

File No. 100/07  
Our Ref: RAP

6 December 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, 12 December 2007** commencing at **4.45pm**.

Yours faithfully

Mike Hyde  
**General Manager**

4.45pm	Council Meeting begins
7.00pm	Questions from the Public
7.15pm	Closed Council

# BUSINESS

1. OPENING OF THE MEETING
2. PRAYER – *REVEREND NEVILLE KELLAM OF BOWRAL BAPTIST CHURCH*
3. PUBLIC FORUM
4. APOLOGIES
5. ADOPTION OF MINUTES OF ORDINARY MEETING HELD ON *WEDNESDAY, 28 NOVEMBER 2007*
6. BUSINESS ARISING FROM THE MINUTES
7. DECLARATIONS OF INTEREST
8. MAYORAL MINUTE (*if any*)
9. OPEN COUNCIL
  - Visitor Matters
  - Environment and Planning
  - Corporate Services
  - Technical Services
11. COUNCIL MATTERS
  - General Manager
  - Corporate Services
12. NOTICES OF MOTION
13. DELEGATES REPORTS
14. PETITIONS
15. QUESTIONS FROM THE PUBLIC
16. CORRESPONDENCE FOR ATTENTION
17. QUESTIONS WITH NOTICE
18. COMMITTEE REPORTS (*Tabled*)
19. COMMITTEE REPORTS (*Attached*)
20. GENERAL BUSINESS
21. CLOSED COUNCIL

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## ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth St,  
Moss Vale on Wednesday, 12 December 2007

## COUNCIL VALUES



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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.

**DEFERRED ITEMS FROM COUNCIL MEETING HELD WEDNESDAY, 28 NOVEMBER 2007**

**c-GM1 General Manager's Quarterly Report**

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

Council resolved at the meeting held 28 November 2007 as follows (vide MN 372/07):

*THAT this item be deferred to the next Ordinary Meeting of Council to be held on Wednesday, 12 December 2007.*

**REPORT**

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

**ATTACHMENTS**

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

**RECOMMENDATION**

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

**c-GM2 Weekly Circulars**

REF. GM 100/8, 203/2007

Confirming receipt of weekly circulars from the Local Government Association and Council weekly circulars.

Council resolved at the meeting held 28 November 2007 as follows (vide MN 373/07):

*THAT this item be deferred to the next Ordinary Meeting of Council to be held on Wednesday, 12 December 2007.*

**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 43-46/07 and Council Weekly Circulars Nos 43-47/07 be noted.

Mike Hyde  
**General Manager**

21 November 2007

**c-NM2 27/2007 – Notice of Motion – Leisure Centre Survey**

REF: MAS

7181/4

Clr L A C Whipper has given notice of his intention to move the following Notice of Motion of the Ordinary Meeting at Council on Wednesday 28 November 2007.

Council resolved at the meeting held 28 November 2007 as follows (vide MN 374/07):

*THAT this item be deferred to the next Ordinary Meeting of Council to be held on Wednesday, 12 December 2007.*

*“THAT Council agree to take up the offer of Mr Theo Onisforou at no cost to Council to conduct a survey to determine the current position of the residents of the Wingecarribee Shire towards the expenditure of funds toward the construction of a Leisure Centre.”*

**RECOMMENDATION**

SUBMITTED FOR DETERMINATION.

## QUESTIONS WITH NOTICE

### c-QWN1 QWN 06/07 – Funds Collected – Companion Animals Act

REF.	GM	101/2, 5500/4
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Reporting on a Question with Notice raised by Clr L A C Whipper on 9 November 2007 regarding the breakdown of funds collected since Companion Animals Act inception.

Council resolved at the meeting held 28 November 2007 as follows (vide MN 375/07):

*THAT this item be deferred to the next Ordinary Meeting of Council to be held on Wednesday, 12 December 2007.*

#### Question:

Could you please tell me what percentage of funds collected from animal registration fees are applied by the council for purposes that relate to the management and control of companion animals in its area, as per the Companion Animals Act.

Could you please provide a breakdown of funds collected since Companion Animals Act has been in place, along with a breakdown of funds invested back into companion animal welfare over that period of time?

#### Response from Environment & Health Manager:

Approximately 65% of Rangers' unit time is spent on managing Companion Animal issues. Information provided is for the last three financial years.

COSTS and INCOME over the last 3 years based on 65% of Ranger time spent on Companion Animals Management. The costs presented below are costs incurred by, or funds invested by Council in managing CA matters.

All funds collected from animal registration fees (less Dept of Local Govt processing costs) are routed to managing CA matters

#### END OF JUNE 2007

	COSTS	INCOME
Ranger duties	\$197,824	
Operations	\$13,856	
Travelling	\$46,727	
Dog & cat pound operations	\$141,996	
<b>TOTAL</b>	<b>\$400,403</b>	<b>\$144,236</b>

#### END OF JUNE 2006

	COSTS	INCOME
Ranger duties	\$183,214	
Operations	\$20,681	
Travelling	\$31,407	
Dog & cat pound operations	\$128,189	
<b>TOTAL</b>	<b>\$363,491</b>	<b>\$126,726</b>



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**END OF JUNE 2005**

	<b>COSTS</b>	<b>INCOME</b>
Ranger duties	\$169,631	
Operations	\$29,729	
Travelling	\$29,569	
Dog & cat pound operations	\$148,650	
<b>TOTAL</b>	<b>\$377,579</b>	<b>\$82,842</b>

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## COMMITTEE REPORTS TABLED

### c-CR1 Management and Advisory Committee Reports

REF.	DCS	107/1
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Submitting minutes of eight (8) Committee meetings that will be tabled for information.

Council resolved at the meeting held 28 November 2007 as follows (vide MN 376/07):

*THAT this item be deferred to the next Ordinary Meeting of Council to be held on Wednesday, 12 December 2007.*

### REPORT

1. Mittagong Memorial Hall Management Committee meeting Thursday 4 October 2007
2. Lake Alexandra Reserve Management Committee meeting Tuesday 25 September 2007
3. Mittagong Community Centre Management Committee meeting Thursday 11 October 2007
4. Penrose Hall & Recreation Reserve Management Committee Meeting Monday 27 August 2007
5. Welby Hall Management Committee Annual General Meeting Thursday 9 August 2007.
6. Services & Infrastructure Committee meeting Wednesday 7 November 2007.
7. East Bowral Community Centre Management Committee meeting Tuesday 23 October 2007
8. Exeter Park Management Committee meeting Monday 12 November 2007.

### ATTACHMENTS

There are no attachments to this report.

### RECOMMENDATION

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

## COMMITTEE REPORTS ATTACHED

<b>c-CR2</b>	<b>Legal Committee</b> (refer minutes page 14)
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REF	DEP	107/22
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Submitting minutes of the Legal Committee meeting held Wednesday, 24 October 2007.

Council resolved at the meeting held 28 November 2007 as follows (vide MN 377/07):

*THAT this item be deferred to the next Ordinary Meeting of Council to be held on Wednesday, 12 December 2007.*

<b>RECOMMENDATION</b>
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THAT the recommendations as detailed in the minutes of the Legal Committee meeting held Wednesday, 24 October 2007 be adopted.

<b>c-CR3</b>	<b>Legal Committee</b> (refer minutes page 22)
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REF	DEP	107/22
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Submitting minutes of the Legal Committee meeting held Wednesday, 14 November 2007.

Council resolved at the meeting held 28 November 2007 as follows (vide MN 378/07):

*THAT this item be deferred to the next Ordinary Meeting of Council to be held on Wednesday, 12 December 2007.*

<b>RECOMMENDATION</b>
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THAT the recommendations as detailed in the minutes of the Legal Committee meeting held Wednesday, 14 November 2007 be adopted.

**c-CR4 Arts & Culture Board (Working Group) (refer minutes page 26)**

REF SPM 1660/1

Submitting minutes of the Arts & Culture Board (Working Group) meeting held Monday, 29 October 2007.

Council resolved at the meeting held 28 November 2007 as follows (vide MN 379/07):

*THAT this item be deferred to the next Ordinary Meeting of Council to be held on Wednesday, 12 December 2007.*

**RECOMMENDATION**

THAT the recommendations as detailed in the minutes of the Arts & Culture Board (Working Group) meeting held Monday, 29 October 2007 be adopted.

**c-CR5 Rural Fire Service District Liaison Committee (refer minutes page 32)**

REF GM 6433/5

Submitting minutes of the Rural Fire Service District Liaison Committee meeting held Tuesday, 6 November 2007.

Council resolved at the meeting held 28 November 2007 as follows (vide MN 380/07):

*THAT this item be deferred to the next Ordinary Meeting of Council to be held on Wednesday, 12 December 2007.*

**RECOMMENDATION**

THAT recommendation Nos. SLA 03/07 to SLA 04/07 as detailed in minutes of the Rural Fire Service District Liaison Committee meeting held Tuesday 6 November 2007 be adopted.

**c-CR6 Environment & Sustainability Committee** (refer minutes page 36)

REF PPM 5465/29.01

Submitting minutes of the Environment & Sustainability Committee meeting held on Wednesday, 17 October 2007.

Council resolved at the meeting held 28 November 2007 as follows (vide MN 381/07):

*THAT this item be deferred to the next Ordinary Meeting of Council to be held on Wednesday, 12 December 2007.*

**RECOMMENDATION**

THAT Recommendation Nos 1 to 3 as detailed in minutes of the Environment & Sustainability Committee meeting held Wednesday, 17 October 2007 be adopted.

**c-CR7 Traffic Committee** (refer minutes page 43)

REF TE 107/6

Submitting minutes of the Traffic Committee meeting held on Monday, 22 October 2007.

Council resolved at the meeting held 28 November 2007 as follows (vide MN 382/07):

*THAT this item be deferred to the next Ordinary Meeting of Council to be held on Wednesday, 12 December 2007.*

**RECOMMENDATION**

THAT Recommendation Nos TC 110/07 to TC 133/07 as detailed in minutes of the Traffic Committee meeting held Monday, 22 October 2007 be adopted.

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**MINUTES OF THE LEGAL COMMITTEE MEETING  
HELD ON WEDNESDAY, 24 OCTOBER 2007**

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*File No. 107/22*

**PRESENT:** Clr M Murray (Chairman)  
Clr P Yeo  
Clr D Gair

**IN ATTENDANCE:** Clr N Campbell-Jones  
Mr S Lee DEP  
Mr L Pawlak DCM  
Mr B Paul DCS (for CS items)  
Mr M Lochhead (for Item 13).  
Mr B Bilinsky

The meeting commenced at 1.00pm.

**DEVELOPMENT CONTROL**

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

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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2. **Compliance Issues** **5210/1**

Current active Compliance Register is attached

**RECOMMENDATION**

THAT the information be received and noted.

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*Mr Les Pawlak, Manager Development Control who was in attendance at the meeting, declared a non-pecuniary interest in Item 3 due to his previous commercial dealings in acting on behalf of the applicant, and left the room while the matter was being considered.*

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

Matter adjourned to enable Council to consider recent submission of Affidavits from applicant. Hearing date set for 30 & 31 January 2008 (reserve date 1 February). New DA now lodged.

**RECOMMENDATION**

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

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**4. 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.

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**5. 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.'*

**RECOMMENDATION**

**THAT** the matter be deferred until the next Legal Committee Meeting to give Cllr J Clark an opportunity to take part in the discussions.

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\* This matter was not discussed. DEP to liaise directly with Clr George

6. **9-11 Dale Street, Burrawang, neighbour complaint** **LUA03/1570, PN422500**

Ongoing disputation between the two neighbours. Recent correspondence has been sent to both the Hearnese (the owner where additions occurred) and Mr Vyner (the neighbour) and this is attached. Council staff are of the opinion the development is completed satisfactorily and an Occupation Certificate has been issued. Clr George raised the item at the last Council Meeting, so it is re-listed for discussion.

If the Committee is satisfied the matter warrants no further action, both parties can be referred to the Community Justice Centre as an option to resolve their differences.

**RECOMMENDATION**

**THAT** no further action be taken on the matter.

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7. **Tashonwok Pty Ltd (Eling Forest Winery)** **PN1701748**

Council has received a Court Attendance Notice – Tashonwok Pty Ltd (Eling Forest Winery) over Penalty Notice 7632968824 for unauthorised building work .

The matter is listed for mention 5 November 2007 at 9.30am at Moss Vale Court to obtain a hearing date. Details to be provided to Council's Solicitor.

**RECOMMENDATION**

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

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8. **WSC –ats- Conceal Pty Ltd (case resumed)** **PN863300, LUA06/0123**

Matter stood-over for further mention before the Commissioner on 31 October 2007. Plans of proposed roadworks lodged for Council's consideration.

**RECOMMENDATION**

**THAT** the information be received and noted

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**9. Terrigal Grosvenor Lodge Pty Ltd - 'Karrara'**

**PN979400**

Property: 'Karrara', Cnr Links Road and Moss Vale Road, Burradoo

A Class 1 application has been filed appealing against refusal of LUA06/1428 for a proposed Seniors Living Development comprising 50 villas/dwellings, alterations and additions to 'Karrara' and its use as a community facility, retention of 'Uplands' as a dwelling house and Community Title subdivision.

The matter is listed for a telephone callover on 5 November 2007. Council's Solicitor to be provided with statement of basic facts and instructions.

**RECOMMENDATION**

**THAT** Council defend the appeal, with Council's Solicitor to brief Mr Dennis Wilson.

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**10. Ghassibe (Rhodes Haskew)**

**502/48**

Land & Environment Court issued Orders 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.

Property inspected by Council staff on 18 October 2007. Acoustic barrier constructed in accordance with conditions. Dog runs, however, still in place.

**RECOMMENDATION**

**THAT** Council staff re-inspect the property, and if dog runs are still in place, the owner be advised that he is in breach of the consent, which is to be abandoned by the Court if the work is not done.

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**STRATEGIC PLANNING**

**11. Frevcourt and Others**

**5701/4.1; D9932.301 S2**

Cheque received from Hunt & Hunt, Solicitors in finalisation. Assessment of costs accepted.

**RECOMMENDATION**

**THAT** the information be received and noted

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## **TECHNICAL SERVICES**

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

**7799/4**

This matter was discussed at the meeting of 22 September, however the Recommendation of that meeting recorded in the minutes which were adopted by Council on 14 October, did not accurately reflect the discussion and resolution of the Committee.

The recorded Recommendation was as follows:

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

Note: Director, E&P advised template amended to reflect 3 step phasing-in of contributions.

### **RECOMMENDATION**

**THAT** the Council reconfirm the current monetary contributions (amended) as set out in the adopted Water and Sewerage Development Servicing Plans.

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## **WASTE SERVICES**

### **13. RID Squad Illegal Dumping Issues**

**7500/17**

The Manager Resource Recovery was available to address questions at the meeting.

### **RECOMMENDATION**

**THAT** the matter be deferred until the next Legal Committee meeting, with a full report to be provided to the Committee by the General Manager.

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## **CORPORATE SERVICES**

### **14. 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.

At the last Legal Committee meeting on 26 September 2007 it was recommended 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.

The policy was last reviewed in 1992. The actual reason the specific policy referred to was written cannot be established.

Kathryn Long (Admin) advises that the pre 1993 policy manual needs to be reviewed to look at the currency and relevance of the policies and those that are no longer relevant (whether it be through changes in legislation, strategic outlook, political position etc.) need to be rescinded by Council

#### **RECOMMENDATION**

1. **THAT** Council's Policy for the acquisition of land outside Hill Top Village be reviewed by the next Legal Committee meeting on 14 November 2007.
  2. **THAT** this matter be determined by the Legal Committee.
- 

### **15. Request to Execute Restriction on the use of land** **Lot 15 Kirkham Road, Bowral (beside the Co-op)**

**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.

#### **RECOMMENDATION**

1. **THAT** the Real Property dealing known as Restriction on the Use of Land by a Prescribed Authority be executed under the Common Seal of the Council.
  2. **THAT** subject to 1 above, the Real Property dealing known as Restriction on the Use of Land by a Prescribed Authority be returned to Wilkinson Throsby & Edwards solicitors to enable the form to be registered with the Department of Lands.
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**16. 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.

A meeting is being organised and Council's Property Officer is awaiting confirmation of a suitable future date from the Colo Vale Community Association Secretary.

**RECOMMENDATION**

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

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**17. Proposed Lease by Telstra, Berrima Reservoir PN1707171**

Reporting on a request received from Daly International, as agents for Telstra Corporation, to lease land at the Berrima Reservoir for the purpose of constructing and operating a mobile network facility Part Lot 1 DP 735013 Old Hume Highway, Berrima.

**RECOMMENDATION**

1. **THAT** Council negotiates Heads of Agreement with Telstra Corporation for the lease of Part Lot 1 Deposited Plan 735013 known as the Berrima Reservoir.
  2. **THAT** subject to 1 above, the lease be for a period of five (5) years with three five (5) year options.
  3. **THAT** rental in the first year be \$16,000 plus GST.
  4. **THAT** the rental shall increase annually by 5% of the previous year's rental.
  5. **THAT** all Council's reasonable legal costs be paid by Telstra.
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**18. Acquisition of Part Lot 1 & 2 Deposited Plan 1091708 to Formalise Road Widening – Argyle Lane Bowral PN193900**

Reporting on a recent request by Integral Energy to acquire a portion of their land to formalize a road widening in Argyle Lane Bowral.

**RECOMMENDATION**

1. **THAT** Council advise Integral Energy that it does not intend to proceed with the acquisition of Part Lot 1 & 2 Deposited Plan 1091708.
  2. **THAT**, subject to 1 above, Integral Energy or the registered proprietor for the time being of Lot 1 & 2 Deposited Plan 1091708 be given notice that it can reinstate its fence on the legal boundary to Lot 1.
  3. **THAT** it be noted that in the assessment of any future redevelopment of the site, Council may consider the need for widening of the lane as a result of that development.
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## **SUPPLEMENTARY REPORT**

### **Contract for the Provision of Legal Services**

**6330/07.4**

A report was presented outlining the recent process of letting a contract for the provision of legal services to the Council. A panel of three solicitors was recommended.

### **RECOMMENDATION**

**THAT** the Legal Committee concur with the recommendation of the selection panel **AND**  
**THAT** a report go forward to Council to confirm the appointment of a panel of three solicitors.

