

File No. 100/07  
Our Ref: RAP

4 October 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, 10 October 2007** commencing at **3.00 pm**.

Yours faithfully

Mike Hyde  
General Manager

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

# BUSINESS

1. OPENING OF THE MEETING
2. PRAYER – *Reverend Steve Roberts of Bowral Anglican Church*
3. PUBLIC FORUM
4. APOLOGIES
5. ADOPTION OF MINUTES OF ORDINARY MEETING *held Wednesday, 26 September 2007*  
ADOPTION OF MINUTES OF EXTRAORDINARY MEETING *held Wednesday, 3 October 2007*
6. BUSINESS ARISING FROM THE MINUTES
7. DECLARATIONS OF INTEREST
8. MAYORAL MINUTE (*if any*)
9. OPEN COUNCIL *chaired by Clr Malcolm Murray*
  - 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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# Our Values

**EQUITY, JUSTICE and CONSULTATION** in our obligations;

**PRIDE** in our lifestyle and environment;

**EXCELLENCE** in the provision of services;

**TEAMWORK, INNOVATION and CO-OPERATION** in our business;

**INTEGRITY, skill and DEDICATION** in the achievement of our objectives;

**LEADERSHIP** in the growth and prosperity of our community.



**ORDINARY MEETING OF COUNCIL**  
held in the Council Chamber, Civic Centre, Elizabeth St,  
Moss Vale on Wednesday, 10 October 2007



**DECLARATIONS OF INTEREST**

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**DECLARATION OF INTEREST**  
*101/3*

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

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**OPEN COUNCIL**

**ENVIRONMENT & PLANNING DIVISION**

**o-EP1 Development Consents Under Delegated Authority**

REF: DCM

5302

Submitting a list of development consents executed under delegated authority of the Director of Environment and Planning between 18/9/07 and 2/10/07.

**RECOMMENDATION**

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

**Development Applications (DAs) Determined – 18/09/07 and 02/10/07  
(Excluding Small Lot Subdivisions and Domestic Applications)**

1	LUA07/0064	Lot A DP 399642 Sandwich shop, 11 Cavendish Street, Mittagong	Staged DA Industrial Units
2	LUA07/0619	Lot 1 DP 1059929 'Kurkulla' Evans Lane, Bowral	Studio, workshop, garage building
3	LUA07/0221	Lot 16 DP 1002962 Tugalong Road, Canyonleigh	4 lot Rural subdivision
4	LUA07/0834	Lot 12 DP 748370 Chevalier College Moss Vale Road, Burradoo	New office / Administration complex
5	LUA07/0952	Lot 13 Sec 38 DP 1374, No 19 Lyell Street, Mittagong	12 lot Strata subdivision
6	LUA07/0221	Lot 16 DP 1002962 Tugalong Road, Canyonleigh	4 lot Rural subdivision
7	LUA06/1044	Lot 3 DP 11147 & Lot 7 DP 250743 'Wongonbra' Hume Highway, Sutton Forest	10 lot Rural subdivision
8	LUA07/0064	Lot A DP 399642, No 11 Cavendish Street, Mittagong	Staged DA – Industrial Units
9	LUA07/0878	Lot 7 DP 258852, No12 Bowral Road, Mittagong	Change of Use – Pizza Cafe
10	LUA07/0803	Lots 3-4 DP 262245 'Redmyre', No 120 Osborne Road, Burradoo	Boundary adjustment
11	LUA07/0573	Lots 1-11 Sec 19 DP 1289 Waverley Parade, Mittagong (Frensham)	Demolition of existing library & erection of new library



**o-EP2 List of Development Applications Received By Council**

REF: DCM

5302

Submitting a list of development applications which have been received between 18/9/07 and 02/10/07, some of which will be dealt with under delegated authority of the Director of Environment & Planning.

**RECOMMENDATION**

THAT the information regarding the List of Land Use Applications Nos 1-15 received by Council be received and noted.

**SEE ATTACHED**



H – Heritage T – Traffic M – Master Plan E – Economic Devt En - Environment
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**Development Applications (DAs) Received –18/09/07 to 02/10/07  
 (Excluding Small Lot Subdivisions and Domestic Applications)**

	Date Lodged	LUA Number	Legal Description	Property Address	Description	Works	Delegation	Committee
1	18/09/2007	LUA07/1004	Lot 109 DP 1043085	15 PARMENTER COURT, EAST BOWRAL	Change of Use - Existing Dwelling from Residential to 24 hour Respite House (no more than 5 at a time)		✓	
2	18/09/2007	LUA07/1007	Lot 11 DP 21133	33-35 BOWRAL STREET, BOWRAL (The Intersection)	Shop Fitout & Signage Bowral Pets & Aquarium		✓	
3	19/09/2007	LUA07/1010	Lot 7 DP 633513	MESARA, GEORGE EMERY LANE, KANGALOO	Garden Pavilion		✓	
4	21/09/2007	LUA07/1019	Lot 4 DP 240187	LION RAMPANT, MAIN STREET, MITTAGONG	Internal Alterations to Existing Hotel		✓	
5	21/09/2007	LUA07/1020	Part Lot B DP 326656 Lot A DP 330415	BUNDANOON HALL, RAILWAY AVENUE, BUNDANOON	Wall of Remembrance & Flood-lighting, Flag Poles Fencing & Gates		✓	
6	21/09/2007	LUA07/1022	Lots 6, 7 & 8 Sec 2 DP 759097... plus 2 more land parcels	BUSHFIRE SHED, TALLONG ROAD, WINGELLO	Extension joining 2 Existing Fire Station Sheds		✓	

**Development Applications (DAs) Received –18/09/07 to 02/10/07  
(Excluding Small Lot Subdivisions and Domestic Applications) (Continued)**

	Date Lodged	LUA Number	Legal Description	Property Address	Description	Works	Delegation	Committee
7	25/09/2007	LUA07/1032	Lot 3 DP 253435 (near corner Penrose Road)	BELLVIEW, HUME HIGHWAY, SUTTON FOREST	Stables & Arena Greyhound Training Centre inc Dog Kennels Training Track & Driving Tower	✓		
8	26/09/2007	LUA07/1042	Lot 1 DP 1036670	KILDRUMMIE, TOURIST ROAD, KANGALOO	Covered Riding Arena & Alts & Adds to Rural Outbuilding	✓		
9	26/09/2007	LUA07/1028	Lot 13 & 14 Sec 18 DP 758882 (next to Council Park)	52-54 THE ILLAWARRA HIGHWAY, ROBERTSON	Change of Use from Bakery to Jim's Fruit Barn		✓	
10	26/09/2007	LUA07/1046	Lot 1 DP 719611 (end of Mackey's Lane)	Mackey's Lane, Robertson	New stables, Cabana pavilion and in ground pool		✓	
11	26/09/2007	LUA07/1044	Lot 5 DP 240187 (next to Lion Rampant)	69 MAIN STREET, MITTAGONG	Change of Use to Adults Undercovers		✓	
12	28/09/2007	LUA07/1047	Lot 1 DP 112604 Lot 1 DP 981966 Lot 5 DP 790895	CENTRAL HOTEL, 439 ARGYLE STREET, MOSS VALE	Extend Beer Garden & Paint Buildings		✓	
13	28/09/2007	LUA07/1048	Lot 1 Sec 35 DP 1374 Lot 100 DP 1102159	205 OLD HUME HIGHWAY, MITTAGONG	Use & Fitout & Signage Fantastic Furniture. Bulky goods tenant		✓	
14	28/09/2007	LUA07/1049	Lot 92 DP 751253	HALL'S NATIVES, DOUGLAS ROAD, MOSS VALE	Showroom		✓	
15	28/09/2007	LUA07/1052	Lot 9 Sec 5 DP 841 (corner Beresford Street)	23 CRIMEA STREET, BALACLAVA	Change of Use & Alterations & Additions to Use as a Child Care Centre	✓		

**o-EP3 Land Use Applications Received**

REF: DCM

5302

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

**RECOMMENDATION**

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

LAND USE APPLICATIONS								
(Includes DA's, Const. Cert., BA's Local Gov. Act, Sandwich Boards, St App)								
Month	Total Applications Received		Cumulative		Dwellings DA's Only		No of Flats/ Units / Dual Occ/ Cluster Housing SEPP SL No of units in brackets	
	2006	2007	2006	2007	2006	2007	2006	2007
January	99(*33)	105(*20)	99	105	7	12	1(5)	
February	80(*15)	116(*11)	179	221	8	15	3(19)	
March	115(*12)	115(*13)	294	336	16	25	2(10)	
April	76(*9)	96(*8)	370	432	6	15	1(4)	1(4)
May	123(*10)	121(*19)	493	553	13	25	1(2)	3(8)
June	175(*12)	131(*18)	668	684	25	19	2(59)	1(4)
July	128(*15)	119(*18)	796	803	20	29		
August	145(*12)	129(*18)	941	932	24	19	3(3)	3(7)
September	125(*12)	122 (*24)	1066	1054	13	9	1(3)	
October	154(*29)		1220		18			
November	137(*23)		1357		15			
December	112(*6)		1469		17		2(152)	

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

NOTE # Includes Seniors Living (SEPP 5)

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

**o-EP4 Proposed Rural Dwelling, 'Bellfarm' Maugers Road, Robertson**

REF: DCM

LUA07/0641

Reporting on proposed rural dwelling at Lot 900 DP 1110888, 'Bellfarm,' Maugers Road, Robertson. The area of the property is below 40 hectares – application accompanied by SEPP No 1 objection. Applicant: Hotondo Southern Highlands on behalf of Mr Roden Mauger and Mr Jim Mauger.

**REPORT**

**PROPOSAL**

Application has been lodged for Council assessment of a single storey dwelling on the subject land.

The location / style of dwelling does not raise any issues with DCP 53 – Siting, Design and Landscaping of Rural developments. The SCA has granted concurrence to the proposal. There are no other Government agency referrals for this matter.

The proposed house site does involve a departure from Council's Residential DCP, in respect of the degree of cut and fill.

The DCP restricts cut and fill to 750mm cut / 750mm fill. The proposal indicates cut and fill to be 1.3m and 1.2m. In recognition of the sloping nature of the site and available area, it is recommended that this departure be supported.

As the area of the land is 37.8 hectares, the application has been supported by a SEPP No 1 objection prepared by Mr R Mauger.

**DISCUSSION OF SEPP No 1 VARIATION**

Lot 900 DP 111088 was created from a consolidation of Portion 90291 DP 751302 to create an allotment of 37.8 hectares. The subject allotment does not fit any of the criteria in Clause 13(2)-(c)-(h). Therefore the applicant is seeking a variation via SEPP No 1.

The applicant's own adjoining Lot 2 DP 1110887 has an area of 46 hectares.

Initial discussions with the applicant made the recommendation of a boundary adjustment between Lot 2 and 900, so as to create two allotments over 40 hectares.

This was not considered acceptable to the applicant.

Accordingly, a SEPP No 1 objection was lodged on 31 July (refer **Attachment 1**).

Staff did not consider the arguments adequate, insofar as the objection did not state why compliance with the standard is unreasonable or unnecessary in the circumstances.

A further submission dated 14 September 2007 was lodged with Council (refer **Attachment 2**).

The second SEPP No 1 makes several points relevant to the proposal:

- Boundary adjustment will not give the owners any additional subdivision rights;
- From a farming perspective, existing fence line / boundary is best for land management.

Given the minor nature of the variation to the 40 hectare standard, and the fact that a boundary adjustment would achieve the same result, it is recommended that Council approve the application and associated SEPP No 1, as the variation is within Council and staff delegations.

#### ATTACHMENTS

There are three attachments to this report:

1. SEPP 1 objection lodged 31 July 2007.
2. Further submission dated 14 September 2007.
3. Draft conditions of consent.

#### RECOMMENDATION

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 Attachment 3.



Scott Lee  
**Director, Environment & Planning**

3 October 2007

## CORPORATE SERVICES DIVISION

### o-CS1 Review of Council's Committee Structure and Terms of Reference

REF: DCS

107, 800/1.1

Reporting on a review of Council's Committee Structure and Terms of Reference.

#### REPORT

#### BACKGROUND

In August 2006, Council sought expressions of interest from suitably qualified consultants to conduct an "Organisational Functional Review" of Council's operations.

The project brief detailed the outcomes of the project as follows:- "to review Council's organisational structure and functional capacity with a view to assess council's ability to deliver quality outcomes to meet the needs of the community in the most cost effective and efficient manner."

The functional review was required to address but not be limited to the following Outputs.

Provide recommendations on a range of options to assist Council to:-

- (i) Improve organisational efficiency and responsiveness to community needs by improving organisational alignment to corporate objectives.
- (ii) Ensure appropriate allocation of functional responsibilities across the organisation and improve accountability at all levels within the organisation structure.
- (iii) Identify necessary skills and qualifications for key positions within functional areas.
- (iv) Improve corporate management practices, systems and procedures.
- (v) Identify improvements to customer focus and responsiveness whilst minimising costs.
- (vi) Identify long and short term risks and rewards for each of the recommendations.

Council subsequently engaged the services of Strategic Consulting Solutions Pty Ltd to conduct the functional review.

The confidential findings contained in the consultants report have now been reviewed by Council on a number of occasions, with the majority of recommendations being management issues for the General Manager's information and consideration.

The significant issue raised requiring Council's consideration however, was the review of Council's committee structure, which has become overly complex, cumbersome and is impacting on operation efficiencies.

