

File No. 100/07
Our Ref: RAP

2 August 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, 8 August 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 Steve Roberts of Bowral Anglican Church*
3. PUBLIC FORUM
4. APOLOGIES
5. ADOPTION OF MINUTES OF ORDINARY MEETING *held on Wednesday, 25 July 2007*
6. BUSINESS ARISING FROM THE MINUTES
7. DECLARATIONS OF INTEREST
8. MAYORAL MINUTE *(if any)*
9. OPEN COUNCIL *chaired by Clr T D Gair*
 - 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, 8 August 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.

MAYORAL MINUTE

c-MM1 Fitz Roy Ironworks

REF. MAYOR 5650, 5651, LUA04/1134 (CC 102/5)

Recognising the work done by Conservation Volunteers Australia, along with historians Leah Day and Tim Day in conjunction with the Fitz Roy Ironworks.

REPORT

In late June, Grant Williams of Blue Circle Cement, Berrima, organised for ten young people from the organisation Conservation Volunteers Australia to work clearing around the Fitz Roy Ironmines cairn site at Mittagong.

Team Leader, Kimberley Elliott from Kangaroo Valley, worked with Yau Siu Miu (Hong Kong Institute of Education), Tae-ook Kang (Republic of Korea), Ting Hoi Ying (Lingnan University), Wong Kai Wai (Chinese University of Hong Kong), Ng Tee Man (Tang Hin Memorial Secondary School Hong Kong), Tang Oing Oing (Hong Kong Institute of Education), Tang Wing Yan (Hong Kong Institute of Education), Zhang Lin (Hong Kong Institute of Education), Yuan Chang (University of Hong Kong) and Deng Ning (University of Hong Kong). Boral provided valuable support as the project partner.

Despite the inclement weather, the students pitched in, digging, weeding, and clearing, and uncovered an historic hand cut sandstone drainage channel. It is believed that they also uncovered the stone foundations where the blast pipe ran under the engine house at the second phase of the Fitz Roy Iron Works. In recognising these archaeological relics as important historical elements of the works it is thought that there is the possibility there may be more foundations of these works in the same locality.

Some clearing of the site was recently undertaken by Wingecarribee Shire Council under the supervision of Parks and Property Manager, Peter Bowmer. With the additional work done by the students, the site is looking much improved. It is anticipated that further voluntary work will be done to enhance the site.

The site comprised the secondary part of the iron works, and was where the first blast furnace in Australia was erected. The students took a keen interest in the pictures of the site they were shown, and its history.

A tour of the archaeological relics of the first site of the Fitz Roy Iron Works dating back to the 1850s, located in the nearby car park of the Woolworths complex was given to the students, by local historians, Leah Day and Tim McCartney, which complemented the work they were doing on the blast furnace site.

The Ironmines cairn site is included in the planned Fitz Roy Iron Works Heritage Trail, presently being discussed by Wingecarribee Shire Council in conjunction with the Mittagong historians, Leah Day and Tim McCartney.

I attended the site to personally thank and meet and thank the volunteers on behalf of the Council. I was most interested to talk with them and learn of their lives in their own countries.

Leah Day and Tim McCartney expressed sincere appreciation to Boral for its interest and support of a local heritage project and to Wingecarribee Council for its help in preparing the area so that the students could work on the site.

Mrs Day said the students were keen to be involved in working on such an important heritage site and one young lady spoke of the students' honour to be asked to share this experience. Mr McCartney thanked the students on behalf of the local community for their unselfish work.

ATTACHMENTS

There are no attachments to this report.

RECOMMENDATION

1. THAT Wingecarribee Shire Council thank Conservation Volunteers Australia and Boral for their good work on not only this project around the Fitz Roy Ironworks cairn, but other environmental work done in conjunction with our Council staff at other sites in the shire.
2. THAT Council formally recognise, in the form of a letter from the Mayor, the outstanding work done by historians Leah Day and Tim McCartney in documenting the history of the Fitz Roy Ironworks as well as working so closely with the developers of the Mittagong Marketplace to ensure an important part of the Shire's history was preserved so well.



Gordon Lewis
Mayor

1 August 2007

VISITOR ITEMS

ENVIRONMENT & PLANNING DIVISION

v-EP1 Fee Structure for On Site Sewerage Management program (OSSM)

REF: EHM 5405

A number of reports have been considered concerning fees and charges relating to the Council endorsed On Site Sewerage Management inspection and approvals program. Subsequent to Council's resolution in the Ordinary Council meeting of 13 June, a revised fee structure is presented in this report. The report will be presented by the Manager Environment and Health.

REPORT

BACKGROUND

In seeking a more equitable approach to fees and charges associated with the on site sewerage management program Council has considered various options and iterations. Further consideration was deemed necessary, such that at the Ordinary meeting of 13 June 2007 Council resolved;

1. *THAT on-site sewerage management systems which are inspected by the manufacturer on an ongoing basis be exempt from Council's inspection regime AND THAT owners provide Council with proof of inspection.*
2. *THAT on-site sewerage management systems located on urban blocks of up to 3,000 sq. metres be charged at a lesser rate than larger blocks AND THAT the charges be calculated so that the total sum of money accrued is the same.*
3. *THAT the remodelling resulting from 1. and 2. above be done on the third sample of Attachment 1 (page 11 of the report).'*

Notwithstanding Point 3 above, in addressing the resolution, reconsideration in respect of the number of inspections and the potential to complete 1000 inspections per annum was made. Advice from the OSSM project officer is that 1000 is not an achievable target due to the high administrative requirements of the position and the process that is required to be undertaken in terms of landholder notifications.

A further limitation on achieving the original target of 1000 inspections is the very high failure rate of systems across the Shire and the subsequent need to re inspect (at no cost) to ensure compliance with remediation/rectification orders. A revised sustainable figure of 700 inspections per annum has been identified. The Sydney Catchment Authority (SCA) has agreed to this inspection target. The attached schedule shows that for the first two years of the program 700 inspections are forecast with that number increasing in the final two years of the current program.

The attached revised fee structure also shows that with a reduced inspection target of 700, there is no application fee required. This is due to there being a significant quantum of landholders who have already paid an approval fee but have yet to have their systems inspected. Application Fees would not be required until 2010.

Attention is also drawn to the split determined by property size, pursuant to Point 2 of the resolution. Properties <3000sqm are proposed to be charged a fee of \$49.90, whilst properties >3000sqm will be charged \$66.50.

With regards to progress and findings to date, the following is provided for consideration. Of the inspections undertaken between March and June 112 were septic tank/trenches with 10 Aerated systems. Twenty nine (25%) systems inspected were compliant (that is, they required no works, maintenance or repairs and 93 (75%) were non compliant. Seventy four systems required minor maintenance eg de sludging and 19 required remedial works eg new trenches. Of the 19 systems requiring remedial works 7 were completed. 108 systems were considered to be a low risk, 12 were considered moderate risk and 2 (or 2%) were considered high risk. This information demonstrates the serious lack of compliance of systems inspected to end of June and gives an insight into some of the issues associated with the need to reduce the number of annual inspections to a more sustainable figure.

MANAGEMENT PLAN ISSUES OR IMPLICATIONS

This section has been considered but is not relevant.

POLICY IMPLICATIONS

This section has been considered but is not relevant.

BUDGET IMPLICATIONS

This program is essentially self funding as a result of the fees that are charged and the SCA grant funding. There is no impost on Council's recurrent budget.

ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

(i) **Environmental Factors**

The reduced annual inspection rate will enable the OSSM project officer to ensure compliance of rectification orders. Greater attention to the rectification works will ensure reduced and minimised impacts on the catchment.

(ii) **Social Factors**

The proposed fees and charges will reduce the level of concern amongst some in the community in relation to the economic strain of having to pay the charges that were originally proposed. The proposed fee structure ensures the program remains sustainable and self funding and therefore the potential risk to public health can be better managed.



(iii) **Economic Factors**

The revised fee structure, if adopted, will give financial relief to those landholders who reside on smaller urban blocks (less than 3000sqm) and would therefore no longer be considered to be 'subsidising' larger properties.

ATTACHMENTS

There is one (1) attachment to this report (revised fee structure, consisting of one page).

RECOMMENDATION

THAT Council approves the revised fee structure.

Outline of OSSM Inspection Forecast
AWTS's taken out. 700-750 inspections per year
(with 4 years grant funding from SCA)
Car costs updated

INSPECTION REGIME	(Nil budget for water sampling)				Program
	2007	2008	2009	2010	
Billable Inspection target per year	700	700	750	750	Would
Initial Inspections (liable for inspection fee only)	700	700	750	615	Need
Initial inspection running tally	700	1400	2150	2765	Re-evaluated
Renewal inspections (liable for application fee + inspection fee)	0	0	0	0	135
*Predicted No. of High risk App. (2yr Approval)	28	28	30	30	30
*Predicted No. of Med risk App. (3 yr Approval)	147	147	157.5	157.5	157.5
*Predicted No. of Low risk App. (5 yr approval)	525	525	562.5	562.5	562.5

PROGRAM INCOME	
Application fee (\$32 - charged for Application and Renewals)	\$0.00
Inspection fee (\$49.90 - for properties <3000sqm)	\$8,173.62
Inspection fee (\$66.50 - for properties >3000sqm)	\$35,657.30
SCA Grant	\$45,000.00
Carry Over (To be carried over from previous budget period)	\$30.92
Total Income	\$88,830.92

PROGRAM COSTS	
Officer and oncosts (grade 13)	\$74,000.00
Car	\$7,000.00
Expenses (includes PDA, GPS, printing, camera, electronic sludge stick)	\$7,800.00
Water Sampling (Environmental sampling of related waterways - as outlined in the Water and Sewerage Strategic Plan)	\$0.00
Total Costs	\$88,800.00
Nett (To be carried over to next budget period)	\$30.92

Notes:

v-EP2 Development Application for the “White Horse Inn”, Market Place, Berrima

REF: LP

LUA04/1755

Reporting on a development application for the “White Horse Inn”, Market Place, Berrima.

REPORT

INTRODUCTION

This report does not contain a detailed assessment of every aspect of the proposed development at the “*White Horse Inn*”.

The Inn is a Heritage Item of State Significance and the development application is for Integrated Development. It has therefore been forwarded to the Heritage Council of NSW as it requires approval under Section 63 of the Heritage Act.

Therefore, the Heritage Council is the most appropriate authority to determine issues such as design, bulk, scale, setting, appropriate character and potential impact on heritage items in the locality. The same is the case in respect of the proposed Conservation Management Plan for the Inn.

The options for the Heritage Council are to:

- approve the proposal in its current form;
- seek further revisions to the proposal; or
- refuse to grant approval.

The proposal has undergone 3 revisions since it was lodged with Council in November, 2004, and these have been made in response to consultations with Council, the Heritage Council and submissions received as a result of the advertising of the application.

The Heritage Council has not yet made a determination and therefore, the form of the development cannot be said to be final and, in any of the options described above, Council’s determination will need to be consistent with that of the Heritage Council.

However, the Heritage Council has advised that it will not make a determination until it has received an indication from Council as to its position on the proposal.

Therefore, the purpose of this report is to examine a number of issues, which have been identified in the submissions received by Council, to enable Council to reach a preliminary position based upon the proposal as it currently stands.

The issues that will be examined are:

- The nature of the proposal and its permissibility;
- The conservation of the “*White Horse Inn*”;
- Strata subdivision; and
- Potential visual impact from public vantage points

A further report to Council, following a determination by the Heritage Council, will contain a detailed assessment and draft conditions of consent if the Heritage Council grants Section 63 approval.

THE DEVELOPMENT SITE

The “*White Horse Inn*” is located on the south side of Market Place about 50 metres west from The Old Hume Highway on Lot A, DP378459.

The property is an irregular shaped parcel with a frontage to Market Place of 27.064 metres and an area of 5,583m².

It has an overall depth of about 108.3 metres, and slopes down from Market Place to its rear (southern) boundary which is the Wingecarribee River.

Located at the Market Place frontage is the main building of the “*White Horse Inn*” complex, and this is a 2 storey building with sandstone block walls and a corrugated iron roof.

The building is currently used as a restaurant.

To the south east of the main building is the “Coach House”, a similarly constructed building which is used as the manager’s accommodation and storage.

Behind both these buildings, and about 40 metres from the frontage, is a 1980’s single storey 4 room motel white painted brick walls and a tile roof.

Attachment 1, Sheet 1 contains an aerial photo which shows the location of the site and the buildings on it.

Photos of the site will be presented to the meeting.

THE PROPOSED DEVELOPMENT

The proposed development is comprised of the following:

- The demolition of the existing 4 suite motel;
- The refurbishment of the existing 2 storey “Coach House” to create 2 motel suites, with lounge areas on the ground floor and bedrooms and bath rooms on the first floor;
- A new 2 storey split level building of 3 modules, with each module containing an apartment and 2 motel suites on the ground floor and 2 motel suites on the first floor. Each of these modules is designed so that it can provide 1, 2 or 3 bedroom accommodation;
- The upgrading and refurbishment of the main “*White Horse Inn*” building, which will include structural and fire safety works; and
- A Strata Subdivision of the development to create 5 lots and a Common Area.

Attachment 1, Sheet 2 contains an aerial photo which shows the location of the proposed development on the site and Attachment 2 contains plans of the proposed development.

THE LOCALITY

Market Place is the southern extent of the Berrima commercial area, and existing development in the immediate locality on the south side of Market Place is comprised of:

- The Australian Alpaca Centre (to the west between the Inn and the Old Hume Highway);
- Rose Cottage and the former Magistrate's House (both Heritage Items), which adjoin on the east and which are used for visitor accommodation;
- A vacant commercial building; and
- Peppergreen Antiques and Collectibles.

Directly opposite is the Market Place reserve.

PERMISSIBILITY

The aim of the proposed development is stated as being to provide for both short and long stay accommodation for tourists and, in this context, the development can be defined as:

- A motel, but the definition of this specifically refers to overnight accommodation; or
- A tourist facility, which provides for holiday accommodation but is not limited to any specific period of stay.

The land is currently in Zone No. 3(a) (Business Zone) in the LEP and, in the development control table for this zone:

- A "motel" is permissible with development consent; but
- "Tourist facilities" are prohibited.

However, the "White Horse Inn" is a Heritage Item within the Berrima Conservation Area and the LEP contains incentives to facilitate the conservation of such items.

Clause 31B states:

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

Therefore, this clause gives Council the ability to approve the proposed development as "Tourist Facilities" and it also removes the absolute need to comply with any development standards.

This clause requires Council to have regard to certain matters, and these will be discussed later in this report.

The LEP contains a number of other clauses which are relevant to the proposed development, and the following is a summary:

- *Clause 26* limits the height of buildings to 2 storeys above ground, except with the consent of Council but the proposed development does not exceed this height.



- *Clause 28* identifies the development as advertised development as it relies upon the conservation incentives in clause 31B (as described above) and the application has been advertised in the appropriate manner.
- *Clause 34* requires Council to consider the potential flooding of land, and the proposed development is sited above the 1 in 100 year flood level as determined by the Berrima Floodplain Risk Management Plan.
- *Clause 36* requires the provision of potable water, sewerage and drainage facilities to developments, and the proposed development will be provided with the necessary utility services.

HERITAGE PROVISIONS

As indicated above, the development may be approved provided that Council is satisfied about a number of matters as set out in clause 31B, namely:

- (a) *it is satisfied that the retention of the heritage item depends upon the granting of consent, and*

Comment: The applicant has provided financial information which demonstrates that the “*White Horse Inn*” as a stand alone business does not have the financial resources to fund the works necessary to conserve the building and to bring it up to a satisfactory fire safety standard.

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

Comment: The development application is accompanied by a Heritage Impact Statement and a Conservation Management Plan, and these have been referred to the Heritage Council for consideration.

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

Comment: Subject to endorsement of the Conservation Management Plan by the Heritage Council, it would be a condition of any development consent that the Conservation Management Plan must be implemented, and that the works necessary to conserve the “*White Horse Inn*” must be undertaken as the first stage of the development.

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



Comment: It is considered that the siting, design, location and appearance of the proposed development are such that it will not adversely impact upon either the significance or setting of the “*White Horse Inn*”. In particular, views of the Inn from public vantage points will not be significantly affected, and it will maintain its presence when viewed from Market Place or the prominent public open space immediately to the north.

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

Comment: For the same reasons as detailed in (d) above, it is considered that the proposed development will not significantly affect the amenity of the locality. The site of the development is currently used as a motel, which is typically a quiet use and this situation is unlikely to change.

In addition to the above, clause 31C requires consideration of various matters relating to the design of any development in a heritage conservation area.

The proposal was considered by Council’s Heritage Advisory Committee late last year and the size and bulk of the development were identified as being of greatest concern, together with views and vistas.

As a consequence of this, a number of revisions were made to the development, the most significant being a reduction in the overall height by about 1.7 metres.

The revised plans have been referred to the Heritage Council for consideration.

CONSERVATION OF THE “WHITE HORSE INN”

The proposed development is essentially comprised of 2 intrinsically related components.

The first is the replacement of the existing and “dated” motel building with an attractive new building which has been designed to be sympathetic to the “*White Horse Inn*” and to provide a high standard of holiday accommodation within the Village.

The second component is the conservation of the “*White Horse Inn*”.

As indicated in the report, the Inn is extremely significant to the Village as it contains evidence of the period of early settlement of Berrima and has played a significant role in the provision of accommodation and refreshments to decades of tourists and commercial travellers”.

Now, more than 170 years after it was built, the Inn is in dire need of work if it is to remain viable both as a landmark building and a business.

The cost of this work, which will include structural remedial work as well as fire safety upgrading, has been variously estimated at up to \$500,000, and Council has previously been provided with information to demonstrate that this level of commitment is beyond the resources of the business as it currently stands.

The LEP acknowledges that property owners may require assistance to conserve heritage items and provides strong incentives for this to occur.

The proposed development would provide a source of funding for that work and a Conservation Management Plan has been submitted with the development application.