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There being no further business, the meeting closed at 2.50 pm

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**MINUTES OF THE LEGAL COMMITTEE MEETING  
HELD ON WEDNESDAY 14 NOVEMBER 2007**

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*File No. 107/22*

**PRESENT:** Clr M Murray (Chairman)  
Clr P Yeo  
Clr D Gair  
Clr J Mauger  
Clr P Tuddenham

**IN ATTENDANCE:** Clr N Campbell-Jones  
Clr J Clark  
Mr S Lee DEP  
Mr L Pawlak DCM  
Mr B Bilinsky  
Mr M Hyde GM

The meeting commenced at 4.00pm.

**DEVELOPMENT CONTROL**

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

Report submitted by consultant analysing the submissions put forward by the applicant. Matter deferred to allow applicant to consider this analysis with re-listing to occur in February 2008.

For callover 3 December 2007.

**RECOMMENDATION**

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

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*Mr Les Pawlak, Manager Development Control who was in attendance at the meeting, declared a non-pecuniary interest in Item 2 due to his previous commercial dealings in acting on behalf of the applicant, and left the room while the matter was being considered.*

**2. Norlex - Bundanoon Water Extraction PN1105400; 502/54; LUA07/1170**

Matter adjourned to enable Council to consider recent submission of Affidavits from applicant. Hearing date set for 30 & 31 January 2008 (reserve date 1 February). New DA now lodged (LUA07/1170).

**RECOMMENDATION**

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

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**3. Reporting on illegal tree removal at Lot 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.'*

**RECOMMENDATION**

1. **THAT** no action be taken in this matter.
2. **THAT** the Director, Environment & Planning bring a recommendation back to Council for future policing of 88B Instruments, and refer the matter of the Tree Preservation Order back to the LEP Steering Committee.
3. **THAT** a letter of response be sent to Mr Moore advising of Council's decision and what Council intends to do in the future.

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**4. Tashonwok Pty Ltd (Eling Forest Winery) PN1701748**

Council has received a Court Attendance Notice – Tashonwok Pty Ltd (Eling Forest Winery) over Penalty Notice 7632968824 for unauthorised building work .

The matter was mentioned on 5 November 2007 at Moss Vale Court and was adjourned. A Statement of Basic Facts has been tendered to the court and provided to the defendant's Lawyers.

**RECOMMENDATION**

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

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**5. WSC –ats- Conceal Pty Ltd (case resumed) 502/20; PN863300, LUA06/0123**

Matter stood-over for further mention before the Commissioner on 31 October 2007. Commissioner is now considering updated conditions of consent.

**RECOMMENDATION**

**THAT** the information be received and noted

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*Clr Gair took the Chair for 15 minutes while Clr M Murray was absent*

**6. Terrigal Grosvenor Lodge Pty Ltd - 'Karrara' 502/59; PN979400**

Property: 'Karrara', Cnr Links Road and Moss Vale Road, Burradoo

The matter is listed for a telephone callover on 19 November 2007.

**RECOMMENDATION**

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

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**7. Proposed Montessori School at 5 Elizabeth Street, Burradoo 502/60; LUA07/0723**

Deemed Refusal of development application for change of use from residence to educational facility. Callover listed for 30 November 2007. Council staff had previously recommended approval of the proposal with the latest report to the Council Meeting of 28 November 2007. For telephone callover 3 December.

**RECOMMENDATION**

1. **THAT** Council decides if it will defend the appeal should the application be refused at the Council Meeting on 28 November 2007.
  2. **THAT** should the appeal be defended, Council considers whether it will engage a consultant due to the staff recommendations to approve the proposed development.
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**8. Ghassibe (Rhodes Haskew) 502/48**

Land & Environment Court issued Orders 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.

**RECOMMENDATION**

**THAT** Council staff continue to inspect and monitor the site for compliance with the court orders and conditions of consent.

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**9** **'Ashby Park' – Unauthorised works on structure, Lot 4 DP 581054 Nowra Road, Moss Vale (Owner J & V Sharp)** **PN1050300; 5302/9**

In May of this year, a development application was lodged for a two lot subdivision and the establishment of a dwelling within an existing shed. The work within the shed had already been carried out and therefore the development application was for the continued usage of this building as a dwelling. The applicant has since amended the application for a subdivision only and lodged a separate development application for the continued usage of the converted shed as a dwelling.

**RECOMMENDATION**

**THAT** the Development Application be determined under delegated authority, as agreed by Councillors **AND THAT** a Penalty Infringement Notice be issued for development without consent.

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*Clr N Campbell-Jones declared a pecuniary interest in the following matter and left the meeting while it was being considered:*

**10.** **Truck Parking / Depots – Lot 206 DP 1105800 Ovington Road, Yerrinbool (AB Crowe)** **PN1105800**

Council has gathered further evidence relating to the usage of the above property for the purposes of truck parking. Council's Solicitor was instructed to send a letter on 8 November 2007 advising the owner of the unauthorised nature of this usage of the land and reminding them that the development application submitted in July 2006 was refused in September 2006.

Staff to monitor and take photographs and detailed notes on a regular basis.

**RECOMMENDATION**

**THAT** if the unauthorised usage of the property for the purpose of truck parking or road transport depot continues after receipt of the letter from Council's Solicitor, Penalty Infringement Notices be served, if necessary on a regular basis.

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**11.** **Compliance Issues** **5210/1**

Current active Compliance Register is attached

**RECOMMENDATION**

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

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## **WASTE SERVICES**

### **12. RID Squad Illegal Dumping Issues**

**7500/17**

At the meeting held 24 October it was resolved that this matter be deferred until the next Legal Committee meeting, with a full report to be provided to the Committee by the General Manager.

### **RECOMMENDATION**

1. **THAT** the Chairman and General Manager meet with the relevant officer as to why secrecy is required in this matter.
2. **THAT** a report be submitted to Closed Council for the Council Meeting of 12 December 2007.

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## **EXTRA ITEMS**

### **(a) Stanton, John – Walkway, Lot 110 DP 830658 Gibraltar Rd, Mittagong**

**PN 1701396**

Noted: that a development application has been received for this walkway.

### **(b) Corterre Park, Range Road, Mittagong**

**PN 1257500**

Noted: Incomplete details received for submission to Council. Date for submission extended to 29 February 2008.

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There being no further business, the meeting finished at 5.00pm.

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**MINUTES OF THE ARTS AND CULTURE BOARD (WORKING GROUP) MEETING  
HELD ON MONDAY, 29 OCTOBER 2007**

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The Arts and Culture Board (Working Group) meeting commenced at the 6:10pm.

**PRESENT:** Cr May King (Chairperson), Cr Phil Yeo, May Howlett and Lyn Hall (Community Representatives) and Elizabeth Brown (STARTS Regional Arts Development Officer).

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

**APOLOGIES:** That the apologies from Cr Penny George and Josina Metcalfe (Community Representative), be noted and accepted.

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**2. ADOPTION OF PREVIOUS MINUTES OF MEETING HELD MONDAY  
24 SEPTEMBER 2007:**

**RECOMMENDATION:**

**THAT the minutes of the meeting held on Monday 24 September 2007 be accepted as a true and accurate record.**

**Moved: Clr Phil Yeo**

**Seconded: Clr May King**

**Carried**

**3. BUSINESS ARISING FROM PREVIOUS MEETING:**

**3.1 Model of Fitzroy Iron Works – Update**

Clr May King advised this matter is yet to be actioned.

**3.2 QBL Self Assessment**

Board members would have received an invitation to participate in the WSC Quadruple Bottom Line assessment workshop. It is proposed that the workshop will be held on Thursday 8<sup>th</sup> November from 10.00am through to 2.00pm to involve appropriate and available people in undertaking the self assessment of Council's QBL performance.

**3.4 Nomination of New Board Members**

The nominations for new board members should have been received by Lynne Morrison.

**Action:** *Jenny to follow up with Lynne Morrison the nominations for new board members.*

#### **4. UPDATE ON ARTS AND CULTURE BOARD PROGRAMME ITEMS:**

##### **4.1 ABaF Workshop**

As advised from the Round Table discussion, a date for this workshop is looking to be set for February next year.

##### **4.2 Nature Photography Competition – (Our Earth Our Stories)**

Jenny advised that she contacted Rebecca Mooy the organisers of the competition from Hawkesbury-Nepean Catchment Management Authority. Rebecca advised that they have not committed to running the competition in 2008 yet, but if they do, planning would commence in June 2008. If the competition goes ahead the exhibition would be in late November early December.

Council's commitment would need to be:-

- Run a Shutterbug event
- In-kind photocopying
- Exhibition

Rebecca will register the Council's interest in being involved next year.

Clr May King suggested the committee invite the Southern Highlands Photographic Society to get involved in the competition.

Elizabeth Brown suggested involving the local TAFE, as they are proposing to hold a 3 day nature based photography course. The students involved in the course may be interested in entering the competition.

##### **4.3 Master Classes – music workshop for infants, dance workshop for Yamanda dance group**

Music workshop for infants – Elizabeth Brown suggested the Committee use Elspeth McGregor from the Sydney Conservatorium of Music for this workshop. Elspeth runs classes for 0-6 year olds.

It was suggested that this workshop could be run in two different locations on the one day to cover different parts of the shire.

***Action: Jenny Kena to determine which areas would be best to hold this workshop based on the number of infants in each area of the shire.***

Dance workshop for Yamanda dance group – Jenny Kena advised the committee that the group were interested in doing a Hip Hop dance workshop.

The Board resolved that it would consider funding a workshop for one of the following options:

- A workshop on traditional Aboriginal dance. Elizabeth Brown suggested the aboriginal dance teacher Phil Brown (Corroboree Man) to hold the workshop.
- A hip hop workshop open to the general community, or
- Aboriginal dance workshop with a modern interpretation.

**Action:** *Jenny to discuss options for dance workshop with Yamanda.*

Creative Writing Workshop – Clr Yeo suggested a writing workshop also be considered.

**Action:** *Jenny to correspond with Ken Challenor advising the Boards interest in organising a creative writing workshop.*

#### 4.4 Round Tables – Robertson and Bowral

The next Round Table meeting will be held at the Community Technology Centre at Robertson on 19 November to commence at 4.00pm and the first Round Table for 2008 will be held in Bowral (date to be discussed at next meeting).

Clr Phil Yeo suggested that Council Grant Application information be added to the next Round Table agenda.

It was suggested the Round Table visits Hill Top. The committee discussed this and decided that the meeting could be held at either Hill Top or Colo Vale, not both.

**Action:** *Dates and locations for 2008 Round Table to be finalised at November Board Meeting.*

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## 5. CORRESPONDENCE:

5.1 Submission from Heritage Planner regarding contribution towards prize for Heritage Festival photo competition.

**Action:** *Jenny Kena to suggest to the Heritage Committee that the Southern Photographic Society be involved in the competition.*

**Action:** *Jenny Kena to pass on congratulations to Kate Wooll and the Strategic Planning Department for developing the competition.*

**RECOMMENDATION:**

**THAT the Arts and Culture Board donate \$500 to the Heritage Photography Competition.**

**Moved: Cllr M King**  
**Seconded: May Howlett**  
**Carried**

- 5.2 Thankyou letter to Desmond Kennard.
- 5.3 Letter to Musica Viva regarding availability of Mittagong Playhouse as a venue.
- 5.4 Acknowledgement letter from Arts NSW regarding correspondence from Council concerning the discontinuation of the City of the Arts Program.
- 5.5 Agenda for Southern Highlands & Illawarra Chapter Museums Australia) NSW Inc – 21/10/07.
- 5.6 Letter from Southern Tablelands Arts regarding successful grant application for the Wingecarribee Singing Quilt project.

***The correspondence listed was received and discussed.***

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**6. GENERAL BUSINESS:**

- 6.1 Heritage Festival Photographic Competition  
Refer to item 5.1.
- 6.2 Committee Restructure  
The restructure of Council committees was discussed briefly and how this will affect the Board.
- 6.4 Request for Donation from Southern Highlands International Piano Competition Inc  
It was resolved at Councils Ordinary Meeting that the request from Southern Highlands International Piano Competition Inc for a donation of \$5,000 be referred to the Arts & Culture Board (Working Group) for its recommendation.

The Board resolved to provide the following comments in regard to the request:

1. The Arts and Culture Board acknowledges the artistic excellence of the competition.
2. The Arts and Culture Board have given a \$500 donation towards the cost of the programme and the Council have provided \$1405 in kind assistance.

3. The Board regrets that no formal application was made prior to the event through the normal Council grant processes.
4. It is suggested that a balance sheet be requested from SHIPC prior to determination of the request.
5. A business plan should accompany any requests for funds for the 2009 competition.
6. Tourism potential of the event is acknowledged.
7. The event needs to be more accessible to the general community in terms of pricing and artistic involvement.
8. There are some concerns about the process of determining the results and awarding of prizes.

The Chair of the Arts and Culture Board (Working Group) Cr May King supported the donation having regard to 1-8 above.

The Board further resolved that a recommendation regarding the donation made and that Council determine the matter.

6.3 Election of Deputy Chair

Cr May King moved that Cr Phil Yeo be appointed as the Arts and Culture Board Deputy Chair.

**Moved: Cr M King**  
**Seconded: Elizabeth Brown**  
**Carried**

7. Future Meeting Dates

**NEXT MEETING:**

The next meeting of the Arts and Culture Board will be held on Monday 19<sup>th</sup> November in the Community Technology Centre at Robertson commencing at 4:00pm with the Round Table and following by the Board meeting at 5.30pm

**MEETING CLOSURE:**

The Arts and Culture Board meeting was declared closed at 6.30 pm.

\_\_\_\_\_  
Chairperson

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**MINUTES OF THE RURAL FIRE SERVICE DISTRICT LIAISON COMMITTEE MEETING  
HELD ON TUESDAY, 6 NOVEMBER 2007**

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*File No. 6433/5*

**PRESENT:** Mike Hyde (General Manager) – Chair  
Ashley Frank (District Manager)  
Bob Simpson (Community Safety Officer)  
Bill Dunn (Group Captain)  
Neil Ray (Operations Officer)

**IN ATTENDANCE:** Clr Jim Mauger  
Chris Richmond (Property Co-ordinator)

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**APOLOGIES**

The Mayor, Clr Gordon Lewis

**ADOPTION OF MINUTES**

**Recommendation SLA 03/07**

**THAT the minutes of the previous meeting held on Tuesday, 29 May 2007 be accepted as a true and accurate record.**

**BUSINESS ARISING**

**Blue & White Hydrant Markers**

This matter has been discussed with the brigades and Neil Ray is putting a standard format/template in place for the brigades to fill out which will then be provided to Council.

The markers are put down with an adhesive and with road resealing such as the recent work at Colo Vale, the markers should be replaced as a matter of course after the resealing has been completed.

**Six Monthly Report to 30 September 2007**

Mike Hyde stated that he was happy with all the points in the report except Item 2.1 on page 2 in that the Fire Trail Register had not been completed.

Ashley Frank responded that each agency of the Bush Fire Management Committee will compile their part of the fire trail register as part of the updated District Risk Management Plan.

**Fire Station Updates**

The Parks & Property Manager, Peter Bowmer, is currently on long service leave and in his absence the Property Co-ordinator, Chris Richmond, has been liaising with the RFS and inspecting the progress on work at Balmoral, Yerrinbool and Alpine. He is also supervising the works at Burrawang and Robertson.

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- Burrawang** Chris Richmond advised that the base is formed up ready for concreting. However, he was not impressed with Ranbuild, the company doing the work, who have been behind schedule citing wet weather and steelwork deliveries as the problem.
- Robertson** The shed is to be rebuilt on the existing site. The excavation for the area has been done and the RFS needs to organise the plans and provide them to Chris Richmond. Neil Ray will meet with the Robertson Captain to keep him updated. The LUA will be submitted next week.
- Balmoral** Ashley Frank has spoken to State Rail and they are liaising with Council's Property Manager, Sharon Hauptberger, to work through and finalise the extension of the land lease.
- Yerrinbool** The LUA has been submitted to Council and is being processed. A Waste Water Management Plan is currently being developed to determine the best method for dealing with waste water from the RFS shed and the adjacent hall. It is not possible to do an Envirocycle but believe there is no problem with hooking up the existing shed to the absorption pit.
- Alpine** Chris Richmond is still awaiting an answer on the possibility of hooking up to the sewer at the back of Bunning's as the fire station currently only has septic.
- Chris Richmond to chase up again.

Ashley Frank advised that the fire station programs are up and running now and thanked Chris Richmond for his efforts.

Mike Hyde asked if this meant that the RFS needs are complete across entire shire.

Ashley Frank responded that there will be some minor extensions and amenity replacements in the next few years until all stations have adequate amenities. The major challenges have been Burrawang and Robertson.

#### Fire Season Outlook

Ashley Frank reported that in terms of its preparedness the RFS is at its highest level ever and they had used the winter break to get the hazard reductions 4 year plan progressing. The upgrade of radio repeaters, paging systems and the air base at Mittagong had all contributed to their state of readiness.

#### Burnoffs

Mike Hyde stated that he had been told that the rain had stopped some of the burn-offs on Mt Gibraltar scheduled by the NSWFB and these can hopefully be scheduled for 2008. However, there was nothing outstanding from the RFS on Council land.

Ashley Frank responded that traditionally the RFS have always done this work but it was in the NSW Fire Brigade area. If they are unable to do it they should let the RFS know as the main issue is to reduce the hazard regardless of fire service boundaries.

## **GENERAL BUSINESS**

### Relocation of DPI

Mike Hyde asked if the DPI had been relocated from the RFS operations centre and Ashley Frank confirmed that the DPI is now operating at the VRA centre.

### RFS Management Audit Program

Ashley Frank stated that the RFS has gone through a Management Audit Program and a "Corrective Action" is required by the Service Level Agreement Committee as the Liaison Committee is required to confirm its membership every three years.

### Recommendation SLA 04/07

***THAT the make-up of the RFS District Liaison Committee agreed to is resolved as follows:***

#### Council

***General Manager  
Mayor  
Deputy Mayor (Alternate)***

#### Rural Fire Service

***Fire Control Officer  
Deputy Fire Control Officer  
Senior Group Captain as the Volunteer Representative***

## **PASSED**

### Sydney Catchment Authority / Rural Fires Act

Clr J Mauger advised that he had recently attended an SCA meeting where it was mentioned that the RFS now have to account for how much water they are using at each fire they attend.

Ashley Frank stated he was not aware of this and that that under the Rural Fires Act the powers of RFS officers allow them to take any water that is readily available to extinguish a fire. The use of the SWS system however, is a pro-active approach and the RFS is working with landowners on this. Where an SWS sign is displayed on a property it means that there is an agreement between the RFS and the landowners that they can go in and get water from the dams or swimming pools on those properties. There is also a water tank program in place where a 22,000 litre tank will be located at each fire station to refill appliances returning from incidents.