## CONSULTANT'S RECOMMENDATIONS - COMMITTEE STRUCTURE

The consultant's report makes a number of specific recommendations in relation to Council's committee structure and how they operate, including the following:-

- (i) Consolidate many of Council's committees into (2) two major committees of the whole.
  - ❖ Strategy & Finance Committee (SFC)
  - ❖ Planning and Infrastructure Committee (PIC)
- (ii) Maintain a Finance and Audit Committee
- (iii) Provide training for all committee chairperson in the Code of Meeting Practice
- (iv) Provide training for all Councillors and Community Committee members in Council's Code of Conduct.
- (v) Ensure that all members of peak committees, including community members have completed a disclosure of interest declaration on an annual basis and are required to declare conflicts of interest at the beginning of each committee meeting.
- (vi) That all Working Groups are required to make recommendations to Council staff who then provide advice to Council either supporting or rejecting these recommendations.

The desired outcomes from the above actions are as follows:-

- (i) To improve the efficiency and effectiveness of Council's committee system
- (ii) To ensure that Council's committees focus on strategy and policy issues and do not stray into management and operational matters.
- (iii) To free up the decision making processes of Council particularly in relation to development applications.
- (iv) To ensure a clearer definition of the roles of Council and Management in accordance with the requirements of the Local Government Act and Council's Code of Conduct.

To achieve the above outcomes, the following structure needs to be confirmed and implemented and the affected committee members advised of the changes.

## THE ROLE OF COUNCIL – COUNCIL MEETINGS

The proposed restructure of Council's committees includes a review of delegations from Council to various committees, so it is also appropriate to confirm those matters that are not to be delegated.

Meeting Date: 4<sup>th</sup> Wednesday of the month commencing at 7.00pm

Matters determined by Ordinary meetings will include all those non-delegable functions identified in Section 377 of the Local Government Act as follows:

- *the appointment of a general manager*
- *the making of a rate*
- *a determination under section 549 as to the levying of a rate*
- *the making of a charge*
- *the fixing of a fee*
- *the borrowing of money*

- *the voting of money for expenditure on its works, services or operations*
- *the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment)*
- *the acceptance of tenders which are required under this Act to be invited by the council*
- *the adoption of a management plan under section 406*
- *the adoption of a financial statement included in an annual financial report*
- *a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6*
- *the fixing of an amount or rate for the carrying out by the council of work on private land*
- *the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work*
- *the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the Environmental Planning and Assessment Act 1979*
- *the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194*
- *a decision under section 356 to contribute money or otherwise grant financial assistance to persons*
- *the making of an application, or the giving of a notice, to the Governor or Minister*
- *this power of delegation*
- *any function under this or any other Act that is expressly required to be exercised by resolution of the council.”*

Other matters and functions determined by Ordinary Council Meetings will include:

- *Notices of Motion*
- *Notices of Motion of Rescission*
- *Council Elections, Polls, Constitutional Referendums and Public Hearings/Inquiries*
- *Ministerial Committees and Inquiries*
- *Mayor and Councillors Annual Fees*
- *Payment of Expenses and Provision of Facilities to Mayor and Councillors*
- *Local Government Remuneration Tribunal*
- *Local Government Boundaries*
- *NSW Ombudsman*
- *Administrative Decisions Tribunal*
- *Delegation of Functions by the Minister*
- *Delegation of Functions to General Manager and Principal Committees*
- *Organisation Structure*
- *Code of Conduct*
- *Code of Meeting Practice*
- *Honesty and Disclosure of Interests*
- *Access to Information*
- *Protection of Privacy*
- *Enforcement Functions (statutory breaches/prosecutions/recovery of rates)*
- *Dispute Resolution*



- *Council Land and Property Development*
- *Annual Financial Reports, Auditors Reports, Annual Reports and Statement of the Environment Reports*
- *Performance of the General Manager*
- *Equal Employment Opportunity*
- *Powers of Entry*
- *Liability and Insurance*
- *Membership of Organisations*
- *Any matter or function not within the delegable function of Principal Committees*
- *Matters referred from Principal Committees for determination*

The Council Meeting will operate in accordance with the requirements of the Local Government Act and Council's Code of Meeting Practice.

### COUNCIL'S PREFERRED COMMITTEE STRUCTURE

As Councillors would be aware, the recommendations from Strategic Consulting Solutions have been discussed by Council at a number of information sessions and the proposed revised structure for Council committees is now presented for confirmation (see attachment 1).

The proposed structure includes two (2) peak committees as follows:- Strategy and Finance Committee (SFC) and Planning and Infrastructure Committee (PIC). The SFC and PIC will be committees of the whole of Council and as such will consist of twelve (12) Councillors and require seven (7) as a quorum. It is proposed to have a 'revolving chair' with each councillor given an opportunity to chair each of these principal committees on a roster arrangement.

The role and structure of the two principal committees is as follows:-

#### **PRINCIPAL COMMITTEE: STRATEGY AND FINANCE COMMITTEE (SFC)**

**Meeting Date:** 4th Wednesday of the month commencing at 5.30pm and concluding at 6.30pm

**Purpose:** To determine and/or recommend to Council in relation to strategic direction of Council, business activities, resource allocations, finance and performance and audit in accordance with authority delegated by Council.

#### **Delegated Functions:**

- Strategic Planning
- Management Plan and Budget
- Landuse Planning
- New Capital Projects/Expenditure
- Natural Resource Management
- Business Activities and Economic Development
- Policy Development and Review
- Regional Development



## ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,  
Moss Vale on Wednesday 10 October 2007

## REPORT OF DIRECTOR CORPORATE SERVICES



Organisation Performance and Audit  
Community Development  
Events, Tourism and Marketing  
Emergency Services  
Flood Plain Management

For a resolution of the Strategy and Finance Committee to be effected, a majority vote of those Councillors present in favour of the matter must be recorded. If a majority vote is not achieved then the Mayor will take the chair and will have a casting vote. In the absence of the Mayor, the Deputy Mayor will assume the Chair and will then have a casting vote.

**Membership:** Full Council - 12 Councillors.  
**Quorum:** 7 members  
**Chairperson:** Appointed or elected by resolution of Council.

### PRINCIPAL COMMITTEE - PLANNING AND INFRASTRUCTURE COMMITTEE (PIC)

**Meeting Date:** 2nd Wednesday of the month commencing at 7.00 pm and concluding at 9.30pm

**Purpose:** To determine and/or recommend to Council on matters relating to the provision of services and facilities to our community in accordance with authority delegated by Council.

#### Delegated Functions:

Development Applications  
Regulatory and Compliance  
Sport and Recreation  
Community, Cultural and Youth  
Community Involvement  
Community Safety  
Community Health  
Events, Tourism and Marketing  
Roads, Bridges and Drainage  
Waste Management  
Water and Sewerage  
Traffic Management and Parking

For a resolution of the Services and Infrastructure Committee to be effected, a majority vote of Councillors present in favour of the matter must be recorded. If a majority vote is not achieved then the Mayor will take the chair and will have a casting vote. In the absence of the Mayor, the Deputy Mayor will assume the Chair and will then have a casting vote.

**Membership:** Full Council - 12 Councillors.  
**Quorum:** 7 members  
**Chairperson:** Appointed or elected by resolution of Council.



## COMMITTEES

It is proposed that the next tier of committees will include the Environment Committee, Finance and Audit Committee and Council's Legal Committee.

The next level within the proposed structure is Advisory Committees which includes the Traffic Committee, Water and Sewer Augmentation Committee, Tourism Southern Highlands Board, and the Moss Vale Livestock Selling Centre Board. These four (4) Advisory Committees / Boards consist of council and other stakeholders and as such are not decision making bodies and do not direct staff or authorise expenditures. Their role is to make recommendations to Council for consideration and action where appropriate.

The abovementioned committees include non councillor members with voting rights and as such their role is to provide recommendations to Council for consideration and decision making. It is also relevant to note that as these committees include non councillor members therefore their meetings are not automatically open to the general public, with public access at the discretion of the chairperson.

Terms of Reference for the 2<sup>nd</sup> tier committees are included in Attachment 2.

## WORKING GROUPS

The final tier in Council's proposed structure are "Working Groups" which do not form part of Council's committee structure, but rather are a forum for Council to seek advice and community input on a range of matters and issues as required. The Working Groups will be tasked by Council to consider certain issues, specific problems or provide advice on policy or strategy decisions of Council. Their feedback will be considered by Council staff and where appropriate a report presented to a Council committee or Council.

Some of these working groups may have a sunset clause and would be wound up once they have completed their assigned role. They may also lay dormant for extended periods and be reconstituted when required to consider a further matter tasked by Council. Working groups do not direct staff, control expenditure or provide recommendations directly to Council or Council Committees.

Guidelines for the operation of these Working Groups is included in Attachment 3.

## COMMITTEES TO BE WOUND UP

Council has confirmed its intention to wind up a number of committees as an essential element of the streamlining of Council committees. The following committees are proposed to be wound up as of 1 November 2007.

- ❖ Bowral sub Regional Masterplan
- ❖ Bundanoon Masterplan
- ❖ Moss Vale Masterplan
- ❖ Mittagong Masterplan
- ❖ Works and Planning Committee
- ❖ LEP Steering Committee



- ❖ WSC Sustainability Committee
- ❖ Economic Development Committee
- ❖ Landscape Hedge Committee
- ❖ Whites Creek Floodplain Risk Management Committee
- ❖ Works and Planning Signage Policy Committee
- ❖ Staff Delegations Sunset Committee
- ❖ Alexandra Square Sub-Committee
- ❖ Water Supply and Sewerage Best Practice Guidelines Working Group
- ❖ Community Representative Review Committee
- ❖ Pools and Leisure Centre Steering Committee
- ❖ Water Conservation Sub-Committee
- ❖ Wingecarribee Landscape Planning Advisory Committee
- ❖ Wingecarribee Community Development Support Scheme
- ❖ The “Hub” Steering Committee

## CONCLUSION

The above structure reflects the intent of the deliberations of the whole of Council and was confirmed at an information session with Councillors on 29 September 2007.

Council's endorsement of the above structure was however subject to the final draft of the Guidelines for the working groups being reviewed by the chairpersons of the outgoing committees.

Following review by the relevant chairpersons, a number of changes to the draft guidelines for operation of the working groups have been requested.

The revised guidelines as submitted by the relevant chairpersons are included for council's consideration.

It needs to be highlighted however that some of the requested changes,

- reporting of all recommendations to full Council
- review of all DA's with heritage issues

would effectively return these working groups back to the status of committees, with all the current support systems and protocols being maintained.

It was understood from the various information sessions that this was not the outcome desired by Council. Council will therefore need to determine how it wishes to proceed on this matter.

The functions of these committees proposed to be wound up have now been completed or their role will be absorbed into the functions of the new committee structure.

In making the above decision, Council acknowledges the valuable input that has been received from the many community members who have given their time to participate on these committees. Council proposes to formally recognise the commitment and support of community members of its committees at a function to be held later this year.

**ATTACHMENTS**

There are three (3) attachments to this report.

1. Revised structure for Council committees
2. Terms of Reference for 2<sup>nd</sup> Tier Committees
3. Guidelines for the operation of Working Groups (circulated under separate cover)
4. Amendments made by Committee Chairpersons.(circulated under separate cover)

**RECOMMENDATION**

1. THAT Council confirms the revised structure for Council and Committees as follows:-

Council Meeting	4 <sup>th</sup> Wednesday 7.00pm to 9.30pm
Principal Committees	Strategy & Finance Committee 4th Wednesday 5.30pm to 6.30pm
	Planning & Infrastructure Committee 2nd Wednesday 7.00pm to 9.30pm
Committees	Legal Committee 2nd Wednesday 5.30pm to 6.30pm
	Environment Committee (6) times per annum – meeting times to be confirmed
	Finance and Audit Committee (4) times per annum – meeting times to be confirmed
Advisory Committees	Traffic Committee (meets monthly)
	Water & Sewer Advisory Committee (4) times per year
	Moss Vale Livestock Selling Centre Board (4) times per annum
	Tourism Southern Highlands Board (4) times per annum

(e) Working Groups	To meet when issues are tasked by Council and/or determined by Council ie quarterly / bimonthly etc.
(f) Information Sessions	1 <sup>st</sup> and 3 <sup>rd</sup> Wednesdays 5.30pm to 10.00pm

