

File No. 100/07
Our Ref: RAP

18 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, 25 July 2007** commencing at **3.00 pm**.

Yours faithfully

Mike Hyde
General Manager

3.00pm	Council meeting Open Council (Mayor vacates Chair) Nominated Councillor to Chair Open Committee
4.30pm	Mayor resumes Chair
5.30pm	Questions from the Public
7.15pm	Closed Council

BUSINESS

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

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ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth St,
Moss Vale on Wednesday, 25 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.

DECLARATIONS OF INTEREST

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 4/7/07 and 18/7/07.

RECOMMENDATION

THAT the information relating to Development Consent Nos 1-11 under Delegated Authority be received and noted.

**Development Applications (DAs) Determined – 04/07/07 and 18/07/07
(Excluding Small Lot Subdivisions and Domestic Applications)**

1	LUA07/0244	Lot 1 DP 715213, 19 Draper Road, Colo Vale	Warehouse and office building
2	LUA07/0423	Lot 10 DP 790969 'Heritage Park' Moss Vale Road, Bowral	Community Title subdivision and Strata Subdivision
3	LUA06/0537	Lot 2 DP 552281 Colo / Hill Top Road, Hill Top	5 lot rural residential subdivision
4	LUA07/0584	Lots 16 & 17 Sec 4 DP 2660 37-39 Dale St, Burrawang (Region St end)	Demolition of existing cottage and carport
5	LUA07/0425	Lots 15 & 16 DP 1002962 Tugalong Road, Canyonleigh	Boundary adjustment
6	LUA06/0994	Lot 11 DP 858859 & Lots 22 & 23 DP 1023493 Joadja Road, Joadja (Deferred Commencement)	11 lot subdivision (Joadja Whisky Co Pty Ltd)
7	LUA07/0682	Lot 5 DP 1095511 Derby St, Bowral (near corner Purcell Street)	4 lot strata subdivision
8	LUA07/0696	Lot 712 DP 1023900, No 51 Robinia Drive, Bowral	7 lot strata subdivision
9	LUA07/0600	Lots 1 & 2 DP 795381 – Primary School, School Lane, Exeter	Netball / all purpose court
10	LUA07/0420	Lot 1 DP 1009972 Old Hume Hwy, Mittagong (near corner Frankland Street)	Indoor play centre & recreational facility
11	LUA0153	Lot 5 DP 250743, Lot 700 DP 1106891 'Spring Grove' Illawarra Highway, Sutton Forest	Boundary adjustment



o-EP2 List of Development Applications Received By Council

REF: DCM 5302

Submitting list of development applications which have been received between 3/7/07 and 16/7/07, 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 1-8 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 –03/07/07 to 16/07/07
(Excluding Small Lot Subdivisions and Domestic Applications)**

	Date Lodged	LUA Number	Legal Description	Property Address	Description	Works & Planning	Delegation	Committee
1	3/07/2007	LUA07/0695	Lot 2 DP 751289 Lot 21 DP 532017 Lots 1&2 DP 877253	'VIRGINIA PARK', OLD ARGYLE ROAD, EXETER (near Sally's Corner Road)	3 x Lot Subdivision		✓	
2	4/07/2007	LUA07/0700	Lot 1 DP 1009972	OLD HUME HIGHWAY, MITTAGONG (near corner Frankland Street)	Towing Holding Yard For Storage Of Damaged Vehicles		✓	
3	4/07/2007	LUA07/0702	Lots 1&2 DP 150769 Lot 8 Sec 2 DP 111234 ... plus 2 more land parcels	CORBETT GARDENS, 21 MERRIGANG STREET, BOWRAL	Erection of steel security fence		✓	
4	6/07/2007	LUA07/0706	Lot 1 DP 435373 Lost 5A & Part Lot 2 DP 16192 Lot 1 DP 126196	CENTENNIAL ROAD, BOWRAL	A Day on the Green Outdoor Concert Event at Centennial Vineyards Sunday 9th Dec 2007 & Saturday 9th Feb 2008		✓	
5	11/07/2007	LUA07/0723	Lot 205 DP 617682 (near corner Wirreanda Road)	5 ELIZABETH STREET, BURRADOO	Change of Use from Residence to Montessori Educational Facility	✓		
6	12/07/2007	LUA07/0740	Lot 7 DP 1042716 (near corner East Street)	25 NORTH STREET, MOSS VALE	3 lot subdivision		✓	
7	13/07/2007	LUA07/0741	Lot 1 DP 601372	'CARBERRY PARK', TUGALONG RD, CANYONLEIGH	Classrooms for Youth Of The Streets replacing existing demountables & to be built in two Stages	✓		
8	13/07/2007	LUA07/0745	Lot 102 JDP 826302	'Yallabeena' Canyonleigh Road, Canyonleigh	Extraction of water for stock & domestic purposes & for transport to other YOTS properties	✓		

o-EP3 Pauline Fathers – Shire Significant proposal

REF: DCM

LUA06/1037

Reporting on a Shire Significant Development proposal for a hall, museum, library, Monastery accommodation and carpark for the Pauline Fathers and Brothers at “Penrose Park”, Lot 9 DP 241054, Hume Highway, Sutton Forest.