Bob Simpson commented that any new dwelling in bush fire prone areas needs to have a water tank for firefighting purposes as per planning for bush fire protection.

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*Bush Fire Management Committee*

Bob Simpson emphasised the need to appoint a replacement for Heath James as he was a member of the Bush Fire Management Committee and this is a very important role.

**AGENCY REPORTS**

*Recruitment & Morale*

Bill Dunn reported that firefighter recruitment is up, the organisation is working extremely well and the volunteer's firefighters are all happy and positive at the moment.

The meeting closed at 2.25pm.

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**MINUTES OF THE ENVIRONMENT & SUSTAINABILITY COMMITTEE MEETING  
HELD ON THE 17 OCTOBER 2007**

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*File No: 5465/29.01*

**PRESENT:**

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

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**IN ATTENDANCE:**

Andrew De Montemas – Environment & Health Manager (EHM) (PART)  
Tracey Poulter – Environmental Protection Officer (EPO)  
Eddie Anderson – Natural Resources Co-ordinator (NRC)  
Tannia Andrews – Administration Officer

**APOLOGIES:**

Lori McWhirter  
Tony Paull  
Clr Jim Mauger

The meeting commenced at 2:05pm

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**Apologies**

Were received and noted.

**MINUTES OF THE PREVIOUS MEETING HELD ON THE 19 SEPTEMBER 2007**

**Recommendation 1:**

THAT the Minutes of the Environment Committee meeting held on the 19 September 2007 be accepted as a true and accurate record .

Moved by Clr Jim Clark

Seconded by Jane Lemann

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## **MATTERS ARISING FROM PREVIOUS MINUTES**

### **1. IRIS Draft Environmental Management survey update – EHM**

The IRIS Draft Environmental Management Survey was distributed and discussed. Any editorial comments to be sent to the EHM within the next two weeks.

It was noted that, regardless of results, it was still an important exercise, a benchmark that should be monitored and carried out approximately every four years to gauge community perceptions.

### **2. Rural subdivision referrals in Wingello and Paddy's River – NRC**

The Town Planner is still waiting on responses from State Departments and it is therefore too soon to report back to the Committee on the matter. Will be brought to the next Committee meeting if ready.

### **3. Flora and Fauna assessment guidelines update- EHM**

The previously distributed Draft Flora and Fauna Assessment Guidelines were discussed. The guidelines, which directly relate to Development Applications, were sourced from a number of other Councils. It was requested that comments/feedback be sent to the EPO within the next two weeks. Jenny Platt is also to be sent a copy of the Draft Flora and Fauna Assessment guidelines for comment.

The next step will be to educate Planners on how to use the document and the information therein as it relates particularly to development re-zonings and subdivisions where vegetation is disturbed. The Guidelines will assist Planners in identifying what should be in a Flora and Fauna report and to help recognise when an inadequate document is being submitted.

It was noted that there must be a recognised threshold for when a development becomes significant enough to be forwarded to the Environment and Health Branch for assessment.

It was asked whether the Guidelines could be simplified for general distribution and also include a checklist. The Guidelines were originally developed for use as an internal document however, it can be refined subsequently to be used externally.

### **4. Stage 2 of the Biodiversity study – NRC**

Stage 1 of the Biodiversity Strategy is complete. The original intention of Stage 2, the preparation of a Development Control Plan (DCP) specifically for Biodiversity Conservation, is now redundant because of State Government changes to planning legislation. There are still funds allocated to Stage 2 available.

It was reported that we are able to take the principles from the Biodiversity Strategy and put them into the DCP. Options for progression on the matter were briefly discussed.

The NRC to investigate options and bring a proposal for the way forward and a budget to the next Committee meeting.

*Andrew De Montemas left the meeting at 3:05pm*

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**5. Oxley Hill Road fireweed – NRC**

Noxious Weed Officer is dealing with fireweed in the area.

**6. Oxley Drive genista – NRC**

Contractor being retained to control outbreak of genista on the corner concerned.

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**FEEDBACK FROM COUNCIL MEETING**

The new arrangement for Council Committees was distributed and discussed. There was concern about meeting only six times per year.

It was reported that the Sustainability Committee had been disbanded and there was the intention of absorbing Sustainability into the Environment Committee. Noted that Sustainability was a large issue and may need a separate sub-committee. There were also concerns that Sustainability would encroach on the Environment Levy.

Clr Whipper, Clr Clark and the NRC to discuss the matter and bring options for the Committee back to the next meeting.

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**NEW PROJECTS**

*1. Conserving Endangered Ecological Communities – Southern Highlands Shale Woodland.*

Support was sought for the conservation of 13.3ha of the endangered Southern Highlands Shale Woodlands on Lot 1 DP 986798, corner of Range Road and Old South Road, Mittagong with a Vegetation Conservation Agreement and a budget allocation of \$8,570.00 funded from the Environmental Trust Grant.

**Recommendation 2:**

THAT the Project Works proposal for Lot 1 DP 986798 be supported with a budget allocation of \$8,570.00 funded from the external grant sourced from the Environmental Trust and a Vegetation Conservation Agreement entered into with the property owners.

Moved by Jane Lemann

Seconded by Geoff O'Connor

*2. Conserving Endangered Ecological Communities – Southern Highlands Shale Woodland.*

Support was sought for the conservation of a further 4.6ha of the endangered Southern Highlands Shale Woodlands on Lot 1 DP 986798, corner of Range Road and Old South Road, Mittagong with a Vegetation Conservation Agreement and a budget allocation of \$4,810.00 funded from the HNCMA. A separate agreement is required because of the different grant funding source.

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**Recommendation 3:**

THAT the Project Works proposal for Lot 1 DP 986798 be supported with a budget allocation of \$4,810.00 funded from external grant from the HNCMA and a Vegetation Conservation Agreement entered into with the property owners.

Moved by Jane Lemann

Seconded by Geoff O'Connor

A tour/inspection of the sites be put on the agenda of the next meeting for discussion of possible dates.

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**MONTHLY ACTIVITY REPORT**

Activity report for September was distributed, discussed and noted.

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**MONTHLY EXPENDITURE REPORT**

Expenditure report for September was distributed, discussed and noted.

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**GENERAL BUSINESS**

**Belmore Falls Resurfacing**

The problems that arose with the re-surfacing of Belmore Falls Road using recycled materials was discussed.

Media release relating to the matter to be distributed to members of the Committee.

**Aldi Site**

Will Environmental issues arising from the development of the new Aldi site be treated in the same manner as the previous Woolworths Development? Department of Natural Resources are negotiating to try and do similar things behind the site.

**Capernwray Development**

The issue of the Capernwray Development arose and there was concern that the river-front buildings looked very close to the river bank on the plan. It was reported that there was a high bluff along the river bank and also that the strip of land alongside the river was Council owned. It was reported that the development proposal left a buffer from the bank of 40m, the minimum distance required.

**Linear Reserves**

A meeting is to be convened with Telstra, RTA, Integral and the Gas Company in order to obtain feedback in relation to Linear Reserves. Put on the Agenda for the next Committee meeting.

## **HNCMA**

Geoff O'Connor reported the following events:

- Landcare awards on 30 November 2007 at Mt Annan Botanical Gardens to present awards. Formal invitations will be distributed.
- NSW Landcare Forum is on in two weeks time. Hawkesbury Nepean has entrants in six out of ten categories for finalists.
- Daniel Anderson, in conjunction with the Small Farms Network, is holding a *Trees on Farms* workshop on the 16 November 2007.

## **Fireweed**

The paddock full of fireweed on Oxley Hill Road, reported at a previous meeting, was again discussed. When the identified property was inspected no fireweed was evident, however, it had been some time since the fireweed was originally seen and other paddocks in the area were identified with fireweed present.

A weed report was requested or that the Weeds Officer be invited to come along to a Committee meeting.

## **Noxious weeds**

It was requested that *Wingecarribee Today* and the website feature timely reports of weeds about to flower in the Shire. It was noted that the Wingecarribee Tree book could also contain details of weeds in the Shire.

## **Lights on Gate Posts**

Large lights on gateposts in rural areas, in particular Kangaloon Road, are becoming an issue and property owners should be advised to point lights toward the ground to avoid light pollution. To be raised for discussion at the next Council meeting.

## **CSIRO – Fantastic Plastic**

A new plastic membrane is being tested by CSIRO which cuts carbon dioxide emissions and aids in the purification of water by mimicking the pores found in plants. The result of this could be a revolutionary improvement in efficiency of salination and plant emissions.

## **Bicycle Tracks**

Further information was requested about future plans for bicycle tracks in Wingecarribee.

## **Agricultural Lands in Wingecarribee**

Concerns were raised that in future Shire planning rural lands are kept viable. A Rural DCP is currently being prepared by Council.

## **Kangaloon Road, Bowral**

There was concern that gas pipes being put in opposite the Cemetery would endanger roadside trees.

The NRC to investigate the matter.

Next meeting to be held Wednesday 5 December 2007 at 1:00pm.Meeting closed at 4:35pm

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Project & location	Work description / progress/ comments	Cost \$	Status
Berrima - Stonequarry walk & Berrima Weir Reserve.	Follow up regeneration works: sprayed annuals and exotic grasses around plantings and track, chipping, chainsaw privet, cut and paint honeysuckle. Planted 130 mixed native shrubs and grasses, sprayed annuals. Primary regeneration of Wilkinson St	2600	ongoing
Mansfield Reserve	Spot sprayed thistles	150	complete
Gibbergunyah Creek Bushcare Group	Worked with community volunteers Cut and poisoning privet, honeysuckle, drilled privet and willow, sprayed honeysuckle, exotic grasses,	250	ongoing
Mt Gibraltar Reserve	Assisted Landcare Group cut and painted berberis, holly, cotoneaster, privet, ivy & hawthorn; injected privet. Signage audit, site assessment, sprayed kikuyu, violets, pampas grass, berberis, and thistles	900	ongoing
Chinamans Creek Bushcare	Chipped bamboo, sprayed Ehrharta, , weeded around native grasses, ferns, planted 121 Lomandras, Carex and Poas	600	ongoing
Moss Vale Landcare Group-Cosgrove Park	Worked with volunteers: planting infill native grasses and lomandras, sprayed annuals, exotic grasses around plantings, planting maintenance, rubbish removal, sprayed frost protectant	450	ongoing
Oldbury Rd. Bushcare	Worked with volunteers with planting 175 trees, mulched, watered, staked and bagged; sprayed exotic grasses, chipped woody weeds	350	ongoing
Penrose Bushcare	Injected and cut down pines, cotoneaster along Westward Track	200	ongoing
Hammock Hill Bushcare	Sprayed Scotch thistles with volunteers, controlled fireweed	660	ongoing
Burrawang Bushcare	Weeded around plantings, cut and painted blackberry, honeysuckle, berberis and privet, sprayed exotic grasses and annuals around plantings	150	ongoing
Bowral Urban Landcare	planting preparation: sprayed exotic grasses, brushcut and raked	350	ongoing
Welby Bushcare	Cut and paint gorse, privet, inject privet.	250	ongoing
Yerrinbool Bushcare	Planted 125 mixed natives, watered and mulched	300	ongoing
Currubunda Bushcare	Cut and paint honeysuckle, privet, blackberry.	150	ongoing
Wingecarribee River	Weed control on Youth landcare site: planted 102 trees, plant maintenance, soil conditioning, sprayed annuals and exotic grasses around planting, sprayed planting with frost protectant	150	ongoing
South St Robertson	Follow up weed control along roadside project area	616	complete
River Bend reserve, Berrima	Engaged contractor to undertake bush regeneration works along Wingecarribee river,	100	ongoing
Paddys River	Control of Honeysuckle and Blackberry	2600	ongoing



Feral Animal Control	Feral animal control completed in Gibbergunyah Reserve.	2000	complete
Erosion and Sediment Control program	There were 75 new construction site inspections and 20 reinspections. Responded to complaint in regards to asbestos material being present on a construction site and not being stored as per Work Cover guidelines. A Clean Up Notice has been issued under Section 91 of the Protection of the Environment Operations Act 1997 requesting that the fibro material be removed from the site. A document being prepared to identify what the minimum requirements are for Flora and Fauna Assessments which are submitted with Development Applications.	5200	ongoing
Vegetation Conservation incentive program	Undertook 3 site assessments, developed 2 draft project proposal. 1 management agreement sent out. 1 management agreements signed and cheques sent. Produced maps for projects and landholders. Working on the revision of The Wingecarribee Tree Book. HNCMA steering committee meeting.	2250	ongoing
Regional Litter Investigation Squad (RID squad)	<p>In September 2007 investigations initiated into a total of 25 incidents of which 10 are closed continuing to investigate remainder.</p> <p>Five (5) involved litter, three (3) were household waste, two (2) were asbestos, two (2) were excavated soil, two (2) were empty bottles, seven (7) were other forms of litter and the remainder were made up of construction/demolition, landfill, car tyres and vegetation Signs have been manufactured and signposting of 'hotspots' within the shire and blocking off vehicular access to another 'hotspot' is underway. During September an asbestos cleanup of a number of areas within the shire was completed by a private contractor.</p> <p>Five (5) Penalty Infringement Notices were issued to the amount of \$2,225.00 for the following offences:-'Transport Waste to Place Not a Lawful Facility for That Waste', 'Fail to Pay Clean Up Notice Fee'. 'Deposit litter in Circumstances of Aggravation', 'Deposit Litter From Vehicle' x 2</p> <p>Continued to investigate four major incidents. One involves the transporting of 450 – 500m<sup>3</sup> of construction/demolition waste which has been illegally dumped on private property. In relation to this matter two persons of interest were interviewed and will shortly be re-interviewing another person.</p> <p>The second involves the transportation of large quantities of soil (in excess of 2,500 tonnes) from a development site to a number of sites within the shire. A Clean Up Notice was issued in early August 2007 to a construction company and representations have been received from a solicitor in response.</p> <p>The third involves approximately 100 tonnes of concrete, bricks and tiles being transported from two demolition sites within the shire to private property owned by a local resident. In relation to this matter a 'Notice of Intention' and a 'Clean Up Notice' has been issued to this person</p> <p>The fourth matter involves the transportation and storage of approximately 3,450m<sup>3</sup> of asbestos contaminated soil. Awaiting a reply from a notice which was sent to a transport company believe to be involved.</p>	1600	ongoing

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**MINUTES OF THE TRAFFIC COMMITTEE MEETING  
HELD ON MONDAY, 22 OCTOBER 2007**

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*File No. 107/6*

**COMMENCING AT: 10.30am**

**PRESENT:** Clr Duncan Gair (Chairperson)  
Mr Danny Benedetti, Roads & Traffic Authority  
Ms Nicole Stevenson, RTA Traffic Management Analyst (additional item 1)  
Snr Constable, Chris Wildbur - NSW Police  
Mr Scott Lee, Director Environment & Planning (attended for item 17)  
Ms Charmaine Cooper, Road Safety Officer  
Mr Frank Perger, Traffic Engineer  
Ms Tracey Greenacre, Secretary

**ALSO  
PRESENT:** Clr Jim Mauger

**APOLOGIES:** Mr John Brew (Representing Member for Goulburn, Pru Goward)

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**1 REPORT OF THE TRAFFIC COMMITTEE MEETING HELD 20 AUGUST 2007**

REF	TE	107/6
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Reporting on the Traffic Committee meeting held on 20 August 2007.

**TC 110/07**

RECOMMENDATION
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THAT the information be received and noted.

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## **2 ROAD SAFETY OFFICER PROGRESS REPORT**

REF.	RSO	7410/5
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Reporting on promotions and activities of the Road Safety Officer

Note:

The chairperson requested that the speed display trailer be utilised on Council work sites and generally within the Shire.

### **TC 111/07**

#### **RECOMMENDATION**

THAT the projects/campaigns completed or commenced by Council's Road Safety Officer in the last quarter be noted, including:

- The upcoming U-Turn the Wheel program
- Child restraint checking initiative
- Macquarie Pass Motorcycle Safety Day
- Bike Plan consultant to be engaged

## **3 STOP SIGN AT MERYLA STREET, ROBERTSON**

REF.	TE	RD3624, RD3634, 7415
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Requesting a Give Way sign to replace the existing Stop sign at the junction of Meryla Street and South Street in Robertson.

### **TC 112/07**

#### **RECOMMENDATION**

THAT the stop sign and markings at the junction of Meryla Street and South Street in Robertson be retained AND THAT no action be taken regarding the vegetation.

## **4 HIGHER MASS LIMITS IN WINGECARRIBEE SHIRE**

REF.	TE	7301/6
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Reporting on higher mass limits in Wingecarribee Shire.

### **TC 113/07**

#### **RECOMMENDATION**

THAT the information be received and noted.

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## **5 TRAFFIC PRIORITY AT LOFTUS STREET AND ALCORN STREET, BOWRAL**

REF.	TE	RD1572, RD1503
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Reporting on traffic priority at the intersection of Loftus Street and Alcorn Street, Bowral.

### **TC 114/07**

RECOMMENDATION
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THAT Give Way signs and markings be installed on Loftus Street at its intersection with Alcorn Street in Bowral.

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## **6 PARKING RESTRICTIONS IN ALCORN STREET, BOWRAL**

REF.	TE	RD1503
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Requesting parking restrictions in Alcorn Street, Bowral.

### **TC 115/07**

RECOMMENDATION
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THAT parking restrictions not be imposed in Alcorn Street and that the matter be kept under review.

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## **7 TRAFFIC MANAGEMENT PLAN FOR MITTAGONG**

REF.	TE	7460/25
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Reporting on the Traffic Management Plan for Mittagong.

### **TC 116/07**

RECOMMENDATION
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THAT the matter be deferred and considered in detail at the next Traffic Committee meeting including input from Councils Design Engineer, the Police and the Roads & Traffic Authority, especially concerning the proposed phasing of the signals at Bessemer Street and Bowral Road in Mittagong.

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**8 BLACK SPOT AND BLACK LENGTH FUNDING APPLICATIONS FOR 2007**

REF.	TE	7410/3
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Reporting on black spot and black length funding applications for 2007.

**TC 117/07**

RECOMMENDATION
----------------

THAT the information be received and noted.

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**9 B-DOUBLE ACCESS TO TYREE PLACE, BRAEMAR**

REF.	TE	7301/1
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Requesting approval to run 25m B-doubles into Tyree Place, Braemar.