STRATA SUBDIVISION

This issue has been raised in a number of submissions, but it is not considered to be particularly significant.

It is not uncommon for a variety of developments to be subdivided in this fashion, and its only purpose is to enable separate ownership of the individual components of a development, such as a shop, an industrial unit or a residential flat.

Strata subdivision does not affect the use of the particular premises as this must always be in accordance with any approval granted by Council.

In the current instance, the strata subdivision has the benefit that it would provide a mechanism to raise funds quickly through the sale of the individual lots to fund the conservation and remedial works on the "*White Horse Inn*".

This is particularly important because, as discussed above, the Inn requires a substantial amount of work not only for its conservation but for its viability as a stand alone business.

It also has the benefit that:

- through a Plan of Management it would provide for an on-going source of revenue for the future maintenance and ongoing conservation of the Inn; and
- the financial burden for this would be spread over a number of owners.

This approach is similar to that recently taken in respect of the Joadja subdivision.

POTENTIAL VISUAL IMPACT

Attachment 2 contains plans of the proposed development and particular attention is drawn to the elevations on sheet 2 which demonstrate that, while the new building is 2 storey, with a height of 5.655 metres from the ground floor to the ridge top and a 35° roof pitch, its siting is such that its ridge height is well below that of the "*White Horse Inn*".

It is noted that the current proposal represents a significant reduction in height of about 1.7 metres from the original proposal.

The photographs to be presented to the meeting have been taken from various public vantage points, and it is considered that these illustrate that the proposed development is unlikely to have any significant visual impact.

ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

An assessment of these factors would be part of the more detailed assessment of the development and would be included in the next report to Council.

CONCLUSION

It is considered that the proposed development:

- is a permissible land use and complies with the relevant requirements of the LEP;
- will not have any significant visual impact when viewed from public vantage points around Berrima; and
- will enable the conservation of the “*White Horse Inn*”.

However, Council is unable to make a determination of the development application at this time.

The reason for this is that the application has been referred to the Heritage Council as Integrated Development requiring the Heritage Council’s approval under Section 63 of the Heritage Act.

To date that determination has not been made by the Heritage Council, and it would be inappropriate for Council to determine the development application without the advice of the Heritage Council.

However, the Heritage Council has advised that it will not make a determination on this matter until it has received an indication from Council as to Council’s position.

Therefore, the aim of this report has been to examine a number of specific issues so as to enable Council to determine that there is sufficient merit in the proposal to permit further consideration rather than to immediately refuse the development application.

As a result of this process, draft conditions have not been prepared for 2 reasons.

Firstly, the Heritage Council may refuse to provide the General Terms of Approval and an approval under Section 63 of the Heritage Act, in which case Council would have no alternative but to refuse the development application.

Secondly, it would be appropriate for any conditions to be imposed by Council to be consistent with any General Terms of Approval issued by the Heritage Council.

However, it can be confirmed that any approval by Council would contain conditions to ensure that:

- The development is used for its intended purpose, namely time limited holiday accommodation, and in this case a time limit of 28 days for a maximum of 4 times a year would be reasonable and consistent with what Council has imposed on other similar development; and
- The development is directly linked to the conservation of the “*White Horse Inn*” by requiring the necessary works to be undertaken and completed as the first stage of the development.

ATTACHMENTS

There are 2 Attachments to this report:

1. Location plan
2. Plans of the proposed development

RECOMMENDATION

1. THAT the Heritage Council be advised that Council does not, in principle, object to the proposed development on the basis that the development is currently a permissible land use and the development application is accompanied by information to demonstrate that the development will result in the conservation of a significant Heritage Item, namely the "*White Horse Inn*".
2. THAT the Heritage Council be requested to provide Council with General Terms of Approval and advice as to whether the Heritage Council will grant approval under Section 63 of the Heritage Act or, in the alternative, provide Council with the reasons for any refusal to grant that approval.
3. THAT, upon receipt of advice from the Heritage Council, a further report be submitted to Council and, if necessary, that this contain a detailed assessment of the proposed development as well as draft conditions which should include the following:
 - a) The works necessary for the conservation of the "*White Horse Inn*" must be undertaken in accordance with the Conservation Management Plan (with any modifications) prior to the commencement of the remainder of the development.
 - b) A detailed plan of management for the strata subdivision must be put in place to address the limited stay use of accommodation and the shared use of facilities, and must link the management of the accommodation with the management of the "*White Horse Inn*".
 - c) The development must be used only for limited stay holiday accommodation and a restriction as to user must be imposed on each strata lot:
 - (i) to prevent the use of the accommodation for permanent residency; and
 - (ii) to limit the length of stay by the owner or any paying guest to a maximum of 28 days for any single stay, and to no more than 4 times per year by the owner or the same paying guest.



Scott Lee
Director Environment & Planning
3 August 2007

OPEN COUNCIL

ENVIRONMENT & PLANNING DIVISION

o-EP1 Proposed Release of Restriction as to User, Garvan Institute

REF: GH

LUA06/1173

Reporting on proposed release of restriction regarding vehicular access Lot 10 DP 1084421 Lackey Road, Moss Vale, Garvan Institute.

REPORT

Lot 10 has a restriction as to user restricting the location vehicular access to Lackey Road.

As part of the assessment and subsequent approval of the Garvan Institute access to the site will be in a location contrary to the restriction.

The approved access does not pose any issues with respect to traffic safety.

To enable construction of the access road to the Garvan Research buildings, 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-EP2 Proposed Conversion of Supermarket into Dan Murphy's and two (2) Retail Spaces

REF: GH

LUA07/0609

Reporting on Development Application for conversion of Woolworths Supermarket into Dan Murphy's and two (2) additional Retail Spaces. Mittagong Shopping Village 126-130 Main Street, Mittagong.

REPORT

1) REPORT

Council is in receipt of an application from Woolworths Ltd, which seeks approval to:

- Change the Anchor Tenant at the Mittagong Shopping Village from Woolworths Supermarket to Dan Murphy Liquor outlet with an area of 1524m²
- Establish two (2) new tenancy's within the former supermarket of 135m² and 168m²
- Widen onsite parking spaces to overcome manoeuvring difficulties
- Refurbish exterior of building
- New Dan Murphy's Corporate Signage
- Management Plan for the operation of the loading dock.

2) STATUTORY

- a) WLEP 1989 - The site is zoned Business 3(a). The proposal is permissible subject to Council approval, and the applicant meeting liquor licensing requirements.
- b) DCP 12 Off Street Car Parking. Existing carpark has 58 spaces.
- c) DCP 32 Mittagong Town Centre – Mittagong Shopping Village is affected by the DCP but outside the Mittagong Town Centre Heritage Conservation Area. As works are largely internal the proposal is not affected by DCP 32.
- d) DCP 33 Advertising Signage

3) REFERRALS TO GOVERNMENT AGENCIES

a) Roads and Traffic Authority

The application has been referred to the RTA.

b) Sydney Catchment Authority

The application was not referred to the SCA as the proposal does not result in any changes to surface permeability.

4) REFERRALS TO COUNCIL COMMITTEES

a) Traffic Committee

The application was discussed at the Development (Traffic) Committee Meeting of 16/7/07. The following is the recommendation of that committee:

“The Development (Traffic) Committee has no objection to the development but makes the following recommendations:

- *The area for service/delivery vehicles and the loading bay should be physically separated from the existing carpark. This arrangement will prevent access to and from Bowral Road (MR260) by customers although it may be feasible to provide some staff parking in this area. The Committee considers that any loss of parking resulting from this arrangement is outweighed by the unsafe current delivery arrangements;*
- *The consent be conditioned to prohibit any service or delivery vehicles over 12.5 metres long from accessing the site. All vehicle movements to and from the site to be in a forward direction;*
- *The applicant to provide a Plan of Management for the loading dock area and that the Plan of Management be included as part of the conditions of consent;*
- *Design plans showing the proposed arrangement of the service/loading dock area to be submitted for review and concurrence by the Roads & Traffic Authority;*
- *Landscaping/screening to be provided along the Pioneer Street side of the carpark to ameliorate the problems of car headlights shining into residences in Pioneer Street;*
- *Accessible ramp in accordance with AS1428 from Bowral Road into the development beside the proposed service/delivery area.*



The following comments from the Development (Traffic) Committee will be referred to the next Traffic Committee meeting on 20 August 2007:

- *Restrict parking on Bowral Road beside Home Hardware to allow the marking of a right turn bay into Pioneer Street from Bowral Road;*
- *Consideration be given to banning the right hand turn from Pioneer Street into Bowral Road particularly between 3pm and 6pm Monday to Saturday”.*

b) Mittagong Master Plan Committee – 10/7/2007

c) Shire Significant Briefing Session – 4/7/2007

5) PUBLIC CONSULTATION

The application was referred to the Mittagong Chamber of Commerce 19/6/2007 (no response received) and by circular letter to adjoining residents and business owners within the Mittagong Shopping Village.

Arising from the notification eight (8) submissions and a petition of 33 signatures were received.

The petition stated:

“We the residents who are opposed to Woolworths Supermarket becoming a GIANT LIQUOR STORE sight this position”.

The following is a summary of issues from the individual submissions:

- Business’s reliant on passing traffic will suffer as Dan Murphy’s will not generate the same pedestrian traffic as Woolworths
- Disruption to trade during renovations – dust/noise. There is a need to ensure existing business’s can operate whilst renovations take place
- Existing supermarket provides convenient access to the public.
- Existing supermarket services the local community and critical hub of activity reinforces Mittagong Town Centre
- No need for further liquor outlets in Mittagong
- Additional landscaping be undertaken to Pioneer Street frontage to provide additional privacy
- Trading hours be looked at to avoid inconvenience to near by residents
- Removal of essential services from town centre
- Increased travelling time for large section of community to acquire basic shopping needs
- Existing carpark difficult to negotiate
- Ensure residents driveways marked as ‘No Parking’
- Dan Murphy’s should be at the Highlands Market Place

6) DISCUSSION ISSUES ARISING

- Condition 2 – Highlands Market Place LUA04/1134

In approving the Highlands Market Place, Council imposed the following condition:

“2. Economic Impact

In order to minimize the potential impacts and cater for resident choice, the existing Woolworths Supermarket within the Mittagong town centre shall remain trading after the opening of the Mittagong Market Place until the lease expires”.

The intent of this condition was to ensure that the Mittagong town centre has a “focal point”, an issue alluded to in the submissions, and that the economic impact of the Highlands Marketplace on Mittagong Town Centre was minimised.

Woolworths make the following comments in relation to the relevance of this condition:

“As you are aware Woolworths Ltd has recently purchased Mittagong Shopping Village, located in the Mittagong town centre, of which a Woolworths supermarket is the anchor tenant.

The supermarket box has various constraints which make it less ideal to operate a Woolworths supermarket from, in the long term. This includes an inefficient loading dock in order to unload, and limited product range in the tight trading floor space.

These constraints mean that the likelihood of this store remaining operational as a supermarket beyond the end of the lease is place prior to purchase, which expires in 2010, is minimal.

The purchase of the Mittagong Shopping Village is part of Woolworths significant investment in Mittagong through the development of the nearby Highlands Marketplace, potential purchase of land to the rear of the Marketplace and with opportunities being investigated for the development of a Woolworths branded petrol station.

Condition 2 of LUA04/1134, relating to the Highlands Marketplace development reads:

‘In order to minimise the potential impacts and cater for resident choice, the existing Woolworths Supermarket within the Mittagong town centre shall remain trading after the opening of the Mittagong Marketplace until the Lease expires’.

Our understanding of the intent of this condition is to avoid the supermarket closing at the time of the Marketplace opening with the potential impacts on employment, adjacent businesses in the centre, and to smooth the transition of large grocery shopping from the Village to the Marketplace.

Woolworths has identified that there is substantial demand for a large format discount liquor offer, such as that provided by Dan Murphy's. Whilst the Dan Murphy's conversion essentially expands existing liquor offer in the place of grocery offer, we have confidence that the intent of the above condition is maintained. This is based on the belief that the Dan Murphy's offer would bring a more diversified range of people into the town centre, than the current supermarket does, thus assisting the long term viability of the town centre.

This is further illustrated through:

- *The intention to provide a 'facelift; to the existing Mittagong Shopping Village, however keep the fabric which is consistent with the 'village' atmosphere of the town centre.*
- *The creation of two new specialty tenancies which will increase the critical mass of specialty offer within the town centre. We envisage that these specialty tenancies will be of a 'destination type' and will further attract customers to the town centre.*
- *The appointment of professional management agents, Knight Frank, who are working with the existing tenants to ensure their future commercial viability and continued success.*

We also note that by virtue of the purchase of the Shopping Village, the lease has expired as we are prohibited from having a lease with ourselves. Thus the Marketplace condition can already be identified as being complied with.

Whilst there are various alternate options for the location of a Dan Murphy's liquor outlet in Mittagong, we have great confidence in the future success of the Mittagong town centre.

Retail by its nature is a dynamic and adaptive industry. Woolworths view this operational conversion of the Mittagong Shopping Village as securing a significant positive contribution in Mittagong, both socially and economically, for at least the next 30 years. Whilst the product range for general supermarket items may decrease in the town centre, the 'essential' items would still remain available through the various 'convenience store' like shopping facilities currently available".

Comment:

Council has been aware that at the end of the current lease (2010) the Woolworths Supermarket in Mittagong would likely to be closed. The fact that Woolworths has purchased the Mittagong Shopping Village, there by terminating the lease, in itself, is not sufficient justification to argue that the condition has been complied with. Countering this, Woolworths maintain that Dan Murphy's overcomes a problem that in 2010 a large retail space with the town would become vacant.

Woolworths continue to argue that in purchasing the Mittagong Shopping Village they are assisting in revitalizing the town centre, by redeveloping the centre, including adding two (2) new tenancies, and improving the external appearance of the building.

- Contribution to the Pedestrian Linkage – Mittagong-Welby

Condition 2 also served the purpose of providing a transition period and time for Council to improve pedestrian linkages between the Highlands Marketplace and the Mittagong town centre.

The early closure of the supermarket removes the transition period and places pressure on Council to fast track improved pedestrian linkages.

Woolworths have made an offer of \$15,000 contribution towards the pedestrian linkages, based on:

- Highlands Market Place Approximately 15,000m² - contribution of \$100,000
- Dan Murphy's – Refit of 1,500m² - contribution of \$15,000

- Carparking

The conversion of Woolworths into a Dan Murphy's Liquor outlet will result in a decrease in the intensity of use for the carpark and loading dock.

The carpark has 58 spaces with, recent observations indicating that the carpark is not operating at full capacity.

The traffic assessment indicates that deliveries for Dan Murphy's will be 2 to 4 per day, compared with the existing situation of some 20 deliveries per day to the supermarket.

The current operation of the delivery dock has been subject to much criticism. With reduced usage and smaller delivery vehicles (12.5m rigid truck) it is proposed to dedicate part of the existing carpark fronting Bowral Road as a manoeuvring area for delivery vehicles. This would enable delivery vehicles to enter and leave the site in a forward direction.

In order to avoid conflict between delivery vehicles and customer parking, it is proposed to exclude the delivery manoeuvring area from customer parking with a landscaped barrier, across the carpark.

Customer access to the carpark would be from Pioneer Street.

Staff parking could be provided in the delivery area.

In response to the Traffic Committee recommendations, the applicant makes the following submission:

"Thankyou for the time taken to send through both comments from the Development (Traffic) Committee meeting as well as the submissions received from neighbour notifications for the proposed development.

We respond in like order to the Traffic Committee comments:

1. *The conversion of the supermarket into a Dan Murphy's substantially decreases the intensity of use of both customer demand and truck movements. This has been demonstrated in the information provided in the EIS.*

Your proposal to require all access to the site via Pioneer Street will create the following issues:

- *Exacerbate issues already advised in writing by residents opposite the site by concentrating all movements past their properties and forcing the most convenient carparking to become Pioneer Street.*
- *Severely diminish the user-friendliness of the carpark is full.*

From our understanding, the current issues mainly pertain to trucks sweeping across Bowral Road to then reverse into the site. This issue has been completely removed.

*We request this condition be reassessed as we believe it create more problems than it solves. **The project will not be able to proceed on the basis of this condition.***

2. *Noted – this condition is consistent with the Development Application.*
3. *Noted – We suggest this Plan of Management become a Condition of Consent requiring approval prior to release of the CC.*
4. *We cannot understand why further RTA approval is required when a representative of the RTA is part of the traffic committee. Notwithstanding this, we can seek the RTA's approval of the dock as a Condition of Consent prior to release of the CC.*
5. *Noted – amended drawings will be provided to reflect this disabled access ramp off Bowral Road into the site.*
6. *Noted – amended drawings will be provided to reflect the landscaping along Pioneer Street adjacent to the kerb of our carpark.*

With respect to the two points referred to the next traffic committee meeting we support the provision of the first point (right turn bay into Pioneer Street). With respect to Point 2 it would appear that the ban on the right turn onto Bowral Road is for safety reasons. If a ban is implemented then the times suggested (3-6pm) should be the maximum. However, before implementing any ban, the committee should take into account the effect of banning the right turn. This is likely to result in traffic being diverted onto Old Hume Highway and Bessemer Street to travel to Bowral. Thus the committee will need to balance safety concerns against the impact of diverting traffic.

In relation to the submissions received from neighbour notifications we make the following comments which address the major issues raised:

- *The most significant issue regarding perceived loss of the supermarket, whilst potentially impacting the community, is ostensibly a business decision for the owner of that business.*
- *Woolworths has always made it clear that this store would close at some point in time. Our proposal merely brings this closure forward.*
- *Our proposed scheme with access off both Pioneer Street and Bowral Road will reduce traffic generation and congestion currently faced. A single access off Pioneer Street may have no improvement.*
- *Additional landscaping will be provided along the Pioneer Street frontage and corner of Bowral Road to enhance the streetscape and reduce the effect from car lights on Pioneer Street residents.*
- *Dan Murphy's will attract a new clientele to the town centre and will revitalize the diminishing Mittagong Shopping Village.*

We trust that our comments have addressed all outstanding issues relating to the Development Application and will be considered during the assessment process. We will issue the updated drawings, at or prior to our meeting on 1 August.