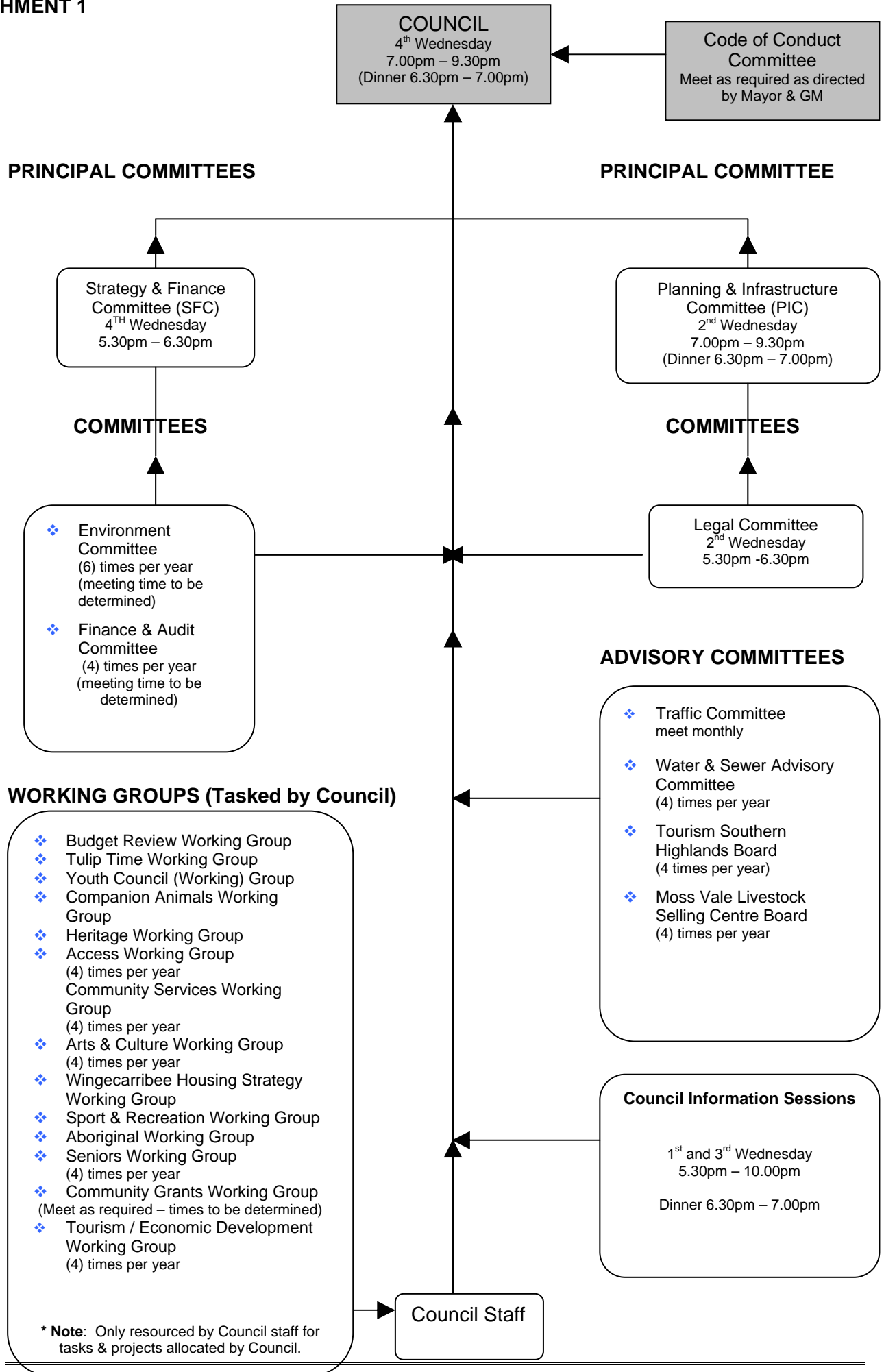
1. THAT Council confirms the purpose and delegated functions of its Principal Committees as per the Terms of Reference outlined in the report.
2. THAT Council confirms the objectives, role and structure of the following committees as per the Terms of Reference.(Legal Committee, Environment & Sustainability Committee & Finance & Audit Committee) in **Attachment 2**
3. THAT Council determines the role and structure for the following Working Groups and selects which of the alternative Guidelines it wishes to endorse from the options provided in **Attachment 3** of this report.
  - Tulip time Working Group
  - Youth Council Working Group
  - Companion Animals
  - Heritage Working Group
  - Access Working Group
  - Community Services Working Group
  - Arts & Culture Working Group
  - Aboriginal Working Group
  - Seniors Working Group
  - Community Grants (Assistance) Working Group
  - Wingecarribee Housing Strategy Working Group
  - Wingecarribee Sport & Recreation Working Group
  - Tourism / Economic Development Working Group
4. THAT Council confirms the winding up of the following committees as of 31 October 2007.

Bowral sub Regional Masterplan	Works and Planning Signage Policy Committee
Bundanoon Masterplan	Staff Delegations Sunset Committee
Moss Vale Masterplan	Alexandra Square Sub-Committee
Mittagong Masterplan	Water Supply and Sewerage Best Practice Guidelines Working Group
Works and Planning Committee	Community Representative Review Committee
LEP Steering Committee	Pools and Leisure Centre Steering Committee
WSC Sustainability Committee	Water Conservation Sub-Committee
Economic Development Committee	Wingecarribee Landscape Planning Advisory Committee



Landscape Hedge Committee	Wingecarribee Community Development Support Scheme
Whites Creek Floodplain Risk Management Committee	The "Hub" Steering Committee

5. THAT Council implements the new structure and calendar as of 1 November 2007
-



**ATTACHMENT 2**

TERMS OF REFERENCE  
WINGECARRIBEE SHIRE COUNCIL  
LEGAL COMMITTEE  
File No: 107/23

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BACKGROUND

Following a review of Council's committee structure in October 2007, council confirmed the appointment of a Legal Committee to review and provide advice on specific functions of Council.

ROLE OF THE COMMITTEE

- (i) To review and recommend action on appeals relating to development matters, to review and recommend defence of cases, enforcement of orders of non compliance or illegal activities and any other legal issues.
- (ii) To review and make recommendations on Council's solicitors panel.
- (iii) To provide guidance on issues relating to the leasing of Council owned land and facilities.

SCOPE

The Legal Committee's role is to assess the facts, evaluate legal counsel's advice and recommend appropriate action. The Committee's role does not extend to Public Liability / Professional Indemnity claims or matters relating to the Workers Compensation Act, as these matters are subrogated to Council's insurance providers.

COMMITTEE STRUCTURE

The Committee will consist of the following members:-

- (6) Councillors  
General Manager  
Director Environment and Planning  
Council's legal advisors to be in attendance as required.

TERMS OF REFERENCE  
WINGECARRIBEE SHIRE COUNCIL  
ENVIRONMENT AND SUSTAINABILITY COMMITTEE  
File No: 107/25

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BACKGROUND

Following a review of Council's committee structure in October 2007, council confirmed the appointment of an Environment and Sustainability Committee to review and provide advice on specific functions of Council.

ROLE OF THE COMMITTEE

- (iv) To discuss and advise on projects that support sustainability.
- (v) To discuss and advise Council on proposed works and budgets proposed under the Wingecarribee Our Future Environment (WOFE) programme AND to monitor and review progress of the WOFE programme.
- (vi) To monitor and review environmental issues relating to road reserves and lineal reserves, and the implementation of Council's Roadside Management Plan.

SCOPE

The committee's role focuses on environmental and sustainability issues as they relate to Council's operations with a major focus on the WOFE Programme. Consideration of development applications would only be at the direction of Council and would be solely related to environmental factors under consideration in a development assessment.

COMMITTEE STRUCTURE

The Committee will consist of the following members:-

- (6) Councillors
- (5) Community Members
- (1) HNCMA representative
- (1) NPWS representative
- (1) SCA representative
- (1) Department Primary Industry representative

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TERMS OF REFERENCE  
WINGECARRIBEE SHIRE COUNCIL  
FINANCE AND AUDIT COMMITTEE  
File No: 107/

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BACKGROUND

Following a review of Council's committee structure in October 2007, council confirmed the appointment of a Finance and Audit Committee to review and provide advice on specific functions of Council.

ROLE OF THE COMMITTEE

- (i) The Finance and Audit committee's principle role being to monitor and provide feedback to management on internal audit reviews conducted by the independent internal auditor.
- (ii) To provide comment and feedback on the DLG's Promoting Better Practice Review assessment of Council and make recommendations on desired outcomes.
- (iii) To review Council's budget and make recommendations on financial strategy and resulting financial outcomes.

SCOPE

The Finance and Audit Committee's role is limited to strategic and policy issues and commentary on issues identified via internal audit reviews.

COMMITTEE STRUCTURE

The Committee will consist of the following members:-

- (6) Councillors
- (3) Community Representatives
- General Manager
- Director Corporate Services

**o-CS3 Draft policy for Councillors' Access to Information and Interaction with Staff**

REF. MAS

101/13

Reporting on the consideration of Draft Policy for Councillors' Access to information and interaction with staff for adoption.

**REPORT**

BACKGROUND

Approximately ten (10) years ago the Department of Local Government produced a draft policy for council's in regard to Councillors' access to information and their Interaction with staff and at the time Council did not adopt the policy. The implementation of Interaction and Access policy has subsequently been canvassed with Council on an informal basis on a number of occasions and was not supported by Council.

While undertaking a recent review of the Department of Local Government Program "Promoting Better Practice" it was noted that one of the policies recommended by the Department that should be in place is Councillors' Access to information and interaction with staff and as a result a Draft Policy was produced again for consideration by Councillors and staff.

A draft policy was developed by reviewing existing policies at other Local Government Councils and discussions with a representative from the ICAC which referred Councils to the joint publication of the Department of Local Government and the ICAC entitled "Under Careful Consideration".

The draft policy was discussed by Councillors at an information session held on Wednesday 5 September 2007 and a copy of the draft policy was forwarded to Councillors not present at the session. Councillors at the presentation session indicated that item 1.8 "access to information by Councillors" be reviewed so that any item forwarded to Councillors by the General Manager marked "confidential" cannot be released or shown to any other person unless authorised by Council or the General Manager.

Copies of the draft policy were also forwarded to Managers for feedback from staff. To-date no comments have been received from Councillors or staff members.

OBJECTIVES OF THE POLICY

The objectives of the policy are outlined as follows:-

- (a) Provide clear direction to staff regarding their obligation to assist Councillors and how Councillors can access Council records and interact with staff;
- (b) Provide a documented process on how Councillors can access Council records;
- (c) Ensure that Councillors receive advice to help them in the performance of their civic duty in an orderly and regulated manner;
- (d) Provide direction on Councillors' rights of access to Council buildings;

- (e) Provide a clear and consistent framework for the reporting of and appropriate application of sanctions for breaches of this policy; and
- (f) Be reviewed periodically to monitor its effectiveness and compliance.

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

#### POLICY IMPLICATIONS

A copy of the policy is attached to the report and Council will be promoting good governance and ethical conduct by adopting the policy. The policy contains some aspects of Council's existing policies and codes that have already been adopted by Council and the policy assists council in complying with one of the Department of Local Government health checks for good governance.

#### ATTACHMENTS

There is one attachment to this report being the proposed policy for adoption as Attachment 1.

#### RECOMMENDATION

1. THAT the Policy for Councillors' Access to information and interaction with Staff, being Attachment 1 of the report be adopted.
  2. THAT the policy for Councillors' Access to information and interaction with staff be reviewed after twelve months by Council to ascertain its effectiveness and compliance.
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**ATTACHMENT 1**

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***POLICY MANUAL***  
***(Post 1 July 1993)***

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**SUBJECT:** COUNCIL MATTERS

**POLICY TITLE:** COUNCILLORS' ACCESS TO INFORMATION  
AND INTERACTION WITH STAFF

**DIVISION:** CORPORATE SERVICES - ADMINISTRATION

**FILE NO:** 101/13

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**OBJECTIVE:**

Provide clear direction to staff regarding their obligation to assist Councillors and how Councillors can access Council records and interact with staff:

Provide a documented process on how Councillors can access Council records;

Ensure Councillors have access to all documents necessary for them to exercise their statutory role as a member of the governing body of the Council;

Ensure that Councillors receive advice to help them in the performance of their civic duty in an orderly and regulated manner;

Provide direction on Councillors' rights of access to Council buildings;

Provide a clear and consistent framework for the reporting of, and appropriate application of sanctions for, breaches of this policy; and

Be reviewed periodically to monitor its effectiveness and compliance.

**CODE OF CONDUCT**

Council's Code of Conduct, is important in determining standards of conduct for Councillors and staff and forms an important reference document for this policy.

## STATUTORY ROLE OF COUNCILLORS AND STAFF

Chapters 9 and 11 of the Local Government Act set out the statutory roles and duties of Councillors and the General Manager. The introduction to Chapter 9 states that “*each Council is a statutory corporation. The Councillors are the governing body of the corporation and they have the responsibility of directing and controlling the affairs of the Council in accordance with this Act.*”

The General Manager is generally responsible for the efficient and effective operation of the Council’s organisation and for ensuring the implementation, without undue delay, of decisions of the Council.

The full statutory provisions are contained in **Appendix 1**.

## POLICY

### 1. Access to Information by Councillors

(Refer Council’s Code of Conduct: 9 Access to Information and Council Resources) – see **Appendix 4** (items 9.1 to 9.13).

- 1.1 Access to a Council file, record or other document will only be provided in accordance with this policy. This policy does not limit or restrict statutory or common law rights of access.
- 1.2 Councillors can request either the General Manager or the Public Officer to provide access to a particular Council record.
- 1.3 Councillors who have a personal (as distinct from civic) interest in a document of Council have the same rights of access as any other person. Such requests will be handled in accordance with Council’s Section 12 application procedures.
- 1.4 Councillors acting in their civic capacity, are entitled to access all Council files, records or other documents where that document is identified in Section 12 of the Local Government Act (see appendices) or to a matter currently before the Council. If requested, copies of documents will be provided at no charge.
- 1.5 Councillors may view development application files for determination by Council.
- 1.6 The General Manager shall not unreasonably decide that a document is not relevant to the performance of the Councillor’s civic duty and deny access to a Council document. If access to the document is refused, the General Manager must provide reasons for the decision.
- 1.7 The General Manager or Public Officer shall keep a record of all requests by councillors for access to information (other than those listed in Section 12 of the Local Government Act). The details of these requests shall be noted on the appropriate file.
- 1.8 A Council file must not be made available by a Councillor for viewing by any person external to the Council. A Councillor is not entitled to take copies of any document on the file or to give a copy to a person external to the Council without the approval of the General Manager or Public Officer. Any approval given must be noted on the file. If a council document is forwarded to Councillors by the General Manager marked “confidential” it must not be copied or shown to any other person without the approval of the General Manager or by Council Resolution.