**TC 118/07**

RECOMMENDATION
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THAT Tyree Place, Braemar be gazetted for 25 metre B-double use.

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**10 B-DOUBLE ACCESS TO LYELL STREET, MITTAGONG**

REF.	TE	7301/1
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Requesting approval to run 25m B-doubles on Lyell Street, Mittagong.

**TC 119/07**

RECOMMENDATION
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THAT Lyell Street, Mittagong between the Old Hume Highway (MR258) and Priestley Street be gazetted for 25 metre B-double use.

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## **11 CONTROLLED ACCESS BUS ROUTES**

REF.	TE	7301/4
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Reporting on requests to use controlled access buses in Wingecarribee Shire on selected routes.

### **TC 120/07**

RECOMMENDATION
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THAT the information be received and noted.

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## **12 PEDESTRIAN CROSSING ON BONG BONG STREET, BOWRAL**

REF.	TE	7401
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Reporting on the pedestrian crossing on Bong Bong Street in Bowral.

### **TC 121/07**

RECOMMENDATION
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THAT Council note that the existing pedestrian crossing is the preferred traffic facility at this location.

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## **13 LOAD LIMIT ON ELLSMORE ROAD, EXETER**

REF.	TE	7301/3
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Requesting a load limit be imposed on The Gullies Road at Bundanoon.

### **TC 122/07**

RECOMMENDATION
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THAT a ten tonne load limit be imposed on Ellsmore Road from Blue Gums Road, Bundanoon to Exeter Road, Exeter.

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**14 TRAFFIC SAFETY IN SHORT STREET, BOWRAL**

REF.	TE	7415/2
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Reporting on traffic safety in Short Street in Bowral.

**TC 123/07**

RECOMMENDATION
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THAT a centreline be marked on Short Street and Wingecarribee Street in Bowral.

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**15 RESIDENT PARKING AROUND BOWRAL HOSPITAL**

REF.	TE	7460/8, RD 1519
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Requesting improvements to resident parking around Bowral Hospital.

**TC 124/07**

RECOMMENDATION
----------------

THAT letters be sent to the Bowral Public and Private Hospitals encouraging their staff not to park outside private residences in Bowral Street and Sheffield Road and to make use of the on-street parking in Bowral Street east of St Jude Street and in Ascot Road for long stay parking AND THAT the matter be kept under review

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**16 SAFETY ISSUES AT MOSS VALE ROAD/KANGALOO ROAD/FUNSTON STREET ROUNDABOUT, BOWRAL**

REF.	TE	RD8260, RD8261
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Requesting guardrail at the roundabout at the intersection of Moss Vale Road, Kangaloon Road and Funston Street in Bowral.

**TC 125/07**

RECOMMENDATION
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1. THAT short lengths of guardrail are not considered to be an appropriate treatment at the intersection of Moss Vale Road, Kangaloon Road and Funston Street in Bowral;
  2. THAT to improve sight distance at the above intersection it is recommended that the existing vegetation be removed and replaced with more suitable lower growing vegetation;
  3. THAT an on site meeting be held with the Roads & Traffic Authority to investigate the painting of delineation issues at the roundabout.
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**17 LOADING ZONE IN OXLEY MALL CARPARK, BOWRAL**

REF.	TE	lua05/0727, 7470/1
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Reporting on loading zone signage in Oxley Mall Carpark in Bowral.

**TC 126/07**

RECOMMENDATION
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THAT a 20m long loading zone be signposted in Oxley Mall Carpark in Bowral;  
THAT the Loading Zone signs specify parallel parking if possible and that the wording of the signs is to be advised by Council Rangers.

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**18 TRAFFIC PRIORITY AT STATION STREET AND REGENT STREET, MITTAGONG**

REF.	TE	RD1572, RD1503
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Reporting on traffic priority at the intersection of Station Street and Regent Street, Mittagong

**TC 127/07**

RECOMMENDATION
----------------

THAT a stop sign and markings be installed on Station Street at its junction with Regent Street in Mittagong.

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**19 DATE OF THE NEXT TRAFFIC COMMITTEE MEETING**

REF.	TE	107/6
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Reporting on the date for the next Traffic Committee meeting.

**TC 128/07**

RECOMMENDATION
----------------

THAT the next Traffic Committee meeting be held in the Joadja Room at 9.30am on Monday 3 December 2007.

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## **ADDITIONAL ITEMS**

### **ADDITIONAL ITEM 1**

#### **INTERSECTION OF BOWRAL ROAD AND BESSEMER STREET, MITTAGONG**

REF.	TE	RD3118, RD8260-1715
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Nicole Stevenson of the Roads & Traffic Authority reported on investigations on the phasing of the traffic signals at the intersection of Bowral Road and Bessemer Street, Mittagong.

#### **TC 129/07**

#### **RECOMMENDATION**

THAT the phasing of the traffic signals at the intersection of Bowral Road and Bessemer Street, Mittagong be discussed in detail at the next meeting of the Traffic Committee.

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### **ADDITIONAL ITEM 2**

#### **COUNCIL'S NEW COMMITTEE RESTRUCUTRE**

REF.	TE	107/6, 107
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Reporting on the disadvantages to holding monthly Traffic Committee meetings.

#### Note:

Holding Traffic Committee meetings on a monthly basis places considerable extra demands on Roads & Traffic Authority and Police representatives as well as Council staff.

There is insufficient time to respond to Council resolutions at the following Traffic Committee meeting.

On-site inspections are held two weeks prior to the Traffic Committee meeting, under the new proposal of monthly meetings, the recommendations of the previous Traffic Committee will not yet have been to Council.

Councils that hold monthly Traffic Committee meetings, such as Shoalhaven Council devote more resources to this function.

#### **TC 130/07**

#### **RECOMMENDATION**

THAT the chairperson requested that Council's Traffic Engineer outline the difficulties associated in holding Traffic Committee meetings monthly.

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### **ADDITIONAL ITEM 3**

#### **40 KM/H SCHOOL SPEED ZONE FLASHING LIGHTS**

REF.	TE	7411/1
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Roads & Traffic Authority advised that funding has been allocated to implement flashing lights at 40km/h School Speed Zones at selected NSW schools.

#### **TC 131/07**

RECOMMENDATION
----------------

THAT Council notes that the Roads & Traffic Authority proposes to install flashing lights at selected 40km/h School Speed Zones in the Shire.

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### **ADDITIONAL ITEM 4**

#### **SOUTHERN HIGHLANDS CYCLING CLUB SUMMER RACE PROGRAM**

REF.	TE	7420/2
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Requesting permission to conduct the Southern Highlands Cycling Club Summer Race Program for 2007/2008.

#### **TC 132/07**

RECOMMENDATION
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THAT approval be granted to Southern Highlands Cycling Club Inc. to conduct the 2007/2008 Summer Race program subject to satisfactory completion of all requirements of the NSW Guidelines for Bicycle Road Races for a Class 2 Race Event.

### **ADDITIONAL ITEM 5**

#### **TRAFFIC SAFETY AT ELM, MYRTLE & DAPHNE STREETS, BOWRAL**

REF.	TE	7405
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Requesting parking restrictions on Elm Streets, Bowral.

#### **TC 133/07**

RECOMMENDATION
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THAT barrier lines be marked on the corners of Elm and Daphne Streets and Myrtle and Daphne Streets, Bowral.

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## **ADDITIONAL ITEM 6**

### **CARPARK SPEED ZONES**

REF.	TE	7411, 107/23
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Reporting on a request for 8 km/h speed limit in Council carparks.

**Note:**

Councils Works & Planning Committee enquired as to the possibility of implementing 8 km/h speed zones in car parks. Section 63 of the Local Government (General) Regulation 2005 states that "Notices must be displayed in a public car park directing that vehicles are to be driven at a speed not greater than 8 kilometres per hour."

The Roads & Traffic Authority advised that as the authority for speed zoning their powers under the Roads Act 1993 override the Local Government (General) Regulation 2005. The Roads & Traffic Authority do not support an 8 km/h speed limit in carparks. The Police advise that 8 km/h is not an enforceable speed limit.

### **TC 134/07**

RECOMMENDATION
----------------

THAT Council notes that 8 km/h speed limit in car parks is not supported by Roads & Traffic Authority or the NSW Police AND THAT Mr Cliff Roberts be advised.

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## **ADDITIONAL ITEM 7**

### **WALK BENDIGO**

REF.	TE
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Requesting information on Walk Bendigo.

### **TC 133/07**

RECOMMENDATION
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THAT a report be presented to the next meeting of the Traffic Committee on Walk Bendigo.

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Meeting Closed at 12.52pm

**MAYORAL MINUTE**

**c-MM1 U Turn the Wheel**

REF. MAYOR 7410 (CC 102/5)

Reporting on the success of the U-Turn the Wheel road safety program.

**REPORT**

This week I attended the second of two sessions of the U Turn the Wheel road safety program involving students from Moss Vale and Bowral High School, as well as a small number from Chevalier College. An earlier session was held for students from Chevalier, Oxley College, Frensham and the Southern Highlands Christian School.

Each year since the program began in 1999 over 600 local students have completed this terrific one day program developed to help today's youth have a better understanding of what is entailed in becoming a safe and responsible driver.

This is a community driven project, initiated by the Moss Vale Rotary Club and Wingecarribee Shire Council, with a program that exposes small groups of young people to interactive learning sessions under the guidance of a skilled teacher or lecturer, to help them make informed assessments and decisions whilst in control of a motor vehicle.

Our Road Safety Officer Charmaine Cooper tells me the messages that really hit the mark with the students are the personal stories told by people who have lived with the consequences of traumatic motor vehicle accidents.

The history of the program is interesting. Late in 1998, the 18 year old son of a Moss Vale Rotarian was killed in a road accident. Like in any community one death is too many and there was a combined outpouring of questions such as 'Why so young?' and 'How can we prevent future such deaths?' Our Road Safety Officer at that time, Kim Davis, responded to the public outcry and called for help from individuals or organisations willing to address this problem and that of the disproportionate crash rate of the younger segment of the population.

The President of Moss Vale Rotary Club - Bruce Angus, Director of the Australian Driver Trainers Association - Mark Simpson and a bereaved mother, Marion Davis-Low, responded - the result was 'U-Turn The Wheel' a road safety awareness program for young people.

Rotary got behind the project, a community action group was formed and the rest is history with the result that since 1999 many thousands of young people have benefited from attending the U-Turn the Wheel programs.



As any parent knows, many young people believe that they are bullet proof and that accidents happen only to other people. The U Turn the Wheel program attempts to enlighten them of the sobering fact that crashes can occur to anyone. The program is offered to Year 11 students so as to coincide with their use of the public roads.

Due to the success of the program it was quickly adopted by the neighbouring Rotary districts of Picton and Goulburn in the following year. French's Forest Rotary Club introduced 'U-Turn the Wheel' to Rotary District 9680 in Sydney in 2000. The program was quickly taken up by 9680 District with the formation of RYDA (Rotary Youth Driver Awareness) to handle the coordination of venue, speakers and schedules in that densely populated region. Campbelltown, Shellharbour, Wollongong, Narrabri, Nowra and Dubbo, plus many other coastal and inland towns, have conducted U-Turn the Wheel programs in recent years.

It is estimated that around 15,000 young drivers have been through the U-Turn the Wheel program in New South Wales. Interstate enquires have been received from Queensland and Victoria in Australia. Information about the program has also been supplied to the U.S.A., Germany, U.K. and New Zealand.

I congratulate the members of our local Rotary Clubs, Road Safety Officer Charmaine Cooper, the many people representing various emergency and other organisations who gave their time to make such telling presentations to the students.

The program remained free of charge for students this year thanks to substantial funding from Wingecarribee's MAD Youth and NRMA Insurance. The grants provided by these organisations covered the cost of bus transport, a lunch subsidy, launch of a new website ([www.u-turn-the-wheel.org.au](http://www.u-turn-the-wheel.org.au)) and other administrative costs.

I also thank Mittagong RSL Club for generously offering their excellent premises free of charge for this program.

As we approach the summer festive season and many young people are obtaining their provisional licenses I hope the road safety message was loud and clear for the 600 young participants, but I also urge all Wingecarribee Shire residents to drive safely at all times.

#### ATTACHMENTS

There are no attachments to this report.



## ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,  
Moss Vale on Wednesday, 12 December 2007

### MAYORAL MINUTE



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#### RECOMMENDATION

1. THAT local Rotary Clubs, Road Safety Officer Charmaine Cooper, the many people representing various emergency and other organisations who gave their time to make such telling presentations to the students, as well as the Mittagong RSL Club be thanked in a Council News Page of the Southern Highland News for their outstanding contribution towards road safety in Wingecarribee Shire.
  2. THAT Wingecarribee Shire residents be urged to drive safely, not just during the upcoming festive season, but at all times.
- 

Gordon Lewis  
**Mayor**

5 December 2007

**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 20/11/07 and 3/12/07.

**RECOMMENDATION**

THAT the information relating to Development Consent Nos 1-12 under Delegated Authority be received and noted.

**Development Applications (DAs) Determined – 20/11/07 and 03/12/07  
(Excluding Small Lot Subdivisions and Domestic Applications)**

1	LUA07/0740	Lot 7 DP 1042716, No 25 North Street, Moss Vale	3 lot subdivision
2	LUA07/0579	Lot 2 DP 509911 Commonwealth Bank, No 99 Main Street, Mittagong	Alterations & additions to provide 11 individual tenancies
3	LUA07/1234	SP41585 'High Street' 310-318 Bong Bong Street, Bowral	Shop fitout – Hairdressing salon
4	LUA07/1007	SP41585 'High Street' 310-318 Bong Bong Street, Bowral	Shop fitout – Pets and Aquarium
5	LUA07/1214	SP41585 'High Street' 310-318 Bong Bong Street, Bowral	Shop fitout – Discount cosmetic retail shop
6	LUA07/1215	SP41585 'High Street' 310-318 Bong Bong Street, Bowral	Shop fitout – Retail sale of Jewellery & design/repair
7	LUA07/1004	Lot 109 DP 1043085, No 15 Parmenter Court, East Bowral	Respite Centre – Community facility
8	LUA07/0945	Lot 7004 DP 1056761 & Lot 136 DP751267, Hume Hwy, Mittagong	Water supply reservoir
9	LUA07/0142	Lots 26 & 55 DP 751293 Wombeyan Caves Road, Mittagong	Staged development Rural dwelling site on 40 ha
10	LUA07/0143	Lots 14, 64 & 69 DP 751293 Wombeyan Caves Road, Mittagong	Staged development Rural dwelling site on 40 ha
11	LUA07/0144	Lots 21, 42 & 59 DP 751293 Wombeyan Caves Road, Mittagong	Staged development Rural dwelling site on 40 ha
12	LUA07/0981	Lot 2 DP 1039769 Medway Road, Medway	Construction of indoor riding arena

**o-EP2 List of Development Applications received by Council**

REF: DCM 5302

Submitting a list of development applications which have been received between 20/11/07 and 3/12/07, 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 1-14 received by Council be received and noted.

**Development Applications (DAs) Received –20/11/07 to 03/12/07  
(Excluding Small Lot Subdivisions and Domestic Applications)**

	LUA No	Property Legal Description	Property Address	Description	SIC	Delegation
1	LUA07/1303	Lot 12 DP 828018	579 ARGYLE ST, MOSS VALE (cnr Yarrowa Street)	Alterations to Service Station		*✓
2	LUA07/1313	Lots 1 & 2 DP 633951	'TRURO' 35-43 RAILWAY PDE, Balmoral	13 x Lot Subdivision (4,000-8,000m2)		*✓
3	LUA07/1310	Lot 2 DP 911477	49-57 RAILWAY PDE, BALMORAL	14 x Lot Subdivision (1,000-8,400m2)		*✓
4	LUA07/1306	Lot 12 Sec C DP 11838	St Judes Medical Centre 21 ST JUDE STREET, BOWRAL	Alterations & Additions to Consulting Rooms & Improve Carparking Facility		*✓
5	LUA07/1325	Lot 166 DP 751271	'MONARO' WILSON DRIVE / (near Hall Road) BALMORAL	3 x Lot Subdivision (2 - 2.6ha)		*✓
6	LUA07/1334	Lot 32 DP 869229	'DITTON HILL' YARRAWA ROAD MOSS VALE	Use Existing Cottage as a Tourist Facility		*✓
7	LUA07/1331	Lot 91 DP 860021	35-37 BEACONSFIELD ROAD, MOSS VALE	4 x Lot Subdivision (2 x 1050m2, 785m2 & 7159m2)		*✓

**Development Applications (DAs) Received –20/11/07 to 03/12/07  
(Excluding Small Lot Subdivisions and Domestic Applications)**

(Continued)

	<b>LUA No</b>	<b>Property Legal Description</b>	<b>Property Address</b>	<b>Description</b>	<b>SIC</b>	<b>Dele- gation</b>
8	LUA07/1329	Lot 2 DP 250747, Lots 6 & 13 DP 250743 & 2 more	'ROSEDALE' THE ILLAWARRA HIGHWAYSUTTON FOREST	11 x Lot Subdivision (Min 40ha each)		*✓
9	LUA07/1330	Lot 2 DP 815752	'SHIBUMI' FERNDALE ROAD BUNDANOON	Stables & Indoor Riding Arena		*✓
10	LUA07/1323	Part Lot 2 & Lot 3 DP 237959	THE ILLAWARRA HIGHWAY,MOSS VALE (opposite Walkers Road)	Demolish Dwelling		*✓
11	LUA07/1328	Part Lot 4 DP 548018	MOSS VALE ROAD BURRADOO	8 x Lot Subdivision (4 ha each)		*✓
12	LUA07/1348	Lot 12 DP1040826	PENROSE ROAD BUNDANOON	3 Lot Subdivision (700m2 each)		*✓
13	LUA07/1351	Lot 2 DP793839 & Lot 1 DP1074659	'CLEAR HILLS' MEDWAY ROAD, MEDWAY	Administration Building (behind restaurant)		*✓
14	LUA07/1339	Lot 1 DP1115968	ARGYLE STREET, MOSS VALE	Pylon Sign & Wall Signs for dealership – pole sign 3m high + sign on bldg face		*✓

**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 November 2007.

**RECOMMENDATION**

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

LAND USE APPLICATIONS								
(Includes DA's, Const. Cert., BA's Local Gov. Act, Sandwich Boards, St App)								
Month	Total Applications Received		Cumulative		Dwellings DA's Only		No of Flats/ Units / Dual Occ /ClusterHousing SEPP SL	
	2006	2007	2006	2007	2006	2007	2006	2007
January	99(*33)	105(*20)	99	105	7	12	1(5)	
February	80(*15)	116(*11)	179	221	8	15	3(19)	
March	115(*12)	115(*13)	294	336	16	25	2(10)	
April	76(*9)	96(*8)	370	432	6	15	1(4)	1(4)
May	123(*10)	121(*19)	493	553	13	25	1(2)	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)	154(*25)	1220	1208	18	12		1(3)
November	137(*23)	142(*13)	1357	1350	15	27		1(5)
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 Wingecarribee Community Services Centre**

REF: DEP

LUA06/0409

Reporting on a request for further Council assistance in the development of the Wingecarribee Community Services Centre, Moss Vale.