REPORT

This matter was considered by the Works and Town Planning Committee at its meeting on 4 July 2007, and the Committee recommended:

1. *THAT the matter be referred.....*
2. *THAT the report to the Ordinary Meeting of Council on Wednesday, 25 July 2007 contain a Draft Consent setting out all the proposed conditions.’*

A site visit was undertaken on Wednesday, 18 July and this was attended by:

Councillors Nick Campbell-Jones, Jim Clark, Malcolm Murray,
Paul Tuddenham and Phil Yeo;
Father Marek and David Harvey; and
Scott Lee (DEP),
Les Pawlak (MDC) and
Michael Carpenter (TP).

The aim of the site visit was to familiarise Councillors with the development occurring at “Penrose Park” but in particular the relationship between the current proposal and the adjoining property as Council had received a submission expressing the adjoining property owners’ concerns about the potential impacts upon their amenity.

The main building, which will contain the hall, museum and library, and the formal carpark are most likely to impact upon the neighbour and therefore the locations of these were established on site.

In respect of the carpark, it was suggested that a landscaped mound should be constructed between the carpark and the property boundary, and it should be designed to minimise the potential impacts of motor vehicle noise and headlights on the dwellings on the adjacent property.

With regard to the main building, the 2 courtyards on the eastern side are both open, and therefore have the greatest potential to impact upon the neighbour.

The enclosure of the courtyards is therefore considered to be appropriate and any wall/barrier as well as any access/gate would need to be designed by an Acoustic Engineer to minimise the escape of noise from the building and courtyards.

The height of the wall should be sufficient to minimise any intrusion on the neighbouring property from the lights in the building when night time events are held.

Lastly, as the length of any enclosure will be almost 29 metres for each courtyard it should be designed to present an attractive elevation, via the use of appropriate materials, articulation and landscaping, when viewed from the neighbouring property.

CONCLUSION

Having regard to the above, it is considered appropriate that the applicant provide Council with details of the carpark mound and courtyard enclosures prior to the issue of development consent.

It is noted that the effluent management area will be immediately to the east of the courtyards and that this area will be off-limits to any use by the general public.

Therefore, the applicant will be encouraged to examine the use of the carpark mounding and the courtyard enclosures as a means of preventing unauthorised access to the effluent management areas.

All other matters relevant to this proposal have been addressed in the previous report, a copy of which is included as **Attachment 1**.

Attachment 2 sets out the draft conditions of consent.

ATTACHMENTS

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

- 1: Report presented to the Works and Town Planning Committee on 4 July 2007; and
- 2: Draft conditions of development consent.

RECOMMENDATION

THAT Council delegates authority to the Director of Environment & Planning to determine the development application, with any development consent to be generally in accordance with the draft conditions in Attachment 1 to this report, with the addition of any conditions as necessary for the carpark mounds and courtyard enclosures.

o-EP4 Proposed Release of Restriction as to User, Greasons Rd, Bundanoon

REF: DEP

LUA07/0302

Reporting on proposed single storey dwelling that requires the release of a restriction on the use of the land regarding ridge height, at Lot 21 DP 1038709 Greasons Road, Bundanoon.

REPORT

Lot 21 DP 1038709 is subject to an 88B restriction requiring the ridge height to be no greater than RL 656.0 AHD. Council is benefited by the restriction.

The restriction was placed on the title at subdivision stage and also applied to the adjoining Lot 22 DP 1038709. Council has previously approved a dwelling on Lot 22 and the restriction for this lot was released by Council in 2003. There has also been subdivision of land behind (Bamburgh Place) which will result in a number of dwellings exceeding this ridge height (there are no restrictions placed on this subdivision).

A single storey dwelling has been approved at Lot 21 DP 1038709 Greasons Road, Bundanoon, following the approval process involving notification to adjoining neighbours and assessment of DCP 53 by the town planner. The dwelling will have a ridge height exceeding the restriction height, therefore the restriction is required to be released.

To enable release of the restriction Council must release the land from terms of restriction as to user under its Common Seal.

ATTACHMENTS

There are no attachments to this report.

RECOMMENDATION

1. THAT the Mayor and General Manager be granted authority to execute release of the land from terms of Restriction as to User under the Common Seal of Council.
2. THAT all costs relating to this matter be paid by the applicant.

o-EP5 Car Parking - Bowral

REF. SPM 5701/1.1

This report considers a revised estimated construction cost for the Merrigang Street Multi-deck car park and a subsequent increase in the per space monetary contribution rate for car parking spaces within Bowral Town Centre.

REPORT

BACKGROUND

Council received an estimated construction cost of providing a 404 space multi-deck facility on the Merrigang Street site in 2004 from a Quantity Surveyor. The cost at that time was \$8,775,500. A simple contribution rate was derived by dividing the total cost by the total number of spaces which equated to \$21,722 per space. CPI increases have been applied to the rate over time and it currently stands at \$22,500 per space.