## 2. Interaction between Councillors and Council Staff

### 2.1 Councillors

Councillors seeking information on policy issues and day to day matters in the exercise of their statutory role as a member of the Council, should contact the General Manager or the Director for the carriage of the matter. The General Manager or Director may direct a Councillor to a Manager should the matter be specific to that Manager or an ongoing matter.

In interacting with staff Councillors must:

- 2.1.1 direct all enquiries for information (other than basic administrative matters) to the General Manager or appropriate Director;
- 2.1.2 restrict their business dealings with staff to work environments during business hours;
- 2.1.3 avoid overbearing or threatening behaviour;
- 2.1.4 not use electronic mail to broadcast personal and political views to staff or to direct staff.

Reference is also made to Council's Code of Conduct – "Obligations of Councillors" (see **Appendix 4**, items 8.1 and 8.2) & (Practice Note OHS:025-00 Customer Aggression)

### 2.2 Staff

- 2.2.1 Staff must ensure that Councillors receive advice to help them in the performance of their civic and statutory duties and must not withhold information from a Councillor if the information is available to other Councillors.
- 2.2.2 In interacting with Councillors, staff other than the General Manager, must not approach Councillors on staffing, industrial or political issues. Staff should not enjoy rights beyond those enjoyed by the general public.
- 2.2.3 Staff providing advice to Councillors must record/document the interaction as they would if the advice was provided to a member of the community.

Reference is also made to Council's Code of Conduct – Obligations of Staff (see Appendix 4, items 8.4 and 8.5) & ( Practice Note OHS: 025-00 Customer Aggression).

### 2.3 During meetings

The interaction between Councillors and staff at Council meetings and committee meetings is regulated by:

- 2.3.1 s.352 of the Local Government Act (staff are not subject to direction by Councillors as to the content of any advice or recommendations made);
- 2.3.2 cl.249 of the Local Government (General) Regulation; (a Councillor may through the General Manager, put a question to staff);
- 2.3.3 Council's Code of Conduct and;
- 2.3.4 Council's Code of Meeting Practice;
- 2.3.5 this policy;

- 2.3.6 you must respect the chair, other Council officials and any members of the public present during Council and committee meetings or other formal proceedings of the Council.

**Appendix 3** details the provisions.

## 2.4 Outside of Meeting

- 2.4.1 The General Manager is responsible to the Council for performance and direction of all staff and day to day management of Council. Therefore, it is appropriate that all requests for information and approaches to staff outside the forum of a Council or committee meeting, be directed to the General Manager or a Director.
- 2.4.2 It is within the discretion of the General Manager to require Councillors to make an appointment with a senior officer, to put a request in writing, or to put it on notice to the Council to obtain detailed or otherwise time consuming information. The General Manager must indicate in writing, the reasons for refusing a request.
- 2.4.3 For all but straight forward advice on administrative/technical matters, Councillors should put their requests for information or advice in writing to be answered by the General Manager, Director, public officer or nominated staff member. Councillors may also submit a Section 12 request form to access information. These written requests then form part of Council records and can be filed appropriately.
- 2.4.4 If a Councillor is concerned about any refusal to provide information, they should firstly raise the matter with the General Manager (or the Mayor if it was the General Manager who refused to provide the advice). If the Councillor is still dissatisfied they should request the information by way of a Question on Notice to the Council.
- 2.4.5 Councillors must not attempt to direct staff as to the performance of their work or recommendations they should make. Staff must report all such attempts immediately to their Director or the General Manager.
- 2.4.6 Councillors must not request staff to undertake work for the Councillor or any other person.
- 2.4.7 A Councillor, member of staff or delegate must not take advantage of their official position to improperly influence other Councillors, members of staff or delegates in the performance of their public or professional duties for the purpose of securing private benefit for themselves or for some other person.
- 2.4.8 Councillors must not use the electronic mail system to broadcast personal and political views to staff.

## 2.5 Correspondence

That Council embrace the principle of keeping Councillors and staff informed on current and potential issues through the exchange of information received in written, electronic and oral form.

- 2.5.1 Information on items currently before Council and of an urgent nature be immediately brought to the attention of Councillors and staff.

2.5.2 Items containing worthwhile information, advice from local members and local government issues not needing to be formally dealt with by Council, are to be placed in the Councillors' Weekly Circular.

2.5.3 Other items which are not deemed to be administrative or routine or can't be dealt with by staff under delegated authority shall be submitted to Council following investigation and preparation of a report.

3. Access to Council Offices

3.1.1 As elected members of the Council, Councillors are entitled to have access to the Council chamber, Councillors' room, committee rooms, Mayor's office, and public areas of the Council's buildings.

3.1.2 Councillors who are not in pursuit of their civic duties have the same rights of access to Council buildings and premises as any other member of the public.

3.1.3 A Councillor has no rights to enter staff-only areas without the express authorisation of the General Manager, a Director, or by resolution of the Council.

3.1.4 Councillors must ensure that when they are within a staff area they are cognisant of potential conflict or pecuniary interest matters and / or a perception that they may bring influence to bear on Council staff decisions and should conduct themselves accordingly.

3.1.5 Councillors seeking information on policy issues and day to day matters, in the exercise of their statutory role as a member of the Council, should contact the General Manager, or a Director,

3.1.6 Where a Councillor accompanies an applicant or objector to a meeting to discuss an application or proposed application, the appropriate manager or Director must be present.

Reference is also made to Council's Code of Conduct "Councillor Access to Buildings".

4. Breaches of this Policy

*(Refer Council's Code of Conduct: Section 10 – Reporting Breaches, Complaint Handling Procedures and Sanctions)*

4.1 Inappropriate Interaction

Council's Code of conduct provides a number of examples of "Inappropriate Interactions" (refer item 8.8 of the Code of Conduct as follows) (also refer to **Appendix 2**)

4.1.1 Councillors approaching Council staff other than Directors or senior staff for information on sensitive or controversial matters.

4.1.2 Council staff approaching Councillors directly on individual staffing matters.

4.1.3 Councillors approaching Council staff outside the Council building or outside hours of work to discuss Council business.

4.1.4 Council staff refusing to give information which is available to other Councillors to a particular Councillor because of the staff member's or Councillor's political views.

- 4.1.5 Councillors who have lodged a development application with Council, discussing the matter with Council staff in staff-only areas of the Council.
  - 4.1.6 Councillors being overbearing or threatening to Council staff.
  - 4.1.7 Councillors directing or pressuring staff in the performance of their work, or recommendations they should make or the making of decisions under delegated authority.
  - 4.1.8 Council staff providing ad hoc advice to Councillors without recording or documenting the interaction as they would if the advice was provided to a member of the community.
  - 4.1.9 Councillors approaching Council staff organisations; for example unions and associations; in relation to staffing matters that relate to individual staff members rather than broader industrial policy issues.
  - 4.1.10 Council staff meeting with developers alone and outside office hours to discuss development applications or proposals.
  - 4.1.11 Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by Council associated with current or proposed legal proceedings unless permitted to do so by Council's General Manager or, in the case of the Mayor, exercising their power under section 226 of the Act.
- 4.2 Reporting
- 4.2.1 All occasions of a Councillor or staff member not complying with this policy should be immediately reported to the General Manager.
  - 4.2.2 Where the report relates to the conduct of a Councillor, the General Manager shall immediately report the matter to the Mayor who shall report the matter to the Conduct Committee.
  - 4.2.3 Where the report relates to the conduct of staff, the General Manager shall deal with the matter according to the terms of employment of the staff member. Proven breaches should also be dealt with accordingly, that is, by counselling, disciplinary action or dismissal.
  - 4.2.4 Where a Councillor believes that the General Manager has failed to comply with the policy, the Councillor shall immediately report to the Mayor who will report the matter to the Conduct Committee.
  - 4.2.5 Before a report to the Conduct Committee by the General Manager (or the Mayor), the General Manager (or the Mayor) should undertake preliminary enquiries to establish the facts. The preliminary investigations may take any form the Mayor or General Manager considers appropriate, but must involve discussions with the staff member and/or Councillor involved. Natural justice principles need to be satisfied in dealing with an alleged breach.
  - 4.2.6 The Council must decide whether a matter reported to it under this policy reveals a breach. The Council may take any steps provided for in this policy.
-

4.3 Sanctions

4.3.2 Council, having resolved that a Councillor has failed to comply with this policy, can, by resolution:

- (i) require the Councillor to apologise to the person concerned;
- (ii) request a formal apology;
- (iii) counsel the Councillor;
- (iv) reprimand the Councillor;
- (v) resolve to make its decision on the matter public;
- (vi) pass a censure motion at a Council meeting; (Council should not underestimate the power of public censure as a deterrent);
- (vii) make public disclosures of inappropriate conduct; (such as making the community aware of the breach through the media or annual report);
- (viii) refer the matter to an appropriate investigative body if the matter is serious; and or
- (ix) prosecute any breach of the law.

4.3.2 Sanctions for staff, depending on the severity, scale and importance of the breach, may include:

- (i) counselling the staff member;
- (ii) instituting Council disciplinary proceedings; or
- (iii) dismissal.

**Appendix 1**

**Statutory Provisions for Councillors and Staff**

Chapters 9 and 11 of the Local Government Act set out the statutory roles and duties of Councillors and the General Manager. The introduction to Chapter 9 states that *“each Council is a statutory corporation. The Councillors are the governing body of the corporation and they have the responsibility of directing and controlling the affairs of the Council in accordance with this Act.”*

Chapter 9 includes the following provisions.

**1. The governing body (s.222)**

The elected representatives, called “Councillors”, comprise the governing body of the Council.

**2. The role of the governing body (s.223)**

The role of the governing body is to direct and control the affairs of the Council in accordance with this Act.

**3. The role of the Mayor (s.226)**

The role of the Mayor is:

- to exercise, in case of necessity, the policy-making functions of the governing body of the Council between meetings of the Council;
- to exercise such other functions of the Council as the Council determines;
- to preside at meetings of the Council; and
- to carry out the civic and ceremonial functions of the Mayoral office.

**4. The role of a Councillor as a member of the governing body (s.232(1))**

The role of a Councillor is, as a member of the governing body of the Council:

- to direct and control the affairs of the Council in accordance with this Act (for example, input into preparation of Council’s management plan, financial plan and organisational structure);
- to participate in the optimum allocation of the Council’s resources for the benefit of the area (for example, providing input into deciding priorities for construction and maintenance work);
- to play a key role in the creation and review of the Council’s policies and objectives and criteria relating to the exercise of the Council’s regulatory functions, and
- to review the performance of the Council and its delivery of services, and the management plans and revenue policies of the Council.

**5. The role of a Councillor as an elected person (s.232(2))**

The role of a Councillor is, as an elected person:

- to represent the interests of the residents and ratepayers;
- to provide leadership and guidance to the community; and
- to facilitate communication between the community and the Council.

**6. The role of the General Manager (s.335(1))**

The General Manager is generally responsible for the efficient and effective operation of the Council's organisation and for ensuring the implementation, without undue delay, of decisions of the Council.

**7. The functions of the General Manager (s.335(2))**

The General Manager has the following particular functions:

- to manage the Council on a day-to-day basis;
- to exercise such of the functions of the Council as are delegated by the Council to the General Manager;
- to appoint staff in accordance with an organisational structure and resources approved by the Council;
- to direct and dismiss staff; and
- to implement the Council's equal employment opportunity management plan.

**Appendix 2**

**Inappropriate Interactions**

The ICAC/Department of Local Government publication "*Under Careful Consideration; Key Issues for Local Government*" provides a number of examples of inappropriate interactions.

- Councillors approaching junior members of staff for information on sensitive or controversial matters;
- members of staff approaching Councillors directly (rather than via their Director, staff representative or union delegate) on staffing or political issues;
- Councillors approaching staff outside the Council building or outside hours of work to discuss Council business;
- staff refusing to give information which is available to other Councillors to a particular Councillor because of the staff member's or Councillor's political views;
- Councillors who have a building application (BA) or development application (DA) before Council discussing the matter with junior staff in staff-only areas of the Council;
- junior staff being asked to answer questions or provide documents to Councillors who are overbearing or threatening;
- Councillors directing or pressuring staff in the performance of their work, or recommendations they should make; and
- staff providing advice to Councillors without recording or documenting the interaction as they would if the advice was provided to a member of the community.

**Appendix 3**

**Interaction between Councillors and Council  
Staff during Meetings**

The interaction between Councillors and staff at Council meetings and committee meetings is regulated by:

- Section 360 of the Local Government Act
- Clause 249 of the Local Government (General) Regulation
- Council's Code of Conduct
- Council's Code of Meeting Practice

Section 360 of the Local Government Act enables the Council to make regulations in regard to the conduct of meetings, adopt codes of meeting practice and states that meetings must be conducted in accordance with the Code of Meeting Practice.

