towards the end of August, with invitation letters being sent to Service groups, schools, etc., with perhaps a BBQ to finish. As this project is being undertaken at short notice this year, next year something more specific could be undertaken, ie Heritage.

NEXT MEETING

The next meeting will be held in the Nattai Room at 4.00pm on Monday 20 August 2007.

There being no further business, the meeting closed at 5.30pm



ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 11 July 2007

CLOSED COUNCIL