We look forward to receiving a positive response from Council when the application is considered at the next Council meeting on 8th August 2007".

Comment

In attempting to improve the effectiveness of the loading dock, there are compromises to be made. The level of inconvenience caused to residents in Pioneer Street will not be to the level previously experienced when the supermarket was fully operational.

The applicant has clearly indicated that Dan Murphy's will substantially decrease the use of the carpark. Other matters, relating to the operation of the loading dock will be addressed in the consent.

- Signage – Refer to Attachment 2 (A coloured advertising display sheet will be available at the meeting.

Proposed façade signage incorporating the Dan Murphy brand is largely replacing the existing Woolworths signage, with the exception of:

- Sign E image 03 (new sign replacing NRMA logo not supported)
- Sign D image 03 (new image – Picture of Dan Murphy, replaces Mittagong Shopping Village identification sign, not supported)
- Sign M image 07 (new sign not supported)
- Sign O image 05 (Dan Murphy's drive in entrance should read "Entrance Mittagong Shopping Village Carpark")



- Pylon Sign

Mittagong Shopping Village currently has a 6m pylon sign erected on a single pole, which serves the role of centre identification sign with tenancies listed below the centre logo.

Proposed signage maintains the 6m height but changes the concept of centre identification.

The pole sign becomes a Dan Murphy's sign with three panels for tenancy identification.

This sign should remain as an updated whole of village sign rather than a single business identification sign.

- Landscaping

Existing landscaping especially to Pioneer Street has been poorly maintained.

Part of this application involves restoration of landscaping.

To improve the standard of landscaping in Pioneer Street there needs to be a higher retaining wall adjacent to the footpath, to lower the slope of the landscape embankment, and improve the growing medium.

CONCLUSION

The proposed Dan Murphy's will necessitate the acceleration of works linking Mittagong to Highlands Market Place.

The construction of Dan Murphy's will bring about a change in shopping habits including a decrease of passing trade for specialty shops.

The \$15,000 contribution towards the cycle way is reasonable and will be of benefit to Mittagong town centre.

The establishment of the Dan Murphy outlet will bring change to shopping patterns at the Mittagong Shopping Village however, the inclusion of two (2) retail spaces will assist in attracting new businesses to the town centre.

Not all proposed signage is supported, as it is attempting to make the Mittagong Shopping Village a Dan Murphy's outlet, rather than one of many businesses in the shopping centre.

The concept of Mittagong Shopping Village needs to be retained so as to keep its place in the community.

ATTACHMENTS

There are three attachments.

RECOMMENDATION

THAT the Director Environment & Planning be authorised to issue development consent to LUA07/0609 in accordance with the draft conditions of consent Attachment 3 to the report.



Scott Lee
Director Environment & Planning

3 August 2007

CORPORATE SERVICES DIVISION

o-CS1 Department of Local Government Circular re Constitutional Referendums

REF. MAS

202/2007, 105

To consider advice from the Department of Local Government regarding constitutional referendums.

REPORT

BACKGROUND

Council has received a circular from the Department of Local Government (number 07-30) dated 30 July 2007 regarding constitutional referendums.

The circular requests Council to review its electoral and constitutional structures and determine whether the following issues should be considered at a constitutional referendum for:-

1. divides a Council area into wards or abolishes wards (section 16, 210 and 210A of the Act.
2. changes the number of Councillors (section 224 (2) of the Act.
3. changes the method of electing the Mayor to either direct election by its electors every 4 years or election by the Councillors every year (sections 228 and 229 of the Act.
4. changes the method by which Councillors are elected where the Council's area is divided into wards (section 279(2), 280 and 281 of the Act).

1. Divides a Council area into Wards or abolishes wards

Council at its meeting held on Wednesday 8 November 2006 considered a Notice of Motion regarding Voting by Wards (subsequently considered a Notice of Motion of Rescission on 28 February 2007 which was lost) and resolved:

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

The Electoral Commission has been advised of Council's decision of 8 November 2007 and in September this year a representative of the Electoral Commission will attend Council to discuss issues associated with the election to be held in 2008.

2. Changes the number of Councillors (section 224(2)) of the Act

Council at its meeting held on Wednesday, 24 May 2007 considered a Notice of Motion regarding the number of Councillors to represent the Wingecarribee Shire and resolved as follows:

1. THAT Council applies to the Minister for Local Government to decrease the number of Councillors in this Council from 12 to 9.
2. THAT 21 days public notice of this proposed resolution be given to the community and that submissions be invited on the proposed resolution.
3. THAT a report be given to Council on 28 June 2006 on the submissions received concerning the proposed resolution.

Council at its meeting held on the 28 June 2006 noted the public submissions from local residents concerning Council's resolution to reduce the number of Councillors from 12 to 9.

The Minister for Local Government subsequently endorsed the submission from Council and approved the reduction in Councillors from 12 to 9 for the Ordinary Council Election to be held in September 2008.

In this regard the information should be noted.

3. Changes the method of electing the Mayor to either direct election by its electors every 4 years or election by the Councillors every year (Section 228 and 229 of the Act).

The Local Government Act provides for two methods by which a Mayor can be elected:

- (a) by popular vote at an ordinary election
- (b) by vote among the Councillors.

Section 228 of the Act permits a Council to change the way the Mayor is elected by seeking approval of its electors at a constitutional referendum.

However, Councils with areas that are divided into wards are reminded that section 280(2) of the Act excludes a popularly elected Mayor from consideration when determining the number of Councillors to be elected for each ward and changing the method of electing the Mayor could result in an increase or decrease in the number of Councillors to be elected

Council is conducting a constitutional referendum at its 2008 Ordinary Council Elections and if it wishes to conduct a referendum at this election then the change (if any) will come into effect for the electoral term commencing in September 2012.

Should Council wish to change the way in which the Mayor is elected, it would need to include this question in the referendum and it will also affect the number of Councillors to be elected and the methodology in 2012 should the yes vote be confirmed at its 2008 ordinary election.

Council is requested to consider this matter. However, it is suggested that since Council has nominated nine (9) councillors to be elected at the next ordinary election that it confirm election of the Mayor by vote among the Councillors.

4. Changes to the method by which Councillors are elected where the Council's area is divided into wards (Section 279 (2), 280 and 281 of the Act)

Council needs to consider the options available under Section 280 and 281 of the Local Government Act regarding the method of electing councillors where an area is divided into wards.

As Council is to conduct a constitutional referendum at the next ordinary election in September 2008 it needs to confirm its intention to use method 1 under section 280 as the preferred voting model.

Method (1) as set out in Section 280 of the Local Government Act states:-

- (1) Each Councillor for an area that is divided into wards may be elected by an electorate comprising all the electors for a ward.
- (2) The same number of Councillors is to be elected for each ward. The Mayor is to be excluded when determining that number if the Mayor is to be elected by all the electors for the area.
- (3) The same person is not to be a candidate for election as a Councillor by the electors for more than one ward, unless the election is for the Mayor as such.

Council needs to indicate to the electoral commission that Council proposes to use method (1), Section 280 of the Local Government Act 1993, or alternatively include an additional question in the proposed referendum in 2008 to consider Method (2).

Section 281 of the Local Government Act provides an alternative approach for the election of Councillors under a ward system. Method (2) makes provision for a predetermined number of Councillors to be elected to Wards and a predetermined number to be elected for the whole of the Shire. However, should Council wish to proceed with Method (2), the decision to use method (2) must be included as a separate question put to the community via a referendum.

CONCLUSION

Council is required to advise the Electoral Commissioner of its decisions in relation to the above matters and in this regard, management has made a number of recommendations for Council to consider.

ATTACHMENTS

Copy of Department of Local Government Circular to Councils No 07-30 dated 9 July 2007.



RECOMMENDATION

1. THAT Council confirms its decision of Wednesday, 9 November 2006 to conduct a constitutional referendum at the next Ordinary election to be held in September 2008 to divide the Shire into wards.
 2. THAT Council notes its decision of Wednesday, 24 May 2006 which was subsequently approved by the Minister for Local Government for nine (9) Councillors to be elected at the Ordinary election to be held in September 2008.
 3. THAT Council not hold a constitutional referendum to alter the methodology to elect the Mayor and confirm that it be undertaken by vote among the Councillors.
 4. THAT Council confirms the method of electing Councillors under a wards system be by method 1 in accordance with section 280 of the Local Government Act 1993.
 5. THAT the NSW Electoral Commission be advised of Council's determination in items (1) to (4) above.
-

ATTACHMENT 1



Circular No. 07-30
Date 9 July 2007
Doc ID. A96648

Contact Susan Hartley
02 4428 4214
susan.hartley@dlg.nsw.gov.au

CONSTITUTIONAL REFERENDUMS

Before the ordinary elections in September 2008, councils should review their electoral and constitutional structures and determine whether to initiate a constitutional referendum under section 16 of the *Local Government Act 1993* where changes are desired. The NSW Electoral Commission has the responsibility to conduct referendums.

Approval from electors at a constitutional referendum is required for any proposal that:

1. divides a council area into wards or abolishes wards (sections 16, 210 and 210A of the Act)
2. changes the number of councillors (section 224(2) of the Act)
3. changes the method of electing the mayor to either direct election by its electors every 4 years or election by the councillors every year (sections 228 and 229 of the Act)
4. changes the method by which councillors are elected where the council's area is divided into wards (sections 279(2), 280 and 281 of the Act).

Divide an area into wards or abolish wards

Section 210(5) of the Act requires council to seek the approval of its electors at a constitutional referendum to either divide an area into wards or to abolish wards. After receiving elector approval, and before dividing its area into wards, a council must undertake the consultation required by section 210A of the Act.

A constitutional referendum held in conjunction with the next ordinary elections in 2008 where approval is given by electors to divide its area into wards would, after compliance with the consultation required by section 210A of the Act, come into effect for the electoral term commencing in September 2012. Compliance with section 210A is not required in the instance where approval has been given by electors at a referendum to abolish wards.

Change the number of councillors

Section 224(2) of the Act requires that not less than 12 months before the next ordinary election council must determine the number of its councillors for the following term.

Department of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E dl@dlg.nsw.gov.au W www.dlg.nsw.gov.au ABN 99 567 863 195

2

Council must then seek and receive the approval of its electors at a constitutional referendum for any change. This approval would have the effect of changing the number of councillors for the electoral term commencing in September 2012.

Alter ward boundaries

The council of an area that is divided into wards is required by section 211 of the Act to keep ward boundaries under review. If a review is undertaken, the council is required to, among other things, consult the Electoral Commissioner.

The Electoral Commissioner has advised that any council seeking to refer an alteration of ward boundaries must do so by 31 December 2007.

Change the way the mayor is elected

The Act provides two methods by which a mayor can be elected — by popular vote at an ordinary election or by vote among the councillors. Section 228 of the Act permits a council to change the way the mayor is elected by seeking approval of its electors at a constitutional referendum.

Councils with areas that are divided into wards are reminded that section 280(2) of the Act excludes a popularly elected mayor from consideration when determining the number of councillors to be elected for each ward.

In those circumstances councils should be mindful that changing the method of electing the mayor could result in an increase or decrease in the number of councillors to be elected.

If electors at a constitutional referendum conducted in conjunction with the 2008 ordinary council elections approve a change to the way the mayor is elected, that change will come into effect for the electoral term commencing in September 2012.

Alter the method of electing councillors

The councillors for an area that is divided into wards are to be elected in accordance with either section 280 or 281 of the Act.

The method of election under section 280 (method 1) is to apply unless a decision made at a constitutional referendum is in force, which requires the method of election to be conducted under section 281 (method 2).

The decision made at a referendum must also specify the number of councillors to be elected by the ward electorate and the number of councillors (if any) to be elected by the area electorate.

If electors at a constitutional referendum conducted in conjunction with the 2008 ordinary elections approve a change to the method for electing councillors, this change will come into effect for the electoral term commencing in September 2012.

3

Conducting a constitutional referendum

If council intends to resolve to conduct a constitutional referendum, it should refer to clause 274(3) of the Local Government (General) Regulation 2005 and comply with the notification requirements contained in Schedule 10 of the Regulation.

It is of critical importance that the referendum question or questions are carefully framed to ensure that workable decisions are achieved. All questions put at a referendum should be clear, concise, and capable of being responded to with a 'yes' or 'no' answer.

If more than one referendum question is being asked on a particular subject then extra care needs to be taken to ensure that the possible combinations of 'yes' and 'no' answers do not produce a conflicting decision.

Councils are responsible for the preparation and publicity of the required explanatory material. Councils must ensure this material presents a balanced case both for and against any proposition to be put to a constitutional referendum.



Garry Payne AM
Director General

o-CS2 2006/2007 Works in Progress Revotes

REF. FSM 2120/2007

Submitting details on the 2006/2007 works in progress or committed funds revoted to the 2007/2008 financial year.

REPORT

This report is being presented to Council for consideration and adoption to enable the finalisation of the 2006/07 financial statements.

Normal practice would dictate that the report on proposed revotes be submitted to the Finance Committee for comment prior to reporting to Council. The next Finance Committee meeting is scheduled for 17 October and a delay in the adoption of the proposed revotes will have an adverse affect on the completion of the financial statements. As a result of this restricted timeframe, the Chairman of the Finance Committee and Clr M Murray have reviewed these revotes with Council officers.

The items listed in **Attachment 1** have not commenced or are in progress as at 30 June 2007 and those unexpended funds will be required to complete the project in the 2007/08 Financial Year.

The works in progress shown includes all expenditure incurred as at 30 June 2007. In addition to the items listed, all unexpended votes as at 30 June 2007 as a result of Council resolutions funding expenditure from Reserves, Section 94 Contributions and Grants are to be re-voted into 2007/08.

A brief explanation of those items listed on **Attachment 1** and details are as follows:-

General Fund

1. Management Committees \$25,537

Payments to Councils Management Committees are made following receipt of claims from the Committees. This re-vote will enable those claims outstanding for 2006/07 to be paid in 2007/08.

2. Moss Vale Crematorium PPP \$3,642

Council is in the process of entering into a PPP with the Liverpool Presbyterian Cemetery Trust as its "Preferred Partner". These funds are required to be carried over to assist with the project in 2007/08

3. Bowral Car Park PPP \$25,000

Council allocated \$25,000 in its 2006/07 budget for an investigation into a PPP with a private partner for the construction of a multi storey car park in Bowral. These funds are required to be carried over to assist with the project in 2007/08

4. Outcome Manager \$8,932

Council is in the process of implementing a new corporate reporting system called Outcome Manager. While the corporate improvement and reporting process will be on going, this re-vote is required to assist with the implementation of this system in 2007/08.

5. Risk Management Incentive \$63,884

Council received incentive payments from Statewide Mutual Risk Management in 2005/06 and 2006/7. Council resolved on 28 September 2005 to allocate these funds towards the implementation of a risk management improvement plan. This project is on going and the funds are required to continue development of the plan in 2007/08.

6. O H & S Incentive Scheme \$45,455

Council received incentive payments from State Cover in 2005/6 and 2006/07 to assist Council in complying with O H & S legislation and reduce injuries in the workplace. These funds are required to be revoted to continue development and implementation of Council's O H & S improvement plan.

7. Contingencies \$18,000

The unexpended balance of the Contingencies Vote including commitments is revoted each year and added to the 2007/08 Contingencies budget allocation of \$25,000. Of the amount revoted, \$13,090 has already been committed as at 30 June 2007 on projects approved by Council.

8. Payroll Resource Sharing \$35,020

Council has entered into a resource sharing arrangement with Shellharbour City Council for the processing of Councils payroll. This project is still in progress with the revote of \$35,020 required to fund set up costs to be incurred in 2007/08.

9. Corporate Planning Support \$4,000

These funds are required to be revoted to fund the holding of Corporate management workshops associated with the formation and implementation of Council's new Corporate Plan.

10. Tourism Promotions \$25,000

This revote relates to income received for the ongoing project of capturing ongoing seasonal footage for the production of a corporate DVD promoting the southern highlands and to match Capital Country and Tourism grants for a co-operative marketing campaign to be conducted in October/November 2007.

11. Rural Addressing \$10,547

These funds are being revoted to continue with the third year of the rural addressing project. This is a three year project aimed at providing adequate property identification for emergency services.

12. E & P Training \$5,768

These funds are required to fund planning certificate courses for Council's planning staff in 2007/08.

13. E & P Equipment \$21,000

This revote request is to enable the acquisition of a new colour printers required under the new Norby Test guidelines, office furniture for Councils new planner and the securing of the Development Control records area.

14. Development Control Employment \$50,000

This revote request is to enable the engagement of a casual building inspector to reduce the backlog of works incurred by the staff vacancies in the branch.

15. Proclaim Implementation \$50,000

Council allocated \$50,000 at its March budget review for the upgrade of the LUA processing system on Proclaim. These funds are required to be carried over to enable the completion of the project in 2007/08.

16. Heritage Consultant \$40,000

These funds are required to be revoted to complete the Aboriginal heritage mapping \$30,000 and \$10,000 for towards the heritage survey. These funds also match grants received from the Dept. of Planning.

17. Shire Wide Heritage Assessment \$40,000

Council allocated these funds at its December budget review for a heritage survey across the shire to ensure a comprehensive listing of items. These funds are being revoted to allow this survey to be undertaken in 2007/08.

18. LEP Preparation Costs \$22,060

These funds relate to rezoning fees received for the rezoning of Braemar Garden World. The Department of Planning has not supported this request to date and these fees may have to be refunded.

19. Community Assistance Grants \$24,485

These funds have been committed under Council's Community Assistance Scheme but have not been claimed by the various community organisations as at 30 June 2007. Council resolved on 27 June 2007 that these funds be rolled over into the 2007/08 Community Grants Scheme.