**Code of Meeting Practice**

**3.18 Questions may be put to Councillors and Council employees**

- 3.18.1 A Councillor:
- (a) may, through the chairperson, put a question to another Councillor; and
  - (b) may, through the chairperson and the General Manager, put a question to a Council employee.
- 3.18.2 However, a Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents.
- 3.18.3 Any such question shall be in writing and must be put directly, succinctly, and without argument.
- 3.18.4 The chairperson must not permit discussion on any reply or refusal to reply to a question put to a Councillor or Council employee under this clause. (Pt.3 clause 22 Reg)

**3.19 Mode of address**

- 3.19.1 Councillors shall at all times address other Councillors by their official designation, as Mayor or Councillor, as the case may be; and with the exception of the chairperson, or any Councillor prevented by physical infirmity, shall stand when speaking.(wsc)
- 3.19.2 No Councillor shall use offensive or unbecoming words in reference to any Councillor or make imputations of improper motives or personal reflections on Councillors. (wsc)

## **Relationship between Council Officials and Access to Council Records by Councillors**

### **Obligations of Councillors**

8.1 Each council is a statutory corporation. The councillors are the governing body of the corporation. Councillors have the responsibility of directing and controlling the affairs of the council in accordance with the Act.

8.2 Councillors must:

- Refrain from directing council staff other than by giving appropriate direction to the General Manager in the performance of council's functions by way of council or committee resolution, or by the Mayor exercising their power under section 226 of the Act (section 352).
- Refrain from, in any public or private forum, directing or influencing, or attempting to direct or influence, any other member of the staff or the council or a delegate of the council in the exercise of the functions of the member or delegate (Schedule 6A of the Act)
- Refrain from contacting a member of the staff of the council unless in accordance with procedures governing the interaction of councillors and council staff that have been authorised by the General Manager.
- Not contact or issue instructions to any of council's contractors or tenderers, including council's legal advisers, unless by the Mayor exercising their power under section 226 of the Act.

### **Role of the Mayor**

8.3 The role of the Mayor is defined by section 226 of the Act

This role is the same whether the Mayor is popularly elected or elected by the councillors.

### **Obligations of staff**

8.4 The General Manager is responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation of the decisions of the council without delay.

8.5 Members of staff of council have an obligation to:

- Give their attention to the business of council while on duty
- Ensure that their work is carried out efficiently, economically and effectively
- Carry out lawful directions given by any person having authority to give such directions
- Give effect to the lawful policies, decisions and practices of the council, whether or not the staff member agrees with or approves of them.

## **2. Access to information and Council resources. (Section 9 of Council's Code of Conduct.)**

### **Councillor's access to information**

9.1 A council must provide access to the documents available under section 12 of the Local Government Act 1993 to all members of the public, and to councillors. A council must also provide councillors with information sufficient to enable them to carry out their civic functions.

9.2 Any information that is given to a particular councillor in the performing of their civic duties must also be available to any other councillor who requests it.

9.3 Councillors who have an obligation to provide full and timely information to councillors about matters that they are dealing with in accordance with council procedures.

9.4 Members of staff of council have an obligation to provide full and timely information to councillors about matters that they are dealing with in accordance with council procedures.

9.5 Councillors have an obligation to properly examine and understand all the information provided to them relating to matters that they are dealing with to enable them to make a decision on the matter in accordance with council's charter.

#### **Refusal of access to documents**

9.6 The General Manager and Public Officer must act reasonably in deciding whether a document sought by a councillor should be made available under section 12 of the Local government Act 1993 or because it is relevant to the performance of the councillor's civic duty. The General Manager or Public Officer must state the reasons for the decision if access is refused.

#### **Use of Council Information**

##### **9.7 You Must**

- Protect confidential information
- Only access information needed for council business
- Not use confidential information for any non-official purpose
- Only release confidential information if you have authority to do so
- Only use confidential information for the purpose it is intended to be used
- Only release other information in accordance with established council policies and procedures and in compliance with relevant legislation.
- Not use council information for personal purposes
- Not disclose any information discussed during a confidential session of a council meeting
- Comply with the requirements of the state Records Act 1998 S12(2) and create and maintain records of all documentation relating to Council business.

9.8 You must carry out your duties in a manner that allows council officials and the public to remain informed about local government activity and practices.

9.9 You must not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person.

9.10 You must not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you had access in the exercise of your official functions or duties by virtue of your office or position.

9.11 You must not use confidential information with the intention to improperly cause harm or detriment to your council or any other person or body.

#### **Security of information**

9.12 you must take care to maintain the integrity and security of confidential documents or information in your possession, or for which you are responsible.

9.13 When dealing with personal information you must comply with:

- The Privacy and Personal information Protection Act 1998
- The Health Records and Information Privacy Act 2002,
- The information Protection Principles and Health Privacy Principles,
- Council's privacy management plan
- The Privacy Code of Practice for Local government

Personal information is information or an opinion about a person whose identity is apparent, or can be determined from the information or opinion.

### 3. Statutory provisions (Access to Information)

Section 12 of the Local Government Act provides that the Council must provide access to the current version of certain Council documents free of charge to all members of the public. These documents are:

- Council's Code of Conduct
- Council's Code of Meeting Practice
- Annual Report
- Annual Financial Reports
- Auditor's Report
- Management Plan
- EEO Management Plan
- Council's Policy concerning the payment of expenses incurred by, and the provision of facilities, to, Councillors
- Council's Land Register
- Register of Investments
- Returns of the interests of Councillors, designated persons and delegates
- Returns as to candidates' campaign donations
- Agendas and business papers for Council and committee meetings (but not including, until the relevant date determined under Section 10E, business papers for matters considered when part of a meeting is closed to the public)
- Minutes of Council and committee meetings, but restricted, until the relevant date determined under Section 10E (in the case of any part of a meeting that is closed to the public), to the recommendations of the meeting
- Register of business papers and minutes referred to in Section 10E(6)
- Codes referred to in this Act
- Register of delegations
- Annual reports of bodies exercising delegated Council functions
- Applications under Part 1 of Chapter 7 for approval to erect a building, and associated documents
- Development Applications (within the meaning of the Environmental Planning and Assessment Act 1979) and associated documents
- Local policies adopted by the Council concerning approvals and orders
- Records of approvals granted, any variation from local policies with reasons for the variation and decisions made on appeals concerning approvals
- Records of Building Certificates
- Plans of land proposed to be compulsorily acquired by the Council
- Leases and licences for use of public land classified as community land
- Plans of Management for community land



## ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,  
Moss Vale on Wednesday, 10 October 2007

## REPORT OF DIRECTOR CORPORATE SERVICES



- 
- Environmental planning instruments, development control plans and plans made under Section 94AB of the Environmental Planning and Assessment Act 1979 apply to land within the Council's area
  - Statement of Affairs, the summary of affairs and the register of policy documents required under the Freedom of Information Act 1989
  - Department representatives' reports presented at a meeting of the Council in accordance with Section 433.
-

**o-CS4 Committee Appointments & Resignations**

REF: MAS

107/1

Reporting on Management Committee Appointments and Resignations.

**REPORT**

1. Bundanoon Oval & Ferndale Reserve Management Committee File No: 6529/5.1

The Bundanoon Oval & Ferndale Reserve Management Committee at its meeting held on the 5 September 2007 received with the regret the resignation John Kelly and the nomination of Dennis Day.

Committee Recommendation

THAT Council accepts with regret the resignation of John Kelly from the Bundanoon Oval & Ferndale Reserve Management Committee and appoints Dennis Day and THAT Mr Kelly and Mr Day be notified of Council's determination.

2. Hill Top Community Centres Management Committee File No: 7212/1

The Hill Top Community Centres Management Committee at its meeting held on 16 August 2007 received the nominations of Darlene Bishop and Janeen Dale.

Committee Recommendation

THAT Council appoints Darlene Bishop and Janeen Dale to the Hill Top Community Centres Management Committee and that Ms Bishop and Ms Dale be notified of Council's determination.

3. Loseby Park Youth Centre Management Committee File No: 7182/1

The Loseby Park Youth Centre Management Committee at its meeting on 23 August 2007 received with regret the resignation of Nikki McAdoo and the nomination of Michelle Coates to the Committee.

Committee Recommendation

THAT Council accepts with regret the resignation of Nikki McAdoo from the Loseby Park Youth Centre Management Committee and appoints Michelle Coates and THAT Ms McAdoo and Ms Coates be notified of Council's determination.

4. Robertson Community Centre Management Committee File No: 7219/1

The Robertson Community Centre Management Committee at its meeting on 8 August 2007 received with regret the resignations of Anne Warde, Jane Wilson and Jane Hope and received the nominations of Frances Parrot and Ian Roxby.

Committee Recommendation

THAT Council accepts with regret the resignations of Anne Warde, Jane Wilson and Jane Hope from the Robertson Community Centre Management Committee and appoints Frances Parrott and Ian Roxby to the Committee and THAT Ms Warde, Ms Wilson, Ms Hope Ms Parrott and Mr Roxby be notified of Council's determination.

5. Penrose Hall & Recreation Reserve Management Committee File No 6549/1.1

The Penrose Hall & Recreation Reserve Management Committee at its meeting on 27 August 2007 received with regret the resignation of Kay McMenomy and the nominations of Jose Meijerink and Susan Lund.

Committee Recommendation

THAT Council accepts with regret the resignation of Kay McMenomy from the Penrose Hall & Recreation Reserve Management Committee and appoints Jose Meijerink and Susan Lund to the Committee and THAT Ms Menomy, Ms Meijerink and Ms Lund be notified of Council's determination.

6. Yerrinbool Community Hall Management Committee File No: 7224/1

Yerrinbool Community Centre Management Committee at its meeting on 28 August 2007 received the nomination of Rebecca Mitchell to the Committee.

Committee Recommendation

THAT Council appoints Rebecca Mitchell to the Yerrinbool Community Hall Management Committee and THAT Ms Mitchell be notified of Council's determination.

ATTACHMENTS
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There are no attachments to this report.

.....Cont'd

*Cont'd.....*

<b>RECOMMENDATION</b>
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1. THAT Council accepts with regret the resignation of John Kelly from the Bundanoon Oval & Ferndale Reserve Management Committee and appoints Dennis Day AND THAT Mr Kelly and Mr Day be notified of Council's determination.
  2. THAT Council appoints Darlene Bishop and Janeen Dale to the Hill Top Community Centres Management Committee AND THAT Ms Bishop and Ms Dale be notified of Council's determination.
  3. THAT Council accepts with regret the resignation of Nikki McAdoo from the Loseby Park Youth Centre Management Committee and appoints Michelle Coates to Loseby Park Youth Centre Management Committee AND THAT Ms McAdoo and Ms Coates be notified of Council's determination.
  4. THAT Council accepts with regret the resignations of Anne Warde, Jane Wilson and Jane Hope from the Robertson Community Centre Management Committee and appoints Frances Parrott and Ian Roxby to the Robertson Community Centre Management Committee AND THAT Ms Warde, Ms Wilson, Ms Hope Ms Parrott and Mr Roxby be notified of Council's determination.
  5. THAT Council accepts with regret the resignation of Kay McMenomy from the Penrose Hall & Recreation Reserve Management Committee and appoints Jose Meijerink and Susan Lund to the Penrose Hall and Recreation Reserve Management Committee AND THAT Ms Menomy, Ms Meijerink and Ms Lund be notified of Council's determination.
  6. THAT Council appoints Rebecca Mitchell to the Yerrinbool Community Hall Management Committee AND THAT Ms Mitchell be notified of Council's determination.
  7. THAT the Bundanoon Oval & Ferndale Reserve Management Committee, Hill Top Community Centres Management Committee, Loseby Park Youth Centre Management Committee, Robertson Community Centre Management Committee, Penrose Hall & Recreation Reserve Management Committee and Yerrinbool Community Hall Management Committee be notified of Council's determination.
- 

Barry W Paull  
**Director Corporate Services**

4 October 2007

## TECHNICAL SERVICES DIVISION

### o-TS1 Belmore Falls Road

REF: A/RTM

RD3651

Reporting on ongoing pavement problems on Belmore Falls Road and seeking additional funding to undertake urgently required works.

#### REPORT

#### 1. BACKGROUND

Belmore Falls Road runs from the intersection of Pearsons Lane and Myra Vale Road, via the Morton National Park to Robertson. The 7.8km section between Burrawang Creek and Yeola Road is unsealed.

During 2006/07, Council spent \$77,600 on maintenance along this section, including \$21,400 on maintenance grading, \$19,500 on gravel pavement repairs and \$25,000 on drainage. In the first three months of 2007/08, following the heavy rain of June 2007, Council has already spent \$48,400 on grading and drainage work, including the cost to remove the fill material used to maintain access during the wet weather.

Despite this expenditure, the road surface continues to fail during periods of wet weather. This report proposes a program to address the immediate concerns regarding access and a future direction for management of this section of road.

#### 2. EXISTING SITUATION

Council schedules maintenance grading on Belmore Falls Road twice annually, however, additional grading is undertaken if road conditions deteriorate. The level of service was adopted in recognition of the fact the road carries disproportionately high traffic volumes in relation to number of properties served, due to visitors to Belmore Falls lookout.

The highest traffic counts are on the 2.2km section between Yeola Road and Wallaby Hill Road, with approximately 20 properties along this length, including 10 on Wallaby Hill Road. Until recently, this section of road performed adequately during all weather conditions. Following the rain in June, however, this section has started to deteriorate quickly following work. Rain immediately after the most recent grading resulted in the surface failing and becoming impassable to all but 4WD vehicles.

