

File No. 100/07
Our Ref: RAP

20 March 2008

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, 26 March 2008** commencing at **3.30pm**.

Yours faithfully

Mike Hyde
General Manager

3.30pm	Council Meeting begins
5.30pm	Questions from the Public
6.30pm	Closed Council

BUSINESS

1. OPENING OF THE MEETING
2. PRAYER – *REVEREND BARRY LEE OF ROBERTSON ANGLICAN CHURCH*
3. PUBLIC FORUM
4. APOLOGIES
5. ADOPTION OF MINUTES OF ORDINARY MEETING HELD ON *WEDNESDAY, 5 MARCH 2008*
6. BUSINESS ARISING FROM THE MINUTES
7. DECLARATIONS OF INTEREST
8. MAYORAL MINUTE (*if any*)
9. OPEN COUNCIL CHAIRED BY *COUNCILLOR NICK CAMPBELL-JONES*
 - 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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Our Values

EQUITY, JUSTICE and CONSULTATION in our obligations;

PRIDE in our lifestyle and environment;

EXCELLENCE in the provision of services;

TEAMWORK, INNOVATION and CO-OPERATION in our business;

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

LEADERSHIP in the growth and prosperity of our community.



ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth St,
Moss Vale on Wednesday, 26 March 2008



DECLARATIONS OF INTEREST

DECLARATION OF INTEREST

101/3

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



MAYORAL MINUTE

c-MM1 Relay for Life

REF. MAYOR 1850/5, 6530/3 (CC 102/5)

Recognising the outstanding organisation and community support for the 2008 Relay for Life event held at Eridge Park on 1/2 March 2008.

REPORT

The Relay for Life event, held on the first two days of this month to raise funds for the Cancer Council, was a credit to the organisers, a credit to the participants and a wonderful twenty four hours for the community of Wingecarribee Shire.

Indications are that as much as \$300,000 will be raised when the final money comes in.

Apart from the stunning fund raising effort for the Cancer Council, the staggering thing that hit everyone who participated in this memorable event was the wonderful community spirit and goodwill around Eridge Park. People were unanimous - it felt good to be involved. As someone said, it was community spirit for all the right reasons.

Participants described the day as a rollercoaster of emotions – a cocktail of reflection, joy, thoughtfulness and sad memories of friends taken from us by the insidious disease that is cancer.

I congratulate the organisers and the participants and thank the Council staff team captained by Tracey Greenacre and Andrew Bell, who flew the flag with their distinctively decorated Wingecarribee Shire Council tent.

I also congratulate Councillor Nick Campbell-Jones who was part of the organising committee and the person responsible for sponsorships and donations. I understand that the funds raised could be another record for a Relay for Life event, so he must have done your job well once again. As well, our Parks and Property Manager, Peter Bowmer, was the site manager for the event and reports indicate he did a tremendous job.

Well done to everyone who participated or supported this event. You have contributed something worthwhile to Wingecarribee Shire and all for the right reasons. But more than that, you have been part of an event that has brought our community together in an unselfish gesture of goodwill. That is what communities should be all about and for that I again congratulate everyone involved.

RECOMMENDATION

THAT Council congratulates Councillors, Council staff and the Wingecarribee community for their contribution in organising and participating in the Relay for Life event.

c-MM2 Pensioner Rate Rebates

REF. MAYOR

2211 (CC 102/5)

Reporting on the pensioner rate rebate scheme.

REPORT

At the Ordinary Meeting of Council held on Wednesday, 30 January 2008 Council resolved in part as follows:

“3. THAT Council make note of the fact that it has been 18 years since the Pensioner Rate Rebate has been reviewed AND THAT Council make representation to its Local Member of Parliament, Ms Pru Goward MP, requesting a review by the State Government be undertaken.

4. THAT consideration be given to the matter being a Conference Motion at the 2008 NSW Local Government & Shires Association Conference following the result of representations to the NSW State Government.”

On 20 June 2007 Council wrote to Ms Pru Goward MP, Member for Goulburn, and Mr Matt Brown MP, Member for Kiama, in relation to this matter and they in turn made representations on our behalf to The Hon Paul Lynch MP, Minister for Local Government. The Minister’s response to both MPs was as follows:

“I am writing in reply to your letter of (date) making representations on behalf of Clr Gordon Lewis, Mayor of Wingecarribee Shire Council (address).

I have noted Clr Lewis’ concerns. While I acknowledge that the level of pensioner concessions has remained constant for a number of years, the last increase for ordinary rates (from \$175 to \$250) was a significant increase.

The cost of providing mandatory pensioner concessions was recently calculated to be around \$133 million per annum. This is met from both State and Local Government sources.

Councils have the discretion to provide further concessions above the maximum levels fixed by the Act, and to assist ratepayers that may be experiencing difficulty in paying their rates. This includes agreeing to the periodic payment of rates other than by quarterly instalments, writing off interest on unpaid rates and providing relief where hardship has occurred due to changes in land valuations. Decisions to assist in these circumstances are made at the discretion of each council.

The cost of providing these further concessions must be met entirely by the council. Any increase to the existing limits would increase the overall cost of the scheme to the State and local government, which would subsequently impact on the capacity to provide other programs and services to the community.



The Government appreciates the concerns of pensioners and will continue to keep this issue under consideration.”

I am told that the LGSA have advised the Pensioner Rate Rebate is classified as a Category 2 item signifying that it is consistent with the LGSA current policy which is constantly being worked on and as such will not be debated at the NSW LGSA Conference.

At the moment in Wingecarribee Shire, if a pensioner has been issued with a pensioner concession card from Centrelink, or the Department of Veterans Affairs, and they own and reside on the property they are claiming the pensioner rate rebate for, they will be eligible for rebates of up to \$250.00 for general rates and up to \$87.50 per annum on both water and sewer availability charges. If pensioners have a Veterans Affairs Gold Card, it must have EDA or TPI stamped on it to be entitled to a rebate.

Wingecarribee pensioners get no special privileges allowing them extra time to pay without interest penalties, nor do they have any cash incentive if they pay their rates early.

As mentioned earlier, this rebate has been in place for the last 22 years, with pensioners simply having to absorb the annual rate increases without any additional rebates linked to CPI.

At the moment there are 3507 eligible pensioners in Wingecarribee Shire, so the implications of an additional rebate of say \$100, would need an allocation of \$350,700 from the budget.

In the current claim to 31 December 2007 council has abandoned \$1,115,119.52 from pensioner rate rebates and will only be reimbursed \$613,315.73 from the government, meaning that the council contribution is \$501,803.78 across general rates, domestic waste charges, water and sewerage.

Council may, of course, provide an additional rebate for eligible pensioners, but that cost has to be borne in full by the rest of the rate paying community, with none of that amount reimbursed by the government as part of the pensioner rate rebate scheme.

There are hardship provisions in place, but traditionally that option isn't taken up by pensioners because ultimately the total amount of rates and the interest charges that accrue have to be paid, either by the pensioner, or by the estate following the death of the pensioner.

I have contacted fourteen other Councils and Sydney Water to see what sort of rebates they offer pensioners – Shoalhaven, Wollongong, Shellharbour, Kiama, Eurobodalla, Bega Valley, Albury, Wollondilly, Goulburn Mulwaree, Redland Shire in Queensland, Adelaide City Council, Launceston City Council, Horsham City Council and the City of Sydney.

Some of these Councils allow rebates over and above the government subsidy and quite a few allow eligible pensioners to pay their rates in full by the last instalment date without incurring interest charges. The most generous appeared to be Sydney City Council, which provides 100% rebate to eligible pensioners. Sydney Water provides a 100% rebate on the service charge for water and 87% for the sewerage service charge.

There are a variety of options that Council could consider, should it wish to provide additional rebates for eligible pensioners, such as discounts for early payment, waiving of interest charges and even additional rebates over and above the government rebate.



However, after balancing the budget implications and the indirect impost on other ratepayers by granting additional rebates, I believe the best way we could assist eligible pensioners is twofold:

- Extend the option for eligible pensioners to pay their rates in full by 31 May (the due date for the fourth instalment), without incurring interest charges.
- Continue to lobby the State Government through the Local Government and Shires Associations and local Members of Parliament to increase the pensioner rate rebate from the base levels set twenty two years ago.

RECOMMENDATION

1. THAT Council extend the option for eligible pensioners to pay their rates in full by 31 May (the due date for the fourth instalment), without incurring interest charges. Failure to pay in full by 31 May will result in the normal interest arrangements applying.
2. THAT Council continue to lobby the State Government through the Local Government and Shire's Association and local Members of Parliament to increase the pensioner rate rebate from the base levels set 22 years ago.

Gordon Lewis
Mayor

19 March 2008



VISITOR ITEMS

ENVIRONMENT & PLANNING DIVISION

v-EP1 Introducing Mr Peter Hammon, Chairman Wingecarribee Community Services Centre

REF: SPM

LUA06/0409

Council at a previous meeting requested that the Chairman of Wingecarribee Community Services Centre Incorporated be invited to address Council on the progress of the project

This is to introduce Mr Peter Hammon.

REPORT

Mr Peter Hammon is the Chairperson of Wingecarribee Community Services Centre Incorporated and will report on the progress of the centre in Queen Street, Moss Vale.

Wingecarribee Community Centre Incorporated was established in 2004 with the aim of developing a new community centre to house Wingecarribee Food Services and dementia specific day programs run by Wingecarribee Adult Day Care.

Mr Hammon is also a current member and Past President of Moss Vale Rotary Club which has been instrumental in bringing the project to fruition.

RECOMMENDATION

THAT Mr Peter Hammon be thanked for his presentation and for his efforts so far on the Wingecarribee Community Centre project.

v-EP2 Southern Highlands Shooting Complex

REF: DEP

LUA07/1364; 6613/3

Reporting on Council's submission to the proposed Southern Highlands Shooting Complex

REPORT

BACKGROUND

The Department of Planning has received a proposal for a Major Project under the provisions of Part 3A of the Environmental Planning and Assessment Act 1979 for a regional shooting complex and support facilities at Wattle Ridge Drive, Hill Top. Public exhibition commenced on 28 February 2008.

The proponent is NSW Sport and Recreation. They are also seeking concurrent approval for the site to be listed as a State Significant Site (SSS) in Schedule 3 of the State Environmental planning Policy (Major Projects) 2005, to facilitate the implementation of a new planning regime for the site and enable its redevelopment. In short, this places all planning control outside of the Council's Local Environmental Plan or any other local planning control.

In accordance with the relevant legislation, the opportunity for submissions to be made to the Department has been limited to a four week period concluding on 31 March 2008, despite Council's and the communities request for an extended exhibition period. No provision has been for the requested information session with the community during the exhibition period.

ABOUT THE PROPOSAL

All Councillors were provided with a copy of the Environment Assessment reports prepared by GHD.

Attachment 1 is the Executive Summary provided in Volume 1 of the Environment Assessment report prepared by GHD for NSW Sport and Recreation.

The following technical reports were submitted to support the application:

1. Ecological assessment
2. Cultural Heritage assessment
3. Bushfire Hazard assessment
4. Hydrology, water management and contamination assessment
5. Noise assessment
6. Traffic assessment
7. Community Consultation report

For each of the above sub-headings there is management measures proposed.

Section 75F(6) of the EP&A Act states that the Director General may require the proponents to include in an environmental assessment, a statement of the commitments the proponent is prepared to make for environmental management and mitigation and management measures



on the site. Chapter 12 of Volume 1 contains those commitments and is Attachment 2 to this report.

RELATIONSHIP WITH CURRENT GUN CLUB OPERATIONS

Council is currently assessing an application made pursuant to s96 of the EP&A Act to amend certain conditions of the original development consent for a gun club issued by Council in 1986. This matter will be reported to Council on 23 April.

COUNCILS SUBMISSION

It is recommended that Council's submission should concentrate on establishing minimum commitments from the proponent. In addition to insisting upon the management measures proposed and the draft statement of commitments, the following matters should be raised in Council's submission:

- i) Contamination – remediation should extend to the contaminated soil adjacent to the stop butt, as sampling showed that the soil directly in front of the base of the stop butt was affected.
- ii) Local road infrastructure – Wattle Hill Road should be sealed and the mitigation measures set out in Section 7.4 of the Traffic Impact Assessment should be implemented in full.
- iii) Noise – Council's Environmental Health Officer has provided the following comments:
The consultants refer to Chapter 164 of the Environmental Noise Control Manual (ENCM) This is a very old guide, and while other chapters of this guide have been superseded, there is no new guideline which appears to specifically supersede Chapter 164. That being the case, the DECC's document "Noise Control for Local Government" (page v) does say that chapters 150 onwards of the ENCM are either incorporated in the "Noise Control for Local Government" or are no longer relevant. It could be argued, therefore, that the standards of chapter 164 are no longer relevant.

Chapter 164 only refers to the Peak Hold (linear) levels experienced at the most affected residence, which then determines the number of days and nights that the facility can operate. There is no reference in this methodology with respect to the number of shots fired. This would indicate that the methodology would apply to whether there was 1 shot per day or 40,000 shots per day. I don't think this would reflect community reaction to such noise.

I believe that Council should be asking the State Government to consider alternative criteria in the assessment of this proposal. It may be more appropriate for the cumulative impact of impulsive noise to be assessed by Accumulated Peak Level (APL), or some other alternative methodology. In the end, this may lead to a restriction on the number of shots per day as well as maximum SPL output.

It is considered that additional noise assessment work should be required before any final decision is made, but in any event, Council should flag its objection to any night time shooting at the complex due to the low background noise levels and likely increased disturbance to local residents and the presence of nocturnal species within the area that would be severely disturbed by such activity.



- iv) Clarification and restriction on special events – the statement of commitments should be more specific in terms of the actual frequency and size of special events as these would have the potential to impact significantly on the amenity of the local residents.
- v) Clarification on limits on day to day users, both the numbers of shooters in total and at any one time – the statement of commitments should be more specific in terms of the actual number of shooters that would be allowed on site at any one time. Both noise and traffic impacts relate to this.
- vi) Use by military and police – the rights of both the military and the police to utilize the range should be clarified. The statement of commitments should be more specific in terms of how frequent such use would be and in describing what numbers of shooters and the types of firearms being would be used.
- viii) Establishment of a Community Reference Panel to ensure both the initial construction phase as well as the ongoing management of the site is appropriate and that all commitments are met. Representatives from both WSC and HTRAG should be members of such a panel. The Terms of Reference and reporting mechanisms should be set out within the statement of commitments.

MANAGEMENT PLAN ISSUES OR IMPLICATIONS

N/A

POLICY IMPLICATIONS

N/A

BUDGET IMPLICATIONS

N/A

ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

- (i) Environmental Factors
The proposal has been supported by a range of environmental assessment reports. There are a large number of proposed environmental management measures associated with the proposal. Of primary concern is the adequacy of the noise assessment carried out thus far.
- (ii) Social Factors
The Hill Top Residents Action Group (HTRAG) has indicated strongly their objection to the proposal. However, proposal is aimed at providing a regional resource for that section of the broader community that is involved in the varied disciplines of shooting.
- (iii) Economic Factors
The proposal has the potential to generate economic spin offs within the broader Shire economy.

ATTACHMENTS

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

1. Executive Summary provided in Volume 1 of the Environment Assessment report prepared by GHD for NSW Sport and Recreation.
2. Draft Statement of Commitments

RECOMMENDATION

1. THAT Council's submission to the Department of Planning in relation to the proposed Southern Highlands Regional Shooting Complex include the matters as set out in this report.
 2. THAT Council determine any other matters it wishes to include in its submission.
 3. THAT Council indicates its support for the work of the Hill Top Resident Action Group in relation to this matter.
 4. THAT Council invite the Department of Planning to attend Council Chambers so that the issues as set out in Council's submission can be discussed prior to any determination of the application.
-



Scott Lee
Director Environment & Planning

17 March 2008

OPEN COUNCIL

ENVIRONMENT & PLANNING DIVISION

o-EP1 Development Consents Under Delegated Authority

DCM

5302

Submitting a list of development consents executed under delegated authority of the Director of Environment and Planning between 20/2/08 and 17/3/08.

RECOMMENDATION

THAT the information relating to Development Consent Nos 1-8 under Delegated Authority be received and noted.

**Development Applications (DAs) Determined –20/02/08 to 17/03/08
(Excluding Small Lot Subdivisions and Domestic Applications)**

	LUA No	Property Legal Description	Description
1	LUA07/0973	Lot 3 DP 1114582 Station Street, Bowral (opposite Boolwey Street)	New terrace, toilets, store, mezzanine & external access
2	LUA07/0313	Pt Lot 117 DP 659149, Lot 79 DP 751282 and Lot 19 Unregistered – 'Kamilaroi', Hume Highway, Braemar	4 lot rural subdivision
3	LUA07/1331	Lot 91 DP 860021 No 35-37 Beaconsfield Road, Moss Vale	4 lot subdivision
4	LUA05/1522	Pt Lot 6 Sec 1 DP 111234, No 9 Bundaroo Street, Bowral	2 storey building with ground & upper level Commercial
5	LUA07/1271	Lot 1 DP 1088891 Cush's Road, Penrose	Upgrade of water treatment plant
6	LUA08/0078	Lot 5 Sec 13 DP 758882, No 79-81 Illawarra Hway, Robertson (opposite pub)	Change of use to Butcher shop
7	LUA08/0051	Lot 2 DP 1081770, No 63-89 Kirkham Road, Bowral	Mechanical Workshop
8	LUA07/1410	Lot B DP 347743, No 12 Walker Street, Bowral	Change of use – Residence to one professional consulting room

o-EP2 List of Development Applications Received By Council

DCM

5302

Submitting a list of development applications which have been received between 22/2/08 and 17/3/08, 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 1-17 received by Council be received and noted.