20. Arts & Culture Board \$6,000

The revoting of these funds has been requested to fund the master class workshop, Colo Vale pathway painting and the Wingecarribee Art prize in 2007/08. These projects have commenced and will be completed in 2007.

21. Youth Voice \$6,354

These funds are required to be carried over to assist in the funding of the Youth Voice projects in 2007/08. These include \$3,600 for design of the youth web site and \$3,300 for the Kool Skools event held in July 2007.

22. Seniors Directory \$6,182

These funds are being revoted to fund the publication of the Seniors Directory recently completed in July 2007.

23. Environmental Levy Income WOFE \$323,870

Expenditure for the year was \$784,275 while income received in 2006/07 totalled \$1,108,145, which included the rollover from 2005/06 of \$406,555 and external grant monies received of \$42,302. The amount of \$323,870 represents the unexpended portion of the Environment Levy income for 2006/07. Actual expenditure exceeded original budget for the 2006/07 year by \$132,425 and the requested revote is a decrease of \$82,685 from that carried over into 2006/07.

It should be noted that 2007/08 is the last year Council has approval from the Minister for the levying of this special rate.

24. Road Rating Contract \$15,000

This amount is required to be carried over into the 2007/08 budget for the completion of Councils road rating contract. This project provides condition assessment data on the state of Councils roads which is incorporated into roads and traffic asset management system.

25. Shire Wide Bike Plan \$5,000

This amount is required to be carried over into the 2007/08 budget to provide matching RTA grant funds for the completion of a shire wide bike plan.

26. Bong Bong Common Plan of Management \$18,200

Council allocated funds in the March budget review for the completion of a Conservation Plan and Plan of Management for the Bong Bong Common. These funds are required to be carried over to complete the project in 2007.

27. Lake Alexandra \$215,429

Council allocated \$255,000 from the 2005/06 revotes to partly fund the planned upgrade works at Lake Alexandra. \$39,571 was expended from these funds in 2006/07 and the balance of \$215,429 is required to be carried over for the funding of the recently awarded contract to complete this project in 2007/08.

28. Stormwater Management Charge \$187,868

Council implemented a stormwater management charge in 2006/07 for the management of the quality and quantity of stormwater that flows from urban and business properties. This program had a lead in time for investigation and design of the proposed works which resulted in the \$467,151 income not being fully expended in 2006/07. These funds are required to be carried over to complete the works in 2007/08.

29. Infrastructure Renewal Strategy \$462,456

Council's Program 32 allocated \$3,506,009 towards specific works identified from the general rate increase received in 2006/07 including a revote of \$83,346 from 2005/06. Of these funds \$1,608,940 was allocated to Parks and Property projects, \$1,843,069 towards Roads and \$54,000 to Risk Management and Community Grants. While \$3,043,553 was expended in 2006/07 the remaining balance of \$462,456 is required to be revoted to this program in 2007/08. Of this amount, \$178,408 has been allocated to specific projects, \$76,048 allocated for IRS roadworks and the remaining balance represents savings on completed works during the year.

It is being recommended that \$208,000 of these savings be allocated to the fund the additional costs identified for the development of Lake Alexandra.

30. Infrastructure Renewal Program \$339,427

The Infrastructure Renewal Special Rate generated \$748,380 in 2006/07 while an amount of \$169,801 was also revoted from 2005/06. Expenditure from the program was \$578,754 leaving a balance of \$339,427 to be revoted to 2007/08 for the following projects:

- Footpath construction \$93,776.
- Drainage works \$127,770.
- Roads \$117,881.

WATER FUND

1. Leak Detection \$30,000

This project should be completed in 2007/08 in order to comply with DWE's performance reporting requirements

2. Pressure Zone & Valving Investigations \$25,000

These funds are required to complete the pressure zone and valving Investigations through network modelling

3. Integrated Water Supply Study \$60,000

This project is a requirement of the DWE and the funds are required to finalise the study in 2007/08.

4. Dam Seepage Monitoring \$44,040

This project had been delayed due to the unavailability of specialist consultants. It is anticipated that the project will be completed in 2007/08.

5. RMP & Implementation/Condition Monitoring \$25,592

These funds are required to complete condition investigations of a critical and failing 300mm cast iron pipe in Exeter . Work was delayed owing to wet weather conditions and is in progress now.

6. Telemetry Systems & Maintenance Contract \$30,000

These funds are required to complete upgrade of the telemetry system and preparation of a maintenance contract. Contract awarded and work in progress

7. Water Mains Cleaning \$150,000

These funds are required to undertake cleaning, flushing and pigging of Councils mains to improve water quality in the shire. Tenders for this works were higher than anticipated and it is proposed to combine this revote with the budget allocation for 2007/08.

8. Hydrants Testing / Urban Filling Station \$38,948

These funds and funds under item 13 are required to install three water filling stations in the Shire. Investigations & designs completed & quotations obtained. DWE will reimburse \$45 000 once completed.

9. Bundanoon WTP Lime System \$57,000

These funds are required to complete the upgrade of the lime dosing system at the Bundanoon Water Treatment plant. Tenders being finalised.

10. Painting – Bundanoon & Medway Dams \$59,266

These projects are in progress and the funds committed are required to complete the project in 2007/08. Delayed by wet weather.

11. Medway Dam Boat Ramp \$34,200

These funds are required to extend the boat ramp. Awaiting favourable conditions to commence work.

12. Medway WTP Upgrade Investigation \$70,000

These funds are required to complete Medway WTP upgrade designs. Consultants engaged.

13. WTP BMP Works/Filling Station \$60,000

Refer to item 8

14. Depot Upgrading \$11,000

These funds are required to replace and repair fence at the Mittagong Depot.

15. Install Valves & PRVs \$50,677

Items on order. Delays in production and delivery.

16. Install Bulk Meters \$45,196

Items on order. Delays in delivery

17. Access to Seepage Weir – Medway Dam \$19,000

It is a DWE's requirement to construct an access system to monitor dam seepage. Consultant hired but unable to undertake work until the water level dropped to a predetermined level

18. PAC Storage Shed –Wingecarribee WTP \$31,254

Work in progress and nearing completion.

- 19-22. Medway WTP \$242,020

These funds are required to renew Soda Ash Feeders, filter sand and nozzles and PAC plant at Medway WTP in 2007/08. Funds committed & work in progress. Rain delayed.

23. Bundanoon WTP Plant Upgrade \$488,440

These funds are required to undertake programmed upgrade work to improve water quality and process control. Shortage of specialist consultants delayed the project. Tenders are being finalised.

24. WTP Equipment Renewal \$35,332

These funds are required to replace WTP equipments such as turbidity meters and lab equipments. Items are on order and expected to be delivered in early August 2007

25. Pumping Stations \$15,000

These funds are required to replace the doors and valve pit lids of water pumping stations in 2007/08.

26. Werai Pumping Station \$100,000

These funds are required to renew the pumps at the Werai pumping station in 2007/08. Pump selection and pipe work designs are in progress.

27-28. Water Reservoirs \$38,415

These funds are required to complete the renewal of lids and hand rails at Councils reservoirs in 2007/08. Investigations and designs are nearing completion

29-31. Main Renewals \$178,104

These funds are required to be carried over to complete water main renewals at Price Street and Mittagong Road Bowral and Leopold Street Mittagong in 2007/08. Works are nearing completion.

SEWER FUND

1. IWCM & AM Plans \$30,000

These funds are required to complete Integrated Water Cycle Management Plan in 2007/08 to comply with DWE's requirements.

2. Sewer Catchments Infiltration Study \$16,777

These funds are required to complete the infiltration study of the Bowral sewer mains in 2007/08. Funds committed & work nearing completion.

3. AMS Implementation \$48,491

These funds are required for asset data collection and condition assessment by specialist electrical and mechanical consultants/contractors.

4. Moss Vale Telemetry & Pump Station Upgrade \$17,236

These funds are required to complete the upgrade of the Moss Vale telemetry system in 2007/08.

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

5. Church Rd Main Extension & Upgrade \$119,950

These funds and funds under item 11 are required to upgrade the Moss Vale Church Road pump station riser main to solve overflow problems.

6. Berrima STP \$20,000

These funds are required to fund the replacement of a Pasveer rotor at the Berrima treatment works.

7. Moss Vale Treatment Plant \$26,051

These funds are required to renew the diffuser at the Moss Vale sewerage treatment works.

8. Berrima Treatment Plant \$15,000

These funds are required to install a flow recorder at the Berrima sewerage treatment works. Bad weather and shortage of contractors delayed the project

9. Pumping Stations \$160,000

Refer to item 5

10. Decommission Bulwer Rd Pump Station \$10,182

Works completed in July 2007

11. Sewer Telemetry RTU Upgrade \$50,000

These funds are required to replace telemetry units (RTUs) at sewer pump stations to comply with licence conditions.

- 12-13. Mittagong STP \$205,000

These funds are required to pay for new UV units installed in July 2007 .

14. Bowral STP Catch Pond \$10,000

These funds are required to construct sumps in catchponds. Awaiting favourable conditions

15. Colo Vale & Aylmerton Pumping Stations \$25,000

These funds are required to pay for access way sealing works completed in July 2007.

16. Pollution Reduction Generator Connections \$80,000

These funds are required to complete generator connections and by-pass lines for sewer pump stations.

17- 19. Main Renewals \$181,901

Sewer main renewals at Braeside Drive Bowral, Sunset Point Drive Mittagong and Wilson Street Moss Vale are in progress and the funds are required to pay for the works which are nearing completion

20-21. Pumping Station Upgrades \$139,614

Refer item 5

POLICY IMPLICATIONS

There are no policy implications contained in this report.

BUDGET IMPLICATIONS

The revoting of funds as listed on Attachment 1 will enable those specific projects to be completed in 2007/08.

ATTACHMENTS

Attachment 1 – List of Works in Progress revotes for General, Water & Sewer Funds

RECOMMENDATION

1. THAT the 2006/07 Budget revotes as listed on **Attachment 1** be carried over and re-voted to 2007/08.
 2. THAT Council fund the additional cost of \$208,000 for the Lake Alexandra development from the savings in the IRS program, not from the capital projects reserve as previously determined.
-

Barry W Paull
Director Corporate Services

3 August 2007

ATTACHMENT 1

**WINGECARRIBEE SHIRE COUNCIL
WORKS IN PROGRESS RESERVE AS AT 30.06.2007**

RESERVE BALANCE 30TH JUNE 2006			1,389,644.00	JOB NUMBER
ADD TRANSFERS TO RESERVE (Exact Values)				
CORPORATE SERVICES				
MANAGEMENT COMMITTEES	1 31700/38	25,537		32100
MOSS VALE CEMETERY CREMETORIUM PPP	1 32028	3,642		32100
BOWRAL CAR PARK PPP	1 32029	25,000		32100
OUTCOME MANAGER	1 32042	8,932		32100
RISK MANAGEMENT INCENTIVE BONUS	1 32765	63,884		32100
O H & S INCENTIVE SCHEME	1 10085	45,455		32100
CONTINGENCIES	1 35000	18,000		32502
PAYROLL RESOURCE SHARING	1 37092/3	35,020		35005
CORPORATE PLANNING SUPPORT	1 37070	4,000		32100
TOURISM PROMOTIONS	1 51301	25,000		51190
			254,470	
ENVIRONMENT & PLANNING				
RURAL ADDRESSING	1 40060	10,547		40050
E & P TRAINING	1 40005	5,768		40050
E & P EQUIPMENT	1 40010	21,000		40050
DEVELOPMENT CONTROL EMPLOYMENT	1 41000	50,000		41100
PROCLAIM IMPLEMENTATION	1 41075	50,000		41100
HERITAGE CONSULTANT	1 44035	40,000		44160
SHIRE WIDE HERITAGE ASSESSMENT	1 44037	40,000		44160
LEP PREPARATION COSTS	1 44904	22,060		44160
COMMUNITY ASSISTANCE GRANTS	31200/34126	24,485		45100
ARTS & CULTURE BOARD	1 31004	6,000		36192
YOUTH VOICE	1 45060	6,354		45100
SENIORS DIRECTORY	1 45079	6,182		45100
ENVIRONMENTAL LEVY INCOME	1 56000	323,870		56800
			606,266	
TECHNICAL SERVICES				
ROAD RATING CONTRACT	1 12090	15,000		12510
ROAD SAFETY OFFICER	1 18015	5,000		18180
BONG BONG COMMON PLAN OF MNGT	1 20336	18,200		20317
LAKE ALEXANDRA UPGRADE	1 20646	215,429		20317
STORMWATER DRAINAGE		187,868		13712
INFRASTRUCTURE RENEWAL STRATEGY		462,456		17500/17901
INFRASTRUCTURE REPAIR PROGRAM		339,427		14300
			1,243,380	
TOTAL TRANSFER TO RESERVE			2,104,116	

TECHNICAL SERVICES DIVISION

o-TS1 Temporary Path - Southern Side of Old Hume Highway, Mittagong

REF.	DTS	7810/5, RD1427, LUA07/0555
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Reporting on a request from Councillors to construct a temporary path on the southern side of the Old Hume Highway between Pioneer Street and the Highlands Marketplace.

REPORT

The construction of the Highlands Marketplace has resulted in an increased number of pedestrians walking along Old Hume Highway. Most pedestrian traffic generally moves between the Mittagong CBD and the Highlands Marketplace.

There are no formed footpaths between Pioneer Street and the pathways outside the Highlands Marketplace. A permanent path is proposed for the north side of Old Hume Highway. This project is currently in the design phase, however construction is not scheduled until mid 2008.

To address concerns about pedestrian safety, a temporary pathway constructed out of compacted roadbase and pedestrian refuge to cross the Hume Highway could be constructed at short notice for approximately \$50,000.

The Dan Murphy's Land Use Application is being considered separately on this agenda and it is understood that there may be a contribution towards this project. The balance of funding can be sourced from savings in the 2006/07 Infrastructure Repair Program.

While the temporary pathway would only be a formed gravel path, it would provide a safer alternative for pedestrians walking to the Highlands Marketplace.

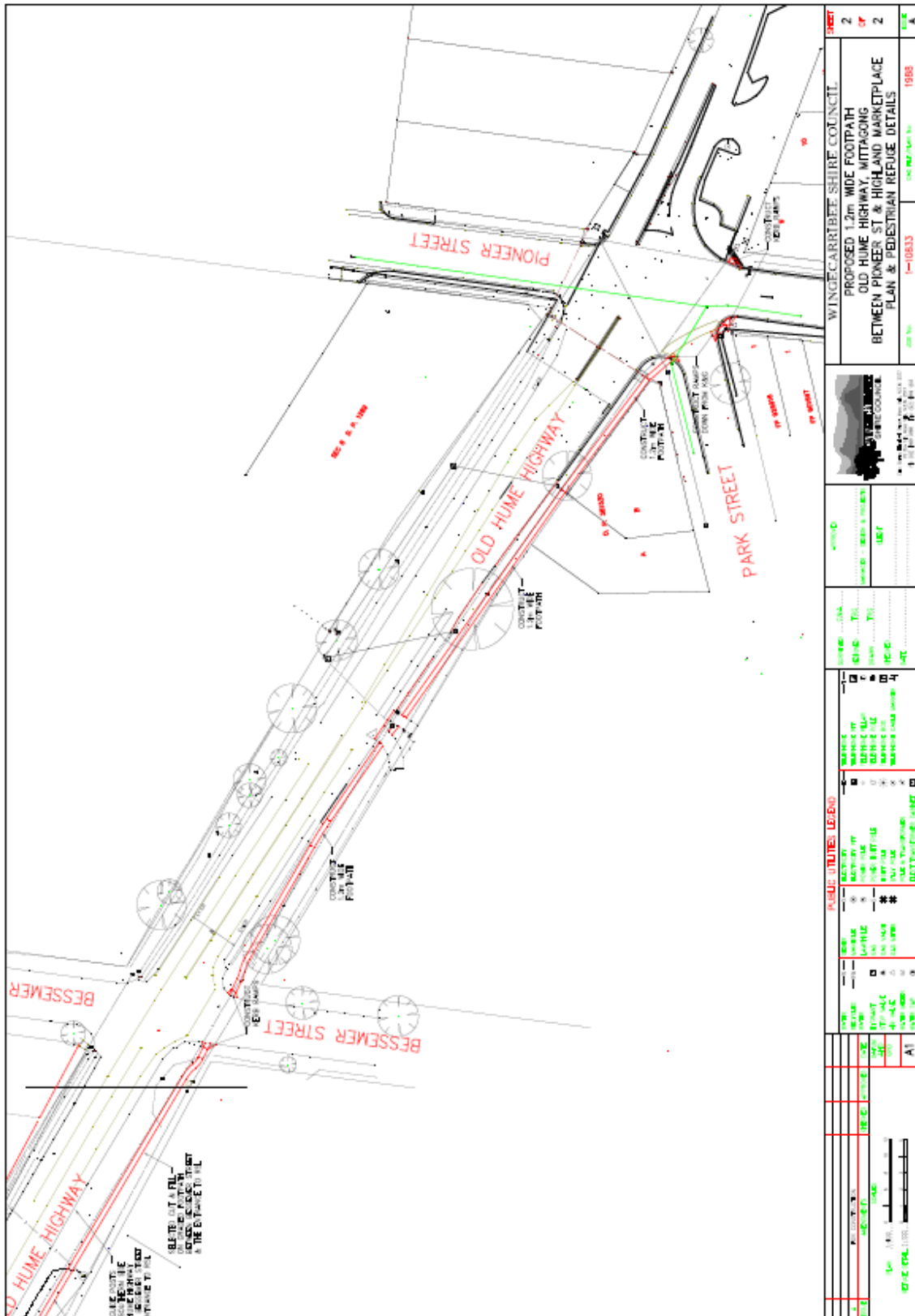
ATTACHMENTS

Drawing number 1988/A sheet 1 and 2.

RECOMMENDATION

THAT Council utilise the contribution from the Dan Murphy's Land Use Application and savings from the 2006/07 Infrastructure Repair Program to construct a temporary path on the southern side of the Old Hume Highway between Pioneer Street and Highlands Market Place with a temporary pedestrian refuge opposite the "Highlands Garages" site to address safety concerns for pedestrians AND THAT the path be constructed as a matter of urgency.