Council staff engaged the same Quantity Surveying firm to update the construction in June 2007. The revised cost is \$9,592,270, or \$23,743 per space (\$9,592,270/404).

What the original calculations failed to account for was the existing spaces already provided, being currently 70 off street spaces. The construction of the multi-deck will therefore provide an additional (404-70) 334 spaces, or \$28,719 per additional space provided.

Council can introduce a contribution rate for additional spaces or for a per lot contribution rate.

FINANCIAL IMPLICATIONS

The current approach of collecting contributions for each space provided would mean that Council would have to provide funding for the replacement of the existing 70 spaces, being \$1,660,300.

The suggested approach is to apply a rate that applies to the additional spaces being provided (\$28,719) which accounts for Council's existing value placed in the land and the existing 70 spaces. The cost of updating the construction cost figures was less than \$1,000. It is intended to undertake this exercise annually to ensure the contribution rate is realistic.

RECOMMENDATION

1. THAT Council endorses \$28,719 as the required monetary contribution in lieu of physical provision of parking spaces in Bowral.
2. THAT an annual update of the estimated cost of a 404 space multi-deck facility on the Merrigang Street site be undertaken by a Quantity Surveyor to ensure contribution rates remain relative to the cost of construction.

o-EP6 Proposed Subdivision, Canyonleigh Road, Canyonleigh

REF: DCM

LUA07/0138

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

REPORT

This matter was considered by the Works and Town Planning Committee at its meeting on 4 July 2007, and the Committee recommended:

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 and Planning at the Ordinary Meeting of Council to be held on Wednesday, 11 July 2007.'*

In the Illawarra Regional Environmental Plan No. 1:

- Most of the subject land is identified as being "Prime Crop and Pasture Land", with the exception being a corridor adjacent to Long Swamp Creek and the south western corner; and
- All of the subject land is identified as being "Wildlife Corridor".

The map in Attachment 4 shows how the subject land is affected by these classifications.

The objectives of these 2 classifications can quite obviously be in conflict – the former aims to ensure that land is available for agricultural production, and this implies having large cleared areas available for this purpose, while the latter aims to ensure the retention of vegetation and the rehabilitation of cleared areas to maintain or create wildlife corridors.

These competing interests will inevitably necessitate a compromise.

A comparison between IREP plans and the subdivision plans (which include an aerial photo) shows that the cleared areas on the land generally coincide with "Prime Crop and Pasture Land". Therefore, it would seem appropriate that any subdivision should maximise the potential for this existing cleared land to be used for agricultural purposes whilst maintaining, as much as possible, the integrity of the existing vegetation and in particular the corridor along Long Swamp Creek.

With these in mind, a number of suggestions were made to the landowner, Mr Warwick Wainberg, and his consultant surveyor, Mr Bob Anderson, at a meeting with the Director Environment and Planning and Manager Development Control on 6 July 2007.

These were:

- Adjust the western boundary of Lot 1/eastern boundary of Lot 4 to include all of the existing vegetation in that location in Lot 4 so as to eliminate the need for a fence through this part of the corridor;
- Adjust the south eastern boundaries of Lot 3 to include all of the existing vegetation in that location in Lot 3.

While this vegetation is not part of the corridor, the revision would enable it to be retained as a whole by eliminating the potential for a boundary fence;

- In relation to the lots backing onto Long Swamp Creek, locate the property boundaries along drainage depressions rather than along ridgelines so as to discourage fencing in such places but, if fencing was to be erected its visual impact would be minimised.

It is noted that conditions of consent would include the need for restrictions on title to prevent boundary fencing within the corridor but the suggested revision would take into account a landowner disregarding the restriction.

Mr Wainberg indicated that he would consider the suggestions and arrange for an amended plan to be submitted to Council the following week. He also advised that an appeal to the Land and Environment Court had been lodged for "Deemed Refusal", and that a callover was set down for Monday, 16 July, 2007.

However, he agreed to instruct his Solicitor to seek an adjournment to give Council the opportunity to determine the application at its meeting on 25 July, 2007.

The outcome of this meeting was conveyed to Council in a brief verbal presentation by the DEP to the meeting on 11 July, 2007.

All other matters relevant to this proposal have been addressed in the previous report, a copy of which is included as Attachment 1.

Attachment 2 sets out the draft conditions of consent.

BUDGET IMPLICATIONS

Nil

CONCLUSION

A revised plan of subdivision has been received by Council and changes have been made in line with the suggestions of Council officers.

It is therefore considered that the outstanding issues have now been satisfactorily addressed.

ATTACHMENTS

There are four attachments to this report:

- 1: Report presented to the Works and Town Planning Committee on 4 July 2007;
- 2: Draft conditions of development consent;
- 3 Revised plan of subdivision indicating areas where changes have been made; and
- 4 Map indicating "Prime Crop and Pasture Land" and "Wildlife Corridors" in Illawarra Regional Environmental Plan No. 1

RECOMMENDATION

THAT Council delegates authority to the Director of Environment & Planning to determine the development application, with any development consent to be generally in accordance with the draft conditions in Attachment 2.