**REPORT**

Council has received correspondence from the Wingecarribee Community Services Centre Inc Committee (Attachment 1). In summary, unforeseen site conditions have resulted in significant additional costs to the project, resulting in the request for further Council assistance.

The following comments have been provided by relevant Council officers:

Comments from Council's Disability / Aged worker

*The additional costs associated with the building of the Wingecarribee Community Services Centre have severe implications for the Wingecarribee Community Services Centre Inc. Committee (WCSC).. The WCSC Committee was able to attract the large grant of \$722,000 from the Department of Transport and Regional Services by having matching funds, much of which was raised by the Committee. There is the possibility that DoTaRS may agree to a variation due to the unforeseen circumstances involved. However, the prospect of raising significantly more funds for the project is very limited. The Committee continues its fund raising efforts but funds being raised now are in the small range, mostly amounts of \$1,000 and \$2,000. As the building is already under construction it is impossible to imagine that the Committee could raise an additional \$100,000 during the construction of the building, as will be necessary to complete the building.*

*The WCSC Committee did allow contingency funds however these have not been sufficient to cover the unforeseen costs of the spring and rubbish removal and the remedial work.*

*All efforts are being made by the Committee to seek additional funding but to date no avenue has been found.*

*The service users of the new centre, Wingecarribee Food Services, Wingecarribee Adult Day Care and the Dementia Advisory Service are all funded under the Home and Community Care Programme through the Department of Ageing Disability and Homecare (DADHC). DADHC does not provide major capital funds for buildings and is unable to assist the service users with capital funding.*

*The latest estimates of extra costs incurred because of the site contamination are:*

Contract Price Variation 1 – site contamination	\$78,481.81
Contract Price Variation 2 – changes to slab	\$29,596.60
WSC Tipping Fees	\$59,519.00
<b>TOTAL</b>	<b>\$167,597.41</b>

Comments from Waste Services

*In relation to the above and their letter to Council dated 7 November 2007 requesting, amongst other things, for relief from the tipping fees. The RRC has already assisted in the disposal of a considerable quantity of spoil from this development however in relation to the remaining wastes still to be deposited it is recommended that an appropriate member of the RRC staff advise the Project Manager in the effective sorting and assessment of any potential reuse items in order to reduce charges that may be imposed at the RRC.*

Comments from Council's Environment & Health Manager

*Environment and Health required both soil and water sampling and analysis. This was required to establish if contaminants were present in both soil and groundwater. If there were contaminants the situation would have been different and remediation a strong possibility.*

*We also required sampling to ensure that disposal of the soil and water was environmentally responsible vis treatment options would have been required. This would have added significantly to the cost of the project.*

*Results show no contamination of either the soil or the groundwater on site now that the contaminated material has been removed. There is no requirement for any further site remediation.*

Comments from Council's Financial Services Manager

*The correct process is for a report to be submitted to Council for consideration once all the facts have been obtained.*

*The report should also acknowledge (the letter does not) the fact that Council has already approved funding up to \$87,500 from the Land Rental Reserve and provided an interest free loan of \$100,000 (also funded from the Land Rental Reserve) for this project in addition to the donating of the land.*

*Should Council wish to assist further in this matter, any approved funding should be included in the next quarterly budget review with funding to come from the Land Rental Reserve. This is where the \$87,500 contribution by Council is being funded from with reimbursement to be made from future S.94 contributions.*

**ATTACHMENTS**

There is one attachment to this report being the letter of request from the Wingecarribee Community Services Committee Inc.

**RECOMMENDATION**

1. THAT Council considers the request from Wingecarribee Community Services Centre Inc Committee for further assistance for the Wingecarribee Community Services Centre.
  2. THAT should Council support this request a supplementary vote be provided and a funding source confirmed.
-

**o-EP5 Building Professionals Board Audit Report**

REF: DCM

LUA05/0085; 5302/9

Reporting on final report received from the Building Professionals Board into its investigation of Council in its capacity as a Certifying Authority.

**REPORT**

A previous report to Council on 28 March 2007 outlined the results of an investigation by the Department of Planning relating to Council's role as a Certifying Authority (see **Attachment 1**). Council's responses outlined in this report were sent to the Department of Planning.

The investigation is now complete and the Board's disciplinary committee considered the report and endorsed the recommendations contained therein. On 31 August 2007, the Board noted the recommendations of the disciplinary committee and endorsed the recommendations contained in the investigation report.

The investigation results have been forwarded for Council's actions in accordance with Sections 45(4) and (5) of the *Building Professionals Act 2005*. The recommendations form **Attachment 2**.

In accordance with section 118P(4) of the *Environmental Planning & Assessment Act 1979* Council after receiving a copy of this report is to present the report to the next Council meeting.

1. Council review its procedures for receiving applications for construction certificates taking into consideration the requirements of clause 139 of the EP&A Regulation.

**Noted – see previous report. Council already carries out registration procedures. Date stamping being added to satisfy request.**

2. Council implement any changes necessary to ensure that all construction certificate applications are endorsed with the date of receipt immediately upon receipt of an application in accordance with clause 139(2) of the EP&A Regulation.

**See above.**

3. Council implement any changes necessary to ensure that all construction certificate applications contain the information and are accompanied by the documents, specified in Part 3 of Schedule 1 of the EP&A Regulation.

**Internal procedures already in place with BCA checklist required on relevant applications. Continued oversight of Class 2-9 consents required with authority to approve limited to Senior Buildings Surveyors.**



4. Council review its procedures for determining construction certificate applications and issuing construction certificates taking into consideration the requirements of clauses 145, 146, 147 of the EP&A Regulation.

**See comments in (3) above. Fire Safety schedules amended to distinguish between existing and new Fire Safety measures. The Trade Waste application previously outstanding was submitted in May this year.**

5. Council review its procedures to ensure that the decisions of the Council's officers in determining applications for construction certificates and in issuing construction certificates are adequately supported by appropriate documentation which is then retained on the relevant Council file.

**See comments in (3) and (4) above.**

#### ATTACHMENTS

There are two attachments to this report:

1. Previous report to Council of 28 March 2007.
2. Recommendations of the Board's disciplinary committee.

#### RECOMMENDATION

THAT Council review procedures for receipt and processing of applications where necessary to meet its Regulatory responsibilities as a Certifying Authority.

**o-EP6 Proposed Aldi Store, Old Hume Highway, Mittagong**

REF: DEP

LUA07/0613

Reporting on proposed Aldi store Old Hume Highway, Mittagong.

**REPORT**

This matter has been considered and deferred twice by Council previously. Both previous reports have been circulated separately.

The resolution of the Council meeting of 28 November was as follows:

*'THAT this matter be deferred for consideration at the next Ordinary Meeting of Council on Wednesday, 12 December 2007 to allow traffic issues relating to access through Woolworths and delivery and trading hours to be resolved.*

*'THAT this matter be referred as a supplementary report for consideration by the Traffic Committee on Monday, 3 December 2007.'*

In relation to the Traffic Committee, the matter was discussed at the meeting of December 3, with the following conclusion:

1. THAT providing a right turn into the development from the Old Hume Highway and a right turn out of the development creates undesirable conflict points noting there are over 10,000 vehicles per day on the Old Hume Highway at this location;
2. THAT the installation of the proposed roundabouts on the Old Hume Highway at Cavendish Street and at the Mittagong RSL be given high priority noting that they require to be funded out of Section 94 plans, which are still to be developed;
3. THAT it is to be noted that access through the Mittagong Marketplace is considered to be a safer option than creating right turns to and from the development on the Old Hume Highway;
4. THAT it is to be noted that permitting a U-turn at the Roscoe Street signals is not permissible due to the restricted turning circle;
5. THAT it is to be noted that a roundabout is not possible on the Old Hume Highway as an access for the development.

In relation to delivery and trading hours, the applicant has provided the following comments, which can be used to word appropriate conditions of consent.

*We note from the last Ordinary Meeting several Councillors concerns in relation to trading hours. We also note that there are no trading or delivery restrictions on the adjoining users. As well as affording no consistency in planning outcomes for an applicant ALDI believe that imposing such conditions on our business has the potential to place us at a competitive disadvantage.*

*However in recognition of some Councillors concerns ALDI is prepared to limit its trading hours to match those of Woolworths as they are currently however, should Woolworths hours change we will be seeking an amendment to these hours accordingly. As we understand it the current trading hours are:*

*Monday 7.30am - 10pm  
Tuesday 7.30am - 10pm  
Wednesday 7.30am - 10pm  
Thursday 7.30am - 10pm  
Friday 7.30am - 10pm  
Saturday 7.30am - 10pm  
Sunday 8am - 10pm*

*In relation to the delivery hours we note that Woolworths do not have any restrictions on delivery times. Further the loading access for Woolworths is the same path as that proposed for ALDI. Accordingly we can see no material benefit in restricting ALDI's three trucks a day (one truck being at night) when no restrictions limit the adjoining tenants. ALDI are not prepared to accept a restriction on delivery times. We reiterate that:*

- the site is zoned for commercial purposes and is situated on the Old Hume Hwy which is still used by many heavy vehicles;*
- there are no restrictions on neighbouring tenants;*
- ALDI trucks will be unloading at the rear of the site in a sealed dock environment;*
- ALDI trucks have the ability to turn off reversing beepers during after hours deliveries to help minimise noise;*
- ALDI trucks have the ability to turn off refrigeration units on trucks during after hours deliveries to help minimise noise.*

In relation to the access through adjoining properties including Woolworths, the applicant is continuing to progress this matter with the adjoining property owners. The following wording is appropriate for inclusion as a condition of consent:

*Reciprocal rights of carriage way shall be created between the subject property and the adjoining properties being Lot A DP377098 and Lot 11 DP1091676 in order to provide a two way path of travel for vehicles through the basement car parks of the sites, linking the Old Hume Highway through to Roscoe Street. Evidence of the required legal instrument being registered is necessary prior to the issue of an Occupation Certificate.*



In relation to the proposed Condition 18 requiring the applicant to purchase the existing right of carriageway that exists over Council owned Lot A DP26366, the applicant has objected to this condition on the grounds that it is unreasonable and unnecessary in the context of the assessment of this DA. It is considered that the proposed condition would be difficult to enforce if challenged and should be deleted. Council may wish to instigate separate negotiations with the land owner to divest itself of this piece of land.

### CONCLUSION

The Traffic Committee has reconsidered the matter and reconfirmed its original position. The applicant has endeavoured to address the issues put to it by Council. It is now appropriate that Council determine the matter.

### ATTACHMENTS

There are no attachments to this report although the two previous reports have been circulated separately.

### RECOMMENDATION

THAT Council support the approval of LUA 07/0613 and that the DEP be granted the delegation to issue an appropriately worded consent consistent with the inclusion of the store opening hours as set out by the applicant and the wording for the reciprocal rights of carriageway as set out in the report.

**o-EP7 Port O Call Hotel, Corner Bong Bong Street & Bundaroo Street, BOWRAL**

REF: DCM

LUA07/1187

Reporting on a proposal for a replacement Port O Call Hotel at Lot 10 DP 805345 Bong Bong Street and Bundaroo Street, Bowral. The decision to grant approval to demolish the original hotel was considered by full Council. Council successfully defended an appeal to the Land and Environment Court of a refusal of an earlier application.

**REPORT**

1. DESCRIPTION OF PROPOSED DEVELOPMENT

Proposed development

- The proposal is for a single storey Hotel development on the corner of Bong Bong and Bundaroo Streets, Bowral to replace the previously demolished Port O Call Hotel. The proposed maximum ridge height at 6.2m complies with the maximum permissible building height of 10m for the location (Refer to **Attachment 1** to this report).

2. STATUTORY CONSIDERATIONS

- The proposed motel development is identified as being 'Module 5' development under the Sydney Drinking Water Catchment REP No. 1 adopted 1 January 2007. Storm water disposal is proposed to be collected by Council's existing storm water infrastructure and the location is accessed by Council's sewer. Accordingly the application was not referred to the SCA and storm water disposal is proposed to be addressed by Council;
- Bong Bong Street is an RTA controlled road and Council is currently awaiting a formal response from its referral of the application to the RTA. It should be noted however that the RTA on 23 October 2006 did not raise any objections to the previous (refused) application for a hotel on the site which proposed identical access arrangements.

Wingecarribee Local Environmental Plan 1989

- The subject land is zoned Business 3(a) wherein a hotel is permitted with Council consent.

3. REFERRALS TO COUNCIL COMMITTEES

- The current application has not been referred to any other Council Committees.

4. PUBLIC CONSULTATION

- The application was referred to the Bowral Chamber of Commerce and the response is included as **Attachment 2** to this report.

## 5. INTERNAL STAFF COMMENTS

### **HERITAGE ADVISOR'S COMMENTS**

- Council's consultant Heritage Advisor's comments form **Attachment 3** to this report.

### **BUILDING ASSESSOR'S COMMENTS**

- The application is for DA only and does not include an application for a Construction Certificate. Accordingly a full BCA assessment has not been made however standard building conditions will apply.

### **ENGINEERING COMMENTS**

- A corner splay to Bong Bong and Bundaroo Streets is to be provided as per comments provided for the previous refused application and accepted by the Court.

### **MAJOR ISSUES ARISING**

- An existing valid consent (LUA04/0567) currently exists for a two storey hotel on the site. A subsequent development application for a single storey building (LUA06/0903) was refused by the Land and Environment Court on architectural grounds, principally objection to the proposed usage of corner tower elements in the design. The current application has been lodged by the applicant in consideration of the issues raised by the previous refusal and accordingly the corner tower elements have been removed. Council's heritage advisor has reviewed the submitted plans and recommends that the corner façade element be further reinforced in conjunction with rectangular motifs as opposed to pitched gables as previously discussed with the applicant prior to lodgement of the LUA. The proposed façade colour scheme (grey wall colour) is not supported by Council's Heritage Advisor, who has recommended a choice of warm earth tones.

### **PLANNING COMMENTS**

- Council's Heritage Advisor has commented that scope still remains for further architectural reinforcement of the corner building element and this would require the submission of amended plans. It is considered that the current proposal is generally in keeping with the streetscape and therefore has sufficient merit for favourable consideration by Council. The impact of the new development may be softened by the inclusion of semi-mature street trees to the Boolwey Street frontage. Street tree plantings to Bong Bong Street as requested by the Bowral Chamber of Commerce would require the building setback to be increased with the submission of amended plans. It is considered that a condition requiring street tree planting to Boolwey Street only would be a reasonable streetscape outcome for the location.

## 6. CONCLUSION

- The application addresses a number of the design issues previously raised by Council's Heritage Advisor within the current plans before Council. The overall bulk, scale and height of the development are considered to be appropriate for the location and consistent with the criteria for development contained within Council's DCP 46 'Bowral Sub-Regional Centre: Urban Design and Development Guidelines'.

It is considered therefore that the submitted plans warrant an approval

#### ATTACHMENTS

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

1. Site plan, elevations prepared by e-lecture drawings DA-01-03 dated 1.08.2007
2. Heritage Advisor's comments received 14 November 2007.
3. Draft conditions of consent

#### RECOMMENDATION

THAT Council delegates authority to the DEP to issue a consent to the development generally in accordance with the proposed conditions of consent forming **Attachment 3** to this report.

---

**o-EP8 Strata Subdivision: Lot 1 DP 780565 (former Coach & Horses Inn, c 1856)  
No 24 Jellore Street, Berrima**

REF: DCM

LUA07/0467

Reporting further on strata subdivision.

**REPORT**

At its Services & Infrastructure Committee meeting on 5 December 2007, it was resolved:

*'THAT this matter be deferred pending clarification with the NSW Heritage Council of the reason for the creation of Lot 3 instead of a common area AND THAT the matter be re-submitted to the Ordinary Meeting of Council to be held on Wednesday 12 December.'*

**ATTACHMENTS**

Attachments previously supplied.

**RECOMMENDATION**

THAT verbal advice be heard.

---

**o-EP9 S82A Review – Proposed 30 motel units including Manager’s residence,  
Cnr Dixon & Yarrowa Streets, Moss Vale**

REF: DCM

LUA07/0385

Reporting further on S82A for proposed 30 motel units.

**REPORT**

At its Services & Infrastructure Committee meeting on 5 December 2007, it was resolved:

*‘THAT the application be deferred to the Ordinary Meeting of Council to be held on Wednesday 12 December 2007 to allow the applicant to provide a legal mechanism by which permanent parking at the RSL Club is secured AND THAT this legal mechanism be referred to Council’s solicitor for comment.’*

**ATTACHMENTS**

Attachments previously supplied.

**RECOMMENDATION**

THAT verbal advice be heard.

---

**o-EP10 Report on Interim Heritage Order for Jackman's Cottage, Bundanoon**

REF: DEP

LUA07/1170

Reporting further on Interim Heritage Order for Jackman's Cottage, Bundanoon.

**REPORT**

At its Services & Infrastructure Committee meeting on 5 December 2007, it was resolved:

*'THAT Council takes the necessary steps to immediately issue an Interim Heritage Order over Lot 1 DP 307664 (Jackmans Cottage), Governors Road, Bundanoon AND THAT the applicant for LUA07/1170 be requested again to provide relevant information in relation to the potential of their proposal to cause physical damage to Jackman's Cottage.'*

**ATTACHMENTS**

Attachments previously supplied.

**RECOMMENDATION**

THAT verbal advice be heard.



Scott Lee  
**Director, Environment & Planning**

4 December 2007

## CORPORATE SERVICES DIVISION

### o-CS1 Committee Appointments & Resignations

REF: MAS 107/1, 7219/1

Reporting on Management Committee Appointments and Resignations.

#### REPORT

Robertson Community Centre Management Committee File No: 7219/1

The Robertson Community Centre Management Committee at its meeting held on the 21 November 2007 received the nomination of Jane Wilson.

#### Committee Recommendation

THAT Council appoints Jane Wilson to the Robertson Community Centre Management Committee and THAT Ms Wilson be notified of Council's determination.