**Development Applications (DAs) Received –20/02/08 to 17/03/08
(Excluding Small Lot Subdivisions and Domestic Applications)**

	LUA No	Legal Description	Property Address	Description	Council	Delegation
1	LUA08/0193	Lot 8 S/P 38521 (corner Walker St)	8/47 Bowral Street Bowral	Change of Use to Organic Food Sales Retail Fruit Vegetables Dairy Meat & Groceries		✓
2	LUA08/0200	Lot A DP 377098 (next to Big W)	185 Old Hume Highway, Mittagong	First Occupation The Reject Shop		✓
3	LUA08/0208	Lot 1 DP 787665 (near corner Boardman Road)	'Gibwood Farm' Kangaloon Road Glenquarry	Dual Occupancy single storey		✓
4	LUA08/0228	Lot 4 DP 210268 (opposite Bowral Hospital)	10 Mona Road Bowral	Alterations & Additions to Professional Consulting Rooms (with 9 car spaces)		✓
5	LUA08/0199	Lot 228 DP 751303 (near cnr Nowra Rd)	'Valhalla' Sheepwash Road, Avoca	Dwelling & request for SEPP 1 departure (16.2ha)	*✓	
6	LUA08/0180	Lot 8 DP 21133	76 Station Street Bowral (between Harris Mkts & Doyles)	Through the Wall Automatic Teller Machine (ANZ)		✓
7	LUA08/0194	Lot B DP 161550 (opposite Dixon St)	19 Yarrowa Street Moss Vale	Demolition of Existing Dwelling		✓
8	LUA08/0172	Lot 5 DP 24581 & Lot 6 DP 389198 (opp MV High School)	72-74 Illawarra Hwy, Moss Vale	Demolition of Existing carpet mfg Factory / Showroom		✓
9	LUA08/0191	Lot 25 DP 832817 (through to Mary St)	North east side Range Road, Mittagong	Additions (carport & garage) and attached dual occupancy (2 storey)		✓
10	LUA08/0181	Lot 307 DP 1040419	Milton Park 'Hotel, Horderns Road, Bowral	Addition to Function Room 'The Conservatory'	*✓	
11	LUA08/0232	Lot 1 DP 1080318	Bibby's Lane, Werai	Cabana / Pool House		✓

**Development Applications (DAs) Received –20/02/08 to 17/03/08
(Excluding Small Lot Subdivisions and Domestic Applications)**

(Continued)

	LUA No	Legal Description	Property Address	Description	Council	Delegation
12	LUA08/0254	Lot 7 DP 736655 LI 307403 (off Mandemar Road)	Lot 7 Birchalls Lane, Berrima	Alterations & Additions to Dwelling		✓
13	LUA08/0243	Lots 2-3 & 6 DP 255696 (near corner Charlotte Street)	32-36 Missingham Parade, Robertson	Dwelling - SEPP 1 departure to Clause 13(3)(a)	*✓	
14	LUA08/0245	Lots 2-3 & 6 DP 255696	32-36 Missingham Parade, Robertson	Dwelling - SEPP 1 departure to Clause 13(3)(a)	*✓	
15	LUA08/0244	Lot 4 DP 255696	38 Missingham Parade, Robertson	Dwelling - SEPP 1 departure to Clause 13(3)(a)	*✓	
16	LUA08/0267	Lot H DP 109154	'The Mill', Throsby Park Road, Moss Vale	Change of Use to Bed & Breakfast		✓
17	LUA08/0251	Lot 11 DP 1091676 (corner Roscoe St)	197 Old Hume Highway, Mittagong	Carwash in u/g carpark of Highlands Marketplace		✓

o-EP3 Report on Ranger Works Priorities

REF: EH

842/2.4

A report to Council concerning Ranger functions and priorities was submitted for consideration last month. The purpose of this report is to provide Council with an opportunity to endorse the identified work priority schedule.

REPORT

BACKGROUND

As reported previously the Rangers unit consists of a team of 5 permanent full time officers and 1 two year temporary parking Ranger. The current structure includes the Acting Senior Ranger, 3 Rangers and the temporary parking Ranger. Presently the unit is one full time resource down. All Rangers are rostered onto an after hours call out roster, which is rotated every 7 days. Two Rangers are allocated to parking in Bowral. This includes the temporary Ranger and a permanent Ranger.

Broadly, Ranger activities focus on legislative compliance and enforcement. There are a range of acts that direct Ranger duties and functions including but not limited to; the Companion Animals Act, the Local Government Act, the Environmental Planning and Assessment Act, the Australian Road Rules, the Roads Act, the Protection of the Environment Operations Act, the Rural Fires Act and the Impounding Act. In addition Rangers are required to enforce the various Regulations associated with these Acts.

The following table provides a list of activities that Rangers are required to perform.

Dangerous dog declarations/ inspections	Dog attack investigations	Livestock control	Dog impounding	Nuisance dog investigations i.e. barking/at large
Illegal burning investigations	Overgrown land i.e. health and safety	School zone parking patrols	Parking enforcement	Impounding abandoned vehicles etc
Development control i.e. consents	Litter control	Illegal rubbish dumping	Removal of ALL illegal signage	Collect deceased companion animals of roads
Heavy vehicle enforcement	Animal Shelter maintenance incl. contractor management	Outdoor dining/goods on footpath enforcement	Other activities as directed e.g. Berrima reserve.	General Shire wide ordinance PLUS significant clerical functions

As highlighted in the Table above, Rangers address a multitude of issues. Significantly they undertake the bulk of these functions individually. The on call Ranger duties are limited for OH&S reasons to managing stock on roads, which includes working on or adjacent to high speed and high traffic areas, illegal burning, pollution events in progress and dog attacks. Dog pick up's cease daily at 6pm.

Given the various tasks required to be undertaken, previous Council resolutions and directions to undertake certain tasks (sign enforcement, heavy vehicles) and the lack of, but strong need for, clerical assistance, the following is proposed. The following breakdown is for ease of understanding;

Parking Rangers – will be a team of two (one permanent, one temporary). These positions will be required solely to perform parking enforcement in Bowral. It is proposed that one day a fortnight one parking Ranger will be present in Moss Vale/Mittagong. A full day presence may not be required. When this is the case this Ranger will also be required to perform enforcement duties in Bowral. When a parking Ranger is ill or on a rostered day off, or when the situation arises that both Rangers are absent, these duties will not be performed using other Ranger resources. That is, there will be no parking Rangers on duty. To ensure two rangers are always on parking duty, covering for the leave of the designated parking rangers (ie sick leave, annual holidays, RDO's), it would require the equivalent of one third of a general ranger position.

Conversely, in the event no available general Rangers exist to attend to incidents such as dog attacks and stock on road, the parking Rangers will not leave parking duties to attend.

Council may wish to consider the merit of replacing the temporary parking Ranger with a permanent position and broadening the area of responsibility to include Moss Vale Mittagong CBD's to ensure sufficient revenue is raised to meet the costs of the Ranger.

General Rangers – there are 4 substantive positions within the general Ranger field, consisting of the senior Ranger and three Rangers. Presently the senior role is vacant with one of the Rangers acting in the role thereby leaving two Rangers to address the shire wide issues. A vacant Ranger position also currently exists. The general Rangers are responsible for compliance and enforcement of all matters identified in the table above. If Council wishes that there always be 2 parking rangers on duty, then this resource is diminished by the equivalent of a third of a full time position.

All clerical and customer service functions associated with these positions are performed by the Rangers. They receive no clerical assistance for answering phone enquiries, drafting correspondence, databases, file and property searches and records management. These job requirements are time intensive and impact on the capacity of the Rangers to achieve a high level of customer service. All actions performed by the Rangers are required to be documented in a file note, which further adds to the time away from field work. The Manager Environment and Health has made a budget bid submission for the employment of part time clerical support for the Rangers unit, to help offset the clerical workload and to facilitate greater efficiency and customer service. Sufficient revenue is achieved through dog and cat registrations to make this position cost neutral to Council. NOTE; The draft Tina Spiegel Consultants Report into the functionality of customer service within the Environment and Planning Division makes the recommendation that the Environment and Health Branch be supplied with clerical support.

Rangers are required to be pro active in all areas. Over and above parking enforcement and companion animal related matters, there exists a strong expectation that Rangers be pro active in illegal sign removal/impounding, heavy vehicle enforcement, in managing and actioning complaints within appropriate timeframes and in maintaining a high level of



community exposure and ordinance enforcement e.g. Berrima camping ground, goods on footpaths/outdoor dining.

There remains across the organisation and within the community a strong but reasonable expectation that Rangers will provide expedient and high quality customer service. The capacity for the Rangers to maintain this level of service is dependent on a rationalisation of the expectations of Rangers and the tasks they perform.

Given the complexity of addressing some of these issues, the time required to ensure they are resolved adequately, the legislative imperative of some and the consequences of failing to act in other areas, a priority schedule has been prepared.

The following schedule is considered a way forward for Rangers to maintain the high level of compliance and customer service currently provided.

High Priority

- Parking Enforcement - Bowral (1 Ranger 5 days a week, 1 Ranger 4 days per week. The remaining one day per week (one day in Moss Vale or Mittagong). To be carried out by the designated parking rangers.
- Dog Attack including attending, seizure, transport to shelter, subsequent interviews, declarations and document management
- Dangerous Dog enclosure compliance checking *
- Dog pick ups and return to owner or impound and transport to Shelter
- Livestock control i.e. stock on roads
- Outdoor dining/goods on footpath – Administration branch maintains an updated register that the equivalent of one Ranger can now enforce one day a week.
- Illegal burning investigations
- Pollution events in progress

Medium priority

- Illegal sign removal (incl. trailer advertising) – with garage sale signs to be exempt
- Heavy vehicle enforcement – One day a fortnight is currently allocated to this.
- Abandoned motor vehicle investigation and impounding
- Overgrown property/safe and healthy inspections and notifications
- Barking dog/dog nuisance complaints
- General Shire wide ordinance – non specific matters

Low Priority

- Collection of deceased companion animals and disposal
- Litter control/illegal dumping – when RID Squad on leave
- Development control compliance



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 26 March 2008

REPORT OF DIRECTOR ENVIRONMENT & PLANNING



High Priority matters will be actioned immediately (where resources provide) or consistent with the specified timeframe.

Medium Priority matters will be actioned immediately in the absence of high priority matters OR once high priority matters have been actioned and or resolved.

Low priority matters will be actioned as time and resources permit. This may mean that such matters are actioned on the same day as notification depending on Ranger movements and competing priorities, but more likely will be actioned well after receipt of the notification.

The prioritisation of tasks reflects the legislative responsibilities and the general significance to Council and its customer service level obligations.

There are other tasks that are required to be undertaken, however current time and staff resource constraints prevent this from occurring.

This includes inspections of dangerous dog enclosures* (mandatory when a dog is declared dangerous). Given the number of other tasks required to be performed, there is no capacity for the Rangers to inspect these enclosures, therefore Council cannot be confident of compliance rates with this mandatory requirement. This particular task however is considered a High priority matter.

Of similar concern is the ability for Rangers to monitor and enforce School Zone safety areas particularly the prohibition (and offence) of dropping off near pedestrian crossings. The Department of Local Government and the Minister for Local Government has issued a number of edicts urging Council's to be pro active in this area. Notwithstanding that this is a significant matter and a potential strong revenue source, we are unable to undertake this function presently. This is due principally to the fact that we are unable to sign a data licence agreement with the RTA for the use of their database as the RTA requires WSC to indemnify them against improper/illegal use of the database. Advice from the Administration Branch of Council is that Council insurers consider this to be problematic and have suggested therefore that the licence agreement not be signed. The risk to Council of improper use however is low and subject to advice Council may wish to proceed with signing a licence agreement nonetheless. If this was the case and this activity was implemented it would be considered a high priority and scheduled into the works program.

With regards to cats, Rangers, pursuant to the Companion Animals Act, are unable to seize cats. Principally, cats do not have the same status as dogs and as such are permitted to roam and occupy public places. There is no provision in the Act for cats to be seized.

MANAGEMENT PLAN IMPLICATIONS

Ranger operations are included in both the Environmental Sustainability and Lifestyle and Community streams within the Management Plan and are reported quarterly in the Ranger Services component of Outcome Manager. Recommendations within this report do not deviate from the objectives and outcomes contained within the current or 2008/09 Management Plan.



POLICY IMPLICATIONS

This section has been considered but is not relevant

BUDGET IMPLICATIONS

In terms of time spent on Ranger matters, as has been advised to Council previously, the bulk of time (65%) is spent on Companion Animal management matters. This includes dog pick ups, dog attack investigations, dangerous dog declarations, general complaints relating to dogs off leash or unattended in public places, barking dog matters and impounding. The quarterly reports bear testament to this with the majority of the Ranger statistics relating to complaint investigations (dog related), dog control and animal impounding (registered/unregistered dogs and those returned to their owners). In terms of reconciling the income generated from dog and cat registrations and the cost of implementing companion animal management functions, the cost to Council far exceeds the income generated. Therefore, in effect Council subsidises Companion Animal management due to the significant shortfall in income compared to expenditure.

As stated in the Background of this Report there is potential for part time clerical support to assist the Ranger Unit in clerical functions. The costs associated with this position could be offset by income from dog and cat registrations and from school zone enforcement.

A more detailed cost breakdown can be provided.

ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

(i) Environmental Factors
Not considered relevant

(ii) Social Factors
On implementation of the priority list the Rangers will continue to deliver high quality professional service to the Shire. The bulk of the outcomes achieved will result in positive social outcomes for the Shire's residents including high quality amenity and safety.

(iii) Economic Factors
There is some potential for further income generation arising from this report however this will be incumbent on specific direction from Council and Executive re school zone enforcement and the risk management issues surrounding the data licence agreement. With regards to a part time clerical assistance to Rangers the cost could be offset by contributions from dog and cat registration income and potentially from income from school zone infringements.



ATTACHMENTS

There are no attachments to this report.

RECOMMENDATION

THAT Council endorse the Priority Action list presented above.

**o-EP4 Proposed Special Rate Variation Wingecarribee Our Future Environment
2008/13**

REF: DEP

5465

Submitting a report on Council's proposal to submit a special rate variation application to the Minister for Local Government.

REPORT

BACKGROUND

At the Strategy and Finance Committee meeting on Wednesday 12 December 2007, Council resolved:

1. *THAT Council endorse the attached project plan for community consultation for the environment levy application.*
2. *THAT a draft program of works be prepared for the next 5 years of the Wingecarribee Our Future Environment program, for consideration by Council in the draft 2008 – 2010 Management Plan*
3. *THAT an application be made to the Minister for Local Government seeking approval for a special rate variation for 5 years to fund an extension of the Wingecarribee Our Future Environment Program, AND THAT the percentage variation sought be confirmed after Council has considered the options for a (5) year works program.'*

An Information Session was held on 12 March at which the Environment and Health Manager and the Natural Resources Coordinator presented a paper entitled *Wingecarribee Our Future Environment Levy 2008-2013 Proposed Program Plan*. This included a detailed 5 year works program. This paper is **Attachment 1**. There was no objections raised at that session to the proposal to seek the Ministers approval to continue the WOFE levy, although it was not decided which financial model should be chosen.

Notification that Council will be seeking to lodge an application to the Department of Local Government for a special variation to General Income is required to be made by 31 March 2008.

FUNDING OPTIONS

The Director of Corporate Services has provided a spreadsheet that sets out three options for the funding of the WOFE program over the next 5 years. This is **Attachment 2**.

Option 1 uses the same percentage of the notional rate as the current WOFE (4.51%). However this results in a 25% increase between the existing WOFE levy and that which would be charged in year 1 of the new program. Under this option, the current average levy rises from \$33.26 to \$46.80 in Year 5 of the new program. The total yield is \$4,735,749.



Option 2 uses a consistent 9.5% increase on the current WOFE levy. Under this option, a sudden significant increase in the levy is avoided. The current average levy rises from \$33.26 to \$52.35 in Year 5 of the program. The total yield is \$4,721,892.

Option 3 uses the existing 4.51% but on the higher notional rate (increased by 9.5% in line with Council's general rate increase request) Under this option, there is a sudden significant increase of 25% in the first year, then subsequent increases of 9.5%. The current average levy rises from \$33.26 to \$59.78 in Year 5 of the program. The total yield is \$5,391,799.

A fourth option has been raised which is to set a figure for each year of the environment levy which would be applied irrespective of the variables which affect a percentage rate. This could be a figure of Council's choice, either more or less than the three options above. To maintain the quantum of dollars set out in Options 1 and 2 that figure would need to be approximately \$940,000 pa. or on average \$44pa over each of the 5 years of the program. To match Option 3 it would need to be approximately \$1,078,000pa or on average \$50pa

It is considered that Option 2 is the option that best balances the monetary needs of the proposed program with the financial demands on the community. It should also be noted that through leveraging against the levy, many more dollars each year are secured through government grants and programs for environmental projects. There is also a limit to the capability of the organisation to deliver a certain number of projects in any one year.