Scott Lee
Director, Environment & Planning

19 July 2007

CORPORATE SERVICES DIVISION

o- CS1 Submission of Motions to Local Government and Shires Association Annual Conference 2007.

REF: MAS

203/4.1

Reporting on Motions for the Local Government Shires Association Annual Conference 2007.

REPORT

Last year Council submitted a number of late Motions to the Local Government Association Annual Conference and it is now opportune for Council to consider further motions to the 2007 Conference.

Council at its meeting held on Wednesday 28 March 2007 (M/N108/07) considered Mayoral Minute in relation to the Lapsing of Development Consents and also the issue of tightening the term 'commencement' within the terms of the Environmental Planning and Assessment Act and resolved as follows:

1. *THAT subject to concurrence with legal advice, Wingecarribee Shire Council reduces the period of a valid consent from the current time of five (5) years to two (2) years, with provision for the applicant to ask for a further extension of twelve (12) months if they can show good cause for considering such an extension*
2. *THAT Council lobbies both the Minister for Planning and the Local Government & Shires Association to have the provisions tightened to ensure that 'commencement' within the terms of the Environmental Planning and Assessment Act is much more reasonable in reflecting community expectations."*
3. *THAT Council frames a motion on the issue of 'commencement' for submission to the NSW Local Government Association Conference in October if the actions in two (2) above prove to be unsuccessful."*

Council at its meeting held on Wednesday 28 March 2007 (M/N 114/07) considered advice regarding advertising on vehicles and resolved as follows:

1. *"THAT Council endorses providing Ranges with the delegations to issue the appropriate Orders under the EPA Act to address the problem of unauthorized advertising on vehicles parked on roadways.*
2. *THAT the practice of issuing Order 5 under S.121B of the Environmental Planning and Assessment Act be supported.*
3. *THAT the Environment and Health Manager seeks further legal advice and liaises with other Councils to gain clarity on this matter.*
4. *THAT this matter be the subject of a further report to Council with a view to Council formulating a resolution for the Local Government Association Annual conference".*

REPORT OF DIRECTOR CORPORATE SERVICES

In respect of the above and following discussion with the Director of Environment and Planning it is suggested that a motion be submitted to the 2007 Annual Conference.

CONCLUSION

Councillors are further invited to bring forward any other motions for consideration for the 2007 Local Government and Shires Association Annual Conference.

ATTACHMENTS

There are no attachments to this report.

RECOMMENDATION

THAT Council submits the following motions for consideration and debate at the annual Local Government and Shires Association 2007 Conference:

- (a) THAT the Local Government and Shires Association be requested to make representation to the Minister of Planning the Hon Frank Ernest Sartor, MP to have the provisions tightened to ensure that 'commencement' of approved Development Applications within the terms of the Environment Planning and Assessment Act become more reasonable in reflecting community expectations."
 - (b) THAT the Local Government & Shires Association be requested to make representation to the Minister for Planning the Hon. Frank Ernest Sartor, MP requesting that the Environmental Planning and Assessment Act be amended to address the problem of unauthorised advertising on vehicles parked on roadways.
-

Barry W Paull
Director Corporate Services

18 July 2007

TECHNICAL SERVICES DIVISION

o-TS1 Future Use of Berrima Reserve (Berrima Camping Ground)

REF.	PPM	6526/15
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For Council to determine direction for Berrima Reserve.

REPORT

HISTORY

Berrima Reserve is Crown land which has been placed in Council's control by the Department of Lands. Wingecarribee Shire Council is the Trustee for Berrima Reserve on behalf of Crown lands for the Community.

Berrima Reserve is currently classified as a Resting Area. This definition applies for traveling stock routes. It was gazetted in 1934.

CURRENT STATUS

As a result of resident concerns, several meetings have been held and correspondence exchanged. Council sought clarification from the Department of Lands, which advised under the current classification Wingecarribee Shire Council should not be using Berrima Reserve for any recreational activity. A copy of the advice from the Department of Lands is attached.

Council has advised the Department of Lands that it is addressing the issues raised.

CONCLUSION

If Council wishes to use the Berrima Reserve for recreational activities re-classification needs to be sought from the Department of Lands. Department of Lands will then carry out the re-classification at no cost to Council and advise of the outcome. Re-classification will allow for the following activities subject to a Plan of Management, in accordance with the Local Government Act.

- Passive Recreation
- BBQ Area
- Amenities
- Playground
- Licensed Camping

REPORT OF DIRECTOR TECHNICAL SERVICES

At the completion of the re-classification process, Council will need to develop a Plan of Management and take into consideration the following:

- Community input
- Impact on Tourism
- Resources required - compliance
- infrastructure

The timing of the Plan of Management will be advised following advice from the Department of Lands on the request for re-classification.

ATTACHMENTS

Letter from Department of Lands – 21 May 2007.