#### ATTACHMENTS

There are no attachments to this report.

#### RECOMMENDATION

1. THAT Council appoints Jane Wilson to the Robertson Community Centre Management Committee AND THAT Ms Wilson be notified of Council's determination.
2. THAT the Robertson Community Centre Management Committee be notified of Council's determination.

**o-CS2 Reporting On Request To Enter Into Licence Agreement With Mvh-92.5fm  
(Moss Vale High Fm) For Use Of Mt Gibraltar Radio Facility**

REF. PO

7922; 7130/2; 1830/13

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

**REPORT**

Council owns and operates facilities for radio reception and transmission and has a licence with TWT Ltd of Fort Drummond, Wollongong, for the joint use of the adjacent tower on Mt Gibraltar.

The Station Manager of 92.5FM has contacted Council with a view to using the existing facilities on the tower at Mt Gibraltar to transmit radio broadcast.

According to the Station Manager, arrangements have been made between his station and Highlands FM for shared transmission.

Equipment will need to be attached to the existing radio equipment on the Mt Gibraltar facility currently used by Highland FM. Technical details of the cubicle used by Highland FM are as follows:

*Cubicle: 38 Highland FM  
Community FM Broadcast Transmitter 107.100 Tx High Power FM  
also 800 MHZ STL link Rx*

**BACKGROUND**

92.5FM allows young people of all cultures in the community to gain skills and access to opportunities in the multi-media field. The station is well established in the youth community and offers an important social role for the young people in a regional community that has limited opportunities for young people.

The Youth Liaison Facilitator of Council works with the Wingecarribee Youth council in the development of youth activities and opportunities for youth in the Shire.

The Youth Council host a regular show at 92.5FM which allows for the promotion of youth activities and also to discuss local youth issues with a cross section of the community however the majority of the youth population live outside the current transmitter radius.

**COUNCIL STAFF COMMENTS:**

Peter Bowmer, *Parks & Property Manager*:

Agrees in principle with the proposal, provided that a licence agreement is entered into and appropriate insurances effected by 92.5FM.

Michelle Williams, *Youth Liaison Facilitator*:

Strongly supports the efforts of 92.5FM to expand their transmission radius.

**CONCLUSION**

It is recommended that Council enter into a licence agreement with Moss Vale High – 92.5FM for transmission from the Mt Gibraltar radio facility so that the station is granted a stronger wider presence within the Wingecarribee and possibly adjoining Council areas to allow for increased youth participation.

**ATTACHMENTS**

1. Letter from technician.
2. Letter from Highlands FM.

**RECOMMENDATION**

1. THAT Council enters into a licence agreement with 92.5FM for the use of the Mt Gibraltar radio facility for a ten (10) year period.
  2. THAT the amount of the annual licence fee payable by 92.5FM to Council be determined by negotiation AND THAT the General Manager be delegated authority to finalise the terms of the licence in this regard.
  3. THAT the General Manager and Mayor execute the Licence Agreement under the Common Seal of the Council.
-

**ATTACHMENT 1**

To Sharon Hauptberger  
Wingecarribee Shire Council  
Property Officer

16-11-2007

Dear Sharon.

It is the intention of WYR-FM to co-locate transmission equipment with Highlands FM at the Mt Gibraltar transmission site in mid to late January 2008.

Attached is signed letter of agreement with Highlands FM regarding this matter.

I am still awaiting a letter from our technician Ian Clifford of IAC Communication. Ian is away working this week and is trying to fit the letter into his schedule. Ian has emailed me to say he hopes to post the letter today and I will forward this letter to you as soon as it is received.

From phone conversation this week I can inform you that a summary of Ian Cliffords assessment of the co-location is as follows:

- The Highlands rack is full, you will need a rack to house your equipment.
- The combiner is quite large and will need to stand adjacent to both station's racks.
- The antenna will work.

Regards  
Scott Gibson

Station Manager WYR-FM  
0413 390 334

WINGECARRIBEE SHIRE COUNCIL	
Classification:	MAILING
Doc. No.	7130/2
File No.	
16 NOV 2007	
OFFICER	ACTIC INFO
<i>Hauptberger</i>	

ORIGINAL  
SENT

ATTACHMENT 2



HIGHLAND MEDIA CO-OPERATIVE LTD.  
PO Box 214, Bowral, 2576  
Phone: [02] 4872 1119 Fax: [02] 4872 1118

Ms. Sharon Hauptberger  
Property Officer  
Wingecarribee Shire Council.

November 2<sup>nd</sup>, 2007

Dear Sharon,  
Subject to our Technician, Ian Clifford, being able to arrange it, we agree to WYR FM sharing our antenna on the WIN TV tower.  
WYR FM will make there own arrangements to transmit there signal. Both stations will use a "splitter" box to handle this.


We, Highland FM, need the following to be agreed upon and signed by the Chairman of WYR FM.

- (a) All technical arrangements that concern us must be handled by Ian Clifford.
- (b) Should our signal be degraded by this arrangement Ian Clifford will revert to our original set up before WYR FM was involved.( The Splitter Box Arrangement will be discontinued.)
- (c) WYR FM will pay all costs in setting up this arrangement.
- (d) We would expect some off set to the rent we pay to Wingecarribee Shire Council for the use of the position on the WIN TV tower.
- (e) Please return a signed copy of this letter to me at the above address before this arrangement is agreed upon.

Agreed and signed on behalf of WYR FM.



Graham Moir  
Station Manager

Signed Copy TO BE RETURNED  
TO US. Thanks  


**o-CS3 Easement For Grave Site, Lot 3 Deposited Plan 700397, Yuille Avenue, Bundanoon**

REF. PO

PN:1691500

Reporting on a request by the registered proprietors of Lot 3 Deposited Plan 700397 to consent to registration of an easement for grave site.

Council had previously approved the private burial of both Pena and Ivan Ivanov on the subject property.

The area of Lot 3 is 10.27 hectares (25.67 acres). The area of the burial sites is approximately is 596 m<sup>2</sup> with access via Evelyn Avenue.

Brian Raymond Silvia and Andrew John Love were appointed as Trustees of the subject property in accordance with Orders made by the Supreme Court of NSW on 25 February 2005 (Proceedings No. 6254/2004).

Order 4 of the Supreme Court Orders stated:

“4 ORDERS that the Trustees prior to the sale of the land take all necessary action to:

a) have the burial site of Pena Ivanov located on the land designated on the Title Deed of the land as a permanent record of its existence.

b) have the burial site of Ivan Ivanov located on the land designated on the Title Deed of the land as a permanent record of its existence.

c) make provision for permanent public access to the area occupied by the burial sites referred to in (a) and (b) above, and

(d) comply with the requirements of Wingecarribee Shire Council relating to a burial on private land,

(e) make provision for the burial of the defendant at the burial site on the property in due course if he or his Executors so desire. “

To enable the Trustees to comply with the Orders of the Supreme Court various alternatives were considered over time with Council's staff: The only viable alternative is the creation of an easement in gross to accommodate burial sites.

Council's Solicitor, Bohdan Bilinsky, has provided legal advice in relation to this matter and notes as follows:

1. Council can accept both an easement and a restrictive covenant to give effect to the request to create the private burial ground and to ensure that Council's conditions, including the fact that Council not be obliged to meet costs associated with the maintenance of the burial plots.
2. The appropriate easement would be a "right of footway" and "right of access".
3. Additionally, a restriction on the use of land should be imposed as the land will not be vested in Council.
4. The covenant attaching to the land should require the registered proprietor to maintain and repair and, in the event that the registered proprietor fails to perform the terms of the covenant, the costs of such work together with any interest thereon should become a charge against the land.
5. As the site is to be available to members of the public, Council would require the registered proprietors to effect appropriate Public Liability Insurance and provide evidence of such insurance to Council.
6. The terms of Council accepting an easement and restrictive covenant should include the payment of all costs associated by the applicants.

The Solicitors for the Trustees have now submitted the attached draft plan of Easement for Grave Site and Section 88B Instrument which sets out the terms of the easement, covenants and restrictions on the use, with Council being the authority benefited.

#### CONCLUSION

It is recommended that Council consent to the easement and enable the plans to be registered.

#### ATTACHMENTS

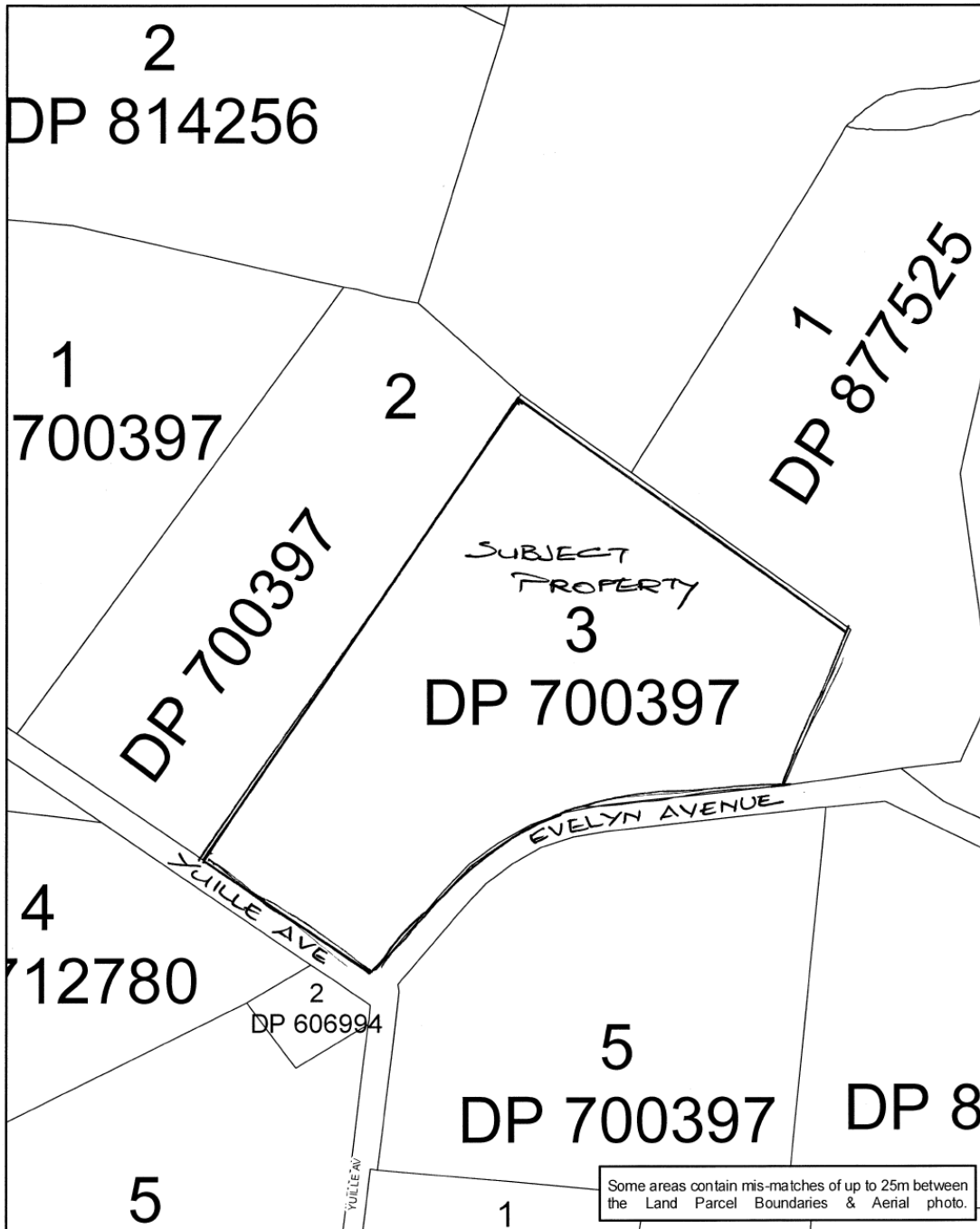
1. Location map.
2. Draft Plan of Easement for Grave Site.

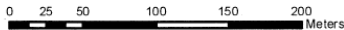

#### RECOMMENDATION

1. THAT the Plan of Easement for Grave Site pertaining to Lot 3 Deposited Plan 700397 be executed under the Common Seal of the Council.
2. THAT the Section 88B Instrument in relation to Lot 3 Deposited Plan 700397 be executed under the Common Seal of the Council to enable the plan to be registered at the Lands Department.
3. THAT all costs of Council associated with the approval and registration of the easement be met by the Trustees, Brian Raymond Silvia and Andrew John Love.

**ATTACHMENT 1**

**Wingecarribee Shire Map**



 <p>Produced by the GIS Section, Wingecarribee Shire Council.</p> 	<p><b>Data Disclaimer</b></p> <p>Any information (numerical or otherwise), representation, statement, opinion or advice expressed or implied in this publication is made in good faith but on the basis that the council of the shire of Wingecarribee, its agents and its employees are not liable (whether by reason of negligence, lack of care or otherwise) to any person for any damage or loss whatsoever which has occurred or may occur in relation to that person taking or not taking (as the case may be) action in respect of any information, representation, statement, or advice referred to above.</p> <p>Copyright © Wingecarribee Shire Council, Copyright © Department of Lands 2007</p>
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**o-CS4 Transfer of Trusteeship of the Wingello Literary Institute to Council**

REF: PO

7223/1

Reporting on a request by Wingello Mechanics Institute Hall Association Inc to transfer the trusteeship of Wingello Literary Institute, Lot 5 Section 2, Village of Wingello to Wingecarribee Shire Council.

REPORT

HISTORY

On 17 December 2003 Council resolved as follows:

OC309/03

1. *THAT Council pursue the transfer of trusteeship with the Department of Lands for capital grant funding for the Wingello Literary Institute to Wingecarribee Shire Council if possible on 1 July 2004.*
2. *THAT an amount for maintenance be referred to the forthcoming budget deliberations in the event that the property is transferred to Council.*
3. *THAT in the event the transfer in 1. above takes place, Council proceed to establish a formal Management Committee to manage and control the Hall in accordance with Section 355 of the Local Government Act, 1993.*

Despite the above resolution having been made in December 2003, there were concerns of the Wingello Mechanics Institute Hall Association Inc relating to the transfer of the trusteeship and further discussions and negotiations ensued.

On Wednesday, 18 October 2007, a public meeting was held by Wingello Mechanics Institute Hall Association Inc and Department of Lands, Goulburn, to discuss the future "ownership" of the Wingello Hall with all interested members of the community invited to attend. Trustees to whom the reserve was entrusted have now all presumably deceased.

The reserve will vest in the Crown as a reserve for community purposes. A reserve trust must be appointed to manage the reserve. A new trusteeship needs to be established to create a legal entity with the rights to manage the reserve.

A reserve trust is corporation established under the Crown Lands Act 1989. The Trust is responsible – under the oversight of the Minister – for the care, control and management of a specific Crown Reserve. Reserve Trusts are not conducted for private profit. Trusts can be managed by corporate managers, ie Council, or a community trust board.

The Department of Lands must make a recommendation to the Minister to revoke the existing dedication and rededicate the land for community purposes. Community support was sought by Lands for transfer. This support has now been received – copy of letter dated 7 November 2007 from Wingello Mechanics Institute Hall Association Inc is attached.

It has been requested that Council take on the trusteeship of the reserve, with the community association operating as a Section 355 Committee to manage the day to day care, use and control of the hall.

Council will have ongoing insurance and building maintenance liability.

### CONCLUSION

As the Wingello Mechanics Institute Hall Association Inc have finally voted in favour of Council being appointed to manage the affairs of the reserve, a Section 355 Committee appointed to manage the day to day running of the hall for Council, it is recommended that Council proceed with the transfer of trusteeship as soon as practicable.

### ATTACHMENTS

1. Letter from Wingello Mechanics Institute Hall Association Inc dated 9 November 2007.
2. Minutes from 17 December 2003.

### RECOMMENDATION

1. THAT Council request the Department of Lands to transfer the trusteeship of the Wingello Literary Institute, Lot 5 Section Village of Wingello to Council to Council.
2. THAT the affairs and day to day management, care and control of the hall be operated by a Committee under Section 355 of the Local Government Act 1993.
3. THAT the Minister's consent be sought for the revocation of the existing reserve and the reserve being dedicated as a reserve for community purposes.
4. THAT Council seek the consent of the Minister to establish the name of the new trust to be Wingello Mechanics Institute Hall Reserve Trust.
5. THAT the General Manager and Mayor of Council execute the transfer or agreement form under the Common Seal of the Council.

**ATTACHMENT 1**

Wingello Mechanics Institute Hall  
Assoc Inc

Jeffery Lane  
Penrose 2579  
Ph 4884 4271

9<sup>th</sup> November 2007

Dept of Lands  
PO Box  
GOULBURN 2580

Attention: Noel Perrin

**RE: Transfer of Trusteeship to the Wingecarribee Shire Council  
of the Wingello Literary Institute**

Dear Noel

Following the public meeting on the 17<sup>th</sup> October, 2007 at the Wingello Hall with representation from the Wingecarribee Shire Council and Dept of Lands, presenting relative information regarding the transfer of trusteeship of the Wingello Literary Institute, the local community and the current hall management committee voted in favour of the Wingecarribee Shire Council being appointed to manage the affairs of a corporate trust board of a new reserve to be established over the Wingello Literary Institute on the condition that the Local Government Section 355 Committee, made up of local community members, be appointed to manage the day to day running of the hall for Council.

The local community and current hall management committee agree that -

- the land is to remain Crown Land under the ownership of the State of New South Wales.
- the dedication for the Wingello Literary Institute is to be revoked and that a new Crown Lands Act Reserve, for a more appropriate purpose, be created.
- a Reserve Trust be named and established under the Crown Lands Act and the new name to be Wingello Mechanics Institute Hall Reserve Trust

Please confirm in writing that this action will now proceed.

Yours sincerely

Sylvia Jeffery  
Hon President



**ORDINARY MEETING OF COUNCIL**  
held in the Council Chamber, Civic Centre, Elizabeth Street,  
Moss Vale on Wednesday, 12 December 2007



**REPORT OF DIRECTOR CORPORATE SERVICES**

**ATTACHMENT 2**



**MINUTES OF ORDINARY MEETING OF COUNCIL**  
held in the Council Chamber, Civic Centre, Elizabeth Street,  
Moss Vale on Wednesday, 17 December 2003



**REPORT OF DIRECTOR CORPORATE SERVICES**

**CORPORATE SERVICES DIVISION**

o-CS1	<b>PROPOSED TRANSFER OF TRUSTEESHIP OF WINGELLO LITERARY INSTITUTE TO COUNCIL</b>
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REF. DCS	7223
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Reporting on the proposed transfer of trusteeship of Wingello Literary Institute Lot 5 Section 2 Village of Wingello to Wingecarribee Shire Council.