The remainder of the road, including some 4km of road through the National Park, serves less than 10 properties. This section had been causing concerns since February, when springs first broke out along the road. Council has undertaken subsoil drainage and pavement works to address these problems and had gravel resheeting planned for this financial year. Ongoing rain has caused the road to deteriorate further, including area where repairs had been carried out previously. This has resulted in Council closing the road during prolonged wet weather due to the hazardous state of the road.

The road pavement generally comprises a thin layer of crushed sandstone. This material is highly plastic, meaning that it contains a high amount of clay, resulting in poor wet weather performance. The local soil is a sandy loam. Underlying the area is natural sandstone, with outcroppings in several areas.

This pavement profile is the source of many of the problems along the road, with water trapped between the sandstone and the sandy soils either collecting in pockets in the rock or emerging from the sandstone in springs. When this occurs under the pavement, passing traffic “pumps” the moisture through the pavement, saturating the material and resulting in a “bog hole” forming.

### 3. PROPOSED LEVEL OF SERVICE

The recent level of expenditure on Belmore Falls Road this financial year is unsustainable. The current whole-of-road approach to setting the level of service does not reflect the varying customer expectations along the length of the road.

In terms of setting future levels of service, it is proposed to divide the unsealed portion of Belmore Falls Road into three sections – Yeola Road to Wallaby Hill Road, Wallaby Hill Road to Belmore Falls and Belmore Falls to Burrawang Creek.

#### 3.1 Yeola Road to Wallaby Hill Road

As it carries the greater volume of traffic, it is proposed that the Yeola Road to Wallaby Hill Road be maintained at a higher level than the other sections. In order to satisfy the desired level of service, the following is required:

- an all-weather surface
- grading twice yearly
- improved drainage, including deeper table drains, improved siltation and two new cross culverts.

#### 3.2 Wallaby Hill Road to Belmore Falls

Though traffic volumes drop after Wallaby Hill Road, the section from Wallaby Hill Road to Belmore Falls carries a much greater proportion of tourist traffic. In order to satisfy the desired level of service, the following is required:

- good dry weather surface
- grading twice yearly
- improved drainage to maintain basic wet-weather access.

#### 3.3 Belmore Falls to Burrawang Creek

Traffic after Belmore Falls is generally only local access and some through tourist traffic. Recent closures of this section during prolonged wet weather have not caused undue hardship. The proposed level of service for this section is as follows:

- good dry weather surface
- close (if required) during prolonged wet weather
- grading once yearly
- improved drainage.

#### 4. PROPOSED WORKS PROGRAM

As noted, Council had allocated \$50,000 for gravel resheeting work on the section between Belmore Falls and Burrawang Creek to address the worst of the pavement failures along this section. In view of the ongoing problems along this section, it is proposed that this work continue so that safe dry weather access is maintained.

The provision of an all-weather pavement from Yeola Road to Wallaby Hill Road is required urgently to address ongoing access problems along this section. The cost to construct and seal this section has been estimated at \$450,000. At present this work has not been identified on a forward priority list. When compared to currently listed projects, it is low priority and therefore not recommended.

Provision of an appropriate all-weather gravel surface, such as a stabilised roadbase, will result in ongoing maintenance savings through a reduction in the grading required due to the stabilised surface. This saving can then be used to undertake other improvements, such as drainage, along the road.

The cost of this work is estimated at \$100,000. As the resheeting program for 2007/08 has been committed, there is no funding available with the maintenance budget to undertake this work.

A possible source of funding to allow this work to proceed more rapidly is to use savings in the Roads to Recovery Program. Allocating \$100,000 from Roads to Recovery to Belmore Falls Road will allow for gravel resheeting to be undertaken between Yeola Road and Wallaby Hill Road during the current financial year.

#### ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

(i) **Environmental Factors**  
Nil

(ii) **Social Factors**  
Provision of an all-weather surface between Yeola Road and Wallaby Hill Road will improve access for residents to Robertson.

(iii) **Economic Factors**  
A reduction in level of service on some sections of Belmore Falls Road is appropriate given varying traffic volumes along the road. Adjusting the level of service will allow savings which can be used for other improvements along the road.

#### BUDGET IMPLICATIONS

The proposed additional gravel resheeting and drainage work would have no impact on Council's budget, as the works would be funded Roads to Recovery Program. Staff have identified savings of approximately \$100,000 in the 2007/08 program.

**REPORT OF DIRECTOR TECHNICAL SERVICES**

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The proposed levels of service should deliver savings in maintenance grading of approximately \$6,500 annually, with potential savings of \$13,000 if a stabilised resheet is applied.

**ATTACHMENTS**

1. Map of Location.

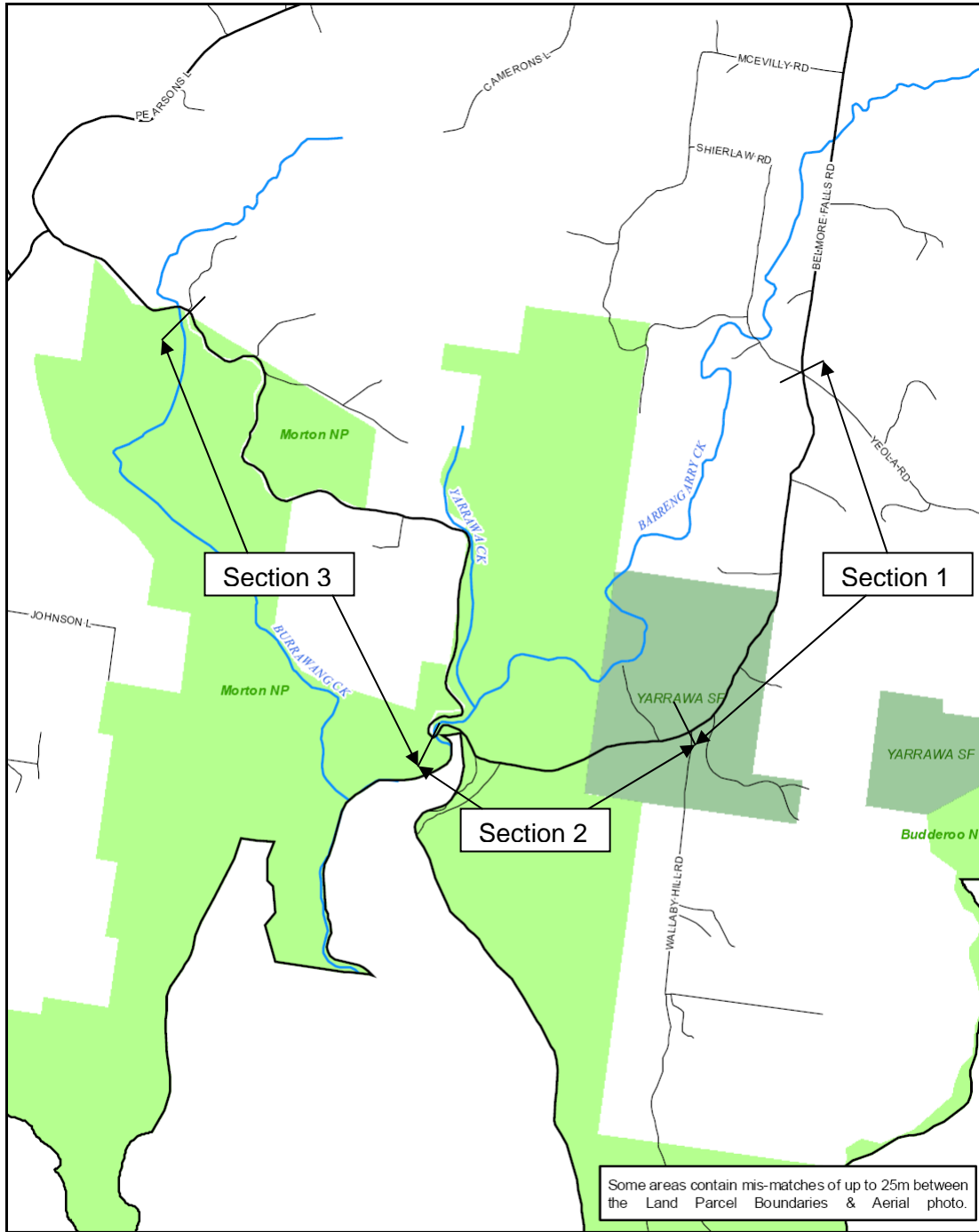
**RECOMMENDATION**

1. THAT Council notes the proposed levels of service for Belmore Falls Road AND THAT residents in the vicinity of Belmore Falls Road be advised accordingly.
  2. THAT Council allocates \$100,000 from savings in the 2007/2008 Roads to Recovery Program towards drainage improvements and gravel resheeting on Belmore Falls Road between Yeola Road and Wallaby Hill Road.
- 

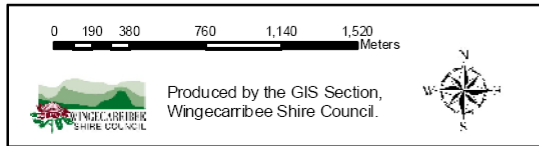
Michael Brearley  
**Director Technical Services**

4 October 2007

**ATTACHMENT 1**



Some areas contain mis-matches of up to 25m between the Land Parcel Boundaries & Aerial photo.



0 190 380 760 1,140 1,520 Meters

Produced by the GIS Section,  
Wingecarribee Shire Council.

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**REPORT OF THE GENERAL MANAGER**

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**COUNCIL MATTERS**

**GENERAL MANAGER'S REPORTS**

**c-GM1 Weekly Circulars**

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

**REPORT**

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

**ATTACHMENTS**

There are no attachments to this report.

**RECOMMENDATION**

THAT the information relating to Local Government Weekly Circulars Nos 39/07 and 40/07 and Council Weekly Circulars Nos 39/07 and 40/07 be noted.

---

Mike Hyde  
**General Manager**

4 October 2007

## **CORPORATE SERVICES DIVISION**

### **c-CS1 Pecuniary Interest Returns as at 30 September 2007**

REF: DCS

101/3

Tabling Register of Pecuniary Interest Declarations as at 30 September 2007.

#### **REPORT**

All Councillors and “designated employees” must lodge a Disclosure of Interest Return within three (3) months of commencement of their employment with Council and then annually.

Section 450A of the Local Government Act 1993, requires that these Returns be tabled at the first Council meeting after the last date of lodgement.

The Returns of Councillors and designated persons will be tabled at the meeting.

#### **ATTACHMENTS**

There are no attachments to this report.

#### **RECOMMENDATION**

THAT the information be received and noted.

---

Barry W Paull  
**Director Corporate Services**

4 October 2007

**QUESTION WITH NOTICE**

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**OTHER MATTERS**

**QUESTIONS WITH NOTICE**

**c-QWN1 QWN 05/07 – Staff Shortages**

REF.	GM	101/2
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**To:** Director Technical Services  
**From:** Clr T D Gair  
**Received:** 3 October 2007

**Subject:** **Identifying if necessary, means to alleviate staff shortages.**

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**Question:** Could the Director of Technical Services furnish a report identifying if necessary, means to alleviate staff shortages in the Design Section.

**Answer:**

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**QUESTION WITH NOTICE**

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**c-QWN2 QWN 06/07 – Wingecarribee Community Services**

REF. GM

1855/29

**To:** Director Environment and Planning  
**From:** Clr T D Gair  
**Received:** 3 October 2007

**Subject:** **Wingecarribee Community Services Loan**

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**Question:** Could the Director of Environment and Planning report to Council outlining means of minimising Wingecarribee Community Services' need to repay the interest free loan being used in the construction of the Community Services building in Queens Street, Moss Vale.

**Answer:**

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**COMMITTEE REPORTS**

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**COMMITTEE REPORTS TABLED**

**c-CR1 Management and Advisory Committee Reports**

REF. DCS 107/1

Submitting the minutes of one (1) Committee meeting that will be tabled for information.

**REPORT**

1. Australia Day Committee meeting held on Wednesday, 3 October 2007

**ATTACHMENTS**

There are no attachments to this report.

**RECOMMENDATION**

THAT the information contained in the Committee Report be noted.

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**COMMITTEE REPORTS**

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**COMMITTEE REPORTS ATTACHED**

**c-CR2      Legal Committee (Refer Minutes page 57)**

REF	DEP	107/22
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Submitting minutes of the Legal Committee meeting held Wednesday, 26 September 2007.

**RECOMMENDATION**

THAT the recommendations as detailed in the minutes of the Legal Committee meeting held Wednesday, 26 September 2007 be adopted.

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**c-CR3      Works & Planning Committee (Refer Minutes page 64)**

REF	DCM	107/23
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Submitting minutes of the Works & Planning Committee meeting held Wednesday, 3 October 2007.

**RECOMMENDATION**

THAT recommendation Nos WP 66/07 to WP 71/07 as detailed in the minutes of the Works & Planning Committee meeting held Wednesday, 3 October 2007 be adopted.

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**c-CR4      Environment Committee (Refer Minutes page 68)**

REF	PPM	107/25, 5465/29.01
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Submitting minutes of the Environment Committee meeting held Wednesday, 19 September 2007.

**RECOMMENDATION**

THAT recommendation Nos 1 to 4 as detailed in the minutes of the Environment Committee meeting held Wednesday, 19 September 2007 be adopted.