RECOMMENDATION

1. THAT Council seeks re-classification from Department of Lands for Berrima Reserve to allow for passive recreational activities including licensed camping, subject to the preparation of a Plan of Management by Council;
 2. THAT Council prepares a Plan of Management for Berrima Reserve upon notification of re-classification;
 3. THAT Council advises those residents who have concerns, of the process and Council's decisions.
-

M J Brearley
Director Technical Services

20 July 2007

ATTACHMENT 1

WINGECARRIBEE SHIRE COUNCIL		 Department of Lands
Classification:	MAIL IN	
Doc. No.	6526/1	
File No.	6526/1	
22 MAY 2007		
OFFICER	ACTION	
P. B. ...	✓	

Mr Mike Hyde
General Manager
Wingecarribee Shire Council
P.O. Box 141,
MOSS VALE NSW 2577

gm
UNDER GM'S SIGNATURE

Land Administration & Management
Property & Spatial Information
Website: www.lands.nsw.gov.au

Our Ref: Berrima Camping area
Contact Officer: John Flarrey
Telephone: (02) 4824-3714
email: john.flarrey@lands.nsw.gov.au

21st May 2007

Dear Mr Hyde,

RE: RESERVE 64856 for RESTING PLACE AT BERRIMA.

I refer to the meeting held at Council on 21st May 2007 to discuss current usage of the above reserve.

Council should be advised that Reserves for Resting Place are usually associated overnight or short stays by teamsters and drivers moving travelling stock.

The matter of camping including overnight stays on Crown Reserve 64856 for Resting Place (Berrima Camping area), has been raised with the Department of Lands. ***The area is not licensed for use as a caravan park nor camping site.***

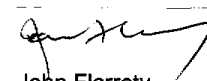
Accordingly the Department of Lands cannot condone such use of the site – the activity is deemed unauthorised. As Trust Manager, Council is to ensure reserved lands under its control are used for the purposes for which they are authorised and unauthorised activity appropriately controlled.

There are two options for Council to consider regarding the future of this site:

1. Cease using the land for camping / caravanning. If this option is favoured, all signage indicating the site can be used for camping must be removed. If Council determines not to permit camping and caravanning, it would also be prudent to consider whether the Reserve for Resting Place remains valid or should it be amended to something more suitable.
2. Council seek to change the purpose of the reserve to something more suitable that in turn permits the area to be used for camping and caravanning. If this option is preferred a number of statutory processes first need to occur including land assessment, native title investigation and licensing of the site under Council's LEP / regulations.

An urgent indication of Council's intentions would be appreciated.

Yours sincerely



John Flarrey
Program Manager
Land Administration East
South Region

Level 3, Rear Tower, 159 Auburn Street (PO Box 748) GOULBURN NSW 2580
Telephone: (02)4824 3700 Facsimile: (02)4822 4287

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 28/07 and 29/07 and Council Weekly Circulars Nos 28/07 and 29/07 be noted.

Mike Hyde
General Manager

19 July 2007

COMMITTEE REPORTS

COMMITTEE REPORTS TABLED

c-CR1 Management and Advisory Committee Reports

REF.	DCS	107/1
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Submitting minutes of three (3) Committee meetings that will be tabled for information.

REPORT

1. Mittagong Memorial Hall Management Committee meeting held Thursday 7 June 2007.
2. Moss Vale Senior Citizens and Community Centre Management Committee meeting held Monday 25 June 2007.
3. Penrose Hall and Recreation Reserve Committee meeting held Monday 25 June 2007.

ATTACHMENTS

There are no attachments to this report.

RECOMMENDATION

THAT the information contained in the three (3) Committee Reports be noted.

COMMITTEE REPORTS

COMMITTEE REPORTS ATTACHED

c-CR2 Minutes of the Arts & Culture Board (Refer Minutes page 22)

REF.	DEP	1660/1
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Submitting Minutes of the Arts & Culture Board meeting held Monday, 25 June 2007.

RECOMMENDATION

THAT the recommendations as detailed in the minutes of the Arts & Culture Board meeting held Monday, 25 June 2007 be adopted.

c-CR3 Minutes of the WSC Sustainability Committee (Refer Minutes page 28)

REF.	EHM	5450/9
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Submitting Minutes of the WSC Sustainability Committee meeting held Wednesday, 9 May 2007.

RECOMMENDATION

THAT recommendation Nos 1 to 4 as detailed in the minutes of the WSC Sustainability Committee meeting held Wednesday, 9 May 2007 be adopted.