ATTACHMENTS

There are two attachments to this report:

1. Proposed Program Plan.
2. Spreadsheet containing 3 options.

RECOMMENDATION

1. THAT Council adopt Option 2 of Attachment 2 to this report to be incorporated in to the draft 2008 – 2010 Management Plan and to be proposed to the Minister for Local Government for the application for the "Wingecarribee Our Future Environment program for 2008/13".
2. THAT Council include in the draft 2008 – 2010 Management Plan the draft program of works as set out in the paper entitled *Wingecarribee Our Future Environment Levy 2008-2013 Proposed Program Plan*.
3. THAT Council commence the necessary public consultation as soon as possible.

o-EP5 Renwick Voluntary Planning Agreement

REF: DEP

5817/9

Reporting on the progress on the Renwick Voluntary Planning Agreement.

REPORT

BACKGROUND

After deferring the matter from the Strategy and Finance Committee meeting of 27 February, Council at its meeting of 5 March resolved as follows:

1. *THAT this matter be deferred until the final draft of the Renwick Voluntary Planning Agreement is available for consideration by Council.*
2. *THAT a report on the use of Bong Bong Road and Colo Street to service the first two releases of the Renwick Estate be prepared for discussion when the agreement returns to Council.*
3. *THAT the final report clarifies the matter of alternative shire wide projects eligible for contribution by the Voluntary Planning Agreement.'*

The report and attachments from the meeting of 5 March forms **Attachment 1** to this report.

Copy of VPA

Landcom have now supplied a copy of the draft VPA, which forms **Attachment 2**. Although it has previously been reviewed by Council's Solicitor, the final version has been forwarded to him for any final comments.

Additional Information from Landcom

To assist Council, Landcom have provided a covering letter that clarifies their position on some of the matters that were of concern to Council. This letter is **Attachment 3**. This letter covers:

- Contributions for the Leisure Centre or some alternative community facility
- Use of Bong Bong Rd for construction traffic
- Moderate income housing

Use of Bong Bong Road and Colo Street

In its covering letter, Landcom have highlighted their approach to this issue. The DTS has provided the following comments:

Technical Services division reiterates previous comments that the existing road network has very limited structural capacity to accommodate heavy vehicle traffic accessing the Renwick development. Technical Services Division would prefer that the link from Inkerman Road be constructed first and that all construction traffic access the site from the northern end.

If Council were to agree to the use of Bong Bong Road and Colo Street by construction traffic, Technical Services division recommends the following conditions be placed on the developer.

- 1. That a dilapidation report be prepared by a pavement management specialist contractor including comprehensive visual and deflection assessment of the roads being used for construction access.*
- 2. That a construction bond of \$250,000 be paid by the developer to protect Council against having to meet the costs of repairing damage to the road network caused by construction traffic accessing the Renwick development site.*
- 3. That the developer prepare a traffic management plan to specify the type of traffic and the routes that will be used to access the development site. The Traffic Management Plan will need to include existing traffic counts and vehicle classifications and be sited by the appropriate government railway authority in terms of the impact on their railway bridge assets.*

Alternative community facilities

From a reading of the Landcom letter of 17 March, it would be prudent for Council to establish the case for an alternative community project. This will be essential should the Leisure Centre not be under construction by the 1 July 2009. In the absence of an alternative, the \$2M contribution embedded in the VPA will not eventuate.

An alternative would need to be more than an "idea". It would need to be a project that has a demonstrated need in the Shire, has been endorsed by the Council and the community through some transparent public process and have a properly considered costing and funding model. If Council can produce such a package, it would satisfy the intent of Clause 14.3 of the VPA and the \$2M contribution would be more secure.

ATTACHMENTS

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

1. Copy of report from Meeting of 5 March 2008 and attachments.
2. Draft Voluntary Planning Agreement.
3. Letter from Landcom dated 14 March 2008.

RECOMMENDATION

1. THAT Council endorse the draft Renwick Voluntary Planning Agreement attached to this report for the purpose of allowing it to be placed on public exhibition.
 2. THAT following the public exhibition process, a report be presented to Council.
-

o-EP6 Empire Cinema

REF: DEP

LUA04/0805; LUA04/0683

Reporting on a request for reconsideration of monetary contribution for car parking associated with the redevelopment of the Empire Cinema.

REPORT

BACKGROUND

This matter has a lengthy background associated with LUA03/1254 for the redevelopment of the Empire Cinema.

To recap, the applicant could not provide all of the required car parking on the site and in consideration of the cinemas community value, Council accepted a discounted rate to be paid for the outstanding spaces. On the basis of 'community value', Council reduced the original rate per space from \$12,500 to \$6,250.

The applicant is seeking a further reduction in the monetary contributions payable and to this end made a presentation to Councillors at an Information Session held on 20 February 2008. Information was presented by the applicant, which was circulated to Councillors, that the majority of customers to the cinema attended outside of normal business hours, at a time when there was ample car parking available within the Bowral town centre. The applicant argued that on the basis of peak demand being outside of normal business demand, a further reduction in the rate of monetary contribution was warranted.

OPTIONS

There would appear to be four primary options available to Council.

- i) Reject the request and retain the currently agreed rate of \$6,250 per space for the 17 spaces that could not be provided (17 X \$6,250 = \$106,250).
- ii) Accept the applicants offer of \$1000 per space for the 17 spaces that could not be provided (17 X \$1000 = \$17,000)
- iii) Discount the original rate of \$12,500 per space by 75% (\$3,125) on the basis of the information supplied by the applicant that shows that approximately 75% of patronage to the Cinema occurs outside of normal business hours when availability of car parking is high. (17 X \$3,125 = \$53,125)
- iv) Discount the currently agreed rate of \$6,250 per space by 75% on the basis of the information supplied by the applicant that shows that approximately 75% of patronage to the Cinema occurs outside of normal business hours when availability of car parking is high. (17 X \$1,562.50 = \$26,562.50)



Option 4 is considered to be the option that best balances the need for Council to be fair as well as logical and for those reasons it is the option that does not undermine Council's strategic planning and can best be defended if questioned.

MANAGEMENT PLAN ISSUES OR IMPLICATIONS

N/A

POLICY IMPLICATIONS

Council's DCP for Car Parking already provides an opportunity for applicants to make a case for reduced car parking for restaurants on the basis that peak demand is outside of normal business hours. In effect, the applicant is making the case that the DCP should also include cinemas as a type of development where that variation is warranted.

BUDGET IMPLICATIONS

A reduction in contributions represents lost income that would otherwise be collected to fund a major car parking facility in Bowral town centre.

ATTACHMENTS

There is one attachment to this report being information supplied by the applicant on admission figures for the year 2007.

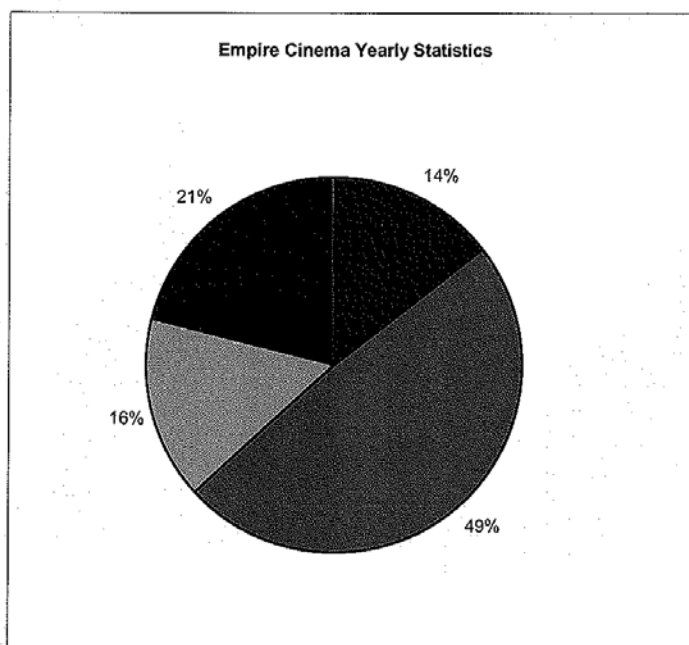
RECOMMENDATION

Submitted for Council's consideration.

Empire Cinema Seat Sales 01/01/2007 - 31/12/2007

	Monthly Totals			
	Normal		Holidays	
	Day	Night	Day	Night
JAN	488	377	10727	14047
FEB	3058	9368	-	-
MAR	1953	7841	-	-
APR	737	2015	5502	6896
MAY	1987	9151	-	-
JUN	3863	13707	-	-
JUL	1278	6135	5390	6458
AUG	2480	9877	-	-
SEP	2480	3877	-	-
OCT	1207	3281	4342	5415
NOV	2202	6431	-	-
DEC	2854	5140	1794	3432
TOTALS	24587	83200	27255	36248

TOTAL	171290
Total Population WS	43000
Ratio cinema visits:population	1:4



o-EP7 Moss Vale Enterprise Corridor Draft DCP

REF: SPM

5700/60; 5602/11

The report outlines proposed changes to the Draft Moss Vale Enterprise Corridor DCP which was publicly exhibited in 2007 following submissions from the public and an Information session held on 12 December 2007. The Draft DCP is proposed to be re-exhibited with the changes

At its Strategy & Finance Meeting held on 27 February 2008, Council resolved:

'THAT the Moss Vale Enterprise Corridor Draft DCP be deferred to a future meeting of the Strategy & Finance Committee.'

REPORT

BACKGROUND

Council considered a report on 28 November 2007 in relation to the Moss Vale Enterprise Corridor Development Control Plan (MVEC DCP) and the exhibition of that document between 5th September 2007 to 5th October 2007. As a result of that meeting Council resolved

1. *'THAT an information session be held as a matter of priority prior to 12 December 2007, to enable those people who made a submission to briefly speak to their submission.'*
2. *'THAT Clause 3.2 (2) be amended to a minimum area of 0.5 hectares.'*
3. *'THAT Clause 3.2 (3) be amended to a minimum area of 1 hectare.'*

An information session was held on the 12 December 2007 and the MVEC DCP amended in accordance with the resolution. Careful consideration has been given to the verbal submissions made on the 12 December 2007 and where necessary amendments made to the Draft plan. A copy of the notes taken at the Information Session are provided as a Separate Attachment to the Report.

Summary of Proposed Changes to the Draft DCP

Provided below are the main changes which have been made to the Draft DCP

3.2 Subdivision and Lot Design

- Reduced lot size requirements in Enterprise Precinct to 5000m² area with 30 metre frontages
- Reduced lot size requirements in General Industrial Precinct to 1 hectare area with 50 metre frontage

3.4 Building siting and design

- Maximum building footprint increased from 50% to 65% of the total site area

3.6 On-site parking and loading facilities

- Addition of on-site parking table and provisions from DCP 12 as well as loading and unloading requirements

3.12 Biodiversity Conservation

- Biodiversity Conservation Special Control Areas Map reviewed and wording in the DCP amended to avoid the impression that the maps were prohibiting development

3.13 Heritage Protection

- Heritage Protection Areas Map reviewed and wording in the DCP amended to avoid the impression that the maps were prohibiting development

Maps amended to relocate the future Moss Vale bypass route closer to the existing Suttor Road. One solution to this matter is to convert the existing Suttor Road as a local service road for residential traffic and then construct the bypass road adjoining on the north.

CONCLUSION

The proposed changes to the DCP are considered reasonable and appropriate in dealing with the various issues raised from both external and internal stakeholders. Given the changes are significant from the original exhibited draft, re-exhibition is appropriate. Therefore the Draft MVEC DCP is recommended for re-exhibition. However it is not intended to commence such re-exhibition until such time as the Strategic Planning Branch has completed its priority work on the Shire wide draft LEP.

MANAGEMENT PLAN ISSUES OR IMPLICATIONS

There are no implications for Management Plans with the re-exhibition of the Draft MVEC DCP.

POLICY IMPLICATIONS

The draft DCP will form Council's policy on this matter.

BUDGET IMPLICATIONS

There are no budget implications associated with re-exhibition of the Draft MVEC DCP.

ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

- (i) Environmental Factors
Not applicable
- (ii) Social Factors
Not applicable

(iii) Economic Factors

The proposed changes are aimed at making the area more attractive for future development.

ATTACHMENTS

There are two (2) attachments to this report which have been circulated separately:-

1. Proposed draft amended DCP (excluding the maps);
2. Notes from the Information Session of 12 December 2007 (for Councillors).

RECOMMENDATION

1. THAT Council endorse the changes to the draft DCP as generally set out in Attachment 1 AND THAT Council publicly re-exhibit the draft DCP for the Moss Vale Enterprise Corridor for 28 days, and inform adjoining owners and the development industry.
 2. THAT Council write to the persons and organisations who made submissions to advise them of the outcome of this report.
-

o-EP8 New Factory Building, Douglas Road, Moss Vale

REF: PM

LUA07/1430

LUA 07/1430 has been received seeking approval for a new plastics factory building, store building and warehouse addition for Australian Film and Pipe Manufacturers, which is an existing industrial business located at Lot 1 DP730320, Douglas Road, Moss Vale.

REPORT

1. DESCRIPTION OF PROPOSED DEVELOPMENT

The subject site is 6.74664 hectares in area, is located on the northern side of Douglas Road, approximately 400 metres east of the Douglas Road / Caribee Road intersection, (see **Attachment 1: Location**) and contains a 4,050sqm industrial building which is used for plastic pipe manufacture.

The proposed extensions and additions to the existing industrial premises comprise:

- Proposed factory building, 4650sqm area (110 metres length x 45 metres width), with attached 500sqm office and amenities area;
- 1500sqm covered pipe coil store area;
- 300sqm, 17 metre high warehouse addition to existing building;
- 63 space carpark;
- 3,000sqm effluent disposal area;
- 12 x 10 metre high storage silos along the eastern elevation of the proposed factory building;
- Painted precast concrete panel blade sign attached to office component, fronting Douglas Road;
- Building materials comprising colourbond metal cladding for all proposed buildings, with the exception of the office component, which is proposed to be painted precast concrete panels with powder coated aluminium framed windows
- Bioretention basin in north west of property for stormwater quality management.

The proposed elevations and site plan form **Attachments 2** and **3** to this report. The estimated value of the development is \$8million, and the application has been dealt with as a Shire Significant development due to the capital expenditure levels identified.

2. STATUTORY CONSIDERATIONS

- The site is zoned Industrial 4(a) under WLEP 1989, and is identified as Industrial IN1 under the exhibited Draft LEP 2007.

The proposed development is permissible when the Industrial 4(a) zone under WLEP 1989, subject to the consent of Council.

- The provisions of the Drinking Water Catchments REP No.1 are a matter for consideration in the assessment of the application.

- DCP 12: Carparking and Loading is

3. COMPLIANCE TABLE

Performance Criteria	Relevant LEP/DCP	LEP/DCP Standard	Development Proposes	Compliance with LEP/DCP
Carparking	DCP12	Factory 1 per 100	63 Spaces	YES
		Warehouse 1 per 300		
		Office 1 per 40		

4. REFERRALS TO STATE GOVERNMENT AUTHORITIES

- Sydney Catchment Authority

Sydney Catchment Authority have assessed the application in terms of Neutral or Beneficial Effects upon water quality and have provided 16 conditions of consent in a letter dated 4 March 2008. Key conditions of consent require wastewater to be directed to a Biolytic treatment system, require a 3,000sqm effluent disposal area not to be sited within 40 metres of a dam or drainage depression, runoff from hardstand and parking areas to be directed to an oil and silt arrestor, and bioretention basin to be located in the north of the site.

5. REFERRALS TO COUNCIL COMMITTEES

N/A

6. PUBLIC CONSULTATION

The proposed development was notified to surrounding properties from 31 December 2007 to 1 February 2008. No submissions were received.

7. INTERNAL STAFF COMMENTS

Building Assessor

No objection is raised by Council's Building Assessor to the proposed development, and conditions of consent have been provided and are included within draft conditions of consent.

Development Engineer

No objection is raised by Council's Development Engineer to the proposed development, and conditions of consent have been provided, and are included within draft conditions of consent.

8. DISCUSSION OF MAIN ISSUES

Design

The proposed \$8million dollar development is located in the centre of the Moss Vale Enterprise Corridor, and while no DCP has been finalised or adopted for the Moss Vale Enterprise Corridor the contribution of this development to the enterprise corridor in terms of design is important.

The proposed building is setback between 20 – 25 metres to the Douglas Road boundary, and 24 metres to the eastern boundary. A 5 metre width landscaping strip is provided along the Douglas Road boundary, and a 1 metre width landscape strip is provided to the eastern boundary. To assist in screening the 110 metre long/12.5 metre colourbond factory/warehouse building, effective screen planting is required along both the eastern and western boundaries of the site. The use of evergreen species would be particularly effective, and can be required by condition of consent.