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**COMMITTEE REPORTS**

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**MINUTES OF THE LEGAL COMMITTEE MEETING  
HELD ON WEDNESDAY 26 SEPTEMBER 2007**

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*File No. 107/22*

- PRESENT:** Clr M Murray (Chairman)  
Clr P Yeo  
Clr P Tuddenham (Arr 1.50pm)
- IN ATTENDANCE:** Clr N Campbell-Jones  
Clr J Clark  
Clr P George (left at 1.40pm)  
Mr M Hyde GM (Arr 1.10pm; Dep 2.05pm)  
Mr S Lee DEP  
Mr L Pawlak DCM  
Mr W Schofield (for Item 12)  
Peter Nelson (MAS)
- APOLOGIES:** Clr J Mauger  
Clr D Gair  
Mr B Bilinsky

The meeting commenced at 1.00pm.  
There was not a quorum for the meeting until 1.50pm, but  
recommendations were made.

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**DEVELOPMENT CONTROL**

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

Timetable of proceedings agreed. Assessment on 500 pigs. Application for costs dismissed with costs. Currently preparing Bill of Costs. Matter listed for callover on Monday 3 December 2007, with court responses by applicant currently being considered by Council.

**RECOMMENDATION**

THAT the information be received and noted.

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**COMMITTEE REPORTS**

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

Land & Environment Court issued Orders on 17 August 2007. Acoustic barrier to be erected and dog runs to be removed by 19 October 2007. All conditions of consent to be complied with by 21 January 2008. Costs to be paid to Council.

**RECOMMENDATION**

**THAT** the information be received and noted.

---

**3. Compliance Issues 5210/1**

Current active Compliance Register is attached

**RECOMMENDATION**

**THAT** the information be received and noted.

---

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

Allman Johnston have confirmed that a DA will be lodged when details of bracing, wind loads and a geotechnical study are received.

**RECOMMENDATION**

**THAT** a letter be sent to the applicant, Allman Johnston, requiring a development application within 21 days, or the walkway construction be removed.

---

*Mr Les Pawlak, Manager Development Control, who was in attendance at the meeting, declared a non-pecuniary interest in Item 5 due to his previous commercial dealings in acting on behalf of the applicant, and left the room while the matter was being considered.*

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

Matter adjourned to enable Council to consider recent submission of Affidavits from applicant. Council's Solicitor to provide update.

**RECOMMENDATION**

**THAT** the information be received and noted.

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**COMMITTEE REPORTS**

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**6. Unauthorised vegetation clearing, 'Wombaroo' Diamond Fields Road, Mittagong (owner A Clarke) PN1703679**

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.

In accordance with the Committee's recommendation, Council staff have investigated and found that no approval has been issued for clearing within the subject property. The dwelling constructed as a result of Building Approval No 96/0820 did not necessitate the need for vegetation removal. It is also confirmed that no approval was granted under the *Native Vegetation Act 2003*. The Department of Environment and Climate Change are continuing to investigate the matter – to be followed up.

**RECOMMENDATION**

**THAT** upon completion of investigations, a report be presented to the Legal Committee.

---

**7. Corterre Park, Lot 3 DP 537154 Range Road, Mittagong PN1257500; LUA07/0489**

See Compliance Register for update.

**RECOMMENDATION**

1. **THAT** a further report be provided to the Legal Committee detailing reasons for no cease-work or prosecutions being ordered and further information regarding the development application aspect when details and plans are received.
  2. **THAT** consent conditions be reported back to the Legal Committee.
- 

**8. Reporting on illegal tree removal at Lots 12, Kintyre Place, Lots 20 & 21 Skye Place, Bundanoon PN 1710980; LUA03/1694**

At the meeting of 22 August, the Committee made the following recommendation:

*'THAT a further report be provided to the Legal Committee regarding ownership, extent of removal and reason for condition 25 of LUA03/1694 not being complied with.'*

This report is being prepared and will be presented to the next Legal Committee meeting on 24 October 2007.

**RECOMMENDATION**

**THAT** the information be received and noted.

---

**COMMITTEE REPORTS**

---

**9. Unauthorised building works, Alexandra Cres, Bowral PN1703773**

Unauthorised building works and unauthorised usage of a “Garden Studio” at Lot 6 DP 852160 Alexandra Crescent, Bowral. Owner: Helen Taylor.

**RECOMMENDATION**

**THAT** Penalty Notices be issued on the owner and plumber & drainer for the unauthorised fitout of the building with bathroom fixtures.

**THAT** provided the owner gives an undertaking that no further accommodation for paying guests or dogs will occur, and advertising in all forms of media is removed, Council takes no further action in regard to the use of the building for accommodation purposes.

---

**10. ‘Marracloon’ – George Emery Lane PN1705014; LUA05/0399**

Additions and alterations to dwelling, Lot 3 DP 860819 Range Road, Mittagong. Owner: JR Davros Pty Ltd., Applicant: Roslyn Joan Kelly

**RECOMMENDATION**

**THAT** Council issue a Penalty Notice for each and every breach, on the applicant, builder and plumber & drainer for inspections not completed by Council, as the Principal Certifying Authority, and Authority under the *Local Government Act* for septic systems.

---

**STRATEGIC PLANNING**

**11. Frevcourt and Others 5701/4.1; D9932.301 S2**

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

**RECOMMENDATION**

**THAT** the information be received and noted

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**COMMITTEE REPORTS**

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**EXTRA ITEMS**

**Foldgarth Estate**

**PN1389700; PN1389302; PN1389600**

Clr Murray requested Clr Mauger to provide his explanations in relation to previous comments made in relation to the subdivision at the Foldgarth Estate. Clr Mauger advised he would do so at the next Legal Committee meeting.

---

**Genners, 20 Gantry Place, Braemar**

**502/45**

Prosecution of Genners was successful. A 'Time to Pay' application has been received requesting monthly instalments to be made commencing 18 October 2007.

**RECOMMENDATION**

**THAT** a monthly instalment from Genners of \$8,666.00 monthly be accepted.

---

**9-11 Dale Street, Burrawang, neighbour complaint**

**LUA03/1570, PN422500**

Neighbour complained that conditions of consent not adhered to, ie windows have 'obscuring' material pasted over them, and windows are fixed but can be undone. Resident at 9-11 Dale Street complained that neighbour's roof is galvanised and should be Colorbond. To be clarified and if not satisfactory, to come back to the Legal Committee.

**RECOMMENDATION**

**THAT** the information be received and noted.

---

## **TECHNICAL SERVICES**

### **12. Water & Sewerage Development Servicing Plans**

**7799/4**

This report is re-submitted from the Legal Committee Meeting of 25 July 2007, where it was resolved that the matter be brought back to this Legal Committee Meeting of 22 August 2007. Discussion with Council's Development & Planning Engineer at the Legal Committee meeting 26 September clarified that what we have been doing is correct.

Another matter was mentioned regarding water connection on one block at a property near Gibbergunyah. Council's Development & Planning Engineer to assess situation with Director, Environment & Planning to clarify.

#### **RECOMMENDATION**

**THAT** the Legal Committee consider the advice from Council's Solicitor.

---

## **CORPORATE SERVICES**

### **13. Proposal for Acquisition of Land at Hill Top**

**PN1293100**

Reporting on a proposition by Mr Max King for Council to acquire his lands outside the village area of Hill Top, being Lots 1, 2, 3, 4 & 5 Section 28 Deposited Plan 1263.

#### **RECOMMENDATION**

**THAT** a further report be provided to the next Legal Committee, identifying the purpose of Council's Policy for the acquisition of land outside Hill Top Village.

---

### **14. Request to Execute Restriction on the use of land**

**LUA03/1857**

Reporting on a request from Wilkinson, Throsby and Edwards, Solicitors for RTS (Australasia) Pty Ltd, to execute a form of Restriction on the Use of Land by a Prescribed Authority, pursuant to Section 88E(3) of the Conveyancing Act.

<b><u>RECOMMENDATION</u></b>
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**THAT** the matter be deferred until the next Legal Committee Meeting.

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**COMMITTEE REPORTS**

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**15 . Request by the Colo Vale Community Association Incorporated for the transfer of Adjoining Land 1603/6; 7206; PN1219900; 1220000; 1220100**

Reporting on an update requested by the Legal Committee on 22 August 2007 regarding the methodology for the transfer.

**RECOMMENDATION**

**THAT** a further report be presented to the next Legal Committee meeting, after discussions between The Colo Vale Community Association Inc, and Council staff.

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There being no further business, the meeting closed at 2.25pm.

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**COMMITTEE REPORTS**

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**MINUTES OF THE WORKS & PLANNING COMMITTEE MEETING  
HELD ON WEDNESDAY, 3 OCTOBER 2007**

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File No. 107/23

**Present:**

Clr Nick Campbell-Jones (Chair)  
Clr Malcolm Murray  
Clr Larry Whipper  
Clr Phil Yeo  
Mr Peter Gill (Community Representative)

**In attendance:**

Clr Jim Clark  
Clr Jim Mauger  
Scott Lee, Director Environment & Planning  
Les Pawlak, Manager Development Control (until 9.55am)

**Apologies:**

Mr Cliff Roberts (Community Representative)  
Clr Duncan Gair  
Clr Paul Tuddenham

The meeting commenced at 9.10am

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**WP-EP1 PROPOSED MOTEL, CORNER YARRAWA AND DIXON STREETS, MOSS VALE**

REF:	MC	LUA07/0385
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Reporting on a Development Application for a motel (30 motel units + manager's residence) on Lot 1 DP 37492 & Lot 34 DP 1046863, corner Yarrawa and Dixon Streets, Moss Vale.

Ms Kathy Barnsley was available to answer any questions on behalf of the applicant and Ms Susan Turner addressed the committee on behalf of the objectors in this matter.

**WP 66/07**

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

1. **THAT** the application be approved in accordance with the draft conditions contained in Attachment 6 of the report.
2. **THAT** when the report on this matter comes before the Ordinary Meeting of Council on Wednesday, 10 October 2007 it be accompanied by a shadow diagram, comparing the existing and potential shadowing effect the building will have on 20 Yarrawa Street, Moss Vale.

**PASSED**

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COMMITTEE REPORTS

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**WP-EP2      PROPOSED UNDERGROUND RESTAURANT AT 'MITTAGONG  
CENTRAL'**

REF:	WH	LUA07/0902
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Reporting on a Development Application for an underground restaurant in the basement of "Mittagong Central" on Part Lot 23 Section 2 DP 1289 and Lot B DP 394677, Nos 2-6 Station Street, Mittagong.

**WP 67/07**

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

1. **THAT** authority be delegated to the Director Environment & Planning to determine the development application for the proposed underground restaurant in the basement of "Mittagong Central", with any conditions of consent to be generally in accordance with Attachment 2 of the report.
2. **THAT** the applicant be required to provide a further four (4) carparking spaces (in addition to the existing 41) in Regent Street.

**PASSED**

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**WP-EP3      DEMOLITION OF THE 'OLD POT FACTORY' AND ERECTION OF NEW  
COMMERCIAL DEVELOPMENT**

REF:	GJH	LUA06/0822
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Reporting on a development application for the demolition of existing retail premises (Old Pot Factory) and erection of a new Commercial development at Lot 14 Sec 1 DP 793, Lot 1 DP 1036857, Lots 1-2 DP 1078394, Old Hume Highway, Braemar.

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

**WP 68/07**

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

**THAT** when traffic and access issues have been resolved, this matter be referred to a future Ordinary Meeting of Council.

**PASSED**

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COMMITTEE REPORTS

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**WP-EP4 PROPOSED TELSTRA TOWER & ASSOCIATED BASE STATION, AVOCA**

REF:	LUA07/0632
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Reporting on a development application for a Telstra telecommunications tower and associated base station at Lot 2 DP 829931, Sheepwash Road, Avoca.

***WP 69/07***

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

***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 Attachment 5 of the report.***

**PASSED**

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**WP-EP5 PROPOSED ADDITIONS TO EXISTING SCHOOL (YOTS) AT TUGALONG ROAD, CANYONLEIGH**

REF: SW	LUA07/0741
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Reporting on a development application for demolition and additions to the existing school at Lot 1, DP 601372, "Better Homes Farm", Tugalong Road, Canyonleigh.

***WP 70/07***

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

***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 Attachment 3 of the report.***

**PASSED**

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**WP-EP6 PROPOSED VIETNAM WAR MEMORIAL, CHERRY TREE WALK,  
SHEPHERD STREET, BOWRAL**

REF: CF

LUA07/0927

Reporting on a development application for a Vietnam War Memorial on Cherry tree Walk, (Lot 4, DP 745766), Shepherd Street, Bowral.

**WP 71/07**

**RECOMMENDATION** moved by Cllr LAC Whipper and seconded by Mr Peter Gill :

**THAT** authority be delegated to the Director Environment & Planning to determine the development application with conditions of any approval to include the use of materials and colour scheme to match the existing pillars, and the relocation of the Vietnam Cherry Tree Walk pillar to a minimum of 1 metre from the path.

**PASSED**

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**GENERAL BUSINESS**

Mr Les Pawlak advised the Committee that the format of reports in the current agenda had been revised so that information was presented in a more concise and easier to read manner, and requested the Committee's comments as to their preferences for future reports.

The Committee was also advised that, if it desired, other information could be presented at meetings including:

- Mapping and aerial photos displayed on the main screen as had been used at this meeting; and
- Ground photos and other info in the form of PowerPoint presentations.