**MINUTES OF THE ARTS & CULTURE BOARD MEETING
HELD ON MONDAY, 25 JUNE 2007**

File No. 1660/1

PRESENT: Desmond Kennard (Deputy Chairperson), Cr Penny George,
Elizabeth Brown, May Howlett, Josina Metcalfe

**ALSO
IN ATTENDANCE:** Jenny Kena (Council's Community & Cultural Development
Officer) and Stacy Bramble (Administration Assistant)

APOLOGIES: Apologies were received and noted from Cr May King, Cr Phil Yeo
and Lyn Hall

The meeting commenced at 5:00 pm

1. ADOPTION OF PREVIOUS MINUTES OF MEETING HELD MONDAY 28 MAY,
2007:

RECOMMENDATION:

**THAT the minutes of the meeting held on Monday 28 May, 2007 be accepted
as a true and accurate record.**

Moved: M Howlett

Seconded: J Metcalfe

Carried

2. BUSINESS ARISING FROM PREVIOUS MEETING:

2.1 Model of Fitzroy Iron Works (Update) – Desmond Kennard provided a brief
update on this issue. Desmond advised of a recent meeting with Mr
McDougal from the Heritage Office where the Model of the Fitzroy Iron Works
was raised. It was noted that the Heritage Office is supportive of the concept
of displaying the Model in a prominent but secure space.

Interpretative signage was briefly discussed, with the Board agreeing that this
would be necessary.

**Action: Desmond Kennard will liaise with Cr May King before
processing this matter further.**

2.2 Berrima Museum Lease (Update) – A 5 year lease has been arranged and
finalised for the Berrima Museum. The option to renew this lease was
discussed with it being expressed that 5 years was not a long period for the
lease of a museum.

COMMITTEE REPORTS

It was noted that no representation to extend this period was submitted to Council.

Action: Cr Penny George will raise at the next Council meeting.

3. UPDATE ON ARTS AND CULTURE BOARD PROGRAMME ITEMS:

It was advised that this will become a regular item on the Arts and Culture Board Agenda. Jenny Kena will provide regular updates and advise of the progress of each item.

Jenny gave a verbal update on the programme and will circulate an updated format of the projects. The new format will include dates and suggested timing for each programme.

Action: It was agreed to discuss the budget for the programme items at the next Arts and Culture Board .

4. CORRESPONDENCE:

The items of correspondence listed were discussed and noted.

4.1 Southern Highlands & Illawarra Chapter Museums Australia (NSW) Inc – Agenda. Meeting to be held Sunday 24 June and Newsletter Number 26

4.2 Sturt Gallery – Presents Veronica O’Leary
17 June – 22 July
Exhibition Opening Monday 25 June at 6:00pm

4.3 Museums and Galleries NSW – The Mag Issue Two (2007)

4.4 Friends of the Southern Highlands Regional Gallery – General Meeting
Jenny Kena gave a verbal update on the Friends of the Southern Highlands Regional Gallery. It was advised that the general meeting of the group will be their final meeting, which will conclude operations of the Friends of the Southern Highlands Regional Gallery.

The collection of works was discussed and the suggestion from the Gallery that the collection be referred to either Goulburn Art Gallery or the Wingecarribee Community Foundation. It was suggested that Council assist the Wingecarribee Community Foundation with leasing the current space and the possibility of the Foundation holding the artworks. The Board felt strongly that the collection remain within the Wingecarribee area.

It was suggested that a meeting be held with a representative from the Friends of the Southern Highlands Regional Gallery and the Arts and Culture Board. Issues such as auditing the works, storage and security was also discussed.

COMMITTEE REPORTS

The Board were reminded that \$3,000 has been previously allocated to assist with the valuation of the collection.

It was advised that the Friends of the Southern Highlands Regional Gallery General meeting is scheduled for end of July. It was agreed that a representative from the Arts and Culture Board should attend.

The future custodianship of the collection was discussed in detail with the Board agreeing that a full report should be presented to Council.

Action: Jenny Kena will outline the steps of obtaining a valuation of the works.

Action: Both Elizabeth Brown and May Howlett attend the General Meeting of the Friends of the Southern Highlands Regional Gallery, if available.

RECOMMENDATION:

1. **THAT the Arts and Culture Board assist by providing funds towards the valuation of the collection.**
2. **THAT the collection currently held in the ownership of the Friends of the Southern Highlands Regional Gallery remain in the Wingecarribee Shire.**
3. **THAT a further report be prepared and presented to Council regarding this issue and future custodianship of the collection.**

Moved: J Metcalfe

Seconded: Cr P George

Carried

4.5 **STARTS – Annual General Meeting notice**

Elizabeth Brown advised that the Annual General meeting is being Saturday 30th June commencing at 1:00pm in the McDermott Centre, Auburn Street, Goulburn. At the conclusion of the meeting, there is a free workshop facilitated by Carole Hancock, commencing at 2:00pm.

4.6 **News from Islands – Campbelltown Arts Centre**

Members were encouraged to attend the exhibition “News from Islands” at the Campbelltown Arts Centre opening Friday 31 August, 2007.

4.7 **Music Workshop – Preparation for the HSC in Music**

It was advised that flyers had been circulated for the Music Workshop being held at Chevalier College on Sunday 29 July, 2007 from 9:00am – 4:00pm.

Bookings will be taken by Jenny Kena.

It was suggested that a letter of appreciation be forwarded to Chevalier College for hosting the workshop and that an updated media release be organised prior to the event advising of the confirmed number of participants and to remind students of the opportunity to participate.

COMMITTEE REPORTS

Action: That a letter of appreciation be forwarded to Chevalier College for hosting the workshop.