The proposed office component of the building will front Douglas Road. Its contemporary design, including skillion roof, painted masonry walls, and horizontally proportioned windows, with masonry “AFP” identification signs lift the architectural standard of the development to an appropriate level for the Moss Vale Enterprise Corridor.

Stormwater/Effluent Disposal/Onsite Bioretention

The proposed development, with on site effluent disposal and bioretention area for stormwater ensures that a neutral or beneficial effect upon water quality is achieved for the development, to the satisfaction of Council’s Development Engineer and the Sydney Catchment Authority.

CONCLUSION

The proposed development is considered satisfactory in terms of Section 79C Environment Planning and Assessment Act, and is worthy of support, subject to the attached draft conditions of consent. **Attachment 4**

ATTACHMENTS

There are four attachments to this report:

1. Locations
2. Proposed Elevations
3. Site Plans
4. Draft Conditions of Consent

RECOMMENDATION

THAT the application be approved, containing the attached draft conditions of consent.



o-EP9 Request for Donation from Southern Highlands International Piano Competition

REF: SPM 7101/1 1660/1

Reporting on reconsideration by Arts and Culture Board Working Group of request for donation from Southern Highlands International Piano Competition.

REPORT

In response to the request from the Executive meeting held 24 January 2008, the Arts and Culture Board Working Group meeting of 18th February 2008 reconsidered the donation request from the Southern Highlands International Piano Competition. Correspondence to the Mayor from Mr Malcolm Yell, Chairman of the Competition, dated 5th December 2007 was received and noted.

The Board resolved that its previous recommendation on this matter should stand and that it be referred back to the next Council meeting for a decision.

ATTACHMENTS

There are no attachments to this report:

RECOMMENDATION

THAT the previous recommendation from the Arts and Culture Board Working Group meeting of 29 October 2007 regarding the request from the Southern Highlands International Piano Competition for a donation of \$5000 stand as follows -

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

- i) The Arts and Culture Board acknowledges the artistic excellence of the competition.*
- ii) 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.*
- iii) The Board regrets that no formal application was made prior to the event through the normal Council grant processes.*
- iv) It is suggested that a balance sheet be requested from SHIPC prior to determination of the request.*
- v) A business plan should accompany any requests for funds for the 2009 competition.*
- vi) Tourism potential of the event is acknowledged.*



-
- vii) *The event needs to be more accessible to the general community in terms of pricing and artistic involvement.*
- viii) *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 i) to viii) above.

The Board further resolved that a recommendation regarding the donation not be made and that Council determine the matter. “



Scott Lee,
Director, Environment & Planning

18 March 2008

REPORT OF CORPORATE SERVICES DIVISION

o-CS1 Cancer Council NSW – Community Partnership

REF	OH&SC	1850/5
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Report on a request by the Cancer Council NSW for Wingecarribee Shire Council to enter into a community partnership with the Wingecarribee Shire Council.

REPORT

Cancer directly affects one in three people in the community – and everyone else will see and feel the impact in physical and emotional suffering, premature death and financial burden. Australians have identified it as their number one health concern (Roy Morgan poll).

While Local Government doesn't have control over spending in hospitals or on Medicare, there are many ways to help reduce the impact of cancer on our community, and Councils are well placed to provide a real boost to the wellbeing of residents.

The Cancer Council NSW has been working with Local Government across NSW on an informal basis for a long time through a range of activities, including Relay-For-Life, Smoke-free playgrounds, advice on sun-safety for workers, and the provision of free cancer information through local libraries.

The Cancer Council NSW has approached Council to enter into a community partnership: a formal relationship between The Cancer Council NSW and Wingecarribee Shire Council. This involves Council affirming its commitment to reduce the impact of cancer in the local community by –

- Learning about and adopting new policies that will lead to a reduction in the incidence of cancer;
- Supporting Cancer Council advocacy campaigns that benefit the residents of Wingecarribee Shire.
- Using Council communication channels, venues, staff and networks to disseminate Cancer Council health promotion and patient support materials;
- Helping the Cancer Council to support patients and their families in your community by allowing use of Council venues for support group meetings and education programs at the discounted '*not-for-profit*' rate; and
- Supporting Cancer Council efforts to raise money in the local area.

When Council becomes a Community Partner, The Cancer Council NSW will provide materials, draft policies, and a suggested range of activities free of charge. Each year, new programs will be developed to help educate and support councils, their residents and their staff. In the coming year these will include the provision of cancer information and support centres in local libraries; advice on shade provision in childcare centres and skin cancer prevention materials for older residents.

The Cancer Council NSW will also provide free health-related copy for use in Council columns in newspapers and in Council newsletters.

Council will be required to nominate two senior staff as Relationship Managers with the Cancer Council. These people will receive all correspondence from The Cancer Council NSW regarding the Partnership, and will facilitate future contact with appropriate Council staff as needed.

The Cancer Council NSW will provide information updates on a six-monthly basis to Council's Relationship Managers. Council will then be able to decide which programs to participate in.

attachments

There are no attachments to this report

RECOMMENDATION

1. THAT Council acknowledges the high level of physical and emotional suffering, premature death and financial burden caused by cancer in this community. By becoming a Cancer Council Community Partner, we undertake to help lower the impact of this insidious disease in our community by –
 - Learning about and adopting new policies that will help reduce the incidence of cancer in our area.
 - Supporting Cancer Council advocacy campaigns that will benefit the people of our community.
 - Using our communication channels, venues and networks to help deliver Cancer Council information and education.
 - Allowing the discounted '*not-for-profit*' rate for the use of Council venues and the provision of other resources for support group meetings, education programs and other activities that benefit cancer patients and their families in the Wingecarribee Shire
 - Supporting Cancer Council efforts in our area to raise money for cancer research, prevention and support.
2. THAT Council nominate The OHS Coordinator Dianne Haydon and the Information & Electronic Services Librarian, Roxanne Seaward as two the relationship managers.

o-CS2 Committee Appointments & Resignations

REF MAS 107/1

Reporting on Management Committee Appointments and Resignations.

REPORT

1. Bong Bong Common Management Committee File No: 6530/1.1

The Bong Bong Common Management Committee at its meeting held on 5 February 2008 received the nomination of Sarah Gray to the Committee.

Committee Recommendation

THAT Sarah Gray be appointed to the Bong Bong Common Management Committee AND THAT Ms Gray be notified of Council's determination.

2. Mittagong Memorial Hall Management Committee File No: 7226/4

The Mittagong Memorial Hall Management Committee at its meeting held on the 6 March 2008 received with regret the resignation of Deb Debenham from the Committee.

Committee Recommendation:

THAT Council accepts with regret the resignation of Deb Debenham from the Mittagong Memorial Hall Management Committee AND THAT Ms Debenham be notified of Council's determination.

ATTACHMENTS

There are no attachments to this report.

RECOMMENDATION

1. THAT Sarah Gray be appointed to the Bong Bong Common Management Committee AND THAT Ms Gray be notified of Council's determination.
2. THAT Council accepts with regret the resignation of Deb Debenham from the Mittagong Memorial Hall Management Committee AND THAT Ms Debenham be notified of Council's determination.
3. THAT the Bong Bong Common Management Committee and Mittagong Memorial Hall Management Committee be notified of Council's determination.

o-CS3 Investments as at 29 February 2008

REF	FSM	2104
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Submitting details of Council's Investments as at 29 February 2008

REPORT

Submitting details of Council's Investments as at 29 February 2008. (See **Attachment 1**)

ATTACHMENTS

1. Investment Reconciliation as at 29 February 2008

RECOMMENDATION

THAT the information on Council's Investments as at 29 February 2008 be received and noted.

REPORT OF DIRECTOR CORPORATE SERVICES

ATTACHMENT 1

INVESTMENT RECONCILIATION AS AT 29 February 2008

Bank	Certificates	Rate	Days	Due Date	Value	Consideration	Total
Lehman Brothers							
<u>Individual Managed Portfolio</u>							
Adelaide Bank FR Sub Debt		bbsw + .50%		9/06/2011	3,500,000.00	3,481,415.00	
ANZ		8.25%		17/07/2008	750,000.00	687,840.00	
Bank of Qld Sub Debt		bbsw + .29%		2/12/2010	7,000,000.00	6,866,650.00	
Elders Rural Bank Sub Debt		bbsw + .85%		13/07/2010	500,000.00	488,505.00	
Elders Rural Bank Sub Debt		bbsw + .83%		6/09/2010	1,000,000.00	964,210.00	
Elders Rural Bank Sub Debt		bbsw + .75%		13/10/2010	500,000.00	485,805.00	
HSBC FRN		bbsw + .28%		22/09/2011	6,500,000.00	6,161,025.00	
Macquarie Bank Sub Debt		bbsw + .70%		15/09/2009	500,000.00	497,510.00	
Royal Bank Scotland		bbsw + .28%		17/02/2012	2,000,000.00	1,923,780.00	
Elders Rural Bank		bbsw + .60%		6/03/2012	1,000,000.00	927,340.00	
Westpac		bbsw + .35%		4/02/2010	500,000.00	493,105.00	
St George		bbsw + 0.31%		26/07/2011	1,000,000.00	964,240.00	
Liquid Securities					24,750,000.00	23,941,425.00	
Aphex (Glenelg)		bbsw + 1.25%		22/06/2009	2,250,000.00	1,552,815.00	
Corsair Kakadu		bbsw + 1.00%		20/12/2009	1,500,000.00	750,210.00	
Corsair Torquay		bbsw + 1.20%		20/06/2009	2,500,000.00	1,660,075.00	
Helium Esperance		bbsw + 1.10%		20/03/2008	2,000,000.00	1,342,280.00	
Helium Scarborough		bbsw + 1.30%		23/06/2009	2,700,000.00	1,711,341.00	
Magnolia Flinders		bbsw + 1.50%		20/03/2009	5,100,000.00	2,892,261.00	
Omega Henley		bbsw + .80%		22/06/2012	2,000,000.00	1,448,240.00	
Starts Blue Gum		bbsw + 1.40%		22/12/2010	1,050,000.00	691,446.00	
Cypress Tree Lawson		bbsw + 1.30%		30/12/2010	1,000,000.00	912,540.00	
MAS6-7 Parkes		bbsw + 2.00%		20/12/2009	2,000,000.00	829,380.00	
Bishopgate Wentworth		bbsw + 1.50%		30/09/2010	500,000.00	451,235.00	
Zircon Coolangatta		bbsw + 1.30%		20/03/2011	2,000,000.00	1,144,460.00	
Saphir Endeavour		bbsw + 1.30%		4/08/2011	140,000.00	121,097.20	
Beryl		bbsw + 0.60%		20/03/2010	4,000,000.00	3,250,240.00	
Zircon Merimbula		bbsw + 1.05%		20/06/2013	500,000.00	292,870.00	
Lehman		bbsw + 0.00%		15/06/2009	560,000.00	505,568.00	
Medium - Long Term Securities					29,800,000.00	19,556,058.20	
Total Securities							43,497,483.20
Bank Accepted Commercial Bills							
NAB	Various	7.05	60	14/03/2008	3,000,000.00	2,965,631.18	
NAB	Various	7.14	61	26/03/2008	1,500,000.00	1,482,312.16	
							4,447,943.34
Macquarie Cash Management Trust						307,546.98	
							307,546.98
Short Term							
NAB						7,000,000.00	
							7,000,000.00
							55,252,973.52

"I certify that the investments detailed in the above table have been made in accordance with the Local Government Act 1993, the Local Government (Financial Management) Regulation 1999 and Council's Investment Policies".

Doug Neville
Financial Services Manager

o-CS4 ANZAC Day 2007

REF: MAS

1671/1

Seeking determination of Council representatives to attend various ANZAC Day services on ANZAC Day 2008.

REPORT

WREATH LAYING CEREMONIES

Council has in the past been represented at ceremonies conducted on ANZAC Day which this year falls on Friday, 25 April 2008. These services are traditionally held in Berrima, Bowral, Bundanoon, Burrawang, Exeter, Hill Top, Kangaloon, Mittagong, Moss Vale, Robertson and Sutton Forest. It is doubtful this year whether there will be any RSL representative to arrange the wreath laying for Burrawang, Kangaloon and Robertson and Bowral. However the RSL Sub-Branch are currently approaching a local school to take on this responsibility.

Council is requested to determine who will be its representatives at the various ceremonies so that the appropriate RSL Sub-Branch can be notified.

The following Councillors represented Council at the 2007 ANZAC Day Services:

BERRIMA	
<i>Dawn Service</i>	<i>Clr P George</i>
<i>Main Service</i>	<i>Clr N N Campbell-Jones</i>
BOWRAL	
<i>Dawn Service</i>	<i>Clr G Lewis</i>
<i>Main Service</i>	<i>Clr G Lewis</i>
BUNDANOON	<i>Clr M King</i>
HILL TOP	<i>Clr P Tuddenham</i>
MITTAGONG	
<i>Dawn Service</i>	<i>Clr N N Campbell-Jones</i>
<i>Main Service</i>	<i>Clr P George</i>
MOSS VALE	<i>Clr M Murray</i>
EXETER	<i>Clr M Murray</i>
BURRAWANG /ROBERTSON / KANGALOON/ SUTTON FOREST	<i>Clr J Mauger</i> <i>Clr P George</i>

2. **LAYING A WREATH OR PLACING A BOOK**

The Bowral, Bundanoon and Moss Vale RSL Sub-Branches and the Berrima Residents' Association have requested books to be presented in lieu of the traditional wreaths during their ANZAC Day services. The books would then be presented to local schools or the shire libraries.

The wreaths and books will be delivered to Councillors on Thursday, 24 April 2008.

3. TRAFFIC MANAGEMENT

The Roads & Traffic Branch has engaged the services of All Areas Traffic Services to manage the traffic for the Anzac Day Parades.

The cost of implementing Traffic Management Plans for all official ANZAC Day ceremonies in 2008 is approximately \$12,000 and this amount has been allocated in Council's 2007/08 Budget.

FINANCIAL IMPLICATIONS

Council expends \$66 per wreath and eleven (11) wreaths plus four (4) books valued at approximately \$65 each will be required at a total cost of approximately \$986.00. Council has allocated funds for this expenditure in Job No. 131048.

ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

- (i) **Environmental Factors**
Benefits are obtained from the environmentally responsible initiatives that are undertaken such as recycling and from increased community/social integration as a result of holding the event.
- (ii) **Social Factors**
ANZAC Day is of great historical significance and an important traditional event attended each year by thousands of Australians.
- (iii) **Economic Factors**
The local economy receives a boost as a result of conducting ANZAC Day marches and services throughout the Shire (visitor spending).

RECOMMENDATION

1. THAT subject to Councillor availability, Council be represented at the following services:

Berrima

Dawn Service

Main Service

Bowral

Dawn Service

Main Service

Bundanoon

Hill Top

Mittagong

Dawn Service

Main Service

Moss Vale

Exeter

Burrawang /Robertson / Kangaloon/

Sutton Forest



2. THAT the respective Sub-Branches be advised of Council representation as detailed in 1 above.

 3. THAT Council purchases four (4) appropriate books to the value of \$65.00 each for the Bowral, Bundanoon, Moss Vale and Berrima Memorial Services AND THAT eleven (11) wreaths be purchased for the remaining locations.
-

o-CS5 Local Environmental Plan re Extraordinary Meeting

REF. MAS

5900

Requesting dates to conduct Extraordinary Meetings to consider the Local Environmental Plan.

REPORT

Council has been undertaking the review of its LEP for some considerable time and following the exhibition period of the Draft LEP it is now requested that Council consider conducting two (2) extraordinary meetings to be held in the Bowral Memorial Hall on Wednesday 16 and Wednesday 30 April 2008 commencing both meetings at 3.30pm.

The reason for requesting two (2) meetings is due to the large number of submissions received by Council. It is proposed that the Meeting to be held on Wednesday 16 April 2008 consider the Reclassification of Community Land and the meeting to be held on Wednesday 30 April 2008 will consider the final endorsement of the LEP

Conducting Extraordinary Meetings to consider the LEP in the Bowral Memorial Hall will allow a greater number of community members to observe the process. The Bowral Memorial Hall can cater for 400 people while the Civic Chambers at Moss Vale can cater for 100 persons.

BUDGET IMPLICATIONS

There will be minor cost for the hire of appropriate PA system for council to conduct and record the meetings. There are sufficient funds in the budget to allow for this cost.

ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

(i) Environmental Factors

Nil

(ii) Social Factors

Will allow greater participation by a larger number of local residents as the LEP issue has generated a great deal of interest.

(iii) Economic Factors

Nil

ATTACHMENTS

There are no attachments to this report.

RECOMMENDATION

1. THAT an Extraordinary Meeting of Council be held on Wednesday 16 April 2008 to consider the Reclassification of Community land in the Local Environmental Plan and that the meeting be held in the Bowral Memorial Hall commencing at 3.30pm.
 2. THAT an Extraordinary Meeting of Council be held on Wednesday 30 April 2008 in the Bowral Memorial Hall commencing at 3.30pm to consider the final endorsement of the Local Environmental Plan
-

Barry W Paull
Director Corporate Services

19 March 2008

REPORT OF TECHNICAL SERVICES DIVISION

o-TS1	Three Hour Parking Restrictions In Oxley Mall Carpark, Bowral
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REF:	TE	7470/1, 7460/8, 1602/3
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Requesting three hour parking restrictions in part of Oxley Mall Carpark in Bowral.