Cllr P Yeo stated that inspections were the best way to assess an application if possible and that ground photos would be useful.

Additional information as described above will be utilised for future meetings however, it needs to be acknowledged that the preparation of the latter did take time and would therefore need to be used judiciously, such as for the more contentious matters, rather than for every matter.

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The meeting concluded at 10.34am.

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**MINUTES OF THE ENVIRONMENT COMMITTEE MEETING  
HELD ON THE 19 SEPTEMBER 2007 IN THE JOADJA ROOM**

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*File No: 5465/29.01*

**PRESENT:**

Clr. Larry Whipper (Chair)  
Clr. Jim Clark  
Clr Jim Mauger  
Jan Hainke – Community Representative  
Pam Cooper – Community Representative  
Jane Lemann – Community Representative

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**IN ATTENDANCE:**

Andrew De Montemas – Environment & Health Manager (EHM)  
Eddie Anderson – Natural Resources Co-ordinator (NRC)  
Tannia Andrews – Administration Officer

**APOLOGIES:**

Tony Hill – Community Representative  
Daniel Anderson - Hawkesbury Nepean Catchment Management Authority (HNCMA)  
Geoff O'Connor - Hawkesbury Nepean Catchment Management Authority (HNCMA)

The meeting commenced at 2:02pm

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**Apologies**

Were received and noted.

**MINUTES OF THE PREVIOUS MEETING HELD ON THE 15 AUGUST 2007**

**Recommendation 1:**

THAT the Minutes of the Environment Committee meeting held on the 15 AUGUST 2007 be accepted as a true and accurate record.

Moved by Jim Clark

Seconded by Pam Hainke

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**MATTERS ARISING FROM PREVIOUS MINUTES**

**1. WIRES assistance to Council with dealing with injured animals from development activities**

The NRC reported that WIRES were grateful to the Council and Environment Committee for their support and are happy to work with Council to reduce impact on animals through development activities. Issue to be taken to WIRES Committee and Council will await feedback on this matter from WIRES prior to making a request to the Director of Environment and Planning for a meeting to discuss the matter further.

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**2. Council submission to DECC audit of Sydney's drinking water –EHM**

The EHM has provided the Department of Environment and Climate Change with our State of Environment Report from 2005/06, flagging relevant sections. Planners from Council's Environment and Planning Department have given information in regard to which sections have been re-zoned, and Water and Sewer engineers have contributed as well.

**3. Threatened Species Day media release**

The media release for Threatened Species Day was noted and the NRC was congratulated on a job well done.

**4. Sustainability Survey update - EHM**

The Sustainability Survey has been finalised and Council is waiting for the preliminary report which will subsequently be brought to the Environment Committee. A full draft is expected in October. The fieldwork component has been completed.

**5. Biodiversity Checklist**

Council is in the process of developing a Biodiversity Checklist for Planners. A draft will be brought to the Environment Committee as soon as possible for comment and review. Something must also be developed for the applicant. Applications should come through the Environment and Health Department to determine adequacy. The EHM to sit down with Development Control Manager and DEP to arrange.

Request feedback from the DEP on how the formal process can be implemented.

To be included in agenda for next meeting.

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**FEEDBACK FROM COUNCIL MEETING**

Roadside trees on Greasons and Ferndale Roads, Bundanoon, where water & sewer pipes were trenched through roadside vegetation causing damage. There was a significant fine imposed on the Company who caused the damage for illegal land clearing. Can reparation costs for the roadside vegetation be funded from the fine money?

It was requested that we review the arborists report and nominate a dollar amount to refer to Legal Committee for advice on whether that money can come from fine funds.

**Recommendation 2:**

THAT \$10,000 be allocated for making safe and remediation of dead and dying trees, including replacement planting of trees, impacted by illegal construction work along the roadside of Greasons and Ferndale Roads, Bundanoon, from the court imposed fine monies.

Moved by Jim Clark

Seconded by Larry Whipper

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**NEW PROJECTS**

Nil

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## **MONTHLY ACTIVITY REPORT**

Activity report for August was distributed, discussed and noted.

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## **MONTHLY EXPENDITURE REPORT**

Expenditure report for August was distributed, discussed and noted.

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## **GENERAL BUSINESS**

### **Referral of LUA 07/0843 - 9 Lot Rural subdivision Murrimba Road, Wingello Referral of LUA 07/0854 - 5 Lot rural subdivision Inverary Road, Paddy's River**

The above LUAs were referred to the Environment Committee for review. A summary of each application was distributed with the agenda.

The NRC has spoken to the Planner involved to get an overview on the current status of the LUAs. It was reported that it was too early to be considering them in any detail. Matter to be referred to a subsequent meeting prior to the LUAs going to Council when the Planner can come along with further information.

### **Recommendation 3:**

THAT reports be noted and the Town Planner to be invited to a future meeting to brief the Environment Committee in regard to assessment of applications for comment prior to report going to Council.

Moved by Jim Clark                      Seconded by Jane Lemann

### **Recommendation 4**

THAT any rural subdivisions in the riparian corridor as defined in Regional Environmental Plan 1 are brought to the Environment Committee for comment and review prior to being sent to Council.

Moved by Jane Lemann                      Seconded by Jan Hainke

*Andrew De Montemas joined meeting at 2:40pm.*

### **Peat in Wingecarribee Swamp**

The matter of a report from the SCA on the Peat in Wingecarribee Swamp was raised in regard to engineering outcomes for the flooding of the dam wall. Does the Environment Committee have a role in this? It was reported that the level of the reservoir is controlled in order to control peat levels (the peat raft). The reservoir is maintained at 70% in order to do this. A copy of the report was requested for the information of the Committee.

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### **Removal of Trees**

Pam Cooper requested further information on an allotment in Burradoo that had conditions to comply with in regard to the non-removal of certain trees. The matter was reviewed by Council and permission given to remove a particular tree. The block has now been sold and the new owner has also been given permission to remove another tree. How can this be permitted? It was reported that the Tree Preservation Order allows it.

### **Heritage Park Site, Moss Vale Road**

Pines are dying or been locked up at the Heritage Park site on Moss Vale Road. Do the Developers have an obligation to replace those trees? It was reported that it is common for a landscaping bond to be placed on approval of a development and that the matter is monitored by Development Control.

### **Indian Mynas**

Shoalhaven City Council are working on controlling the spread of Indian Mynas. An article on the matter was passed around and will be circulated to Committee Members.

### **Subdivision in Sunninghill Avenue, Burradoo**

The removal of trees on a subdivision in Sunninghill Avenue, Burradoo was discussed. The standard condition of consent should be reviewed.

It was reported that the Land had a Covenant on it that no work was to take place until the Covenant was lifted. The trees were removed prior to the Covenant being lifted. The matter has been referred to the Legal Committee

Suggestions on a recommendation to be brought back to the next Committee meeting.

### **Wingecarribee Tree Book**

The Wingecarribee Tree Book is currently being edited and will then be reprinted and published. Preliminary comments have been made by community members.

### **Rural Fire Service**

If the RFS believe a certain area is a fire risk can they just burn off or do they need to consult Council? Council has Fire Management Plans for larger reserves and processes to assess whether land is a fire risk. An assessment must be carried out prior to burning off.

### **Fireweed**

A report was made some time ago in regard to fireweed at the top of Oxley Hill Drive adjoining the Mount Gibraltar lookout. To be followed up with the Noxious Weeds Officer.

### **Recording Vegetation Information**

The matter of sourcing and recording information from independent flora reports submitted to Council with LUAs was raised. In order for independent reports to be put on the vegetation mapping, Council would need a qualified person on staff to verify the reports or the funding to hire a consultant. It was stated that this information, when gathered, should be logged somewhere. Noted that Council has the funding for Stage 2 in the Biodiversity Plan which will require a consultant to draw all the information together. Can we request that LUA flora and fauna reports be submitted electronically as well and be saved to the individual property file?

Next meeting to have an update on Stage 2 of the Biodiversity Strategy and a forum for further discussion on the matter.

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**COMMITTEE REPORTS**

**Weeds**

It was requested that there be another inspection around hardware shops and nurseries in the Shire as Magnet Mart are selling **Ligustrum** genus (**Privet**).

Genista was reported as having grown high and reducing sight lines on a blind corner on Oxley Drive.

It was also reported that there was gorse, honeysuckle and Genista on Woodland Road near the Hume Highway.

The Noxious Weeds Officer to be informed of these areas.

**Botanic Gardens Committee**

Will there be further consultation with Environment Committee in regard to the Botanic Gardens and Bong Bong Common Plan of Management? NRC to advise.

**Bees**

Reported that there was a virus in the Australian bee population.

**Red Fin Perch**

Reported that Red Fin Perch had been found in the Wollondilly River, this may have implications for future in Wingecarribee River.

**Restructure of Council Committees.**

There will be changes to Committees within Council. A report will be going to the next Council meeting with recommendations and an overview of re-structures. Will have an impact on all Committees. Further information to follow.

Next meeting to be held Wednesday 17 October 2007 at 2:00pm.Meeting closed 3:55pm

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**ORDINARY MEETING OF COUNCIL**

held in the Council Chamber, Civic Centre, Elizabeth Street,  
Moss Vale on Wednesday, 10 October 2007



**COMMITTEE REPORTS**

<b>Project &amp; location</b>	<b>Work description / progress/ comments</b>	<b>Cost \$</b>	<b>Status</b>
Berrima - Stonequarry walk & Berrima Weir Reserve.	Primary regeneration works: privet, Montpellier broom, honeysuckle Secondary spot spray of annual weeds -.delivered mulch for planting, chipping green waste	900	ongoing
Gibbergunyah Creek Bushcare Group	Worked with community volunteers with primary regeneration work-cut and paint privet, honeysuckle, blackberry, Chipper use at Cook St council reserve on green waste	800	ongoing
Mt Gibraltar Reserve	Assisted Landcare Group with follow-up weed control and removal, Cut and painted berberis, holly, cotoneaster, privet, hawthorn; injected privet; ivy, fire trail maintenance	300	ongoing
Chinamans Creek Bushcare	Cut and painted bamboo, ivy, honey suckle, injected large privets, crowned monbretia corms in creek. Chipped bamboo	360	ongoing
Moss Vale Landcare Group- Cosgrove Park	Worked with volunteers with weeding and supplementary planting of 347 native grasses and lomandras	950	ongoing
Oldbury Rd. Bushcare	Worked with volunteers with planting preparation. Chipping woody weeds	250	ongoing
Hilltop Bushcare	Worked with volunteers -cut and paint privet, honey suckle, blackberry, removal turkey rhubarb seed.	150	ongoing
Hammock Hill Bushcare	Spot sprayed Scotch thistles, sow thistles, delivery of tools and materials to bushcare group	150	ongoing
Currubunda Bushcare	Secondary regeneration work- cut and painted privet, hawthorn, berberis, blackberry, honeysuckle.	150	ongoing
Wingecarribee River	Weed control on Youth landcare site replanting	300	ongoing
Yerrinbool Bushcare	Weed control moth vine, honeysuckle, blackberry, bridal creeper; privet	120	ongoing
McGraths Road Burrawang	Removal of Environmental and Noxious weed growth along McGraths Road	958	complete
Paddys River	Control of Honey Suckle and Blackberry	5602	ongoing
Feral Animal Control	Feral animal control underway in Gibbergunyah Reserve.	2000	ongoing



**COMMITTEE REPORTS**

Project & location	Work description / progress/ comments	Cost \$	Status
Erosion and Sediment Control program	There were 70 new construction site inspections and 20 reinspections. Articles published in The Nailbag, (periodical newsletter produced by Council for the Local Building and Development Industry) covering a variety of topics including sediment and erosion control, the reasons why polystyrene waste material should be bagged immediately after it is no longer required in the construction phase as well as reference material for concrete contractors published by the DECC that refer to best environmental practice management for concreting and guidelines for appropriate disposal of concrete waste. Responded to 4 community complaints regarding sediment runoff in creeks and drainage easements.	5200	ongoing
Vegetation Conservation incentive program	3 draft management agreements sent out and 3 management agreements signed and cheques sent, undertook 1 site assessments and developed 1 draft project proposal. Produced maps for projects and landholders.	2150	ongoing
Regional Litter Investigation Squad (RID squad)	<p>In August 2007 investigations initiated into a total of 31 incidents of which continuing to investigate 13 incidents.</p> <p>The type of waste investigated is as follows. Six (6) involved household waste, 4 involved asbestos, 4 were litter, 2 involved green waste, 12 were vehicles. The rest included commercial/demolition, soil, industrial waste and car tyres.</p> <p>A number of projects involving the signposting of 'hotspots' within the shire and blocking off vehicular access to another 'hotspot' will be performed in September 2007.</p> <p>In August 2007 one (1) Prevention Notice was issued in relation to approximately 3,000m<sup>3</sup> of asbestos contaminated soil which has been illegally dumped on a property within the shire. Five Penalty Infringement Notices were issued to the amount of \$2,650. Two of these were issued for 'Uncovered Loads', one was issued for 'Fail to Comply with Clean Up Notice', one for not paying the Administration Fee for this Clean Up Notice, and one was issued for 'Deposit Litter From Vehicle.'</p>	1600	ongoing



**ORDINARY MEETING OF COUNCIL**  
held in the Council Chamber, Civic Centre, Elizabeth Street,  
Moss Vale on Wednesday, 10 October 2007