Action: That a second media release be organised prior to the event as a reminder to students of this opportunity and advising of the number of bookings taken.

- 4.8 Letter to Matt Brown and Pru Goward re Bowral Court House
Correspondence was forwarded to both Matt Brown and Pru Goward regarding the Bowral Court House on 13 June, 2007.

It was advised that Pru Goward raised this issue recently and produced a media release. Cr Penny George circulated copies to members for information.

- 4.9 Community Movie Production – Receipt and acknowledgement of second payment received.

May Howlett gave a verbal update on the production. Community Movie Production is hoping to screen the film in September. There will be 5 viewings with the screenings being held at the Empire Cinema in Bowral.

Those involved with the production are very satisfied with the progress of the film.

Regular updates will be provided by May Howlett and can also be obtained from the web page <http://www.cmp.org.au>.

- 4.10 Correspondence from STARTS
Elizabeth Brown gave a verbal update on correspondence received in relation to the Commonwealth's Regional Arts Fund. In partnership with South East Arts, STARTS are administering the ACT allocation of the fund. Application forms and guidelines were enclosed with the correspondence.

RECOMMENDATION:

THAT the correspondence listed and discussed be received and noted.

Moved: J Metcalfe

Seconded: Cr P George

Carried

COMMITTEE REPORTS

5. GENERAL BUSINESS:

5.1 Draft Criteria for Project Funding (*Desmond Kennard*)

Desmond submitted draft criteria for project funding. This will be circulated to members for further discussion at the next meeting.

Action: That the Draft Criteria for Project Funding compiled by Desmond Kennard, be circulated to Arts and Culture Board members.

Action: That this item be listed on the next Agenda for further discussion.

5.2 Cultural Plan

Jenny Kena circulated a Cultural Plan Status Report and gave a verbal update on progress to date.

Also attached was a proposed timetable for the Cultural Plan. It was agreed that workshops or a second "round the table" meeting be held with the villages and communities. The idea of communities and local organisations meeting and then taking suggestions back to individuals was discussed. Such groups as the Progress Associations, Chambers of Commerce etc would be involved.

RECOMMENDATION:

THAT the proposed timetable for the Cultural Plan be adopted.

Moved: E Brown

Seconded: Cr P George

Carried

5.3 Friends of the Southern Highlands Regional Gallery

This item was discussed earlier in the meeting.

5.4 Desmond Kennard gave a brief update on the Southern Highlands and Illawarra Chapter Museums Australia (NSW) Inc. Desmond advised of a handout funded by Wollongong which listed non profit museums and galleries in the area.

It was agreed that the Arts and Culture Board should forward the Cultural Map for inclusion in this handout. Individual inclusions from the Cultural Map can be determined by Wollongong.

The handout is widely distributed throughout galleries and museums in Wollongong and the Southern Highlands.

COMMITTEE REPORTS

- 5.5 Venues for future Arts and Culture Board meetings – It was again suggested that meetings could be held at various locations in the Shire. This item will be placed on the next Agenda for further discussion.

Action: That the issue of holding Arts and Culture Board meetings at various locations throughout the Shire be discussed at the next meeting.

NEXT MEETING:

The next meeting of the Arts and Culture Board will be held on **Monday 30 July, 2007 in Council's Gibraltar Room commencing at 5:00pm.**

MEETING CLOSURE:

The Arts and Culture Board meeting was declared closed at 6:45 pm.

Chairperson

**MINUTES OF THE SUSTAINABILITY COMMITTEE MEETING
HELD ON WEDNESDAY 9th MAY 2007**

File: 5450/9

PRESENT:

Clr. Jim Clark (Chairman), Peter Lach Newinsky, Francine Bartlett,

IN ATTENDANCE:

Andrew de Montemas (Manager Environment & Health), Sharon Makin (Environment Review Officer), Miles Lochhead (Manager Resource Recovery),

APOLOGIES:

Clr. Larry Whipper, Grant Williams,

The meeting commenced at 9.00 am.

1. APOLOGIES

Were received and noted.

2. MINUTES OF THE PREVIOUS MEETING HELD ON WEDNESDAY 7TH MARCH 2007

The Minutes of the WSC Sustainability Committee meeting held on 7th March 2007 be accepted as a true and accurate record.

Moved P Lach Newinsky Seconded Clr J Clark

3. PRESENTATION BY CARL PEMBERTON (ECONOMIC DEVELOPMENT OFFICER)

Council's Economic Development Officer outlined the current opportunities being pursued for development in the Shire and how sustainability principles are applied. Some thought is being given to industrial ecology whereby beneficial industries that support each other or use each others outputs are being sought. One focus of economic development in the shire is to minimise the number of people leaving the shire to travel to work daily. This will decrease environmental impacts from transport and bring economic benefits to the shire.

Opportunities for future development were also proposed by Sustainability committee.