REPORT

The Bowral Chamber of Commerce has requested three hour parking in part of Oxley Mall Carpark in Bowral (see attachment 1). The area requested is bounded by Gloria Jeans Coffee, Village Lane and Boolwey Street and comprises 48 parking spaces (see attachment 2). Council leases this part of Oxley Mall Carpark and under the lease may "impose and enforce such parking restrictions and charges as it may see fit".

On 18 February 2008 this request was put to the Traffic Committee, which recommended as follows:

1. THAT the Traffic Committee is reluctant to support this request and submits the matter to Council to determine the request to increase the time limit from two to three hours in the part of Oxley Mall Carpark bounded by Gloria Jeans Coffee, Village Lane and Boolwey Street;
2. THAT Council notes that should the time limit be changed then new signposting (estimated cost \$2000) will be needed at the three entries to Oxley Mall Carpark and in the changed section to make the signs enforceable;
3. THAT Council notes the loss of turnover of parking spaces resulting from the change from two hours to three hours;
4. THAT Council notes that a three hour parking restriction is harder to police and will only allow one parking patrol of the area per day;
5. THAT Council notes that a lack of consistency of carpark time limits is undesirable and will lead to more confusion by the public.

At its meeting on 5 March 2008, Council resolved as follows:

THAT Item TC 13/08 (Three Hour Parking Restrictions in Oxley Mall Carpark) be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 26 March 2008 by way of a separate report.

The following comments were recorded in the Council minutes:

Clr T D Gair stated that the Traffic Committee were reluctant to support this request and had referred it back to Council for consideration.

Relaxing the parking restriction in part of Oxley Mall Carpark from two hours to three hours reduces the turnover of spaces and hence the number of spaces available. With 48 two hour spaces, there are 228 spaces available per week day. Changing to a three-hour restriction reduces the parking spaces to 152 spaces per day – a loss of 76 spaces per day.



A three hour parking restriction is harder to police. At the Traffic Committee meeting it was suggested that it would only allow one parking patrol of the area per day. Council's Rangers advise that two patrols would be possible per day.

All the time-limited Council car parks in Bowral have a two hour limit except the bottom level of Woolworths which is three hours. The Traffic Committee commented that having more than one time limit is inconsistent and will lead to more confusion by the public.

BUDGET IMPLICATIONS

It is estimated that should the time restriction be increased to three hours, then the new signposting will cost \$2000 to supply and install. The three entry signs to the carpark and the signs in the immediate area would need to be replaced to include the three hour restriction.

ATTACHMENTS

1. Letter from Bowral Chamber of Commerce
2. Aerial photo (2002) of part of Oxley Mall Carpark

RECOMMENDATION

THAT Council consider the recommendations of the Traffic Committee and determine the matter.



Mr Mike Hyde
General Manager,
Wingecarribee Shire Council
PO Box 141
MOSS VALE NSW 2577

WINGECARRIBEE SHIRE COUNCIL		
Classification:	MAILING	
Doc. No.		
File No.	1602/3	
6 - DEC 2007 7400/8		
OFFICER	ACTION	INFO
JTS	<input checked="" type="checkbox"/>	
DM		<input checked="" type="checkbox"/>

23RD November, 2007

RE: Wingecarribee Car Parking Draft Strategy – July 2007

Dear Mr Hyde,

The Bowral Chamber of Commerce and Industry Inc is concerned by the increasing deterioration of the parking situation in Bowral. Our members feel that the increase in commercial developments, and consequent increase in consumer traffic, has not been matched by adequate parking provisions and has in fact caused frustration and inconvenience to customers.

Chamber members recently had the opportunity of meeting with Frank Icono and Frank Purger from Council to discuss the Wingecarribee Car Parking Draft Strategy – June 2007. It was a very fruitful meeting and the Chamber fully endorses the strategy.

Whilst it is noted that many aims of the Strategy are medium to long term, it absolutely vital that those strategies which can be implemented in the short term are put in place as soon as possible. I refer you those items that come under Immediate Requirements, i.e.:

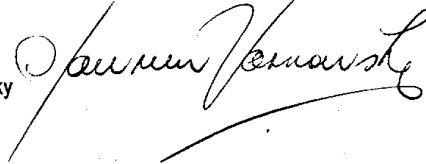
- Provide better signage & information on Car Park Map – locations; supply and duration.
- Investigate feasibility of privately leased staff street parking.
- Investigate user pays principles in all times parking spaces – parking meters.
- Highlight on the map that there is freehold parking in the Woolworths car park.

The Chamber also feels that there is not sufficient 3 hour parking available in Bowral, and suggests that the area adjacent to Gloria Jean's Coffee Lounge should become a 3 hour parking area. This area is well defined and separate, offering the rangers a good management opportunity to police the time limit. We request that Council implement this, if even on a trial basis, as soon as possible.

I also refer you the second point above; privately leased street parking. It has been suggested that the roadside on the south east side of Kirkham Road, south of the railway bridge, would be an ideal location for Council to make marked parking spaces available for commercial rental. Many businesses with staff to accommodate would be quite willing to take out an annual lease on such parking spaces. There could be other locations suitable for this purpose as well.

The Chamber urges Council to address these matters now, as our members believe the situation is critical and is impacting on their ability to do business in Bowral.

Yours faithfully,
Maureen Varnavsky
President



BOWRAL CHAMBER OF COMMERCE AND INDUSTRY INC.
PO Box 623
Bowral, NSW 2576

Wingecarribee Shire Map



0 3 6 12 18 24 Meters

Produced by the GIS Section,
Wingecarribee Shire Council.

Date Disclaimer

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.

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o-TS2 Completion of Pedestrian Access Mobility Plan Study (Pamps) For Robertson, Bundanoon & Villages

REF: DPM

7401/1

Reporting on the completion of the Pedestrian Access Mobility Plan Study (PAMPS) for the towns of Robertson and Bundanoon and the villages of Avoca, Aylmerton, Balaclava, Balmoral Village, Berrima, Braemar, Burrawang, Colo Vale, Exeter, Fitzroy Falls, Hill Top, Medway, New Berrima, Penrose, Sutton Forest, Welby, Willow Vale, Wingello and Yerrinbool.

REPORT

The consultant engaged by Council will brief Councillors on the PAMPS project at an Information Session at 3pm, prior to the Council meeting.

1. BACKGROUND

In 2000 Geoplan Urban and Traffic Planning completed a PAMPS for the towns of Bowral, Mittagong and Moss Vale. Council adopted the recommendation of this PAMPS on 22 November 2000.

In November 2006, Council received further funding from the NSW Roads and Traffic Authority (RTA) to prepare Pedestrian Access Mobility Plan Study (PAMPS) for the towns of Robertson and Bundanoon & the Shire Villages.

Council appointed Consultants', QED Pty Ltd, to prepare the PAMPS. The project was managed with a Councils' PAMPS Team which included Trevor Grant (PAMPS Project Manager - Council), Dominic Lucas (Design & Projects Manager), Jo Babb (Disability Aged Worker), Frank Perger (Traffic Engineer), Charmaine Cooper (Roads Safety Officer) and James Shelton (Strategic Planner).

To facilitate a potential grant application for a pathway along the Illawarra Highway (from Camp Street to Fountaindale Road) Robertson, the PAMPS was divided into two distinct stages:

Stage 1 The town of Robertson.

Stage 2 The Town of Bundanoon and the Villages of Avoca, Aylmerton, Balaclava, Balmoral Village, Berrima, Braemar, Burrawang, Colo Vale, Exeter, Fitzroy Falls, Hill Top, Medway, New Berrima, Penrose, Sutton Forest, Welby, Willow Vale, Wingello and Yerrinbool.

2. PAMPS OBJECTIVES

The PAMPS were developed following the RTA guide:
HOW TO PREPARE A PEDESTRIAN ACCESS MOBILITY PLAN – An Easy Three Stage
Guide.

This Guide set out a number of objectives:

- To facilitate improvements in level of pedestrian access and priority, particularly in areas of high pedestrian concentrations.
- To reduce pedestrian access severance and enhance safe and convenient crossing opportunities on roads.
- To identify and resolve pedestrian crash clusters.
- To facilitate improvements in the level of personal mobility and safety for pedestrians with disabilities and older persons through the provision of pedestrian infrastructure and facilities which cater to the needs of all pedestrians.
- To provide links with other transport services to achieve an integrated land use and transport network of facilities that comply with best technical standards.
- To ensure pedestrian facilities are employed in a consistent and appropriate manner throughout NSW.
- To link existing vulnerable road users plans in a co-ordinated manner (e.g. Bike plans, maintenance programs, accessible public transport, etc).
- To ensure that pedestrian facilities remain appropriate and relevant to the surrounding land use and pedestrian groups.
- To accommodate special needs of pedestrians.
- To further Council's obligation under the Commonwealth Disability Discrimination Act 1996.

3. THE WINGECARRIBEE PAMPS PROCESS

QED Pty Ltd, Fay Patterson, has undertaken extensive research in the preparation of the Wingecarribee PAMPS. In summary, the PAMPS process was:

a) Robertson - Data Collection, Survey and Analysis

This included community input via a community meeting (December 2006) and a Walking Workshop feedback form. The meeting was advertised in the local press and a mail out, which included the Walking Workshop feedback form to be completed, was sent to all Robertson residents within a certain radius of the town centre. Peak organisations such as the Chambers of Commerce, seniors groups, the school and Council's Access Committee were invited to lodge the completed feedback forms with QED Pty Ltd or to attend the community consultation meeting and bring along their feedback form to be completed at the meeting. QED Pty Ltd then compiled the data received from the meeting and feedback forms.

b) Bundanoon and Villages - Data Collection, Survey and Analysis

This included community input via a Walking Survey feedback form which was mailed in February 2007. The Walking Survey feedback form proposed mail out was advertised in the local press and in the February 2007 issue of Councils' Wingecarribee Today newsletter. Residents were encouraged to complete the forms and return them in the free pre-paid post supplied attached to the survey form, to Councils' Project Manager. These forms were collated and then sent to QED Pty Ltd for analysis.

The completed feedback and survey forms for both Stages were to identify public concerns, unsafe pedestrian locations and walking routes. Council staff provided information and advice to the consultant at meetings and through existing reports and expert knowledge.

Technical input included reported pedestrian crashes in the study areas; mapping of existing pedestrian trip generators and attractors (eg retail hubs, railway stations, main bus stops, educational facilities, community centres, etc) examination of the road hierarchy and proposed road works; existing pedestrian facilities; traffic volumes and speed; identification of gaps in pedestrian facilities and movement counts.

c) Development of a Strategic Pedestrian network

Based on future land use, public transport and road infrastructure, the data collected and the community input and range of opportunities and constraints were identified.

The Pedestrian Network for both Stages detailed the routes as Primary, Secondary, Local Access and Recreational. Maps of a network of walking routes were developed, for both Stages.

d) Development of Action Plans

The Action Plans for Stages 1 & 2 detail devices and engineering improvements for pedestrian access and road safety. The Action Plans are based on site inspections of the pedestrian networks, consideration of the survey results and reported pedestrian crash histories.

e) Final Draft PAMPS

The formulation of the draft Wingecarribee PAMPS for Stage 1 - Robertson occurred in February 2007 and Stage 2 – Bundanoon and Villages occurred in May 2007. These were sent to the RTA for comments and final approval in March 2007 and June 2007 respectively.

Further consultation with key stakeholders such as the Chambers of Commerce, Community Groups, community members, the Access Committee and Council staff has occurred.

The Final PAMPS reports will be presented to a Councillor Information Session to be held on 26 March 2008 by QED Pty Ltd.

4. CONCLUSION

The PAMPS has been thoroughly and professionally developed by QED Pty Ltd in consultation with staff from the Design & Projects Branch and the PAMPS Team. It has been well received by the Chambers of Commerce and other key stakeholders. It reflects all known data and development plans for Robertson, Bundanoon and the villages.

There are innovative and standard strategies included in the PAMPS which, if implemented, will improve pedestrian safety and amenity in Robertson, Bundanoon and Villages of the Shire.

ATTACHMENTS

Table of Stage 1 & Stage 2 of the PAMPS Study

RECOMMENDATION

1. THAT Council adopt the Pedestrian Access Mobility Plan Study and Associated Project Priorities prepared by QED Pty Ltd and approved by the RTA, for the towns of Robertson and Bundanoon and the villages of Avoca, Aylmerton, Balaclava, Balmoral Village, Berrima, Braemar, Burrawang, Colo Vale, Exeter, Fitzroy Falls, Hill Top, Medway, New Berrima, Penrose, Sutton Forest, Welby, Willow Vale, Wingello and Yerrinbool;
 2. THAT the Seniors Working Group be provided with details of the PAMPS;
 3. THAT the PAMPS Priority Schedule be considered for funding in annual budgets AND THAT applications for grant funding be lodged with the Roads & Traffic Authority when the opportunity arises..
-

ATTACHMENT 1

Stage 1 - Robertson Pedestrian Access Mobility Plan Study – Priorities listed as High to Very High

Priority	Type of Works	Location	Estimate \$
P1	Pathway - 2.5m wide	Illawarra Highway, from Camp Street to Fountaindale Road.	475,000
P2	Pathway - 2.0m wide	Hoddle Street, from Caalong Street to Hampden Park car park.	86,000
P3	Pathway - 2.0m wide	Hoddle Street, from Wallangunda Street to Service Station.	11,000
P4	Pathway - 2.0m wide	Hoddle Street, from Caalong Street to South Street.	200,000 + rail crossing
P5	Pathway - 2.0m wide	Hoddle Street, from Hampden Park car park to Meryla Street.	72,000

Stage 2 - Bundanoon & Villages Pedestrian Access Mobility Plan Study – Priorities listed as High to Very High

Aylmerton			Village
Priority	Type of Works	Location	Estimate \$
P1	Pathway - 2.0m wide	Old Hume Highway, from Braemar Avenue to Aylmerton Road.	273,900

Balaclava			Village
Priority	Type of Works	Location	Estimate \$
P1	Pathway - 2.5m wide	Old Hume Highway, from Mittagong to Balaclava Street.	633,000
P2	Pathway - 1.2m wide	Inkerman Road, then along Nightingale Lane, and a section of Elsworth Avenue.	18,600

Berrima			Village
Priority	Type of Works	Location	Estimate \$
P1	Pathway - 1.5m wide	Eastern side of Old Hume Highway, from Argyle Street to Oxley Street, then from Oxley Street to Berrima School.	5,500
P2	Pathway - 1.5m wide	Wingecarribee Street, extended to Schotts Lane	31,500
P3	Pathway - 1.5m wide	Jellore Street, full length	27,000
P4	Pathway - 1.5m wide	Argyle Street, from Wiltshire Street to Oxley Street	26,200

Stage 2 - Bundanoon & Villages Pedestrian Access Mobility Plan Study – Priorities listed as High to Very High (cont.)

Braemar			Village
Priority	Type of Works	Location	Estimate \$
P1	Pathway - 2.5m wide	Old Hume Highway, from Braemar Avenue to Aylmerton Road.	510,000

Bundanoon			Town
Priority	Type of Works	Location	Estimate \$
P1	Pathway - 1.5m wide	West along Anzac Parade (northern side) and over the Railway Bridge.	42,600
P2	Pathway - 1.5m wide	West along Anzac Parade (southern side) to Penrose Road.	48,000
P3	Pathway - 1.5m wide	East along Railway Avenue, then across the railway line over a proposed footbridge, and then west along Erith Road.	702,000

Colo Vale			Village
Priority	Type of Works	Location	Estimate \$
P1	Pathway - 2.0m wide	From the shop – 50 metres along the four adjoining streets.	74,000

Exeter			Village
Priority	Type of Works	Location	Estimate \$
P1	Pathway - 2.0m wide Kerb Extensions. Pedestrian Refuges. Islands. Street Lighting.	General Store Precinct: - Provide Kerb Extensions in Middle Road. - Provide Pedestrian Refuge in Middle Road. - Construct Islands in chevroned areas in Badgery's Way. - Provide Pedestrian Refuge in Bundanoon Road. - Extend Pathways along Middle and Exeter Roads.	89,000
P2	Pathway - 1.2m wide	Along Exeter Road to Yarwood Drive.	75,300
P3	Pathway - 2.0m wide	Along Public School frontage in School Lane.	25,200

Stage 2 - Bundanoon & Villages Pedestrian Access Mobility Plan Study – Priorities listed as High to Very High (cont.)