ATTACHMENT 1



o-TS2 Condition of Eucalyptus Trees at Civic Centre, Moss Vale

REF.	PPM	7100, 7813/3
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The purpose of this report is for Council to be advised on the reason for tree failure and to adopt a replacement strategy.

REPORT

HISTORY

There are four Eucalyptus pauciflora growing outside the Civic Centre. In recent months the trees have been in decline and the largest of the four would appear to be dead.

As a result of these concerns a tree assessment was requested and a copy of the Arborist's Report is attached.

CURRENT STATUS

Council engaged the services of The Sugar Factory to conduct an inspection on 3 trees. The purpose of the inspection was to assist in the determination of possible causes in the decline of the trees.

The second issue for consideration was a replacement strategy for any trees that failed.

The report assesses the condition of the three (3) trees and makes recommendations about them. It would appear that the trees have suffered from woody root rots and not impacts from the surrounding landscape. This condition has been present for many years and there is no treatment for woody root rot.

CONCLUSION

As a matter of safety trees 1 and 3 are recommended for removal in accordance with the Arborist's Report.

After removal the area should be treated with an appropriate environmental friendly fungicide to address any pathogens remaining.

Replacement trees should be planted away from the site of the plants removed.

The Eucalyptus trees that are growing in the area compliment the existing gardens. There are no horticultural reasons for not replacing the existing trees with the same genus and species, Eucalyptus pauciflora.

ATTACHMENTS

Arborist's Report

RECOMMENDATION

1. THAT the two *Eucalyptus pauciflora* identified in the report be removed;
 2. THAT advanced *Eucalyptus pauciflora* be planted in the location adjacent to the site where the trees were removed.
-



THE SUGAR FACTORY

Arbor Advocate

6 Leumeah Close, West Pennant Hills 2125
Phone: 9875 4074 • Mobile: 0407 353 247 • Fax: 9875 4074
ABN: 29 995 746 283



Attn Mr Ken Folkes, Vegetation Management Coordinator
Wingecarribee Shire Council
PO Box 141
MOSS VALE NSW 2577

26 July 2007

Our ref: wsc002rpt

Dear Sir,

RE: THREE EUCALYPTS OUTSIDE COUNCIL CHAMBERS

We confirm details of our site inspection of 24 July 2007 as follows:

The trees in question were three of the four eucalypts along the Elizabeth Street frontage outside Council Chambers (photograph 1). The southern-most of the four trees was not included in the scope for assessment. We understand that the trees are Snow Gum *Eucalyptus pauciflora*. Fairley and Moore give the sub-species *pauciflora* as being commonly encountered in the Berrima-Marulan and Moss Vale-Bundanoon districts¹.

The crown of tree #1 is dying back from the top downwards, and carries sparse and slightly chlorotic foliage. These are symptoms associated with woody root rots².

The base of the tree has three separate wounds with decay evident. There were no mushrooms or bracket-fungi present on the wounds at the time of inspection. The decayed wood had a colour and texture consistent with a simultaneous white-rot.

The wound on the southern side of the stem is characterised by an advancing necrotic lesion, spreading upwards and killing the bark (photograph 3).

Collectively, the characteristics of the crown, wound, lesion, and decayed wood indicate an infection by *Ganoderma spp*³, a form of woody root rot. The symptoms are also occasionally associated with armillaria root rot.

This is a tentative diagnosis only. If an accurate identification of the causal organism is required, fruiting bodies (once formed) should be collected and sent for identification to the Division of Plant Pathology at the Royal Botanic Gardens Sydney.

¹ Fairley, A and Moore, P (2000, 2nd ed.) 'Native Plants of the Sydney District' Kangaroo Press, East Roseville, NSW.

² Schwarze, F.W, Engels, J, and Mattheck, C (2000) 'Fungal Strategies of Wood Decay in Trees' Springer, Berlin.

³ Kile, G.A (2000) "Woody Root Rot of Eucalypts" from 'Diseases and Pathogens of Eucalypts' Keane, P.J, Kile, G.A, Podger, F.D & Brown, B.N (Eds.), CSIRO Publishing, Collingwood, Victoria.

Report

Woody root rot typically begins at the root tips and progresses along the underside of the root. The condition is difficult to detect and usually goes unnoticed until the advanced stages, or after tree failure^{iv}. Such affected trees are prone to windthrow.

Kile (2000) states that ganoderma (as can armillaria) spreads vegetatively through root contact from tree to tree, while spores may even infect through intact bark. The diseases can lie dormant in the soil for some years before new material presents itself for infection. This is a likely scenario in this instance. The current infection could be a legacy of long-ago tree removal that left behind large sections of the root system.

There is no treatment for woody root rot. Control measures necessitate the complete removal of inoculum (infected material), including in-ground infected roots.

The tree is likely to have been infected for a number of years, given that the decay has reached and is well established in the base of the tree.

Tree #2 did not appear to be affected by a woody root rot at the time of inspection. One of the sub-stems had previously been removed, and the stub shows sections affected by white rot, i.e. delignification.

The remaining stem has a wound that carries several basidiomes or developing bracket fungi (photograph 2), indicating an infection on that stem. The brackets are very young and have only formed this season. Being perennial brackets it could be expected that the more vigorous will survive and persist from year to year.

Mallet testing returned a hollow sound from the wound indicating decay just beneath the surface. The decay is not likely to be extensive, as the wound has only recently been infected, although the decayed area will only get larger over several years.

Generally speaking, this type of stem decay does not affect the health of the tree but it can affect the structure. Over time as the decay progresses it may ultimately reach a size large enough to cause the stem to break; hence it is only in the event of mechanical failure that the 'health' of the tree is affected. This aspect is one which could be monitored by Council.

Tree #3 is dead. The bark has dried out and is starting to fall from the tree (photograph 5). The tree has died from desiccation which in its simplest terms can only mean that the root system stopped absorbing and translocating water.

The reasons for this are not readily apparent from a visual examination. The affliction may have been in the non-woody roots, or in the woody roots, or both. There are a range of factors that can cause this condition.

^{iv} Fraedrich, B.R. & Smiley, E.T., (2002) "Assessing the Failure Potential of Tree Roots" in *Tree Structure & Mechanics - Conference Proceedings: How Trees Stand Up and Fall Down* pp 159-163, Smiley E.T. & Coder, K.D. (Eds.), International Society of Arboriculture, Champaign, Illinois.

REPORT OF DIRECTOR TECHNICAL SERVICES

Report

In general roots extend outward from the trunk and occupy irregularly shaped areas 4 – 7 times larger than the projected crown area with an average diameter of one to two or more times the height of the tree^v. The vast majority of these are the non-woody roots, which among other things are active in the uptake of water. Non-woody roots grow into the upper layers of the soil and even into leaf litter, if present.

Harris *et al* state that a healthy tree should be able to survive the loss of 50% of its root system^{vi}. Generally, the degree of severe root damage that would be capable of causing an extremely adverse reaction is one normally associated with construction impacts, whereby major grades changes i.e. cutting or filling removes or otherwise kills the non-woody roots.

The site characteristics do not indicate anything other than relatively minor landscaping works.

Another cause of non-woody root death is infection by soil-borne pathogens such as phytophthora. If this were the case however, the symptoms would also be likely to be present in other nearby trees and shrubs, which they are not.

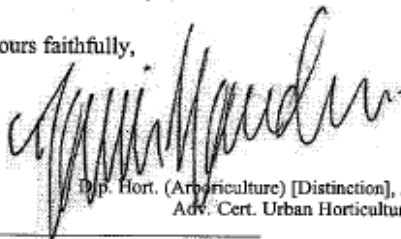
In a similar sense, chemical damage to the non-woody roots via fertiliser or other salt is unlikely to be the casual agent, nor are abiotic factors such as toxic fumes as again, the condition is not found in other nearby plants and is specific to this tree only.

One possibility is that the tree, like Tree #1, is affected by a woody root rot. The rot could be well established in and have ring-barked the woody roots; it is certainly conceivable that such a condition could kill the tree^{vii}. To confirm this it would be necessary to excavate and expose the roots to locate the infected sections. In any event, the precise cause of death would require thorough examination by a plant pathologist if certainty were required.

Note that dead trees will progressively drop branches. A chance of whole tree failure could exist if a woody root rot affects the tree.

In summary, Tree #1 is badly affected by a woody root rot, is predisposed to windthrow and would best be removed in the near future. As much as possible of the root system should be excavated and removed, in order to limit the chance of infection in other trees. Tree #3 should also be promptly removed, along with its root system. Tree #3 is retainable but should be checked in 3 to 5 years time for the extent of decay in the stem wound.

Yours faithfully,



DENNIS MARSDEN, CONSULTING ARBORIST.

Dip. Hort. (Arboriculture) [Distinction], Assoc. Dip. Landscape [Design & Construct] [Distinction]
Adv. Cert. Urban Horticulture [Distinction], Cert. Tree Surgery, MAIH, MISA, MNAAA.

^v Perry, TO (1994) "Site design and Management of Tree Planting Sites" from *The Landscape Below Ground.*
Eds. Watson & Neely, International Society of Arboriculture, Illinois.

^{vi} Harris, RW, Clark, JR, and Matheny, NP (2004, 4th ed) *Arboriculture: Integrated Management of Landscape Trees, Shrubs and Vines.* Prentice Hall, New Jersey.

^{vii} Strouts, R.G. and Winter, T.G. (2000, 2nd ed) *Diagnosis of Ill-Health in Trees* DETR, London.

REPORT OF DIRECTOR TECHNICAL SERVICES

Report



Photograph 1. The subject trees.



Photograph 2. The crown of Tree #1 is dying back from the top downwards, carrying sparse and slightly chlorotic foliage.

REPORT OF DIRECTOR TECHNICAL SERVICES

Report

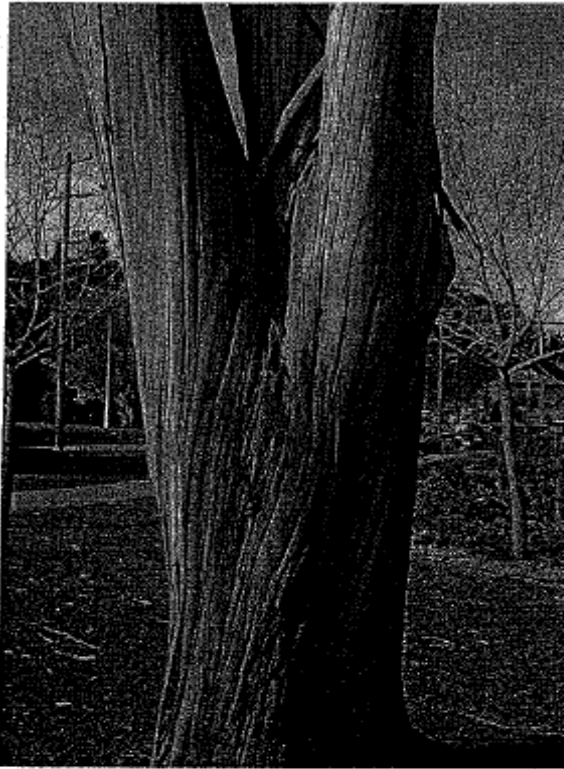


Photograph 3. Wound on the south side of Tree #1, with necrotic lesion extending upwards, killing the bark (arrows).



Photograph 4. The remaining stem of Tree #2 is infected with a white rot, and carries several basidiomes (arrow).

Report



Photograph 5. The bark of Tree #3 has dried out and is starting to fall.

o-TS3 David Wood Playing Fields East Bowral

REF. PPM 6535/10

The purpose of this report is for Council to consider future infrastructure at the David Wood Playing Field including a multi purpose slabs and canteen.

REPORT

HISTORY

The provision of the East Bowral Playing Field was Section 94 funded. While the majority of works are complete there is still outstanding items based on the recently reviewed Section 94 Plan.

During the planning stage of the multi slab project the Wingecarribee Shire Council Sport & Recreation Committee were consulted on the contents of the project. At that time the Sport and Recreation Committee resolved that tennis courts and multi purpose slabs were not required. However, at that time, the Sport and Recreation Committee did not report their minutes formally to Council.

CURRENT SITUATION

Council has adopted a Section 94 Plan for Bowral as outlined in the Section 94 Planners comments below. The report leading to the adoption of this plan has been circulated to Councillors under separate cover.

Council has included the construction of a multi purpose slab in the current works program. To date a detailed design has been done and \$6,000 expended. As part of the project plan, signoff on the final design was sought from the Sport and Recreation Committee. The minutes of this meeting and a copy of the locality plan for the slab are provided under separate cover.

Council has also received a submission from Highlands Soccer Association to build a canteen, a copy is provided under separate cover.

Section 94 Planner's Comments

The proposed recreation slab forms part of the recreation component of the East Bowral Section 94 plan which was reviewed in March 2005, publicly exhibited and later adopted by Council on 24 August 2005. This Section 94 Plan is specifically focused on addressing the infrastructure needs generated by the development within East Bowral.

Council endorsed the recreation slab proposal as a priority in 2005 and has already expended funds on its design. The purpose of the facility is to provide an area for basketball/netball, skating and other hard court activities for the youth who reside in East Bowral. This item replaced the need for a tennis court in this locality given the changing recreation needs as described in the report to Council.

In terms of the suggestion to prioritise the canteen and referee's room over other recreation needs, Council staff are mindful of the Frevcourt legal case against Council that closely examined the needs of the area (including recreation). The action by Council at that time to down size the Section 94 plan and replace works with like works was examined as part of the court case. Any proposed expenditure in East Bowral must be able to undergo close scrutiny and show clear merit and nexus for expenditure. There is also a greater emphasis on spending the funds collected within a reasonable time.

The attached list from the August 2005 report to Council identifies the list of works based on needs and priorities, and included an allocation toward a canteen which befits the demand from the East Bowral area compared to its need at a more shirewide level.

	<u>Est. Cost</u>
• Construct a recreation slab, irrigation and seating on Northern Playing Field Precinct;	\$150,000
• Construct one (1) new large playground at the Playing fields	\$ 75,000
• Construct cycleway and pathway linkages;	\$175,000
• Embellish existing open spaces areas to cover fencing, seating, Improved soft fall at existing playgrounds, tree planting with A mixture of natives and exotics; and	\$109,150
• Construct the canteen at the Playing fields	<u>\$ 45,000</u>
TOTAL	<u>\$554,150</u>

The inclusion of the canteen as the lowest priority and the amount of funds allocated in the above list reflects the level of nexus between demands of the East Bowral community for such a facility and demands of the wider community for a use as a shire wide network facility. The allocation of \$45,000 is considered to be generous.

Should Council wish for the priorities to be reviewed, this can be undertaken via resolution of Council which would result in a further report to Council. Should any changes be recommended from this review, the s.94 plan would need to be publicly exhibited, submissions considered and then a reviewed plan adopted for the changes to take effect.

Given the legal history of s.94 in East Bowral, the projects progress to the construction phase and the canteen proposal for use outside the East Bowral, I would recommend that the priority list remain unchanged.

REPORT OF DIRECTOR TECHNICAL SERVICES

Slab location

The general guidelines/criteria for the local of facilities of this type include:

- Good and open passive surveillance;
- Close to shops and amenities;
- Good pedestrian access and linkages

The site exhibits certain elements of all these major considerations. Passive surveillance is probably its weakest point with the passing traffic is considered only satisfactory. However with greater use of the area with the playing fields, playground and possibly a community use, this location will be most suitable for these activities.

CONCLUSION

It would appear there is some division between groups on priorities for the East Bowral Playing Fields.

As the highest priority in the adopted Section 94 plan \$85,000 has been allocated for the slab and seating out of the \$150,000. \$45,000 has been allocated for the canteen as a lower priority. The \$45,000 combined with the submission from the Highlands Soccer Association provides an opportunity to provide both items of infrastructure. Council would need to find additional funds as a canteen would cost up to \$150,000. It is possible with management and efficiency in delivering the remaining Section 94 there may be savings which could assist in the construction of the a canteen.

Should Council wish to amend the priorities in the adopted Section 94 Plan, Council would need to exhibit an amended plan. A recommendation to do this would need to replace the recommendations below.

ATTACHMENTS

1. Sport & Recreation Committee Minutes 17 April 2007;
2. Letter from Highlands Soccer Association (Inc);
3. Report from Council Meeting 24 August 2005 adopting Section 94 East Bowral Recreation Plan;
4. Site plan for Recreation Slab proposal.

All attachments under separate cover

RECOMMENDATION

1. THAT Council confirms the priorities adopted in the August 2005 Section 94 East Bowral Recreation Plan;
 2. THAT at the completion of outstanding Section 94 works, any cost savings be considered at a Quarterly Review for allocation to the canteen and referees room.
-

o-TS4 Asset Management Policy

REF. DTS 500/13.1

Reporting on a proposal to adopt an Asset Management Policy for Wingecarribee Shire Council.

REPORT

It is now realised by Federal, State and Local Government how important Asset management is in ensuring we can delivery “sustainable” services to our Community now and into the future. Councillors particularly have a “stewardship” role in the provision of these services.

To justify increased expenditure in this area and gain community support for Council's actions, Council need to apply good asset management practice (GAMP) for Wingecarribee Shire.

Most importantly, this will include life cycle costing considerations for all decisions including Asset Management expenditure.

Council is well placed to delivery GAMP. It starts with the acceptance of a sensible policy for Asset Management.

ATTACHMENTS

Draft Asset Management Policy

RECOMMENDATION

THAT Council adopts the Asset Management Policy.

M J Brearley
Director Technical Services

2 August 2007

ATTACHMENT 1

POLICY MANUAL
(Post 1 July 1993)

SUBJECT: ASSET MANAGEMENT

POLICY TITLE: CORPORATE ASSET MANAGEMENT

DIVISION: TECHNICAL SERVICES

FILE NO: 500/13.1

OBJECTIVE:

Council delivers services through physical assets. This policy provides guidelines and a framework for asset management that is required to deliver safe, efficient, reliable services that can be utilised by current and future generations.