Examples

Development of sustainable timber businesses for renewable energy

- forest thinnings for firewood (Penrose, Wingello, Belanglo State Forests)
 - standard & coppice timber/firewood systems (rural landowners, parks, crown land)
 - coppice firewood/biofuel plantations, can be effluent-irrigated near sewage works
-

Development of biomass/biofuels business

- methane digestors where lots of excrement (sewage plants, dairies, studs, piggeries)
- quick grow biofuel crops on some low productivity farms
- local production of biodiesel from recycled cooking fats from local eateries

4. MATTERS ARISING FROM THE MINUTES OF THE MEETING OF WEDNESDAY 7TH MARCH 2007

a) Requested that Development Control, comment on the value of the REP training and the issues perceived with making assessment under the REP.

Action: Comment still required from Development Control as to the implications of the REP.

b) Report on the viability of Council vehicles using ethanol blended fuels and bio diesel to be prepared.

Background information has been resourced.

Currently there are no retailers within the Southern Highlands to provide biodiesel or ethanol fuels. Council would need to negotiate a supply (providing we have sufficient usage of fuel within the fleet to make it viable for a local retailer) and determine impacts on current vehicles and engines.

Raw materials and sourcing of the fuels also needs to be considered. Committee supports fuels that are processed as a by product from another process rather than from virgin fuel crops. Fuels also need to be processed regionally rather than transported long distances. Fuels should therefore have net positive energy to add value for Council's use.

Current fleet management considers and promotes green vehicles on engine size. Should reconsider this based on the Australian Greenhouse Office (AGO) "Green Car Guide".

Recommendation 1:

That a review be undertaken of Council's fleet management

- I. to assess the most appropriate rating of vehicles (as per the AGO Green Car Guide or other appropriate guide) and***
- II. to investigate the opportunity to create demand through Councils fleet for the provision of bio fuels or ethanol blended fuels in the shire***
- III. to investigate the opportunity through Council's purchasing and procurement procedures to stipulate the provision of vehicles within Contracts to utilise bio and ethanol blended fuels,***
- IV. that the Internal Practice Notes 27 "Private Use Car Scheme and Vehicle Leasing" and 07 "Purchasing and Procurement procedures" be modified based on the outcome of the findings of (a), (b) and (c).***

c) *Action: Manager Environment and Health to follow up with the Economic Development Officer as a result of his discussion with the Sustainability Committee. The provision of a sustainability checklist or process for potential new developments to be discussed with EDO.*

COMMITTEE REPORTS

Action: Environment and Health and Risk Management are considering the introduction of a triple Bottom Line checklist for Council reports and projects to ensure all risks are considered. This may be suitable for economic considerations as well. Committee to be kept informed of progress.

d) That information be provided which looks at the costings associated with energy usage and efficiency for whole of life usage for street lighting and Council managed buildings.

Manager Environment and Health presented information regarding energy efficient street lighting. Other councils have undertaken similar projects however based on information to date, it is only viable on a regional basis. Funding is however available for smaller projects, such as upgrading to solar lighting in particular situations.

Recommendation 2:

That a letter be prepared for the Southern Councils Group raising the issue of and requesting interest in a region wide street lighting improvement

Recommendation 3:

That a review be undertaken of Council's current DCPs for street lighting conditions and the inclusions of sustainable lighting principles.

e) WCF Partnership
WCF are still keen to establish a more formal partnership with Council. Manager Environment and Health and WCF to discuss.

WCF Environment Trust still being established. Next step will be to establish an advisory committee.

WCF survey currently being collated. Request that some similar questions be included in the proposed WSC environment survey to allow some comparison.

Recommendation 4:

That the Sustainability committee review the survey questions to ensure a sustainability focus.

f) Sustainability committee be involved in the review of the draft DCPs as they become available, with the Moss Vale and Rural Lands DCPs to be first. Ongoing as DCPs are prepared.

g) Nathan Lammers to be invited to next meeting to provide update on Green Car project.

5. FEEDBACK FROM COUNCIL MEETING (Clr Jim Clark)

Functional review complete. Future of committees still not clear.

6. GENERAL BUSINESS

a) Response to the Residential Growth Strategy 2007 - 2020

Action: Manager Environment and Health to approach Manager Strategic Planning as to whether the Committee may still be able to submit comments on the strategy.

NEXT MEETING

Next meeting to be held on Wednesday 8th August 2007 at 9.00am in Council's Meryla Room.

The meeting concluded at 11.00am

CORPORATE SERVICES DIVISION

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

REPORT

1. BACKGROUND

The following confidential reports have been distributed separately:

GM-1 RE-DEVELOPMENT OF LAKE ALEXANDRA RESERVE 6330/07.4, 6545/5

2. STATUTORY

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

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

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

Section 10B

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



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

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

3. DIRECTOR GENERAL'S GUIDELINES

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

RECOMMENDATION

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

.....Cont'd



Cont'd.....

GM-1 RE-DEVELOPMENT OF LAKE ALEXANDRA RESERVE

6330/07.4, 6545/5

Relevant Legal Provision

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

Brief Description

Reporting on Expressions of Interest for the Moss Vale Crematorium / Cemetery.

Public Interest

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

Barry W Paull
Director Corporate Services

19 July 2007