Hill Top			Village
Priority	Type of Works	Location	Estimate \$
P1	Pathway - 1.5m wide	Rosina Street: from West Parade to Madeleine Street from Vera Street to Rosina Street, from Linda Street to Raglan Street, from Fitzroy Street to James Street.	227,200
	Pathway - 1.2m wide.	Madeleine Street, from Linda Street to Rosina Street Vera Street, from Madeleine Street to West Parade.	
P2	Pathway - 1.2m wide	West Parade, north from Raglan Street to the Shop. Rosina Street, from Madeleine Street to Cumbertine Street. Linda Street, from West Parade to Madeleine Street.	207,800

Penrose			Village
Priority	Type of Works	Location	Estimate \$
P1	Pathway - 1.5m wide	15m in both directions from the Shop.	6,300
P2	Pathway - 1.5m wide	Along Public School frontage in Penrose Road.	4,200
P3	Pathway - 1.2m wide	Penrose Road, from Koolibah Lane to the Shop.	77,300

Sutton Forest			Village
Priority	Type of Works	Location	Estimate \$
P1	Pathway - 1.2m wide	Illawarra Highway (western side), from the Community Hall to the existing footpath at the Public School.	95,600
P2	Pathway - 1.2m wide	Illawarra Highway (western side), from the Public School to Golden Vale Road.	33,600
P3	Pathway - 1.5m wide	Widen the existing concrete footpath, along the Public School frontage on the Illawarra Highway.	16,500

Stage 2 - Bundanoon & Villages Pedestrian Access Mobility Plan Study – Priorities listed as High to Very High (cont.)

Welby			Village
Priority	Type of Works	Location	Estimate \$
P1	Pathway - 2.5m wide	Old Hume Highway (northern side), from Currockbilly Street to Jellore Street.	73,500

Wingello			Village
Priority	Type of Works	Location	Estimate \$
P1	Pathway - 2.0m wide	25m in both directions from the Shop along Railway Parade.	20,000
P2	Pathway - 1.2m wide	Along Railway Station frontage along Railway Parade.	8,400

Yerrinbool			Village
Priority	Type of Works	Location	Estimate \$
P1	Pathway - 2.0m wide	Old Hume Highway, on either side of the Shop, between Everest Street and Andes Street.	14,000

o-TS3 Funding Options For Upgrade of Roundabout on Funston Street, Bong Bong Street, Moss Vale Road & Kangaloon Road, Bowral

REF: DPM 7810/21, 7457/3, 107/21, 5701/6, PN991500

This report considers funding options to enable upgrading of the Funston Street, Moss Vale Road, Kangaloon Road and Bong Bong Street roundabout.

REPORT

1. Introduction

Council has been advised that the Roads & Traffic Authority (RTA) Wollongong office will be applying for part funding in the 2008/09 financial year to improve the existing roundabout at the intersection of Funston Street, Kangaloon Road, Moss Vale Road and Bong Bong Street.

The project will possibly be funded through the NSW "Black Spot" and RTA Traffic Efficiency Improvement funding programs.

Council has been previously advised of the need for intersection improvements at this roundabout by Weekly Circular – 25 May 2007 (see Attachment "1") and at the Finance Committee Meeting – 21 February 2007 (see Attachment "2").

The upgrade of this intersection was given high priority by the Bowral Traffic Strategy Working Group.

2. Existing deficiencies

The subject intersection has a number of geometric deficiencies including:

- Inadequate provision for left turning heavy vehicles from Moss Vale Road to Funston Street which forces some vehicles to mount the kerb and track over the footway area. This causes damage to the kerb and footway area, but more importantly, places waiting pedestrians at risk.
- Inadequate clear space for semi-trailers turning right from Funston Street to Moss Vale Road. Many large vehicles need to mount the roundabout central island annulus with some vehicles colliding with the central island garden wall. Although the garden wall was reconstructed several years ago, it was again soon damaged, resulting in the garden wall being left in a tardy state.
- Limited provision is provided for the safe passage of pedestrians across each leg of the roundabout. Existing splitter island areas are inadequate to safely store pedestrians as they attempt to make two stage crossings. Currently pathways and kerb ramps are either not provided or, where provided, are sub-standard.

In addition to the poor geometric issues, the roundabout has capacity deficiencies. The Moss Vale Road approach to Funston Street, in particular, exhibits noticeable delays during peak periods.

3. The Station Street Reclassification Strategy

For some time Council has been pursuing, as opportunities arise, a reclassification strategy, whereby **Station Street/Funston Street** would be classified as a **regional road**. Should Station Street/Funston Street be reclassified, this would then allow Council in the future to apply for government grants for projects which a local road classification would not qualify. However, Council is advised that the extent of funding for a regional road are significantly less than that of a road which has “state road” classification. It should also be noted that the RTA requires that **Bong Bong Street** be retained as a **state road**.

To assist the reclassification, all improvements to Station Street – Funston Street route should meet current RTA design and construction standards.

Due to the geometric deficiencies at the subject roundabout, heavy vehicles cannot adequately negotiate the roundabout, forcing some large vehicles (especially transport floats) to avoid Station Street/Funston Street.

The upgrade of this roundabout is considered an important step in progressing the reclassification strategy.

4. Proposed Layout and Roundabout Capacity Improvements

Whilst the works were originally intended to address the geometric and pedestrian safety issues, relatively minor additional work (as shown on the attached layout plan (Attachment 3) can make a significant improvement to the operational efficiency of the roundabout, especially for the Moss Vale Road approach to Bowral. Improvements in efficiency are proving to be beneficial in securing grant funds.

The proposal provides for an additional 50m long left turn lane on the Moss Vale Road approach. This will require the banning of parking on Moss Vale Road for about 70 metres on the approach to the roundabout.

Based on a March 2006 traffic count, SIDRA analysis indicates that evening peak average delays will be reduced from 46 seconds to 13 seconds, the queue length reduced from 295 metres to 87 metres and that the Level of Service will improve from “D” to “B”. The layout (Attachment 3) provides details of the proposed modifications. The RTA has approved the layout and Design and Projects Branch is in a position to commence the preparation of detailed construction drawings.

The design proposal enables single-unit vehicles (up to 12.5 metres long) to turn left from Moss Vale Road into Funston Street and be wholly contained within the left turn lane. Semi-trailers (up to 19 metres long) requiring to turn left will need to do so from the proposed adjacent through lane, which is acceptable practice and common at most intersections. Vehicles up to and including 19m semi-trailers will not need to mount the kerb and footway area as they currently do. Funston Street/Moss Vale Road is not a “B-double” route, there is no obligation to provide for vehicles longer than 19 metres.

It is considered that the proposed works will provide significant benefit for the short to longer term.



5. Cost/Benefit Calculations

The RTA is currently calculating the Cost/Benefit of the proposed works for consideration of funding through the NSW "Black Spot" funding program.

A number of tow away accidents have occurred at this intersection over the past five years (the period considered for analysis). The RTA procedure involves developing countermeasures which clearly aim to prevent the type of accidents recorded from recurring.

The costs are then compared to the expected benefits (i.e. minimizing the chance of the type of recorded crash from recurring). The cost/benefit of this project is then compared to others in the state and the projects are then prioritised with projects with the highest cost/benefit at the top of the priority list. As there is a fixed state budget, projects with a low cost/benefit may not actually gain funding.

Projects may not become eligible in a following year, should accident numbers in the current year reduce.

The deficiencies at the subject intersection are apparent and unless the deficiencies are addressed it is most likely that unsatisfactory traffic incidents will continue to occur at unacceptable frequency.

6. Property Acquisition

The project cannot be undertaken without some property acquisition of the property on the south western corner of the roundabout, being Lot A DP364471. Every endeavour has been undertaken to limit the acquisition. The total land area required is 40 square metres (the land holding is 2012 square metres) as shown on Attachment 3. An independent valuation has been undertaken and the project costs include compensation to the land owner.

Officers from the Design and Projects Branch met with the affected property owner on Friday 14 March 2008. Those officers explained the project to the property owner and physically showed the approximate extent of acquisition. Although the owner wanted it stated that he was disappointed that Council was not pursuing the ultimate Bowral by-pass route, he accepted that something needed to be done to address the issues at the roundabout. The property owner advised that he was prepared to discuss all aspects of the project and acquisition.

Although the acquisition and final compensation need to be negotiated with the land owner, the project costs include an amount for acquisition, fencing and landscaping of the new boundary.

6.1 Property Acquisition Procedure and expected timing

Once an updated valuation is finalised, Council's Property Officer will negotiate with the owners for the acquisition of part of the property as outlined above. It is anticipated that this process from negotiation to completion of acquisition would take six (6) months. As the acquisition is a vital component in the construction of the roundabout, if negotiations are unsuccessful this matter will be referred back to a future Council meeting with a recommendation that this matter proceed by compulsory acquisition.

7. Funding Opportunities (RTA, Sec. 94) and costs.

The project is estimated to cost approximately \$400,000 (including property acquisition).

Council's Strategic Planner outlined in his report to the Finance Committee on 21 February 2007 (Attachment 2) that as at 31 October 2006 (combined Bowral and Burradoo s.94 Plan) that the balance was \$521,177. An additional \$68,000 has been levied against "The Intersection" development at the intersection of Station Street and Bowral Street.

Council has committed \$350,000 s.94 funds towards the Moss Vale Road right turn lane into Holly Road. A further \$82,500 has been committed to completing the Station Street and Bowral Street roundabout (upon completion of the conditioned works by the developer).

This leaves an s.94 balance of \$156,677.

Council has been advised that the RTA will be submitting this project for state funding in the 2008/09 financial year. The RTA has not indicated the extent of funding, nor the likelihood of success.

MANAGEMENT PLAN ISSUES OR IMPLICATIONS

Remediation and improvements of this roundabout are a key element in improving traffic efficiency (reduction of delays, shortening of queue lengths and improvements in Level of Service).

The roundabout is strategically located to provide a real alternative for heavy vehicles which would result in a reduction in the number of heavy vehicles travelling through the Bowral Town Centre.

The expected outcomes that are likely to be achieved following completion of this project are consistent with the objectives for the Infrastructure Program set out in Council's Management Plan.

BUDGET IMPLICATIONS

Assuming that Council is successful in obtaining 50% grant funds from the RTA, uncommitted funds in the s.94 plan amount to \$156,677, leaving a budget shortfall of \$43,323.

ATTACHMENTS

1. Weekly Circular Item 25 May 2007
 2. Extract from report to Finance Committee 21 February 2007 regarding Section 94 commitments.
 3. Proposed Layout Plan
-

RECOMMENDATION

1. THAT Council proceed, regardless of RTA grant funding, with property acquisition and property adjustments (subject to satisfactory negotiation with the land owner) as shown on Plan 1950 CP, to be funded from the available Bowral Traffic Management Facilities s.94 funds;
 2. THAT Council allocate \$156,677 from the Bowral Traffic Management Facilities s.94 fund for the purpose of undertaking remedial work and property acquisition at the Funston Street/Moss Vale Road/Kangaloon Road/Bong Bong Street roundabout to address existing geometric, pedestrian safety and capacity issues.
 3. THAT Council allocate \$43,323 from the 2008/09 Capital Projects Reserve for the purposes of providing additional funds to the \$156,677 s.94 funds required to meet an anticipated 50% funding offer from the RTA to undertake remedial works at the Funston Street/Moss Vale Road/Kangaloon Road/Bong Bong Street roundabout estimated to cost \$400,000;
 4. THAT an updated valuation be obtained by a registered valuer in respect of Lot A DP364471;
 5. THAT the General Manager be delegated authority to negotiate with the owners of 19 Funston Street Bowral for the acquisition of approximately 40 square metres of land from Lot A DP364471;
 6. THAT Council's solicitors, B Bilinsky & Co., be instructed to prepare the requisite Transfer and Deed of Agreement following negotiations;
 7. THAT the Transfer and Deed of Agreement be executed under the Common Seal of the Council;
 8. THAT all costs in respect of the valuation and acquisition be funded from the project funds (as outlined).
-

ATTACHMENT 1

COUNCIL WEEKLY CIRCULAR

ITEM NO:

SUBJECT: Recommendations of the Bowral Traffic Strategy Working Group

CONTACT NAME: Dominic Lucas, Design & Projects Manager

DATE: 25 May 2007

FILE NO: 7457/3

At the last Bowral Traffic Strategy Working Party (BTSWP) held on 26 February 2007, two important projects were recommended for funding support in the 2007/2008 budget:

1. Funding of a Bowral Traffic Relief Strategy - Route Selection Study
2. Funding of the Funston Street/Moss Vale Road/Kangaloon Street Roundabout Modifications

Unfortunately neither of these two projects were recognised as high priority projects in the budget review and hence to date, the draft Management Plan and Budget has not listed these projects for funding in 2007 / 2008.

1. Bowral Traffic Relief Strategy - Route Selection Study

One major recommendation of the BTSWP was to seek Council funding for the Bowral Traffic Relief Strategy. An expression of Interest was sought from a consultant with expertise in traffic route studies to determine an order of cost for budget purposes, prior to calling tenders from several consultants. The consultant's estimated the cost was between \$160,000 and \$250,000 and would include the assessment of a range of engineering, environmental, cost and socio-economic assessments as well as conduct a public consultation exercise. Two routes were identified for careful examination namely the:

- Extension of Station Street towards Links Road;
- The upgrade of Kirkham Street incorporating a railway overbridge onto Funston Street.

Independent advice from by Council's own "TRACKS" modelling consultant Gabittes Porter identified unacceptable traffic delays and levels of service in the medium term. The consultant therefore needs to carefully re-evaluate traffic relief route options at a micro-simulation model. This will allow Council to put in place along term traffic & parking management plan and develop a funding strategy for the town centre.

As no funds have been identified for the route study in the 2007/08 draft budget, there appears little reason for the Bowral Traffic Strategy Working Party to continue meeting in the short term.



2. Funston Street/Moss Vale Road/Kangaloon Street Roundabout Modifications

The other major recommendation of the BTSWP was to investigate improvements to the existing roundabout at the subject intersection. A concept design was prepared by the Design & Projects Branch and forwarded to the Roads & Traffic Authority for comment. The proposed works include:

- Modifying the existing kerb return on the Moss Vale Road/Funston Street (South-Western) corner
- Property acquisition/road widening on the South-Western corner
- Modifying the existing kerb return on the Moss Vale Road/Kangaloon Road (southern) corner
- Modifying the existing Funston Street (eastern) splitter island
- Modifying the existing Moss Vale Road (southern) splitter island
- Providing a dedicated left turn lane from Moss Vale Road into Funston Street
- Enhancing pedestrian access across the intersection

The RTA was also approached for funding assistance towards the roundabout upgrading works. Unfortunately the RTA is currently unable to fund the proposal. The estimated cost to undertake the roundabout modification works is \$350,000. The works are currently unfunded in the 2007/2008 draft budget.

As these projects remain unfunded, no further work will be undertaken on them. The projects will be re-listed for consideration in the 2008/09 budget and the BTSWP will be advised accordingly.

In the meantime, Council staff will continue to apply for any Roads & Traffic Authority grants that are applicable.



ATTACHMENT 2

Extract from report to Finance Committee Meeting on 21 February 2007
regarding Section 94 commitments

Please note relevance to the subject Report:

The current balance in the s.94 fund for Bowral and Burradoo as at 31 October 2006 (combined in the same plan) is \$521,177. Council has committed \$350,000 s.94 funds towards the Moss Vale Rd right lane into Holly Road.

In addition to this work, Council staff have identified a left turning lane on Moss Vale Road (travelling into Bowral) at the Kangaloon Road roundabout into Funston Street. This requires some minor land acquisition, relocation of services and widening and reconstruction of pavement. Concept drawings have been prepared and the estimate (excluding acquisition) is for around \$350,000 but has not been included in any works program.

The Bowral/Station Street roundabout will therefore draw down on the funds to a projected balance of \$156,677 ($\$521,177 + 68,000 - \$350,000 - \$82,500$).

o-TS4 Inquiry Into Water & Sewerage Provision In Regional NSW

REF: WSM

7799

The purpose of this report is to formally present the information discussed at the Councillor Information Session held on 5 March 2008 and seek a resolution confirming option/s for Council's written submission.

REPORT

1. BACKGROUND

- August 2007 – the Minister for Water Utilities announced an inquiry into the institutional and regulatory arrangements by which Water & Sewerage (W&S) Services are provided in Country NSW.
- January 2008 – the Government finalised terms of reference (TOR) and appointed Mr. Ian Armstrong and Dr. Colin Gallatly to head the team of inquiry.
- February 2008 – The government released a 'Discussion Paper'. This was circulated to all Councillors.
- 13 February 2008 – W&S Manager attended a meeting in Braidwood where the Minister presented an overview of the inquiry.
- 25 February 2008 – staff had informal discussions with the Director Shoalhaven Water to brainstorm regional options.
- 28 February 2008 – Local Government Shires Association (LGSA) published an 'Options' paper on the inquiry. This also was circulated to all Councillors.
- 5 March 2008 – an Information Session was held for the Councillors.
- 7 March 2008 – following a meeting of the Southern Councils Group (SCG), George Coward has been nominated to co-ordinate a joint submission of the affected SCG Councils.

2. INQUIRY PROCESS

- Written submissions closing on 30 April 2008 are invited from any interested person or organisation addressing any issue/s within the TOR.
- After receiving written submissions, hearings will be conducted in 15 locations across NSW to enable interested parties to make presentations to the inquiry.
- Inquiry Team will submit their report to the Government. The Minister indicated that this could be in July 2008.
- The Government expects to make a decision by end of 2008.

3. DISCUSSION PAPER - SUMMARY

Reasons for the Review – the discussion paper released by the Government identified the following reasons for the review.