In summary, the objectives are;

- Provide sustainable services (and infrastructure)
- Meet legislative requirements for long term asset management and financial planning
- Implement & maintain an appropriate corporate asset management approach

SCOPE:

Background

Council is custodian for approximately \$750M of physical assets that support its core business, the delivery of service to the community

Assets covered by this policy include (but are not limited to);

- Roads, road reserve including footpaths, kerbs, gutters, signage,
- Bridges
- Sewerage plant, networks and systems
- Water plant, networks and systems
- Stormwater and drainage assets
- Waste and recycling assets
- Buildings
- Parks and open space
- Plant, vehicles
- Communications and information technology

The challenge for Council is to facilitate the provision of sustainable assets used in the effective delivery of services to the community for both current and future generations.

The resources available to Council to deliver services are limited. Council shall identify its strategic approach to asset management that will ensure that resources are deployed efficiently and effectively to deliver an agreed level of service.

To facilitate this, Council shall deploy “Good Asset Management Practice”.

The following aspects are key components of Good Asset Management Practice.

- 1 Asset Management Focus
Asset Management shall embrace a “whole of council” approach and apply to all assets managed by Council, with Council responsible for delivering sustainable services to the community.
- 2 Asset Management Compliance
Strategic Asset Management Planning and long term Financial Planning is to be included in legislation for local government in NSW. Asset Management shall be a corporate responsibility that is integrated with financial management and Council’s Corporate Management Plan, to ensure sustainability.
- 3 Asset Management Plan
A long term strategic Asset Management Plan identifies agreed Levels of Service (LOS) and costs to deliver services now and in the future (10 year horizon).
- 4 Financial Management Plan
Asset Management will assist Financial Management with the information required for long term financial forecasts regarding asset and funding sustainability.
- 5 Asset Management System
Asset Management software will be required to support the delivery and efficiency of Council’s operations, deliver critical data for long term financial management and provide for continuous improvement in asset management by monitoring adherence to legislative requirements and agreed standards.

POLICY:

To ensure that Corporate Asset Management is realised, the following will be ratified under this Policy;

1. Full life cycle costs will be used as the basis for decisions on asset maintenance and asset acquisition, replacement and disposal.
2. An Asset Management Plan will be developed that will ensure systematic and appropriate asset management best-practice is implemented throughout Council.
3. The Asset Management Plan will be aligned to the Corporate Community Plan and the Long Term Financial Plan to meet legislative requirements.
4. Service levels agreed through the consultation process will be defined in the Corporate Community Plan and will be reflected into the Asset Management Plan.

- 5 The Asset Management Plan will include initiatives to reduce the exposure to asset failure by the continued application of risk management and asset condition assessment.
- 6 Systematic and cyclic reviews will be applied across all asset classes to ensure that the assets are managed, depreciated and valued in accordance with appropriate best practice and applicable Australian Standards.
- 7 Current asset performance and future life cycle costs will be reported as part of the decision process for new services and upgrading of existing services (assets).

RESPONSIBILITIES

- In adopting this policy, Councillors acknowledge their stewardship role over the Community assets and the need to take a longer term view to financial planning.
- Councillors as part of their governance role understand the importance of “Good Asset Management Practice” in delivering sustainable services (assets).
- Councillors will need to be aware of Community service expectations and associated costs and allocate adequate resources for the provision of sustainable services and the management of assets.
- Councillors realise the importance of having a long term approach to asset management and financial planning and that there needs to be synergy across all strategic plans of Council.
- The General Manager has overall responsibility for driving the asset management plan reporting to Council and ensuring that the plan supports the business principles encapsulated in the Community and Management Plans and directly links to the long term financial plan.
- The Asset Management Plan will be executed in a timely fashion and will comply with regulatory obligations.
- The Asset Management Plan will accommodate community requirements over the longer term.
- The effectiveness of asset management within Council will be measured for reporting and continuous improvement purposes.
- Asset expenditure reports to Council will consider life cycle costing.

LEGISLATION

Local Government Act 1993

RELATED DOCUMENTS

- Corporate Community Plan
- Management Plan 2006/2009
- DLG Position Paper (“Asset Management Planning for NSW Local Government”) - Circular No. 07-20 Dated 16th May 2007
- IPWEA CD Presentation – “Sustainable Communities – Critical Insight”

COUNCIL MATTERS

GENERAL MANAGER'S REPORTS

c-GM1 General Manager's Quarterly Report

REF.	GM	506/1
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Submitting the General Manager's Quarterly Report to 30 June 2007.

REPORT

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

ATTACHMENTS

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

RECOMMENDATION

THAT the information in respect of the General Manager's Quarterly Report to 30 June 2007 be received and noted.

c-GM21 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 30/07 and 31/07 and Council Weekly Circulars Nos 30/07 and 31/07 be noted.

Mike Hyde
General Manager

1 August 2007

NOTICES OF MOTION

OTHER MATTERS

NOTICE OF MOTION

**c-NRM1 21/2007 – Notice of Motion of Rescission- Plan of Management - Bowral
Country Golf Club**

REF: MAS 100/5, 6612/1, PN215900

Reference – Ordinary meeting of Council Wednesday 25 July 2007 – Matter of Urgency –
MN 235/07

Council has received the following Notice of Motion of Rescission.

"We hereby give notice of our intention to move at the next meeting of the Council that the
following motion passed at the Ordinary Meeting of Council held on 25 July 2007 **be
rescinded:**

1. THAT Council commences the preparations and exhibition of a plan of management for
the land currently leased by the Bowral Country Golf Club.
2. THAT the Plan of Management maintains the use of the land as a golf course.
3. THAT during the public consultation process any publicity documentation includes advice
to the community that they are free to offer alternative uses for the land.

Dated 1 August 2007

Signed: Clr P Yeo
Clr J Clark
Clr J Mauger"

RECOMMENDATION

SUBMITTED FOR DETERMINATION.



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 8 August 2007

COMMITTEE REPORTS



COMMITTEE REPORTS TABLED

c-CR1 Management and Advisory Committee Reports

REF.	DCS	107/1
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Submitting minutes of the following five (5) Committee meetings that will be tabled for information.

REPORT

1. Bowral Tulip Time Committee meeting Monday 25 June 2007
2. Access Committee meeting Wednesday 27 June 2007
3. East Bowral Community Centre Management Committee meeting Tuesday 26 June 2007
4. Hill Top Community Centres Management Committee meeting Thursday 19 July 2007
5. Mittagong Memorial Hall Management Committee meeting Thursday 5 July 2007

ATTACHMENTS

There are no attachments to this report.

RECOMMENDATION

THAT the information contained in the five (5) Committee Reports be noted.



COMMITTEE REPORTS ATTACHED

c-CR2 LEP Steering Committee (Refer Minutes page 72)

REF.	DEP	5900/1
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Submitting Minutes of the LEP Steering Committee meeting held Wednesday, 18 July 2007.

RECOMMENDATION

THAT the recommendations as detailed in the minutes of the LEP Steering Committee meeting held Wednesday, 18 July 2007 be adopted.

c-CR3 Bowral Sub-Regional Centre Master Plan Committee (Refer Minutes page 74)

REF	GM	1603/30
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Submitting minutes of the Bowral Sub-Regional Centre Master Plan Committee Meeting held on Monday, 9 July 2007.

RECOMMENDATION

THAT the recommendations as detailed in the minutes of the Bowral Sub-Regional Centre Master Plan Committee Meeting held on Monday, 9 July 2007 be adopted.

c-CR4 Works & Planning Committee (Refer minutes page 78)

REF	GM	107/23
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Submitting minutes of the Works & Planning Committee meeting held Wednesday, 1 August 2007.

RECOMMENDATION

THAT recommendation Nos WP 55/07 to WP 59/07 as detailed in the minutes of the Works & Planning Committee meeting held Wednesday, 1 August 2007 be adopted.



c-CR5 Legal Committee (Refer minutes page 81)

REF	DEP	107/22
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Submitting minutes of the Legal Committee Meeting held on Wednesday, 25 July 2007.

RECOMMENDATION

THAT the recommendations as detailed in the minutes of the Legal Committee Meeting held on Wednesday, 25 July 2007 be adopted.

c-CR6 Arts & Culture Board (Refer minutes page 87)

REF	SPM	1660/1
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Submitting minutes of the Arts & Culture Board meeting held on Monday, 25 June 2007.

RECOMMENDATION

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

c-CR7 Environment Committee (Refer minutes page 93)

REF	PPM	107/25, 5465/29.01
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Submitting minutes of the Environment Committee Meeting held on Wednesday, 18 July 2007.

RECOMMENDATION

THAT the recommendations as detailed in the minutes of the Environment Committee Meeting held on Wednesday, 18 July 2007 be adopted.

**MINUTES OF THE LEP STEERING COMMITTEE MEETING
HELD ON WEDNESDAY 18 JULY, 2007**

File No. 5900

ATTENDANCE:

Councillors Jim Clark, Phil Yeo, Nick Campbell-Jones and Malcolm Murray

APOLOGIES:

Councillors Sara Murray, May King, Larry Whipper, Penny George, Gordon Lewis, Paul Tuddenham, Duncan Gair and Jim Mauger

STAFF:

Scott Lee, Mark Pepping and Susan Stannard

REPORTS:

1. RURAL LANDS DCP

RECOMMENDATION:

1. THAT the update on the progress of Rural Lands DCP from Kim Bray be noted.
2. THAT Strategic Planning distribute parts A & B for the next LEP meeting in August.

2. DRAFT DCPs FOR BURRAWANG AND WINGELLO/PENROSE

RECOMMENDATION:

1. THAT the draft DCPs be exhibited at the appropriate time for community input.
2. THAT information papers accompany the exhibition, to assist the public with the content and future requirements.

3. FEEDBACK AND UPDATE ON DRAFT LEP FROM DEPARTMENT OF PLANNING

RECOMMENDATION:

1. THAT the proposed minor amendments discussed at the meeting, which were requested by the Department of Planning, be noted.
2. THAT the draft Plan be amended accordingly and re-submitted to the Department of Planning.



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 8 August 2007

COMMITTEE REPORTS



4. UPDATE ON VIEWS AND VISTAS

RECOMMENDATION:

1. **THAT Monday 30 July, 2007 be scheduled for the next survey day.**
2. **THAT Council investigate the option of employing a qualified person to professionally review the mapping work.**

Meeting closed approximately 11:00 am

**Reminder – Land Release Area inspections to be held on
8 August, 2007 9:00am to 12 noon**

The next LEP Steering Committee meeting is scheduled to be held
on **Wednesday 15 August, 2007**

**MINUTES OF THE BOWRAL SUB-REGIONAL CENTRE
MASTER PLAN COMMITTEE MEETING
HELD ON MONDAY 9 JULY 2007**

File: 1603/30

PRESENT:

Members of Committee:

Clr Phil Yeo (*in the Chair*)
Cliff Roberts – community representative
Jim Becke – community representative
Tony Springett – Bowral Chamber representative
Mal Kirk – community representative

Others:

Scott Lee – Director Environment and Planning (DEP)
Frank Iacono – Design Engineer (DE)
Mr Jim Syros
Mr Andrew Syros
Mr Sam Ballas
Helen Stokes (Minute taker)

APOLOGIES:

Clr Gordon Lewis (Mayor)
Mike Hyde - General Manager (GM)
David Collingridge - Community representative

The meeting commenced at 1.30 pm

1. **WELCOME AND APOLOGIES**

The Chairman welcomed everyone to the meeting and noted the apology from Clr Gordon Lewis, Mike Hyde and David Collingridge.

PECUNIARY INTEREST

No committee member declared a pecuniary or non-pecuniary interest at this meeting.

2. **MINUTES OF THE PREVIOUS MEETING HELD 16 APRIL 2007 AND MATTERS ARISING**

RECOMMENDATION: Moved by Tony Springett seconded by Mal Kirk
THAT the Minutes of the previous meeting held on 16 April 2007 be accepted as a true and accurate record.

Matters Arising

Nil

3. FUTURE REDEVELOPMENT OF CORBETT PLAZA, BOWRAL 7840

Messrs Jim and Andrew Syros and Mr Sam Ballas, adjoining property owners of Corbett Plaza, were in attendance for this item.

Clr Yeo gave a brief history of the Plaza and advised that Council wished to be co-operative with adjoining property owners during the proposed initial remedial work to the Plaza and longer term improvements. The Plaza is regarded as the “town centre” and it is important that it remains an attractive and well utilized space.

Both adjoining owners advised they have not yet seen Council’s proposed remedial plans for Corbett Plaza and questioned once the remedial makeover of the Plaza is complete, when is the overall restoration expected to be finalised. Both owners agreed that the Plaza was an important element of the Bowral Town Centre.

RECOMMENDATION (by consensus)

1. THAT the adjoining property owners be advised of the proposed remedial action that will be undertaken on Corbett Plaza this financial year AND THAT the adjoining owners will be kept informed of Council’s proposed plans.
2. THAT the General Manager write and thank Messrs Jim and Andrew Syros and Mr Sam Ballas for their attendance at this meeting AND THAT Council’s remedial plans for the Plaza be included in the letter.

ACTION (GM)

Messrs Jim and Andrew Syros and Mr Ballas left the meeting at 2.00 pm.

4. PARKING STRATEGIES 7471, 7470, 7472

DEP advised an Information Session for Councillors on *Parking Strategies* was held 2 May with a view to adopting a formal parking strategy. Such a document would be available for public comment prior to adoption. The following issues were discussed:

1. current carparking problems in Bowral / Mittagong / Moss Vale;
2. access through Council carparks to private properties, and
3. policy on when a monetary contribution for deficient car spaces for a proposed development is acceptable..

Mr Frank Iacono, Design Engineer, outlined the implemented Parking Strategies:

- a) Manage the current available spaces in town centres to maximize availability and turnover.
- b) Prioritise the use of parking spaces (priority given to shoppers and visitors)

- c) Provide short, medium and long term solutions – mixture of provision of infrastructure and management techniques.
- d) Ensure that new development provides due requirement of parking.
- e) Provide a clear set of rules for applying parking discounts.
- f) Offer a policy in relation to development on small sites.

Clr Yeo thanked Frank Iacono for attending the meeting and acknowledged work undertaken by Frank, and James Shelton, Section 94 Planner, on the parking strategies.

5. WALK OF BOWRAL CBD IN MARCH 2006

(See Attachment 1 to Agenda)

This item was deferred to the next meeting on 8 October 2007.

6. ACCESSIBLE PARKING SPACE IN BONG BONG STREET, BOWRAL (7455, RD8260)

Discussion took place on the request for the provision of a “disabled carparking space” outside Highlands X-Ray, Bong Bong Street, Bowral.

This office is part of the Woolworths development which has provided underground parking.

RECOMMENDATION (by consensus)

THAT an accessible parking space outside the Highlands X-Ray office in Bong Bong Street, Bowral, not be provided as parking is available in the immediate area.

ACTION (Traffic Engineer) – for referral back to Traffic Committee

7. MAJOR DAs, PLANNING ISSUES, REPORTS (DEP)

- a) LUA 06/0879 - Victoria Street, Bowral

DEP advised this development was now before the Land and Environment Court.

- b) LUA 04/0567 - Port-o-Call

DEP advised revised plans for a proposed single storey development have been discussed with the property owner. To date, a Land Use Application has not been received by Council.

8. COUNCIL BUSINESS

Nil

9. CHAMBER OF COMMERCE AND COMMUNITY REPRESENTATIVES' REPORTS

No reports were tabled.

10. GENERAL BUSINESS / CORRESPONDENCE

10.1 Sandwich Boards in Bowral CBD 5406/11

Noting Sandwich Boards are banned in the Bowral CBD but advising they are being displayed in Station Street, especially on weekends. The Sandwich Boards clutter the footpath and inhibit movement.

ACTION (DEP) - Rangers to be instructed to enforce Council's Policy on Sandwich Boards in Bowral's CBD.

10.2 Bowral Streetscape 5602/8

The Chamber representatives raised the matter of how to improve the streetscape within the town centre.

DEP advised the Chamber to submit to Council specific streetscape plans which will be referred to a future Council Information Session. Improved streetscapes will be an objective of the revised *Bowral Town Centre DCP*.

Landscaping of developments was generally discussed. DEP advised that Council can no longer place a Landscape Bond on developments. Council needs to issue suitably worded consents to overcome landscaping issues.

10.3 Entrance to Coles Shopping Centre (Item 38 – Walk of Bowral CBD) 7470/1

Noting an Action Request has previously been lodged for this work to be carried out, but the trees are still restricting vision at the entrance to the carpark.

ACTION (DTS) – to investigate the entrance to Coles Shopping Centre.

10.4 Pedestrian Crossing, Bong Bong Street, Bowral 7401, 8260, 1620

Tony Springett advised that during peak hours the pedestrian crossing impedes the traffic flow in Bong Bong Street.

RECOMMENDATION (by consensus)

THAT the matter of traffic movements on Bong Bong Street, Bowral being impeded by pedestrian movements on the pedestrian crossing be referred to the Traffic Committee for investigation.

ACTION (Traffic Engineer) – for referral to Traffic Committee

10. NEXT MEETING

The next meeting of the Committee will be held on **Monday, 8 October 2007** at 1.30 pm in the Henrietta Rose Room at Bowral.

The meeting concluded at 3.55 pm.



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 8 August 2007

COMMITTEE REPORTS



MINUTES OF WORKS & PLANNING COMMITTEE MEETING HELD ON WEDNESDAY, 1 AUGUST 2007

File No. 107/23

Present:

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

In attendance:

Clr Jim Clark
Les Pawlak (Manager Development Control)

Apologies:

Clr Larry Whipper

The meeting commenced at 9.15am

ENVIRONMENT & PLANNING DIVISION

WP-EP1 PROPOSED MULTIPLE OCCUPANCY, LOT 3 DP 579061 MURRIMBA ROAD, WINGELLO

REF: SW

LUA07/0219

Reporting on proposed multiple occupancy at Lot 3 DP 579061 Murrimba Road,
Wingello.