**OC 304/03**

The Committee on a MOTION moved by Clr P J Yeo seconded by Clr H J Carter  
**RECOMMENDED:**

1. **THAT Council pursue the transfer of trusteeship with the Department of Lands for capital grant funding for the Wingello Literary Institute to Wingecarribee Shire Council if possible on 1 July 2004.**
2. **THAT an amount for maintenance be referred to the forthcoming budget deliberations in the event that the property is transferred to Council.**
3. **THAT in the event the transfer in 1. above takes place, Council proceed to establish a formal Management Committee to manage and control the Hall in accordance with Section 355 of the Local Government Act, 1993.**

**PASSED**

**o-CS5 Dedication of Splay Corner as Public Road, Cnr Bowral and Station Streets, Bowral**

REF. PO

PN 233400; LUA 05/0732; LUA 07/0349

Reporting on request to dedicate a splay corner as public road at the corner of Bowral Street and Station Street, Bowral.

**REPORT**

The construction of the roundabout is ancillary to the matter raised in the Service & Infrastructure Meeting on 5 December 2007 relating to 68 Station Street Bowral development. (Ref: SI-EP5)

To accommodate construction of a new roundabout at the corner of Bowral Street and Station Street, Bowral, it is necessary to dedicate the splay corner as (as defined by survey) as public road. The splay corner is adjacent to Lot 1 Deposited Plan 746864. The registered proprietor of Lot 1 Deposited Plan 746864 is Angus Property & Developments Pty Ltd.

Section 10 of the *Roads Act 1993* gives Council the authority to dedicate the splay corner as public road:

**"10 Land held by RTA or by councils**

- (1) *The RTA or a council may, by notice published in the Gazette, dedicate any land held by it (including land acquired by it under Division 1 of Part 12) as a public road.*
- (2) *On the publication of the notice, the land is dedicated as a public road."*

**BUDGET IMPLICATIONS**

The total cost of the roundabout construction and ancillary works will be funded through Section 94 contributions.

**CONCLUSION**

It is recommended that Council proceed with the dedication of the splay corner so that the construction of the roundabout, at the corner of Bowral and Station Streets Bowral, can proceed.

**ATTACHMENTS**

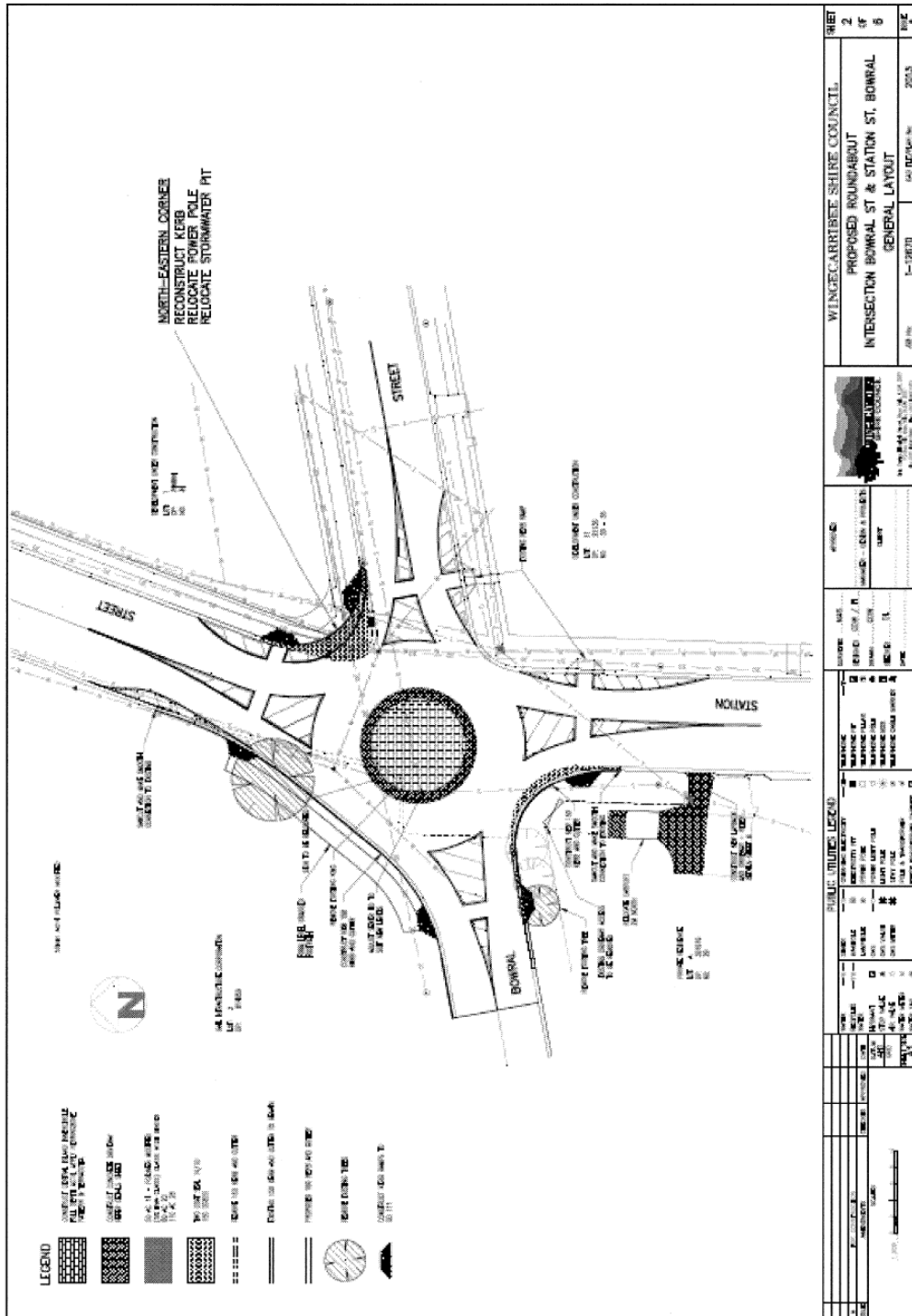
There is one attachment to this report (Design plan)

**RECOMMENDATION**

1. THAT the Plan of Redefinition of Lot 1 Deposited Plan 746864 for the dedication of the splay corner be executed under the Common Seal of the Council AND THAT the Plan of Redefinition be lodged for registration at the Department of Lands following execution.
  2. THAT the splay corner defined in the Plan referred to in 1 above be dedicated as Public Road by notice in the Government Gazette.
-

**REPORT OF DIRECTOR CORPORATE SERVICES**

**ATTACHMENT 1**





**o-CS6 Request For Donation – Bowral Public Hospital Breast Cancer Unit**

REF. PO 2155/1, 1671/8

Requesting financial assistance to Bowral Public Hospital from the Tulip Time budget surplus.

**REPORT**

The Tulip Time Committee have recommended that Council make a donation toward the cost of a sentinel probe machine for the breast cancer unit of Bowral Public Hospital.

The sentinel probe eliminates the need for patients with early stages of breast cancer to have lymph nodes removed as part of their treatment – a major operation that can often cause lymphoma. Local breast cancer surgeon Dr Kim has to rent a sentinel probe at significant cost from the Bowral Private Hospital to treat patients in the Public Hospital, or otherwise the patients have to travel to Sydney for access to this machine.

If Bowral Public Hospital can purchase the sentinel probe, the hospital will be able to offer all of the people in the Southern Highlands local access to the latest surgical treatment for breast cancer.

The cost of the probe is \$30,000.00. The Mittagong-Bowral Rotary Club has kindly donated \$15,000.00 toward the purchase of the sentinel probe.

The Tulip Time Committee have requested that Council match the Rotary donation, with a donation of a further \$15,000.00 from the Tulip Time budget surplus. This donation from Council would enable the Bowral Public Hospital to purchase the sentinel probe and provide local people with the latest surgical treatment for breast cancer.

**BUDGET IMPLICATIONS**

The 2007 Tulip Time Festival was a great success due to the strong support shown by visitors for the McGrath Foundation Charity. It was the mission of Tulip Time in 2007 to raise funds for the McGrath Foundation AND the local breast cancer unit in the Southern Highlands.

The 2007 Festival generated an income of \$345,000.00. With anticipated expenditure of \$270,000.00, this leaves a projected surplus of approximately \$75,000.00 in the Tulip Time budget.

## CONCLUSION

Due to the benefits of the sentinel probe in the treatment of patients with early symptoms of breast cancer, it is recommended that Council donate \$15,000.00 from the Tulip Time Budget to the Bowral Public Hospital to enable the hospital to purchase the sentinel probe.

## ATTACHMENTS

There is one (1) attachment to this report (Letter from Dr Kim MBBS (Syd) FRACS.)

## RECOMMENDATION

1. THAT Council allocates \$15,000.00 from the surplus generated from the 2007 Tulip Time Festival to Bowral Public Hospital for the purchase of a sentinel probe breast cancer machine AND THAT this amount be funded from the Tulip Time Budget.
  2. THAT appropriate arrangements be made for the Mayor and Chairperson of the Tulip Time Committee, Clr May King to present the cheque to representatives from Bowral Public Hospital.
-



## ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,  
Moss Vale on Wednesday, 12 December 2007

## REPORT OF DIRECTOR CORPORATE SERVICES



### ATTACHMENT 1

#### **DR JOON KIM**

MBBS (SYD) FRACS

*GENERAL SURGEON*

*BREAST SURGEON*

*LAPAROSCOPIC SURGEON*

SUITE 13/70 BOWRAL ST

BOWRAL NSW 2576

PHONE: 02 4861 3911

FAX: 02 4861 6370

PROVIDER NO: 227864BA

There has been a major advance recently in the surgical management of breast cancer called the sentinel node biopsy technique. Research has shown that this technique offers significant benefits to early breast cancer patients.

Previously breast cancer surgery involved removing the tumour as well as the lymph nodes in the axilla (armpit). When breast cancer cells begin to escape from the primary tumour site they travel to the lymph nodes in the axilla. These nodes need to be removed to see if any are involved, as this will determine whether further treatment, such as chemotherapy will be required after the surgery. This standard axillary node clearance is a major procedure requiring an extended stay in hospital and has potential complications such as lymphoedema (arm swelling) and numbness.

Sentinel lymph node biopsy is a new diagnostic procedure used to determine whether breast cancer has spread to axillary lymph nodes without the need to perform a full axillary node clearance. It has become the standard of care in breast cancer surgery after numerous international trials have shown its significant benefits.

As mentioned above, breast cancer cells spread to the lymph nodes in the axilla and the first lymph node they reach is called the "sentinel" (ie guard) lymph node. They then spread in an orderly manner from the sentinel node to the other nearby lymph nodes. A sentinel lymph node biopsy requires the removal of only one to three of these sentinel lymph nodes for close review by a pathologist. If the sentinel nodes do not contain cancer cells then the subsequent lymph nodes should also not contain cancer cells. This will eliminate the need to remove additional lymph nodes in the axillary area, which in turn will significantly reduce the risk of pain, numbness and lymphoedema. It will also allow the patient to go home either the same or following day after surgery.

The sentinel node technique involves a blue dye and a special tracer substance being injected into the area around the original cancer site. The dye and tracer substance follow the drainage pathway of the cancer cells into the sentinel node. The sentinel node is identified by using a special probe to detect the tracer and also by the blue discoloration and is then removed. Using both techniques improves the accuracy rate from about 65% to 95%.

A special gamma probe machine is needed to detect the radioactive tracer and therefore the sentinel node. This piece of equipment costs approximately \$30 000. Unfortunately Bowral and District Hospital does not have this equipment and therefore this service can only be provided in the public hospital by either renting the one owned by the Southern Highlands Private Hospital at significant expense to the public hospital or by the patient having to travel to a Sydney Hospital.

By purchasing this special probe, Bowral & District Hospital will be able to offer all the people of the Southern Highlands local access to the latest surgical treatment for breast cancer.

**o-CS7 2007/2008 Loan Program**

REF. FSM

2130/2007

Submitting a report on Council's 2007/2008 Loan Borrowing Program.

**REPORT**

Council's 2007/2008 Management Plan provides for Loan Funds of \$1 million to be utilised for Capital Works at the Resource Recovery Centre including the Transfer Station, Mezzanine Floor at the Reviva Centre, C & D Sorting Shed, and the purchase of Excavators.

Council also resolved on 7 November 2007 to the purchase and operation of the Vertical Composting Unit at the Resource Recovery Centre, and that the Mayor and General Manager be authorized to negotiate the final purchase of the VCU. Loan Funds of \$1 million are required to fund this acquisition.

Quotes for this Loan have been received from Westpac, the Commonwealth, and National Australia Bank. The National Australia Bank provided the most competitive rates with an indicative quote of 7.30%. Details are as follows;

**RESOURCE RECOVERY CENTRE**

Lending Authority	National Australia Bank
Amount to be borrowed	\$2,000,000.00
Interest Rate	7.30% per annum
Period	5 Years on 15 Yr basis
Repayments	Quarterly, principal and int.

The Local Government borrowing rate for a 5 year loan on 4 December 2007 was 7.73% per annum. Council has been able to negotiate the loans at a reduction of 0.43% per annum. This represents a saving to Council of \$8,600 per annum for the Waste Fund.

**RECOMMENDATION**

1. THAT Council accepts the National Australia Bank's offer to provide a loan for the Resource Recovery Centre of \$2,000,000.00.
2. THAT the Mayor and General Manager be authorised to sign the necessary documentation under the Common Seal of Council.

Barry W Paull  
**Director Corporate Services**

7 December 2007

**PETITION**

**OTHER MATTERS**

**PETITION**

**c-P1 Petition Received Regarding Berrima Camping Reserve**

REF.	TE	7460/8
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Reporting on a petition signed by 379 residents and visitors to the area of Berrima supporting the continued use of Berrima Reserve as a Camping and Picnic Area.

**REPORT**

A copy of the petition and letter will be placed in the Councillor's Room and tabled at the meeting.

Comment of Director Technical Services

A Plan of Management is being progressed by Council's Property Officer. Part of this process will provide community consultation on the appropriate future use of the site.

Once a Council resolution has been reached, the recommendations will be forwarded to the Lands Department for confirmation of the land use and its classification.

Current signage precludes camping and Council Rangers are patrolling the area.

**ATTACHMENTS**

There are no attachments with this report.

**RECOMMENDATION**

THAT the information be received and noted.

**COMMITTEE REPORTS**

**COMMITTEE REPORTS TABLED**

**c-CR2 Management and Advisory Committee Reports**

REF.	DCS	107/1
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Submitting minutes of the following eight (8) Committee meetings that will be tabled for information.

**REPORT**

1. Bong Bong Common Management Committee meeting Tuesday 28 August 2007
2. Hampden Park Management Committee meeting Wednesday 3 October 2007
3. Hill top Community Centre Management Committee meeting Thursday 15 November 2007
4. Moss Vale Senior Citizens and Community Centre Management Committee meeting Monday 19 November 2007
5. Strategy & Finance Committee meeting Wednesday 28 November 2007
6. East Bowral Community Centre Management Committee meeting Tuesday 27 November 2007
7. Mittagong Memorial Hall Management Committee meeting Thursday 1 November 2007
8. Water & Sewer Advisory Committee meeting Wednesday, 31 October 2007

**ATTACHMENTS**

There are no attachments to this report.

**RECOMMENDATION**

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



**COMMITTEE REPORTS**

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**COMMITTEE REPORTS ATTACHED**

**c-CR2      Minutes of the Traffic Committee** (*Refer Minutes page 96*)

REF.	TE	107/7
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Submitting Minutes of the Traffic Committee meeting held Monday, 3 December 2007.

**RECOMMENDATION**

THAT recommendation Nos: TC 134/07 to TC 155/07 as detailed in the minutes of the Traffic Committee meeting held Monday, 3 December 2007 be adopted.

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**c-CR3      Moss Vale Master Plan Sunset Working Group** (*Refer Minutes page 106*)

REF.	DEP	1603/28
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Submitting Minutes of the Moss Vale Master Plan Sunset Working Group meeting held Monday, 3 December 2007.

**RECOMMENDATION**

THAT the recommendations as detailed in the minutes of the Moss Vale Master Plan Sunset Working Group meeting held Monday, 3 December 2007 be adopted.

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**MINUTES OF THE TRAFFIC COMMITTEE MEETING  
HELD ON MONDAY, 3 DECEMBER 2007**

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*File No. 1077*

**COMMENCING AT: 10.30am**

**PRESENT:** Clr Duncan Gair (Chairperson)  
Mr Danny Benedetti, Roads & Traffic Authority  
Snr Constable, Chris Wildbur - NSW Police  
Mr John Brew (Representing Member for Goulburn, Pru Goward)  
Mr Frank Perger, Traffic Engineer  
Ms Charmaine Cooper, Road Safety Officer  
Ms Tracey Greenacre, Secretary

**ALSO  
PRESENT:** Clr Gordon Lewis (item 8)  
Frank Iacono  
Les Pawlak  
Mr Christopher Welsh - Oxley College (item 8)  
Mr Lemann – Oxley College (item 8)

**APOLOGIES:** Nil

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**1 REPORT OF THE TRAFFIC COMMITTEE MEETING HELD 22 OCTOBER 2007**

REF	TE	107/6
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Reporting on the Traffic Committee meeting held on 22 October 2007.

Note: Consideration of the Minutes from the Traffic Committee meeting was deferred from the Council Meeting held on 28 November 2007 to 12 December 2007.

**TC 134/07**

RECOMMENDATION
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THAT the information be received and noted

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## **2 ROAD SAFETY OFFICER PROGRESS REPORT**

REF. RSO	7410/5
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Reporting on promotions and activities of the Road Safety Officer

### **TC 135/07**

RECOMMENDATION
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THAT the projects/campaigns completed or commenced by Council's Road Safety Officer in the last quarter be noted, including:

- U-Turn the Wheel program held 16 November and 4 December
  - Road Safety Audit training days
  - Macquarie Pass Motorcycle Safety Day
  - Bike Plan consultation commenced
  - Expansion of Report A Hazard website
  - Secondary Supply to underage drinkers campaign
- 

## **3 TRAFFIC MANAGEMENT PLAN FOR MITTAGONG**

REF. TE	7460/25
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Reporting on the Traffic Management Plan for Mittagong.