- The last review was in 1993 and since then, the operating environment has changed significantly.
- Drought, climate change and sustainable extraction rules have reduced the yield of Local Water Utilities' (LWU) water systems.
- LWU's are experiencing shortages in the skills needed to plan and operate water assets.
- Many utilities face constant challenges to plan and deliver reliable, high quality Water and Sewerage services.

Principles of Inquiry – the key principle is customers of LWUS are entitled to benefit from professionalism, cost effective service standards and regulatory safeguards in the provision of Water & Sewerage Services. The minimum standards are:-

- Respond professionally to challenges (strategic planning, service standards).
- Be financially self sufficient (full cost recovery, commercially focused, pricing oversight, economy of size).
- Be able to comply with increasingly stringent environmental and public health standards (risk management approach).
- Implement cost effective service standards (KPI's, performance monitoring).

4. MEETING WITH THE MINISTER

- The Minister said that continuing to have 107 LWU's would not be an option. One model may not fit all and more than one model is possible.
- He indicated that if councils come up with suitable model/s, then the Government will provide funding to get them off the ground, possibly through funding set up costs, asset upgrades etc, funding will not be ongoing and the model needs to be sustainable.
- He said that the models should address or retain the following:-
 - revenue stream (sustainable, self sufficiency)
 - capital program (growth, renewal)
 - jobs (models that would result in job losses will not be accepted)
 - capacity to access/develop skilled labour
 - governance method (remove political interference)
 - effective pricing regime (cost of service provision, external review)

5. IMPLICATIONS FOR WINGECARRIBEE SHIRE COUNCIL AND THE COMMUNITY

Adoption of a regional or corporatised model is likely to have the following implications for the Council and the community.

- Increase in cost of services and hence Water & Sewer user charges.
- Significant impact on remaining Council operations.
 - financial loss (infrastructure charge \$1m/yr and inter-functional charges \$1.5m/yr)
 - loss of critical mass for human and physical resources.
 - Loss of key staff (less choice and opportunities)
- Negative effect on local employment and associated service industries/organisations.
- Community feeling of loss of involvement in their water and sewerage business.
- Introduces barriers to holistic land use planning, community planning and Integrated Water Cycle Management (IWCM).

6. LGSA OPTION PAPER SUMMARY & SYDNEY WATER OPTION

The LGSA identified six potentially favourable models.

- Mandatory Regional Alliance – an agreed scope of pooled activities would be set up centrally and participants pay pro-rata for the share of the services. Imposes the least change. Will not be effective unless participation is mandatory. May not achieve step change.
- County Council, Services Only – assets owned by councils and services provided by a County Council operating under the Local Government Act (LGA). Head office location would benefit one community. Good local control, separation of powers and may not achieve Fourth Generation Level (FGL) of management.
- County Council, including asset ownership – assets owned and services provided by a County Council. Can pay dividend. Better arrangement for asset management. Less local control.
- Council owned Regional Corporations – Corporatised structure. Board members nominated by both Council and the State Government. Corporation law applies. Can pay dividend. Good business size. Local control could be compromised by the Governments domination of the board.
- Regional council, catchment based - amalgamated catchment based councils providing full range of services. Amalgamation of Council is a major political matter. Alignment to environmental catchments may not address other community interests. Loss of local autonomy in amalgamation.
- Status Quo – Many independent Council based water utilities. Flagged as unacceptable by the Government, but viable for some councils. Strong players can achieve fourth generation goals. Dividend possible. In the case of under performers, the Government intervention is possible.
- Other Options - An option not canvassed by the LGSA options paper is that transfer of Water & Sewerage functions from Wingecarribee Shire Council to Sydney Water.

7. POSSIBLE MODELS FOR WINGECARRIBEE SHIRE COUNCIL

Of the above models, the following are considered to be possible options for Wingecarribee Shire Council.

7.1 Status Quo – Wingecarribee Shire Council Water & Sewerage Business Unit Council operates and manages the Water & Sewerage Branch as a separate, financially ring fenced business unit (BU). The size of the consumer base and high level performance of the Water & Sewerage BU, provide grounds and justification for the Council to make a strong case for the status quo, perhaps as an even more transparent, stand along operation, similar to Shoalhaven Water. Facts and justification for this model are:-

- Delivery of Objectives
Delivers the Government objectives as well as meets the community needs.
- Respond to Challenges
Council is well advanced on preparation and implementation of 30 Year Strategic Plans (in consultation with Sydney Catchment Authority (SCA), Department Water & Energy (DWE) & Department of Environment & Climate Change (DECC); Long

Term Financial Plans; Asset Management; Service standards; forward looking organisation structure; and capital, renewal, operation and maintenance programs.

- Financial Sustainability
Prepared and operates long term financial models and achieves full cost recovery. Has attained critical mass for viable and sustainable business through voluntary amalgamation of three councils in the 1980's.
- Compliance with standards
Council fully complies with five out of the six components of the Government's Best Management Practice Guidelines. Council has made good progress in preparing the IWCM and will complete it by August 2008. In 2006, Council was one of the Top 10 Best Sewerage Business Award recipients.
- Cost Effectiveness
Requirement by the Government to upgrade Council's sewer treatment works, to achieve very high quality effluent has substantially increased its overall costs. However, by introducing various cost control and process optimization measures, Council has kept the Water & Sewerage user charges at competitive and affordable levels.

7.2. County Council – Including Asset Ownership

Out of the Regional Water Utility options, the County Council model with asset ownership is considered as the most suitable for the Council. There are a few possibilities under this model.

- Align with Shoalhaven Water
61,780 connections. Many similarities. Mutual benefits in the areas of financial viability, performance, achievement of fourth generation goals, savings in engineering, project management and procurement and willingness.
- Align with Shoalhaven Water & Goulburn-Mulwaree Council
72,140 connections. Spread is better manageable than the regional utility options suggested by others. Optimal size for economy of scale. Possibly more acceptable to the Government. Cross subsidy across the boundaries could take place.
- Align with SCG Councils
93,930 connections. Many similarities between the four member councils in relation to financial stability, performance and growth rates. North to south geographical spread of approximately 450km make centralized management and technical services very difficult, less effective and less economical.
- Transfer of Water & Sewerage Functions to Sydney Water
Increase in user charges and water restrictions likely. Severe impact on viability of remaining operations of Council unless adequately compensated. Loss of local control and community interests. Benefits in financial viability, performance and fourth generation goals. Savings in engineering, project management and procurement.



8. DISCUSSION AND CONCLUSION

- Council has a good case for the “Status Quo” option and should make a strong written submission for the existing model. The written submission should include reasons, justification and implications to the Council and the community of any change. A draft submission prepared by the Projects Co-ordinator is attached.
- Many in the Water & Sewerage industry believe that changes in some shape or form are inevitable. Having stated Council’s desired position through its direct written submission, Council may wish to indicate its preferred Regional Utility options to the investigating team, in case it is forced in that direction. This can be done by presenting its views at the “hearing” and/or making joint written submissions along with the other Councils concerned. Aligning with Shoalhaven Water & Goulburn-Mulwarree Council under the County Council model has merits. If Council wishes to progress this, further discussions between the councils concerned need to take place as soon as possible and at the appropriate level.
- Wingecarribee Shire Council is within the Sydney Water Catchment but not served by Sydney Water. For a number of reasons, the Government may wish Sydney Water to extend its service area to include the Wingecarribee Shire. Unless adequate financial compensation is provided, removal of Water & Sewerage could decimate Wingecarribee Shire Council in terms of viability and robustness of the remaining operations.

ATTACHMENTS

Draft Submission for Inquiry into Water & Sewerage Services for Non-Metropolitan NSW.

RECOMMENDATION

1. THAT Council make a written submission to the inquiry stating the following:-
 - (a) the current arrangement, where the Wingecarribee Shire Council own the assets and provide Water & Sewerage services to its residents through its Water & Sewerage Business Unit should continue;
 - (b) Wingecarribee Shire Council is opposed to any proposal to separate the Water & Sewerage functions from the Council stewardship;
 - (c) Reasons, justification and implications to the Council the community;
2. THAT a working party be nominated to review and approve the final written submission;
3. THAT further discussions be held between the Council, the Southern Councils Group and the Council’s concerned to explore the feasibility of the County Councils options outlined in the report, and a further report covering joint written submissions and presentation to the hearing be submitted to the next meeting.

ATTACHMENT 1

DRAFT

**SUBMISSION TO
INQUIRY INTO WATER & SEWERAGE SERVICES FOR NON-METROPOLITAN NSW**

1. Background

Wingecarribee Shire has a population of 42,272 (2006 Census) and covers an area of 2700 square kilometres, which is also known as the Southern Highlands of NSW. Wingecarribee Shire Council is the local water and sewerage utility for this area and is the eleventh largest (by number of connections) of the 105 utilities that are the subject of this Inquiry.

Water is supplied to towns and villages throughout the Shire from three water sources. Two Council owned dams provide approximately 30% of untreated water, with the remainder being purchased from the Sydney Catchment Authority. The water supply system includes three water treatment plants and an extensive distribution network.

Council also operates five separate sewerage systems that serve urban areas around the towns of Berrima, Bowral, Bundanoon, Mittagong and Moss Vale. In addition, planning is well advanced for a sixth system to serve the village of Robertson.

2. Current Arrangements and Performance

Council operates and manages its Water & Sewerage Branch as a separate Business Unit.

It has successfully achieved compliance with five of the six criteria identified in the Best Practice Management Guidelines and is in the process of developing an Integrated Water Cycle Management Plan to ensure full compliance by August 2008.

In 2006, Council was one of the Top 10 Best Sewerage Business Award recipients.

Further comments are made in relation to the Inquiry's principles:

- Respond Professionally to Challenges
Council has prepared 30 Year Strategic Plans, in consultation with the Sydney Catchment Authority (SCA), Department Water & Energy (DWE) & Department of Environment & Climate Change (DECC), to ensure that future challenges are met. These are reviewed on a regular basis.
- Be Financially Self-Sufficient
Council attained the critical mass necessary for viable and sustainable water and sewerage businesses through the amalgamation of three councils in 1981. Long term financial models have been prepared and are updated to ensure that full cost recovery is achieved.
- Compliance With Increasingly Stringent Environment and Health Standards
Council actively monitors its compliance with all environmental and public health standards. Water supply sampling for Department of Health testing is carried out by Council's Environment and Health Branch to ensure independence. Environmental monitoring is undertaken by both Council and the Sydney Catchment Authority. Good

progress has also been made on the preparation of an Integrated Water Cycle Management Plan.

- Cost Effective Services Standards
Council ensures cost effective service standards through its strategic planning process. The implementation of capital works plans (including asset renewals), developer contribution plans and operation and maintenance programs are also targeted at providing cost effective services.

3. Issues of Concern to Council

3.1 Operational Effectiveness & Customer Service

The provision of water and sewerage services over a large area has diseconomies of scale related to the capital cost of the systems and the provision of timely customer service. The need for operational and professional staff to travel long distances between work sites clearly results in lost productivity and challenges the provision of high levels of customer service. Accordingly, Council considers that water utilities should not cover excessively large areas.

3.2 Governance and Institutional Arrangements

Council is of the view that governance provided by elected Councillors provides the most responsive model for addressing local issues and service provision.

The oversight of pricing in non-metropolitan areas by IPART, or a similar body, is not considered to be warranted as elected Councillors are directly accountable to the communities they serve. Pricing oversight by a state government body would require substantial additional administrative resources, both within water utilities and the authority given this responsibility.

3.3 Financial Implications

While it may be argued that economies of scale could be achieved by the creation of regional water utilities, due to the spreading of overhead costs over a larger revenue base, Council does not support this proposition. It is considered that such economies are already largely captured for local communities by the inclusion of water and sewerage functions within local government bodies. Creation of separate regional water utilities may involve additional costs for the establishment of information technology, records and financial systems. Additional management resources may also be required, as well as an additional administrative centre.

The transfer of water and sewerage functions from Councils to regional water utilities could have severe financial implications unless cost sharing agreements or other compensation arrangements are implemented to cover existing fixed overhead costs. Local government Water and Sewerage Funds make substantial contributions to general overheads and other expenses and the loss of this revenue from Council General Funds would result in major disruption to the provision of other services to local communities.

3.4 Environmental Outcomes

For some years the Department of Water and Energy has been promoting integrated management of the urban water cycle to reduce environmental impacts. Council agrees with this approach and considers that the best environmental outcomes are most likely to be achieved if the body responsible for water supply and sewerage services is also responsible for urban storm water, as this is a major component of the urban water cycle.

While the alignment of water utility boundaries with physical catchment boundaries may offer the potential for better environmental management, this is unlikely to be an achievable outcome for this Inquiry. To implement such a change would most likely also require the adjustment of local government area boundaries.

3.5 Management

It is considered that Council's water and sewerage businesses, along with its general operations, are already of sufficient scale to enable the provision of expert and professional management.

The separation of water supply and sewerage functions into different organisations does not appear to have any significant advantages. This could have adverse consequences for integrated environmental management and economies of scale. In addition, many of the skills required to operate, maintain and augment these systems are complimentary. This allows for greater flexibility in the employment of personnel to undertake these functions.

4. Service Provision Models for Wingecarribee Shire

The options paper prepared for the Local Government and Shires Association, in relation to this Inquiry, has been considered by Council in selecting models that could be viable for the provision of water and sewerage services in Wingecarribee Shire. These are as follows:

1. WSC retains its water and sewerage functions as a Business Unit within its existing corporate structure and area boundaries.
2. Council owned regional water utility for Wingecarribee Shire only.
3. Council owned regional water utility including one or more adjoining Local Government Areas, either as a County Council or with a Local Government appointed Board.
4. Council owned regional water utility covering the southern part of the Sydney drinking water catchment. (This option would probably require LGA boundary adjustments and may be beyond the scope of this Inquiry.)

An additional option for Wingecarribee Shire, which is not canvassed by the LGSA options paper, is the transfer of water and sewerage functions from WSC to Sydney Water. Council does not see any advantages in this option as bulk water supply operations for Sydney and catchment management responsibilities reside with the Sydney Catchment Authority. Considerable local opposition to such a proposal is anticipated, as Sydney Water's charges are likely to substantially increase in future years to fund its proposed desalination plant.

5. Preferred Model for Wingecarribee Shire

Council has a strong preference to remain as a stand alone water utility within its current area of operations. This could be as either a Business Unit, in its current form, or as a more autonomous utility under Council ownership.

The size of the customer base, high level of performance by the Water & Sewerage Business Unit and the greater potential for more integrated urban water cycle management provide grounds for the retention of these functions by Council.

**o-TS5 Draft Plan of Management for Community Land Off Centennial Road, Bowral
(Known As Bowral Country Club Golf Course)**

REF: PPM

6500/23, 6612/1

Submitting the Draft Plan of Management for Community Land off Centennial Road, Bowral (known as Bowral Country Club Golf Course) for adoption by Council.

REPORT

1. BACKGROUND

The Plan of Management has been prepared in accordance with the provisions of the Local Government Act 1993. The Act requires Councils to prepare Plans of Management for all land under Council ownership or control classified as community land.

The Plan of Management identifies the responsibilities of Council and end users in the use of the site on a day to day basis, as well as establish a framework for consistent planning over a ten year period.

A copy of this document was previously circulated to Councillors at the Council Meeting of 28 November 2007 and at an Information Session on 31 January 2008. A copy has also been placed in the Councillors room.

Previous Resolution of Council:

Notice of Motion 05/2008 as adopted at Council Meeting 27 February 2008.

MN 040/08

MOTION moved by Cllr M Murray and seconded by Cllr M King:

1. *THAT* Council commences the tender process to offer the Centennial Road site (known as the Bowral Country Golf Club) for lease as a public golf course for a period of 21 years.
2. *THAT* Council agrees to cessation of the lease with Bowral Country Club Limited for the lease of the golf course at Centennial Road Bowral, subject to a new lease being executed with a new lessee to operate a public golf course.
3. *THAT* Council preserves its rights in relation to any future potential public liability claims that may result as a consequence of the actions or inactions of the existing lessee during the term of the current lease.
4. *THAT* the terms of the expressions of interest including fees for the golf course be referred to an Information Session for the ultimate approval of Council *AND* *THAT* Councillors select the criteria and rating for the expressions of interest.

An Information Session has been scheduled for 16 April 2008 to discuss resolution 4.

2. THE DRAFT PLAN OF MANAGEMENT FOR COMMUNITY LAND OFF CENTENNIAL ROAD, BOWRAL (KNOWN AS BOWRAL COUNTRY CLUB GOLF COURSE)

Plans of Management are public documents, and as such require stakeholders to be involved in their formation.

The Draft Plan of Management for Community Land off Centennial Road, Bowral (known as Bowral Country Club Golf Course) was duly completed and placed on public exhibition, commencing 5 December 2007 until the 1 February 2008 with an additional 14 days allowed to receive submissions.

The Plan of Management requested public submissions for the proposed management strategies for Community Land off Centennial Road, Bowral (known as Bowral Country Club Golf Course).

Council received seven submissions for the Draft Plan of Management with all submissions supporting the Plan of Management for the area to be used as a Golf Course.

3. CONCLUSION

The adoption of the Plan of Management will now allow Council to call for Expressions of Interest for the leasing of the Golf Course for community benefit should the current lessee wish to surrender their current lease.