WP 55/07

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

THAT authority be delegated to the Director, Environment & Planning to
determine the development application with any conditions of consent to be
generally in accordance with the draft conditions in Attachment 4.

PASSED



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 8 August 2007

COMMITTEE REPORTS



WP-EP2 PROPOSED CONVERSION OF AN EXISTING DWELLING TO AN EDUCATIONAL ESTABLISHMENT, HANGING ROCK ROAD, SUTTON FOREST

REF: MC	LUA07/0141
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Reporting on a proposed conversion of an existing dwelling house to an educational establishment at lot 7 DP 241054 Hanging Rock Road, Sutton Forest.

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

WP 56/07

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

THAT Council delegates authority to the Director, Environment & Planning to determine the development application generally in accordance with the draft conditions in Attachment 3 for the conversion of the existing dwelling into a lecture hall, subject to the submission of an amended floor plan for a lecture hall including library room.

PASSED

WP-EP3 PROPOSED ADDITIONS TO DWELLING-HOUSE AND GARAGE WITH LOFT AT NO. 26 CARLISLE STREET, BOWRAL

REF: DCM	LUA07/0454
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Reporting on a development application for proposed additions to a dwelling-house and garage at Lot 26, DP 536762, with loft **AND** on procedural changes sought as a consequence of the assessment of this proposal.

WP 57/07

RECOMMENDATION moved by Clr M J Murray and seconded by Clr J R Clark:

THAT authority be delegated to the Director Environment & Planning to determine the development application and construction certificate application, with any conditions of consent to be generally in accordance with Attachment 2.

PASSED

GENERAL BUSINESS

1. INSPECTION SYSTEM FOR ENFORCING CONDITIONS RE CHANGE OF USE ON EXISTING DWELLINGS

Clr P Yeo asked that Council consider a method for inspections to enforce conditions regarding change of use of existing dwellings.

WP 58/07

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

THAT a report be provided to Council on the costing and method by which an inspection system can be implemented to enforce conditions which allow the retention of an existing dwelling with change of use.

PASSED

2. TURN-AROUND TIMES FOR DEVELOPMENT APPLICATIONS

WP 59/07

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

THAT a report be provided to Council in relation to the Minister for Planning's concerns regarding turn-around times for development applications and proposed State Government intervention in relation to the above, together with any recommended changes to the present processes and delegations.

PASSED

3. REVIEW OF COUNCIL COMMITTEES

Mr Cliff Roberts referred to the pending review by Council of its committees. He asked if there was any indication yet as to when he might learn the outcome of the review.

Clr N N Campbell-Jones responded that at this stage nobody knew what the outcome of the discussions would be. The committee appointments are made in September so there should be no changes until then when the community representatives on each committee would be thanked for their contributions.

The meeting concluded at 10.25am.

**MINUTES OF THE LEGAL COMMITTEE MEETING
HELD ON WEDNESDAY 25 JULY 2007**

File No. 107/22

PRESENT: Clr M Murray (Chairman)
Mayor Clr G Lewis
Clr J Mauger
Clr P Tuddenham

IN ATTENDANCE: Clr N Campbell-Jones
Clr J Clark
Clr L Whipper
Clr M King
Mr M Hyde GM
Mr B Paull DCS
Mr S Lee DEP
Mr L Pawlak DCM

APOLOGIES: Mr B Bilinsky

The meeting commenced at 12.05pm.

DEVELOPMENT CONTROL

1. Foldgarth Estate – Release of Restriction on Land LUA04/1127

Clr N Campbell-Jones declared a non-pecuniary interest in this matter and left the meeting, took no part in the debate and refrained from voting thereon.

Chairman M Murray declared a non-pecuniary interest, but participated in the discussion.

Clr M King declared a non-pecuniary interest in this matter and left the meeting, took no part in the debate and refrained from voting thereon.

RECOMMENDATION

1. THAT on the material presented to it today, this Committee is satisfied that no unauthorised building or construction work has been carried out on that part of the land described as ('Q' DP1102306) in the subdivision, previously known as 'R' DP870788.
 2. THAT Council officers investigate if the allegations of fill and the dam on the property are in accordance with approvals.
-

2. Boen Boe Piggery (Zammit) 502/8

Timetable of proceedings agreed. Application for costs dismissed with costs. Currently preparing Bill of Costs. Matter listed for callover on Monday 3 December 2007.

RECOMMENDATION

THAT the information be received and noted.

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

Further hearing on penalty held on 19 July. Magistrate adjourned matter for sentence on 21 August 2007.

RECOMMENDATION

THAT the information be received and noted.

4. Ostron Pty Ltd – 55 self-care units, Church Road, Moss Vale 502/39
Awaiting Judgement.

RECOMMENDATION

THAT the information be received and noted.

5. Ghassibe (Rhodes Haskew) 502/48

Application approved subject to conditions. Formal application being made to the Court for costs.

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

Allman Johnston have confirmed that a DA will be lodged in approximately one month.

RECOMMENDATION

THAT the information be received and noted.

8. **Norlex - Bundanoon Water Extraction** **PN1105400; 502/54**

On site inspection held 20 July. Affidavits in reply are to be filed and served by 24 August 2007.

RECOMMENDATION

THAT the information be received and noted.

9. **Martin & Spork (Victoria Street)** **502/53**

Deemed refusal of commercial development, Victoria Street, Bowral. Council has refused the application. Case proceeding with Council's defence based on architectural merit and character of locality. Listed for hearing on-site 9 & 10 August 2007.

RECOMMENDATION

THAT the information be received and noted..

10. **Unauthorised vegetation clearing, 'Wombaroo' Diamond Fields Road, Mittagong (owner A**

Land is zoned 5(c) Water Catchment and consent is required under Council's Tree Preservation Order and the Native Vegetation Act 2003. Estimated area of vegetation removed is approximately 20 acres.

RECOMMENDATION

THAT staff investigate the claims made in the two letters from the owner relating to approvals being obtained for the clearing and provide a report to the next Legal Committee meeting.

11. Corterre Park, Lot 3 DP 537154 Range Road, Mittagong PN1257500;

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. The SCA have not indicated what action they intend to take on the excavations at this stage.

RECOMMENDATION

THAT Council consider any proposal put forward for buildings upon the site independently of any action relating to the unauthorised earthworks.

12. Tashanmike, subdivision of Lots 23 & 24 DP 1095888 Canyonleigh Road, Canyonleigh 502/57

Deemed refusal of subdivision. Matter to be determined by Council at its meeting of 25 July.

RECOMMENDATION

THAT the information be received and noted.

13. Australian Lifestyle Corporation Pty Ltd 'Capernwray' SEPP SL Application, Moss Vale Road, Burradoo LUA06/1

RECOMMENDATION

1. **THAT** Council note advice from its Barrister that more likely than not, the proposed development is permissible within the zoning.
 2. **THAT** an Information Session for Councillors be convened as soon as possible to discuss merit issues. Applicant to attend briefly.
-

14. Southern Highlands Lifestyle Properties Pty Limited 502/33

Appeal against Council's refusal of LUA04/0817 multiple occupancy proposal on Canyonleigh Road, Canyonleigh.

RECOMMENDATION

THAT Council's decision be defended.

15. Compliance with conditions of consent, 9-11 Dale Street, Burrawang

Council is in receipt of correspondence from adjoining property owner objecting to non-compliance with conditions of consent for the above approval of dwelling house additions.

RECOMMENDATION

THAT Council officers enforce the conditions of consent regarding the fixed windows.

STRATEGIC PLANNING

16. Frevcourt and Others

5701/4.1; D9932.301 S2

Council's Solicitor advised documents prepared to wind-up. Council is required to file an Affidavit by Monday 30 July 2007.

RECOMMENDATION

THAT the information be received and noted

CORPORATE SERVICES

17. VARIANCES IN RENTAL: AUSTRALIAN RAIL TRACK CORPORATION LTD
(ARTC)

7302/6

Reporting on variations in rental in respect of leases by Council over ARTC land.

RECOMMENDATION

THAT Council acknowledge, in writing, to Australian Rail Track Corporation Ltd that it will continue occupation of premises at Burradoo – Agreement Number 91.0385 – File 237934; and Bowral – Agreement Number 205.2257 – File number 001725, at the increased rental of \$499.69 per annum, and \$233.40 per annum respect.

18. REPORTING ON REQUEST TO ENTER INTO LICENCE AGREEMENT WITH MVH-92.5FM (MOSS VALE HIGH FM) FOR USE OF MT GIBRALTAR RADIO FACILITY 7922, 7130/2, 830/13

Reporting on a request from Moss Vale High 92.5FM to enter into a licence agreement to use the facilities on the tower at Mt Gibraltar to transmit radio broadcast.

RECOMMENDATION

1. **THAT** Council enter into a licence agreement with 92.5FM for the use of the Mt Gibraltar radio facility for a ten (10) year period.
2. **THAT** the amount of the annual licence fee payable by 92.5FM to Council be determined by negotiation AND THAT the General Manager and Mayor be delegated authority to finalise the terms of the licence in this regard.
3. **THAT** the licence fee be reviewed at the expiration of three (3) years.

TECHNICAL SERVICES

19. Water & Sewerage Development Servicing Plans 7799/4

The purpose of this report is to advise of Council's Solicitors opinion in seeking a resolution in relation to the application of the new Water & Sewerage Development Servicing Plans as they apply to developments approved prior to 1 January 2007.

RECOMMENDATION

THAT the matter be deferred until the next Legal Committee meeting on 22 August 2007.

Extra Items

20. TOBBAGI

A decision will be made shortly as to when a new conference will be scheduled.

RECOMMENDATION

THAT the information be received and noted.

21. Country Golf Club

Advice provided by Council's Solicitor.

RECOMMENDATION

THAT the information be received and noted.

There being no further business, the meeting finished at 2.30pm.

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

File: 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.

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.

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.

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

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.

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.



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 8 August 2007

COMMITTEE REPORTS



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



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 8 August 2007

COMMITTEE REPORTS



MINUTES OF THE ENVIRONMENT COMMITTEE MEETING HELD ON THE 18 JULY 2007

File No: 5465/29.01

PRESENT:

Clr. Jim Clark (Chair)
Clr Jim Mauger
Jan Hainke – Community Representative
Tony Hill – Community Representative
Pam Cooper – Community Representative
Geoff O'Connor - Hawkesbury Nepean Catchment Management Authority (HNCMA)

IN ATTENDANCE:

Clr. Nick Campbell-Jones
Andrew DeMontemas – Environment and Health Manager, (part only)
Eddie Anderson – Natural Resources Co-ordinator,
Kylie Stefaniuk – Administration Officer,
Miles Lochhead, Resource Recovery Manager (part only)
Vincent Emmerick, RID Squad (part only)
Wayne Willis – RID Squad Co-ordinator (part only)
Stuart Chadwick – Bushland Project Officer (part only)
Mark Pepping – Manager Strategic Planning (part only)

APOLOGIES:

Clr. Larry Whipper
Jane Lemann – Community Representative
Tony Paul – Sydney Catchment Authority
Daniel Anderson - Hawkesbury Nepean Catchment Management Authority (HNCMA)

The meeting commenced at 2.00 pm

Apologies

Were received and noted.

MINUTES OF THE PREVIOUS MEETING HELD ON THE 20 JUNE 2007

Recommendation 1:

THAT the Minutes of the Environment Committee meeting held on the 20 June 2007 be accepted as a true and accurate record with the amendment of “density” to ‘intensity’ in the first line of “Recycling of Light Globes”.

Moved by Tony Hill

Seconded by Pam Cooper

MATTERS ARISING FROM PREVIOUS MINUTES

1. RID SQUAD

Wayne Willis gave a brief overview of responsibilities of the Greater Southern Region Illegal Dumping Squad (RID Squad). The RID Squad was formed in 2004 in cooperation with 3 other Councils with an Officer located in each of the council areas. Their role includes investigation and enforcement of illegal dumping and illegal transport of waste. Funding for the RID Squad comes from Department Environment and Climate Change (DECC), individual Council's (in this Council 50% from RRC budget and 50% from the environment levy) and Sydney Catchment Authority contributions. Any funds from fines comes back to Council and reduces the amount Council needs to fund.

The most recent RID Squad annual review report was tabled for information of the Committee. Discussions occurred regarding the public availability of the report.

Recommendation 2 :

THAT the current and all future RID Squad Annual Review be placed into the public domain in a format available for community review.

Moved: Clr Mauger

Seconded Clr Clark

2. RID SQUAD SITE CLEAN-UP PROJECT PROPOSAL

This project proposal is being reconsidered at the request of Council. The project entails removing a large quantity of hazardous waste, including asbestos that has been illegally dumped in seven locations within the Shire, including sites adjacent to Old Hume Hwy and Hanging Rock Rd. All of the sites except one contain asbestos. The project will fund analytical testing and contracting licensed asbestos handlers for the safe removal of all waste to an appropriate authorised waste facility. Quantities are too big for the RID squad to clean up in their utes and being asbestos has to be done carefully in accordance with Workcover guidelines and the waste receivers licensing requirements.

The total cost of the clean-up project is \$9,500. Wayne Willis advised all except \$1,200 will be reimbursed to Council from the NSW Environment Trust.

Recommendation 3 :

THAT Council approve a budget allocation of \$1,200 to fund the balance of the site clean up of seven illegally dumped hazardous waste sites from the environment levy litter reduction budget.

Moved: Tony Hill

Seconded: Jan Hainke

3. OPERATION DETERRENCE – SIGNAGE TO DETER POTENTIAL DUMPING

Miles Lochhead and the RID squad explained the background to this project proposal. Signage with an anti-dumping message and indicating that Council Rangers are patrolling the Shire to identify incidents of illegal dumping have previously been placed at four hot spot locations in an effort to reduce the incidents of illegal dumping of waste. Since signs have been placed a significant reduction in litter and waste dumping has occurred.

This project proposal is to deter illegal waste dumping by installing a further 20 signs in other known hot spot areas through the Shire, including:-Yerrinbool gas pipeline corridor, Paddys River near Inverary Road Penrose, Black Springs Road High Range, 'The Cuttaway', Old Hume Highway Mittagong, Tourist Road Glenquarry and Macquarie Pass near the corner of Mt Murray Road.

Recommendation 4 :

THAT Council approve a budget allocation of \$7,680 to procure and place anti-dumping signage at identified hotspot dumping sites throughout Wingecarribee Shire, from the environment levy litter reduction budget.

Moved: Pam Cooper

Seconded: Jan Hainke

4. COSGROVE PARK CELEBRATION OF COMMUNITY PROJECT

The regeneration of Cosgrove Park has reached a significant milestone and a small community celebration was held with a plaque unveiled by the Mayor on 29 June. The celebration was very well received by the community with acknowledgement of the work contribution by local children from Moss Vale Primary School.

FEEDBACK FROM COUNCIL MEETING

1. INQUIRY INTO NSW SOUTHERN COALFIELD – INDEPENDENT EXPERT PANEL

Clr Mauger declared a pecuniary interest and excused himself from the meeting whilst discussions occurred.

Mark Pepping attended the meeting and tabled a draft submission for discussion. Submissions close on 30 July 2007 and the Committee was given a copy of the draft and asked to forward any comments to Mr Pepping as soon as possible. Consultation is occurring with other relevant State Government agencies.

Recommendation 5 :

THAT the Manager Strategic Planning receive any further comments from the Committee, finalise and submit the submission accordingly.

Moved: Tony Hill

Seconded: Jan Hainke

NEW PROJECTS

1. VEGETATION CONSERVATION AGREEMENT – SOUTHERN HIGHLANDS SHALE WOODLAND, MOSS VALE.

This project is to fence off and reconnect 4.2ha of scattered remnants of the Endangered Ecological Community of Southern Highlands Shale Woodland on Lot 102 DP 1074483. The area requires fencing, revegetation and herbicide application to restore and conserve the area. The current vegetation is healthy and the current landholder will enter into a 10 year agreement to maintain the area to ensure success.

Recommendation 6 :

THAT: Council enter a Vegetation Conservation Agreement for weed management, revegetation and continued conservation of the 4.2ha Southern Highlands Shale Woodland area on Lot 102 DP 1074483 at Moss Vale using external grant funding to fund the \$19,500 cost.

Moved: Tony Hill

Seconded: Jan Hainke

2. VEGETATION CONSERVATION AGREEMENT - WINGECARRIBEE RIVER

This project involves weed control and revegetation along 700m of the riparian zone of Wingecarribee River immediately downstream of the confluence with Mittagong Creek, using 2,500 plants. The site will require mechanical weed control followed by two applications of herbicide prior to planting. Planting will be undertaken by volunteers.

Recommendation 7:

THAT: Council enter a Vegetation Conservation Agreement for the weed control and revegetation of 700m of Wingecarribee River bank with a budget allocation of \$ 4,661 funded from an external grant won by Council.

Moved: Geoff O'Connor

Seconded: Pam Cooper

3. VEGETATION CONSERVATION AGREEMENT - ADJACENT BERRIMA WEIR

This project involves conserving and enhancing 1.6ha's of Mittagong Sandstone Woodland on private land. The landowner will enter into a management agreement with Wingecarribee Shire Council to maintain the conservation area.

The site comprises Mittagong Sandstone Woodland. The degrading influence on the site is weed invasion. The project will include weed control to reduce the amount of infested area and allow natural regeneration.

Recommendation 8:

THAT: Council enter a Vegetation Conservation Agreement for the conservation and enhancement of 1.6 hectares of Mittagong Sandstone Woodland at Berrima on Lot 420 DP 751252, with a budget allocation of \$ 3,237 funded from an external grant won by Council.

Moved: Tony Hill Seconded: Geoff O'Connor

MONTHLY ACTIVITY REPORT

Activity report for June was distributed, discussed and noted.