### **TC 136/07**

RECOMMENDATION
----------------

1. THAT the Traffic Management Plan for Mittagong be submitted to the Roads & Traffic Authority and once comment has been received, Council's Design & Projects Branch to present the plans to Council at a Information Session;
  2. THAT pedestrian safety in the vicinity of the Bessemer Street underpass be investigated with a view of improving access for pedestrians and cyclists and that the issue be reviewed as part of the update of Council's Bike Plan;
-

**4 TRAFFIC SIGNALS AT BOWRAL ROAD AND BESSEMER STREET, MITTAGONG**

REF. TE	7456, RD3118, RD8260
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Reporting on investigations into improving safety at the traffic signals at the intersection of Bowral Road and Bessemer Street, Mittagong.

**TC 137/07**

**RECOMMENDATION**

THAT Council note that the Roads & Traffic Authority is continuing to carry out analysis of the intersection of Bessemer Street and Bowral Road, Mittagong.

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**5 RIGHT TURN BAN AT OLD BOWRAL ROAD/BOWRAL ROAD IN MITTAGONG**

REF. TE	7460/25
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Reporting on a proposal to ban the right turn from Old Bowral Road into Bowral Road

**TC 138/07**

**RECOMMENDATION**

THAT the right turn out of Old Bowral Road at the junction of Bowral Road (MR260) nearer Bowral not be banned AND THAT the matter be kept under review.

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**6 SAFETY ISSUES AT MOSS VALE ROAD/KANGALOO ROAD/FUNSTON STREET ROUNDABOUT, BOWRAL**

REF. TE	RD8260, RD8261
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Reporting on an inspection of the roundabout at the intersection of Moss Vale Road, Kangaloon Road and Funston Street in Bowral.

**TC 139/07**

**RECOMMENDATION**

THAT a night time inspection of the roundabout delineation at the intersection of Moss Vale Road, Kangaloon Road and Funston Street in Bowral be undertaken and reported back to the next Traffic Committee Meeting.

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## **7 TRAFFIC ISSUES IN BOWRAL**

REF. TE
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7410
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Reporting on various traffic issues in Bowral

### **TC 140/07**

RECOMMENDATION
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1. THAT a plan and estimate to install a concrete median on Mittagong Road (MR260) at Cliff Street, Bowral be prepared AND THAT the design be submitted to the Roads & Traffic Authority for funding;
  2. THAT it is to be noted that the ultimate traffic arrangement on Mittagong Road is expected to be traffic signals at Oxley Drive and a median opposite Cliff Street which only permits left in and left out;
  3. THAT it is to be noted that the eastbound approach to Station Street only 4.5m wide and is too narrow to mark lane lines and single turn arrows, hence the existing double turn arrows;
  4. THAT the matter of pedestrian signals replacing the pedestrian crossing on Bong Bong Street was discussed at the Traffic Committee meeting on 22 October 2007 with the Traffic Committee recommending that the existing pedestrian crossing is the preferred traffic facility at this location.
-

**8 BUS BAY FOR OXLEY COLLEGE**

REF. TE	RD1914, 7321/1
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Reporting on options for a bus bay for Oxley College

**TC 141/07**

**RECOMMENDATION**

1. THAT a design and estimate be prepared for a bus bay on the northern side of Osborne Road, Burradoo outside Oxley College including pavement widening to allow buses to turn at the western end of Osborne Road;
  2. THAT funding for the bus bay be sought from the Roads and Traffic Authority;
  3. THAT Council endorse the option of constructing a bus bay on Osborne Road outside Oxley College;
  4. THAT consideration be given to erecting a bus shelter in Osborne Road beside the proposed bus bay;
  5. THAT the residents of the western end of Osborne Road be consulted once funding has been confirmed;
  6. THAT the improvements to the intersection of Osborne Road and Sullivan Road be funded from Sec 94 Contributions.
- 

**9. AUSTRALIA DAY PARADE AT BERRIMA IN 2008**

REF. TE	7420/6, 1671/2
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Reporting on the Australia Day Parade through Berrima in 2008

**TC 142/07**

**RECOMMENDATION**

THAT permission be granted to hold the Australia Day Parade on Thursday 26 January 2008 subject to the satisfactory completion of all requirements detailed in the Roads and Traffic Authority's Guide to Traffic and Transport Management for Special Events for a class 2 event and Council's Manual for Planning a Public Event.

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**10 ROAD SAFETY ISSUES ON GLEBE STREET, BOWRAL**

REF. TE	RD1553, 7410
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Reporting on road safety issues on Glebe Street, Bowral.

**TC 143/07**

**RECOMMENDATION**

THAT traffic classifiers be placed on Glebe Street, Bowral to determine the extent of speeding vehicles.

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**11 WALK BENDIGO**

REF. TE	7410
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Requesting information on "Walk Bendigo".

**TC 144/07**

**RECOMMENDATION**

THAT the information be received and noted.

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**12 SPEEDING ON MACK STREET, MOSS VALE**

REF. TE	RD3375
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Reporting on results of a traffic classifier placed in Mack Street, Moss Vale

**TC 145/07**

**RECOMMENDATION**

THAT the Police continue to carry out surveillance in Mack Street, Moss Vale.

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**13 VARIOUS MATTERS ON CARRINGTON FALLS ROAD**

REF. TE	7410, RD3650
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Requesting various matters on Carrington Falls Road.

**TC 146/07**

**RECOMMENDATION**

1. THAT a Stop sign and markings be installed on the unnamed road to Nellies Glen at its junction with Carrington Falls to make the traffic priority clear;
  2. THAT the National Parks & Wildlife Service be notified of Council's decision.
- 

**14 PARKING RESTRICTIONS IN MITTAGONG**

REF. TE	7460/25
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Reporting on the need for parking restrictions on the Old Hume Highway in Mittagong.

**TC 147/07**

**RECOMMENDATION**

THAT a No Stopping zone be signposted on the northern side of the Old Hume Highway from opposite the Shell Truck stop to Roscoe Street in Mittagong.

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**15 BUS ZONES IN BOWRAL STREET, BOWRAL**

REF. TE	7321
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Requesting a relocation of the bus zone in Bowral Street, Bowral.

**TC 148/07**

**RECOMMENDATION**

1. THAT the bus zone on the southern side of Bowral Street outside the Bowral Public Hospital be moved eastward by 30 metres;
  2. THAT the bus zone on Bowral Street outside the Bowral Medical Centre be extended to restrict parking from occurring too close to the eastern driveway.
-

**COMMITTEE REPORTS**

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**16 CURVE ON ILLAWARRA HIGHWAY AT WILSON LANE**

REF. TE	RD8025
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Reporting on the curve on Illawarra Highway at Wilson Lane.

**TC 149/07**

**RECOMMENDATION**

THAT the positioning of the chevron alignment markers on the northern side of the Illawarra Highway east of Wilson Lane be investigated by the Roads and Traffic Authority.

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**17 BUS ZONES IN BENDOOLEY STREET, WELBY**

REF. TE	7321
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Requesting a bus zone be signposted on Bendooley Street, Welby.

**TC 150/07**

**RECOMMENDATION**

THAT a bus zone be signposted on Bendooley Street south of the Old Hume Highway in Welby outside the Welby Garden Centre.

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**18 DATE OF THE NEXT TRAFFIC COMMITTEE MEETING**

REF. TE	107/6
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Reporting on the date for the next Traffic Committee meeting

**TC 151/07**

**RECOMMENDATION**

THAT the next Traffic Committee meeting be held in the Joadja Room at 9.30am on Monday 18 February 2007.

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**ADDITIONAL ITEMS**

**ADDITIONAL ITEM 1**

**TRAFFIC ARRANGEMENTS FOR BURRAWANG EASTER SATURDAY FAIR**

REF. TE	7420/6, 1690/1
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Reporting on traffic arrangements for the Burrawang Easter Saturday Fair in 2008.

**TC 152/07**

**RECOMMENDATION**

THAT permission be granted to hold the Burrawang Easter Saturday Fair on Saturday 22 March 2007 subject to the satisfactory completion of all requirements detailed in the Roads and Traffic Authority's Guide to Traffic and Transport Management for Special Events for a class 2 event.

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**ADDITIONAL ITEM 2**

**BUS ZONE ON BESSEMER STREET, MITTAGONG**

REF. TE	7321
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Requesting that the bus zone on Bessemer Street, Mittagong be moved north.

**TC 153/07**

**RECOMMENDATION**

THAT the bus zone on Bessemer Street, Mittagong be moved slightly north;  
THAT the western side of Bessemer Street be signposted as a No Stopping between the traffic signals and the bus zone.

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**ADDITIONAL ITEM 3**

**SIGNALISED RAIL LEVEL CROSSING OFF RAILWAY ROAD, BURRADOO**

REF. TE
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RD 1917
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Reporting on signalisation of the rail level crossing off Railway Road, Burradoo.

Note: The proposed works at the level crossing have been proposed by the Level Crossing Committee and are fully funded by the Roads & Traffic Authority.

**TC 154/07**

RECOMMENDATION
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THAT Council Plan No. 1953 showing civil works associated with the signalisation of the rail level crossing off Railway Road in Burradoo be endorsed, including reconstruction of the rail crossing and parts of Railway Road and the private road on the western side of the rail line.

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**ADDITIONAL ITEM 4**

**CHANGES TO DEVELOPMENT (TRAFFIC) COMMITTEE RECOMMENDATIONS**

REF. TE
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107/6
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Requesting that the members of the Regional Traffic Committee or Development (Traffic) Committee be advised if changes are made to recommendations.

Note: Council must seek written comments from the Roads & Traffic Authority for all developments on classified roads or affecting classified roads;

Note: With regard to LUA referrals, the NSW Police advised that under Section 79C of the EP&A Act an agreement had been reached previously with Council's General Manager such that LUAs involving licensed premises and child care centres be submitted to LAC for comment. The details of this agreement are to be confirmed.

**TC 155/07**

RECOMMENDATION
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THAT if recommendations from the Regional Traffic Committee or Council's Development (Traffic) Committee are changed, then reasons should be provided in writing to the members of the relevant committee.

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**MINUTES OF THE MOSS VALE MASTER PLAN SUNSET WORKING GROUP MEETING  
HELD ON MONDAY 3 DECEMBER 2007**

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*File No 1603/28*

<b>PRESENT:</b>	Clr D Gair (Chairman) Bob Conyers (Community rep) David Luckie (Community rep) Steve Newton (Community rep) Graeme Smith (Community rep) Kathy Barnsley (Community rep)
<b>APOLOGIES:</b>	Denis Cribbin (Rotary) Bob Murray (Chamber of Commerce) Scott Lee, Director E&P

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The Meeting commenced at 4.05pm.

**MINUTES OF THE PREVIOUS MEETING HELD 8 October 2007**

**RECOMMENDATION**

THAT the Minutes of the Moss Vale Master Plan Meeting held on 8 October 2007 be adopted, subject to clarification of those comments advised by Steve Newton that were not recorded in the Minutes as follows:

- Comments regarding future planning and '*doing better with what we have,*' and not being concerned about the loss of spaces.
  - If looking at re-inventing the area, closing the end of the street so there is no through-road.
  - Survey of how many are using the supermarket carpark, and those trying to access Argyle Street.
  - Contacting the Police formally to clarify issues and providing them with a sketch of positive possibilities.
  - Clarence Street being two-way where vehicles feed off into other areas, but reduce traffic and maintain pedestrian safety in east/west direction. However, come in to Tuckerbag from the top.
- 

**Carparking Clarence Street**

The Chairman advised that two meetings have been held on parking strategy, and also in discussions regarding the Sydney / Canberra Corridor. Meetings will continue to be held next year regarding the position of the local Police, and outlining our position on long term strategy. Also to discuss policing of Mack Street.

The narrowness of Clarence Street in relation to making it two-way was previously raised by Council's Design & Projects Manager. He has also advised that Clarence Street will continue to be a project in 2008.

### ***Diamond Jubilee Park***

The scope of the Committee's criteria has now narrowed to the Leighton Gardens extension upgrade.

David Luckie expressed concern at the intent of correspondence from Josephine Beckmans at ARTC regarding access through the compound area. Chairman to discuss with Council's Property Officer, Sharon Hauptberger and arrange a face-to-face meeting with ARTC, including General Manager and Director E&P, to clarify and expedite.

### ***Jim Avery's development in Argyle Street***

Although this development has been approved, plans were displayed to the Committee for information. Question asked as to whether a development application is current for two years or five years. Kathy Barnsley to investigate.

### ***Chamber of Commerce regarding update of policing Clarence Street carpark***

Chairman asked where this was up to, and was advised that a Chamber meeting was held last week, and a letter is being forwarded to Council regarding parking times.

### ***Substation, Argyle Street***

A new fence has been provided, but the rest of the work is still to be done. Suggestion by Traffic Committee to use the substation for a traffic control centre was not considered suitable, there being no facilities available for staff. Kathy Barnsley to follow-up with Bob Murray.

### ***Vandalism – Clarence Street***

Chairman advised due to vandalism after dark, better lighting in Clarence Street would be advisable.

### ***Draft report re Whites Creek***

This will now go to Council for public exhibition. A notification letter to be sent to all people within proximity of these areas advising of the public exhibition.

## **GENERAL BUSINESS**

### ***Motel, Yarrowa Street,***

Report on revised plans for motel going to Services & Infrastructure Committee on 5 December.

### ***Moss Vale Master Plan Committee***

Committee members asked what was happening after this meeting, and how they would be informed of what is happening at Council. Chairman advised that if there are issues concerning the Committee's brief, then information would be given to a nominated contact person. David Luckie asked who would be acting for the community in Moss Vale, with imminent development pressure,



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Discussion also regarding extension of area of interest, ie a motel outside the CBD that would affect conditions in the centre of town. Suggested formation a body such as the Chamber of Commerce to include our committee members. A strategy required in the interim between now and when the committee is wound up.

Chairman advised that the next meeting will be in February 2008 when the committee structure will be revised. **The Committee asked that it be recorded in the Minutes that they feel very strongly that the Committee be reinstated.** Chairman said that he would try to have the Committee reinstated.

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There being no further business, the meeting closed at 5.15pm.

**CORPORATE SERVICES DIVISION**

**c-CS1 Closed Council**

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

**REPORT**

Reference – Ordinary meeting of Council 28 November 2007, MN 383/07 resolved as follows:

*THAT the following matters (EP-1, CS-1& CS-2) be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 12 December 2007.*

1. **BACKGROUND**

The following confidential reports have been distributed separately:

EP-1	<u>BROUGHTON STREET REZONING – VOLUNTARY PLANNING AGREEMENT</u>	5701/22
CS-1	<u>TENDER FOR PROVISION OF LEGAL SERVICES</u>	6330/07.4
CS-2	<u>PROPOSED ROAD CLOSURE AND PURCHASE – UNFORMED SECTION RITCHIE STREET BRAEMAR</u>	PN 251500; 1493/1

TS-1	<u>ROBERTSON SEWERAGE AUGMENTATION - EFFLUENT RE-USE NEGOTIATIONS</u>	7650
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TS-2	<u>LUMP SUM CONTRACT 4/08 – REHABILITATION OF WATER &amp; SEWERAGE MAINS</u>	6330/07.5, 7799
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2. **STATUTORY**

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

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

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

### Section 10B

- (1) *[Time spent closed to be minimised] A meeting is not to remain closed during the discussion of anything referred to in section 10A(2):*
  - (b) *Except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and*
  - (c) *If the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret-unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.*
- (2) *[Qualification of 10A(2)(g)] A meeting is not to be closed during the receipt and consideration of information or advice referred to in section 10A(2)(g) unless the advice concerns legal matters that:*
  - (a) *are substantial issues relating to a matter in which the council or committee is involved, and*
  - (b) *are clearly identified in the advice, and*
  - (d) *are fully discussed in that advice.*
- (3) *[Qualification of 10A(3)] If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in section 10A(3)), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is a matter referred to in section 10A(2)).*
- (4) *[Irrelevant matters] For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:*
  - (a) *a person may misinterpret or misunderstand the discussion, or*
  - (b) *the discussion of the matter may:*
    - (i) *cause embarrassment to the council or committee concerned, or to Councillors or to employees of the council, or*
    - (ii) *cause a loss of confidence in the council or committee.*

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

### 3. DIRECTOR GENERAL'S GUIDELINES

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

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**RECOMMENDATION**

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

EP-1 BROUGHTON STREET REZONING – VOLUNTARY PLANNING AGREEMENT 5701/22

Relevant Legal Provisions

This report is placed in Closed Committee under clause 10A(2)(c) and (d) of the Local Government Act 1993 as it contains commercial information in relation to financial negotiations of Council in relation to a Voluntary Planning Agreement (VPA) outlining funding arrangements.

Brief Description

Reporting on a matter pertaining to the consideration of a Voluntary Planning Agreement for the Broughton Street Moss Vale Rezoning site.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

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CS-1 TENDER FOR PROVISION OF LEGAL SERVICES 6330/07.4

Relevant Legal Provision

This report is placed in Closed Committee as it contains commercial information of a confidential nature, under Clause 10A(2)(d) of the Local Government Act.

Brief Description

Reporting on the tenders for the provision of legal services.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains commercial information of a confidential nature.

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**CS-2 PROPOSED ROAD CLOSURE AND PURCHASE – UNFORMED SECTION  
RITCHIE STREET BRAEMAR PN 251500; 1493/1**

Relevant Legal Provision

This report is placed in Closed Committee as it contains commercial information of a confidential nature, under Clause 10A(2)(d) of the Local Government Act.

Brief Description

Reporting on a request to finalise the road closure application in respect of the unformed section of Ritchie Street Braemar.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains commercial information of a confidential nature.

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**TS-1 ROBERTSON SEWERAGE AUGMENTATION - EFFLUENT RE-USE  
NEGOTIATIONS 7650**

Relevant Legal Provision

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

Brief Description

Reporting on negotiations with two land owners who have expressed interest in taking effluent for agricultural re-use as part of the effluent management strategy for the Robertson Sewerage Scheme.

Public Interest

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

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TS-2 LUMP SUM CONTRACT 4/08 – REHABILITATION OF WATER & SEWERAGE  
MAINS 6330/07.5, 7799

Relevant Legal Provision

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

Brief Description

Reporting on tenders received for the rehabilitation of approximately 4,137 metres of sewerage mains and 2,580 metres of water mains in various locations in Bowral, Mittagong, Moss Vale and Bundanoon.

Public Interest

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

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

7 December 2007