GENERAL BUSINESS

1. FIREWEED

Discussions occurred regarding recent press articles referring to infestations of Fireweed in the Wingecarribee Shire area and perceived lack of response to control. Resources have been allocated to control fireweed and Council Officer's are enforcing known infestations in accordance with Council's Noxious Weeds Policy.

Recommendation 9 :

THAT: Council pursues a community education program about control of fireweed and other noxious weeds through Wingecarribee Today and other Council publications including Councils website and that Wingecarribee Shire Council liaises with other Councils to investigate further other measures of controlling the weed infestation.

Moved: Clr Mauger Seconded Jan Hainke

2. SUNNINGHILL AVE SUB-DIVISION

Clr Campbell-Jones excused himself from the meeting whilst discussions took place.

Discussions occurred regarding this sub-division and the clearing of rare and endangered trees. It was observed that the Eucalyptus macarthurii were removed from the development site despite being listed as an endangered tree.

Recommendation 10 :

THAT the Director of Environment & Planning be requested to advise the approval process for the removal of Eucalyptus macarthurii trees from the Sunninghill Ave sub-division site.

Moved: Tony Hill Seconded: Pam Cooper

Next meeting, to be held 15 August 2007 at 2:00pm. Joadja Room

Meeting closed 4.15pm



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 8 August 2007

COMMITTEE REPORTS



Project & location	Work description / progress/ comments	Cost \$	Status
Berrima Stonequarry walk & Wingecarribee Rv.	Herbicide application to woody weeds; (Pyracantha angustifolia, Ulex europaeus , Cotoneaster sp.); and annual weeds (Ehrharta erecta). Confirmation has been received from the NSW Rural Fire Service advising that the Berrima Bush Fire Brigade would conduct ecological burns of green waste piles in Riverbend Reserve, when weather conditions were conducive.	450	ongoing
Gibbergunyah Creek Bushcare Group	Worked with community volunteers with herbicide application to woody weeds Ligustrum sp. (Privet), Ulex europaeus (Gorse), Lonicera japonica (Honeysuckle) and Jasminum sp.(Jasmine)	150	ongoing
Mt Gibraltar Reserve	Assisted Landcare Group with follow-up weed removal. Berberis, Hedera helix (English Ivy), Lonicera japonica (Honeysuckle), Ilex aquifolium (Holly), Pinus radiata (Pine) and rubbish removal.	180	ongoing
Moss Vale Landcare Group-Cosgrove Park	Worked with volunteers with weeding, rubbish removal, interpretive sign installation and mulching.	680	ongoing
Burrawang Bushcare	Applied herbicide to Ligustrum sp. (Privet) and Rubus fruticosus (Blackberry), weeded around plantings	150	ongoing
Hilltop Bushcare	Worked with volunteers removing Zantedescia aethiopica (Arum Lily), Ligustrum sp. (Small and Large Leaf Privet) and Jasminum polyanthum (Jasmine).	150	ongoing
Yerrinbool Bushcare	Worked with volunteers removing Lonicera japonica (Honeysuckle), sprayed Viola sp. Organized ground prep for Yerrinbool oval revegetation project.	300	ongoing
Bushcare equipment maintenance	Tool audit, maintenance and repair to powered and other tools	150	ongoing
Currubunda Bushcare	Rubbish removal, weeding invasive grasses	200	ongoing
Mansfield Reserve	Sprayed woody weeds and annual grasses	400	ongoing
Wingecarribee River	Weed control on council reserve along riparian area - downstream of Cecil Hoskins	200	ongoing
Reserve fire trails	Maintenance of fire trails through Reserves	500	ongoing
Roadside weed control	Weed control along Greenhills rd, Crompton Park Rd, Wombeyan Caves Rd, Springhills Rd, Kells Ck Rd and Joadja Rd	1940	complete
Feral Animal Control	Moss Vale Rural Lands Protection Board engaged to complete feral animal control in Mansfield Reserve and Hammock Hill Reserve.	200	ongoing
Erosion and Sediment Control program	There were 80 new construction site inspections and 35 reinspections, including 4 joint inspections with Officers from the Sydney Catchment Authority. A Clean Up Notice issued at the end of May for poor management of concrete slurry was complied with, the remainder of the steep driveway was concreted without any further incident. A Prevention Notice was issued under section 96 of the Protection of the Environment Operations Act 1997 for poor sediment and erosion control. The month of June was very wet and numerous community complaints about inadequate sediment controls were responded to.	5200	ongoing



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Vegetation Conservation incentive program	Undertook 2 site assessments , developed 2 draft project proposals on private land where the landowner had expressed interest in the incentive program. Progress reports for HNCMA conserving endangered ecological communities & Environmental Trust Conserving Remnant Vegetation grant programmes.	1850	ongoing
Environmental Review and Education Program	Collation of the GreenPower program survey has commenced. 320 completed surveys received. Data so far shows that at least half of the respondents know of the WOFE, all respondents see environment as important and only a small portion purchase GreenPower. Majority of the surveys reviewed also would like to receive additional information on ways to improve the environment. A report will be prepared once all survey forms have been reviewed. Work continues on the incorporation of the environment management system documentation into the Risk management manual. Assessments of Councils operations as to potential environmental impacts are continuing.	5950	ongoing
Regional Litter Investigation Squad (RID squad)	In June 2007 investigations initiated into a total of 12 incidents of which six have been closed and the remaining 6 continuing to be investigated. Of these 12 incidents 8 of them came via area patrol, 2 were by direct phone and the remainder were via council, either directly or via phone. The type of waste investigated was as follows. Five (5) involved household waste, 2 involved asbestos and the remainder involved construction/demolition, excavated material, industrial, green waste and other. A number of projects involving the signposting of 'hotspots' within the shire and blocking off vehicular access to another 'hotspot' are currently being planned. Three Penalty Infringement Notices were issued to the amount of \$1500 for 'Uncovered Loads.' There were two (2) Clean Up Notices issued. One (1) hasn't been complied with and enquiries are continuing in relation to this matter. The other Clean Up Notice requires compliance in September 2007. During June 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, one of the Persons of Interest has failed to attend interviews and has changed address to a location unknown, enquiries are continuing. The second involves the transportation of large quantities of soil (in excess of 2,500 tonnes) from a development site to a number of sites within the shire. Enquiries are continuing and it is envisaged that at this stage there will be 4 Clean Up Notices issued in relation to this matter. The third involves approximately 100 – 110 tonnes of concrete, bricks and tiles being transported from two demolition sites within the shire to private property owned by a local resident. In relation to this matter a 'Notice of Intention' and a 'Clean Up Notice' has been issued to this person. Enquiries with the transporter have been stymied due to him recently being admitted to hospital for a serious illness.	1600	ongoing



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 8 August 2007

COMMITTEE REPORTS



**MINUTES OF MITTAGONG MASTER PLAN COMMITTEE MEETING
HELD ON TUESDAY 27 MARCH 2007**

File No. 1603/31

Present: Clr Penny George (In the Chair)
 Clr Nick Campbell-Jones
 Mr Charlie Johns (Chamber Representative)
 Mr Ron Day (Community Representative)
 Tim McCartney (Local Historian)
 Michael Brearley, Director Technical Services
 Tracey Greenacre (Minute Taker)

Visitors Nil

Apologies Clr Paul Tuddenham
 Nick Padol (Rotary Representative)

1. Apologies Apologies were accepted and noted.	Action:
<p>2. Minutes – Meeting of 14 February 2007</p> <p>The minutes of the meeting of 14 February 2007 were adopted as a true and accurate record. As a quorum was not present – all minutes/recommendations recorded at this meeting will be tabled for formal adoption at the next meeting of the Mittagong Master Plan Committee.</p> <p>Moved – Charlie Johns 2nd – Ron Day</p>	<p>All committee to note</p>
<p>3. a) Review of Committee Constitution</p> <p>Requested that there be a review of the Mittagong Master Plan Committee Constitution on the following issues:-</p> <ul style="list-style-type: none"> ▪ The number of members required to make a quorum (4.1.5); ▪ 6.9 of the constitution needs to be clarified further – suggested wording as follows: <i>‘if a member of the public has a pecuniary interest that they must leave the meeting while committee discussions take place’.</i> ▪ 6.7 – Minutes of meeting – should this be changed to read that the minutes be forwarded to the next Council meeting immediately following for formal adoption? <p>This item be referred to the next meeting for further discussion.</p>	<p>All committee to note</p>

<p>3. b) Traffic Lights – Roads & Traffic Authority Correspondence</p> <p>Advice was received from the Roads & Traffic Authority on funding for the proposed traffic signals at the intersection of MR258 Old Hume Highway and Bessemer Street, Mittagong (copy of letter attached to agenda)</p> <p>It was noted that the Bessemer Street is a higher priority intersection than the Pioneer Street intersection.</p> <p><u>Recommendations</u> That the information be received and noted.</p> <p>Moved – Charlie Johns 2nd – Ron Day</p>	<p>All Committee to note</p>
<p>3. c) Pioneer Street Intersection Options (requested by C. Johns)</p> <p>Charlie Johns tabled a suggested design for the Old Hume Highway and Pioneer Street intersection (copy attached).</p> <p><u>Recommendations</u> That the design be looked at by Council's Traffic Engineer and be put to Council's Traffic Committee for comment.</p> <p>Moved – Charlie Johns 2nd – Ron Day</p>	<p>All Committee to note</p>
<p>3. d) Footpath from the Marketplace to Mittagong Town Centre</p> <p>A copy of Council's resolution was attached to the agenda for information.</p> <p>Concerns were raised due to the number of pedestrians using the road where there is no footpath available. The committee noted the decision made by Council and stressed the need for the public information session.</p> <p>No funding allocation has been made available at this time.</p> <p>Clr George also requested that signage be placed on the northern side of the Old Hume Highway in the vicinity of Ironmines Oval stating 'No Pedestrian Access Available Past This Point'.</p> <p><u>Recommendations</u></p> <ol style="list-style-type: none"> 1. That an Information Session for the public be held presenting the options available for the completion of the Welby to Mittagong cycleway. 2. That the request to install signage on the northern side of the Old Hume Highway in the vicinity of Ironmines Oval, stating '<i>No Pedestrian Access Available Past This Point</i>' be put to Council's Traffic Committee for comment. <p>Moved – Charlie Johns 2nd – Ron Day</p>	<p>DTS to action</p> <p>Referred to Traffic Committee</p>

<p>3. f) Questions raised by Tim McCartney.</p> <ul style="list-style-type: none"> ▪ Masonic Hall – Princess Street, Mittagong Why wasn't the DA to demolish the historic hall put before the committee and why wasn't an historical assessment/report prepared prior to the demolition of the hall so that a full record of its historical value is kept? <p>Council's Environment & Planning advised that the building is not heritage listed and is under private ownership. The building has not operated as a place of worship for many years.</p> <p>It was also suggested that the Masons may have information documented on the buildings, this may be an avenue worth pursuing.</p> <ul style="list-style-type: none"> ▪ When will the two crepe myrtle trees in the main street flower beds damaged in the wind be replaced? <p>The remaining crepe myrtles were double staked within a couple of days of the request and replacement of the two broken trees should be completed by Friday 23 March 2007.</p> <ul style="list-style-type: none"> ▪ When will the Council approved signage be placed on the Tooth's building (former School of Arts)? <p>This matter has been given to Council Parks & Property department for action. Property Co-ordinator, Shaun Shephard is currently obtaining quotations for signage as per Council's resolution and all costs will now be met by Council.</p>	
<p>4. General Business</p> <p>a) Charlie Johns advised that the Chamber of Commerce was not happy with the current level of parking patrols in the CBD. Can it be clarified with Council's Environment & Health department what the level of service for parking patrols are in the Mittagong CBD and that Council needs to look into employing a second parking officer, including upgrading of patrols in Mittagong.</p> <p><u>Recommendations</u> That Council look into employing a further parking patrol officer and include extra patrols in the Mittagong area.</p> <p>Moved – Charlie Johns 2nd – Ron Day</p>	<p>Minute taker to note</p> <p>EHM to advise</p>
<p>Date of Next Meeting</p> <p>Tuesday to be advised at 5.30pm.</p>	<p>All Committee to note</p>
<p>There being no further business the meeting closed at 6.30pm.</p>	

**MINUTES OF THE MITTAGONG MASTER PLAN COMMITTEE MEETING
HELD ON TUESDAY 10 JULY 2007**

File No. 1603/31

Present: Clr Penny George (In the Chair)
Mr Charlie Johns (Chamber Representative)
Mr Ron Day (Community Representative)
Tim McCartney (Local Historian)
Ian Carroll (Lake Alexandra Representative)
Robyn Betts (Community Representative)
Frank Iacono (Design Engineer)
Scott Lee (Director Environment & Planning)
Michael Brearley (Director Technical Services)
Helen Stokes (Minute Taker)

Apologies Clr Paul Tuddenham
Darren Hogan (2nd Chamber Representative)
Donald Johnston (Community Representative)

<p>1. Apologies Apologies were received and noted.</p>	<p>Action:</p>
<p>2. Minutes – Meetings of 13 February 2007 and 27 March 2007</p> <p>The minutes of the meetings of 13 February 2007 and 27 March 2007 were adopted as a true and accurate record.</p> <p>Moved – Charlie Johns 2nd – Ron Day</p>	<p>All committee to note</p>
<p>3. a) LUA067/0613 - Aldi Store, Old Hume Highway, Mittagong</p> <p>Scott Lee, Director Environment and Planning presented this item for a proposed Aldi store on the old Highland Garages site. The applicant's plans were tabled for discussion.</p> <p>The proposed underground parking is accessible via the Big W underground carparking. Exit is to the north via right-of-way onto Old Hume Highway which will be a "left turn only" due to the concrete barrier at the road centre.</p>	

COMMITTEE REPORTS

<p>3 a) continued:-</p> <p><u>Recommendations:</u></p> <ul style="list-style-type: none"> a) that conditions of consent be imposed covering any possible historical artefacts on site, (similar to Big W site); b) that landscaping conditions appropriate to the site be included; c) the riparian landscaping be extended; d) that the status of the right-of-carriageway on eastern boundary be confirmed. 	<p>Environment & Planning officer to note</p>
<p>b) LUA07/0555 - Retravision (Home Hardware Site)</p> <p>Application received for conversion of the existing development to a two (2) storey retail outlet. Scott Lee, Director Environment and Planning presented this item. The applicant's plans were tabled for discussion. Existing landscaping will be removed. Carparking is off-site at the corner of Princess and Regent Streets. Disabled carparking is on-site. To benefit pedestrian safety refuges will be placed on Bowral Road. Letter tabled from a resident on Regents Lane advising the Committee of her concerns:</p> <ul style="list-style-type: none"> i) loading dock and garbage area directly opposite the property – request garbage collection times and loading dock delivery times be restricted to consider residents living in the vicinity, ii) Regents Lane – impose speed limit and restriction of traffic movements; iii) traffic restrictors (ie speed humps) be placed along Regents Lane. <p><u>Recommendations:</u></p> <ul style="list-style-type: none"> a) that right hand turns be banned from Princess Street into Bowral Road. b) condition of consent for awareness during excavation of possible artefacts on car parking site – could contain 1880 Foundry relics; c) improvements of intersection at Princess and Regent Streets; d) permanent restriction on street parking on southern side of Bowral Road (directly outside development) e) condition consent to retain flowering cherry trees in Princess Street. f) condition consent to retain the two existing 80 year old Oak trees on Bowral Road. 	<p>Environment & Planning officer to note</p>
<p>c) LUA07/0609 - Dan Murphy's Liquor Store plus 2 shops (currently Woolworths Supermarket)</p> <p>Scott Lee, Director Environment and Planning presented this item. The applicant's plans were tabled for discussion.</p> <p>Vehicles servicing the loading dock to manoeuvre within the carpark and avoid disruption to traffic on Bowral Road.</p>	

COMMITTEE REPORTS

<p>5. General Business</p> <p>a) Proposal for grant funding towards seats and bins in Mittagong CBD.</p> <p>The Chamber is researching new designs for seating and garbage bins for the Mittagong CBD. These designs will be submitted to Council for consideration.</p> <p>Charlie Johns advised the street paving in Mittagong CBD is nearing completion and businesses are pleased with the result.</p> <p><u>Recommendations:</u></p> <ul style="list-style-type: none"> a) Discussions will be held with the RTA regarding signage on the Old Hume Highway. b) The Chamber requests consideration for the construction of entry and exit ramps at the M5 freeway at Welby and that the Mayor write to the Roads & Traffic Authority supporting this request. c) Committee members were advised that plans for the proposed re-development of Lake Alexandra Reserve can be viewed at <i>Beans, 20b Bowral Road, Mittagong.</i> d) Request the RTA re-phase the turn-right arrow for traffic turning from the Old Hume Highway into Bowral Road, Mittagong due to safety concerns at this intersection. e) The Chamber requested banners be hung from the existing poles in the Mittagong CBD and samples of suitable banners are presently be obtained. It was suggested this work be funded from the contribution from Highlands Marketplace towards the Main Street study. 	<p>Traffic Engineer to action</p> <p>Traffic Engineer to action</p> <p>Committee to note</p> <p>Traffic Engineer to action</p> <p>E&P Officer to note</p>
<p>6. Next Meeting date – to be advised</p>	<p>All Committee to note</p>
<p>There being no further business the meeting closed at 7.10pm</p>	

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 PROPOSAL TO LEASE – PART LOT 1 DEPOSITED PLAN 26366
OLD HUME HIGHWAY, MITTAGONG PN 172500

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.

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RECOMMENDATION

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

GM-1 **PROPOSAL TO LEASE – PART LOT 1 DEPOSITED PLAN 26366 OLD HUME HIGHWAY, MITTAGONG** PN 172500

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 an offer to lease part of Council owned land at the rear of 197 Old Hume Highway, Mittagong.

Public Interest

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

2. **THAT** the minutes of the Closed Council part of the meeting (being the Council's resolution) be made public.

Barry W Paull
Director Corporate Services

3 August 2007