During the development of the Plan of Management several issues have been identified and with the adoption of the Plan of Management will require prompt action by the current lessee or future lessee to ensure Council's liabilities are reduced. There are several items which require attention to meet Council's own regulations and other legislative requirements. Any future leases should consider the contents of the Plan of Management and action list to ensure that the lease meets all the requirements of legislation and the community's expectations.

ATTACHMENTS

1. Report of Public Hearing **(Attachment under separate cover)**

Copies of the draft Plan of Management have been circulated previously, however, should Councillors require a further copy they can contact the Parks & Property department and a copy is also available in the Councillors room.

RECOMMENDATION

1. THAT the draft Plan of Management for Community Land off Centennial Road, Bowral (known as Bowral Country Club Golf Course) be adopted AND THAT this document be known as the Plan of Management for Community Land off Centennial Road, Bowral (known as Bowral Country Club Golf Course);
 2. THAT the recommendations contained in the Plan of Management be actioned as conditions of the current or any future leases.
-

**o-TS6 PARKING RESTRICTIONS IN WHEEN CLOSE AND WESTWOOD DRIVE,
BOWRAL**

REF. TE

7460/8, RD1628

Requesting parking restrictions on the corner of Wheen Close and Westwood Drive, Bowral.

REPORT

At the Information Session on 19 March 2008 it was requested that parking restrictions on each corner of Wheen Close and Westwood Drive in Bowral be extended by five metres to improve sight distance and that the matter be referred to the Council Meeting on 26 March 2008.

RECOMMENDATION

THAT the existing No Stopping zones on the corner of Westwood Drive and Wheen Close in Bowral, be extended by five metres in each direction to improve sight distance at the junction.

Michael Brearley
Director Technical Services

20 March 2008

GENERAL MANAGER'S REPORT

C-GM1 Weekly Circulars

REF.	GM	100/8, 203/2008
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Confirming receipt of weekly circulars from the Local Government Association and Council weekly circulars.

REPORT

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

ATTACHMENTS

There are no attachments to this report.

RECOMMENDATION

THAT the information relating to Local Government Weekly Circulars Nos 07-10/08 and Council Weekly Circulars Nos 08-11/08 be noted.

Mike Hyde
General Manager

19 March 2008

NOTICES OF MOTION

NOTICES OF MOTION

c-NM1 09/2008 – Notice of Motion – Council Referendum on Wards

REF: MAS

100/4, 105

Reference: Ordinary Meeting of Council 5 March 2008 MN 084/08 recommended:

THAT the Notice of Motion relating to Council Referendum on Wards be deferred and become the first item of business at the Ordinary Meeting of Council to be held on Wednesday, 26 March 2008.

Clr's P Yeo, Clark & LAC Whipper have given notice of their intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday 5 March 2008.

THAT Council not proceed with the constitutional referendum on the establishment of Wards at the next Council election.

RECOMMENDATION

RE-SUBMITTED FOR DETERMINATION.

c-NM2 10/2008 – Notice of Motion – WSC v Lehman Brothers

REF: MAS

100/4, 2104, 2104/1

Clr T D Gair has given notice of his intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday 26 March 2008.

1. THAT the General Manager and the Chairperson of the Legal Committee, attend all legal briefings on the legal case between WSC v Lehman Brothers, and also where possible the Mayor
2. THAT any public comment on the case be made only by the Mayor or the General Manager.
3. THAT all such comments be issued in writing and only after the content and wording has been approved by Council's legal representative.
4. THAT any recommendations or actions requested by the Legal Sub Committee requires Council's endorsement.
5. THAT Council forward to its legal representative all media releases to date by Council and comments made by Councillors in the press, on radio and television for their information and comment.
6. THAT all Councillors receive regular timely briefings from Council's legal representatives on the progress of the case in Closed Committee.

RECOMMENDATION

SUBMITTED FOR DETERMINATION.

COMMITTEE REPORTS

COMMITTEE REPORTS TABLED

c-CR1 Management and Advisory Committee Reports

REF. DCS 107/1

Submitting minutes of nine (9) Committee meetings that will be tabled for information.

REPORT

1. Bong Bong Common Management Committee meeting Tuesday 27 November 2007
2. Bong Bong Common Management Committee meeting Tuesday 5 February 2008
3. East Bowral Community Centre Management Committee meeting Tuesday 29 January 2008
4. Exeter Park Management Committee meeting Monday 4 February 2008
5. Exeter Park Management Committee Executive meeting Monday 3 March 2008.
6. Mittagong Community Centre Management Committee meeting Thursday 14 February 2008
7. Mittagong Memorial Hall Management Committee meeting Thursday 6 March 2008
8. Moss Vale Senior Citizens and Community Centre Management Committee meeting Monday 4 February 2008
9. Wingecarribee Aboriginal Advisory Committee Meeting Tuesday the 26 February 2008

ATTACHMENTS

There are no attachments to this report.

RECOMMENDATION

1. THAT the information contained in the Committee Report be noted.
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COMMITTEE REPORTS

COMMITTEE REPORTS ATTACHED

c-CR1 Legal Committee (*Refer minutes page 86*)

REF	DEP	107/22
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Submitting minutes of the Legal Committee meeting held on Wednesday, 12 March 2008.

RECOMMENDATION

THAT the recommendations as detailed in the minutes of the Legal Committee meeting held Wednesday, 12 March 2008 be adopted.

c-CR2 Moss Vale Livestock Selling Centre Strategic Advisory Board (*Refer minutes page 90*)

REF	PPM	7170/01
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Submitting minutes of the Moss Vale Livestock Selling Centre Strategic Advisory Board meeting held on Friday, 7 December 2007.

RECOMMENDATION

THAT recommendation Nos 1 to 4 as detailed in the minutes of the Moss Vale Livestock Selling Centre Strategic Advisory Board meeting held Friday, 7 December 2007 be adopted.

**MINUTES OF THE LEGAL COMMITTEE MEETING
HELD ON WEDNESDAY 12 March 2008
in the Nattai Room**

File No. 107/22

PRESENT:	Clr M Murray (Chairman) Clr G Lewis Clr P Yeo Clr P Tuddenham (Arr 4.30pm) Clr D Gair Clr J Mauger
IN ATTENDANCE:	Clr N Campbell-Jones Clr J Clark Clr L Whipper Mr M Hyde GM Mr S Lee DEP Mr L Pawlak DCM Mr Andrew deMontemas (EHM) for Item 13.
APOLOGIES:	Mr B Bilinsky

NEW MATTERS

1. Unauthorised development works at Lot 2 Yeola Road, Robertson

Throughout 2007 Council received complaints concerning the unauthorised occupation of a shed structure at the above property. Upon investigation, a building previously approved as a barn in 1997 containing a bathroom only, had been adapted for use as a separate occupancy with laundry and kitchen facilities included.

RECOMMENDATION (Clr Yeo / Clr Gair)

- 1. THAT** Council proceed to assess the development application for the attached dual occupancy structure and that this application be reported to Council for determination.
 - 2. THAT** a Penalty Infringement Notice be issued pursuant to the *Environmental Planning & Assessment Act 1979* for unauthorised development works if the development application proceeds to a determination by development consent.
 - 3. THAT** if the development application is refused, Council issue Orders for demolition of all unauthorised works.
-

COMMITTEE REPORTS

COURT DECISIONS

2. **Refusal of new garage and pool at Lot 2 DP 1080318 Bibbys Lane, Werai (Orfali) – 502/61; PN1759970; LUA07/1192**

This appeal was heard by Commissioner Moore on 20 February 2008 with a decision in favour of the applicant.

RECOMMENDATION

THAT the information be received and noted.

3. **Tashonwok Pty Ltd (Eling Forest Winery) PN1701748**
Appeal Against Penalty Notice for unauthorised building work

The matter was heard on Wednesday 13 February 2008 at Moss Vale Court with a decision in favour of the applicant.

RECOMMENDATION

THAT the Mayor and General Manager discuss details of potential conflict of interest with Council's Solicitor.

4. **WSC ats Drummond Parmenter Pty Ltd (Ben Bhraque Pty Ltd – P Tomasetti) – 34 Berrima Road – Gibbons Road, Moss Vale 502/62**
LUA06/0011; PN1729600

Appeal against deemed refusal of 4 lot subdivision at 34 Berrima Road, Moss Vale determined in favour of the applicant.

RECOMMENDATION

THAT the information be received and noted.

ONGOING MATTERS

5. **Australian Lifestyle Corporation Pty Ltd 'Capernwray,' Moss Vale Road, Burradoo- 502/63; LUA06/1457;**

Council refused the development application on 27 February 2008. Appeal is listed for hearing on 31 March until 4 April 2008. Amended plans were submitted 29 February and these are being assessed.

RECOMMENDATION

THAT the information be received and noted.

COMMITTEE REPORTS

6. **WSC ats Humphrey & Edwards, Architects – validity of conditions of LUA05/0732 – The Intersection, Cnr Station & Bowral Sts, Bowral PN222600; 502/57**

Council's Solicitor has provided an Opinion as to whether certain conditions of consent are valid, due to the possibility of an impending dispute regarding those conditions.

RECOMMENDATION

THAT subject to legal advice from Council's Solicitor, the applicant be advised to comply immediately with all relevant conditions of consent.

7. **Boen Boe Piggery (Zammit)**

502/8

The Court has set a date for a callover of 10 March 2008, and Council has formally accepted and receipted the development application and sent referrals to relevant Government Authorities and neighbour notified. Further callover Monday 23 June 2008.

RECOMMENDATION

THAT the information be received and noted.

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

8. **WSC ats Larry Tuite (Norlex) - Bundanoon Water Extraction PN1105400; 502/54; LUA07/1170**

Hearing before Commissioner Moore of the Land & Environment Court commencing on site 13 March 2008.

RECOMMENDATION

THAT the information be received and noted.

9. **Terrigal Grosvenor Lodge Pty Ltd - 'Karrara' Cnr Links Road & Moss Vale Roads, Burradoo**

**LUA06/1428
502/59; PN979400**

The matter was heard in Picton on 4-5 February 2008. Commissioner Brown adjourned the matter in order for a number of outstanding issues to be attended to. Hearing to be concluded on 20 March.

RECOMMENDATION

THAT the information be received and noted.

COMMITTEE REPORTS

10. Foldgarth Estate PN1389700; PN1389302; PN1389600

Clr Mauger tabled a letter from Abbott Tout, Lawyers, to the Chairman, but declined to make any further comment. It was agreed that this item would no longer be required to be listed on the agenda

11. Compliance Issues 5210/1

Current active Compliance Register is attached. Note that new entries and updates are in *italics*.

RECOMMENDATION

THAT the information be received and noted.

ADDITIONAL MATTERS

12. 68 Station Street, Bowral

See item 6.

13. WSC –v- Katts - Illegal Burning

The General Manager has requested the Director, Environment & Planning to liaise with Council's Solicitor to provide some advice regarding the above. Council's Environment & Health Manager, Andrew deMontemas, participated in the discussion.

RECOMMENDATION

THAT the information be received and noted.

There being no further business, the meeting closed at 5.10pm.

COMMITTEE REPORTS

**MINUTES OF THE MOSS VALE LIVESTOCK SELLING CENTRE
STRATEGIC ADVISORY BOARD
HELD FRIDAY 7 DECEMBER 2007**

File: 7170/01

COMMENCED: 10.50am (following a site inspection from 10am)

PRESENT: Clr Duncan Gair (Chairman)
Clr Nick Campbell-Jones
Clr Jim Mauger
Peter Bray
Geoffrey James
Anthony Guinness

ALSO PRESENT: Peter Byrne – Parks & Property
Andrew Murdoch – Saleyard Manager
Tannia Andrews – Administration Officer

APOLOGIES: Mike Hyde

Clr Gair opened the meeting at 10.50am

MINUTES OF THE PREVIOUS MEETING

In the *Throughput Update* “an increase in comparison to last year’s figure of 11,000” to be deleted.

RECOMMENDATION 1:

THAT the minutes of the previous meeting held on the 12 October 2007 be accepted as a true and accurate record after the above change is made.

BUSINESS ARISING

Correspondence Received

Nil

Correspondence Outgoing

Nil

A welcome letter is to be sent to Shute Bell and a Christmas letter sent to Agents and canteen staff.

STATUS REPORT

Throughput Update

The Saleyard Manager reported that the Selling Centre was currently above projected budget by approximately 2000 head and sales are moving along well. It was expected to slow down toward Christmas but a busy Autumn was anticipated.

The Saleyard Manager attributed the increased throughput to soft flooring and over-all vendor satisfaction with the Centre.

The importance of promoting the improvements and higher prices obtained at the Saleyard was stressed.

An advertising strategy and timetable to be brought to the next Board meeting.

Works Update

A site inspection of the Selling Centre took place prior to the Board meeting.

Commendations to the Saleyard staff for the presentation and condition of the Selling Centre.

A concept plan was given to Board members and discussed.

A proposal to remove old yards in the north western corner to allow for B-Double access and the installation of new ramps, possibly hydraulic, was reviewed. It was decided to obtain costings and feedback from agents and carriers prior to approval. The Saleyard Manager to arrange an information session with stakeholders to explain the proposed works and acquire feedback.

There was concern raised over proposed landscaping along the south western boundary. The concept plan proposes deciduous trees, however, Board members suggested planting a species that would create a windbreak for the lower paddocks such as pittosporum or leylandii. The Parks Supervisor will inspect the site and make recommendations to be brought back to the next Board meeting.

Quotes for new sheds were presented to the Board. A 200m² shed standing 4.2m high was \$30,000. In comparison, it would cost approximately \$30,000 to relocate used sheds totalling 160m² from Robertson and Burrawang. The Board agreed that a new shed was the best way to proceed.

It was decided that the height of the quoted shed was insufficient and a revised quote was requested for a shed with a minimum height of 4.5m. The new quote should also include costs for power and water supply to the shed.

Agreement was reached that a specialist consultant was not required to assist with the Masterplan for the Moss Vale Livestock Selling Centre.

Silage

Soil tests for the hay cutting sites have been reviewed and recommendations were made to add lime. Additional areas for silage at East Bowral, Burrawang Cemetery and land on the corner of Suttor Road and Moss Vale Road were suggested and will be assessed. The Suttor

Road site requires a clean up prior to being utilised for silage. This can be done by a contractor and the Board approved up to \$1,000 for this to be carried out.

RECOMMENDATION 2:

THAT up to \$1000 be allocated to employ a contractor to clean up the Suttor Road site prior to being utilised for silage

Mulch

It was decided to advertise for Expressions of Interest for the removal of the soft-flooring mulch with tenders sent to some of the larger landscaping companies within the area. A report on the result of the tender process to be brought back to the next Board meeting.

Administration Overhead Allocation

The Civic Services Coordinator advised that the Administration Overhead Allocation was payment for services provided by Council, i.e. Human Resources, IT, Finance etc. A breakdown of the charge was not given by Council's Finance Department, however, it was reported that the fee would be reviewed in the next 12 months.

Concerns were raised by several Board members that a breakdown was required and that the amount charged was inaccurate for the Selling Centre where only two permanent staff were employed. A formal response was requested from the Finance Manager.

Truck Wash Facility

An Avdata cost comparison for the Truck Wash facility was reviewed. The Board agreed to advertise the addition of a booster to the Truck Wash and once in place, raise the fee to 40c per minute + GST.

Truck wash fees are to be reviewed on an annual basis with all other Saleyard Fees and Charges.

It was noted that upgrade work is required for the dam with the possible installation of a separator pit.

Scanning Fees

A reflection of the true scanning costs including time analysis, maintenance, life expectancy and replacement of equipment was requested in order to obtain an accurate scanning fee.

ANNUAL REPORT

The Draft Annual Report was discussed and minor changes made. The financials need to be evaluated prior to the Annual Report being sent to Council.

The Mission Statement and Vision Statement are to be reviewed for the 2007/08 Annual Report.



GENERAL BUSINESS

Proposed Change to Staff Structure

A proposal was brought to the Board to replace the Computer Operator and Cleaner positions with a three-day per week staff member to support the current two Saleyard Staff. The Civic Services Coordinator reported that Parks and Property staff are currently required to supplement Saleyard Staff when needed. With only two permanent staff at the Saleyards it is difficult to cover RDOs and sick days and fulfil the operational requirements of the facility. The proposed position will include computer operations, manual work and cleaning. The extra staff member on sale days will allow the Saleyard Coordinator to better supervise the site.

RECOMMENDATION 3:

THAT the Computer Operator and Cleaners positions be replaced by a permanent, three-day per week staff member to assist current Saleyard staff.

Online Selling

The Saleyard Manager reported that for a cost of approximately \$3,000 a website for the Moss Vale Livestock Selling Centre could be up and running within two weeks.

Online selling may not be viable due to the expense of running the site, however, a report and cost analysis was requested for the next meeting to enable further discussion.

RECOMMENDATION 4:

THAT \$3,000 be allocated to establish a web site for the Moss Vale Livestock Selling Centre.

Country Hour

The Saleyard Manager reported that his discussion with the National Livestock Reporting Service (NLRS) indicated that they were not interested in reporting from Moss Vale Livestock Selling Centre.

The matter is to be pursued further with a formal letter sent to NLRS advising the interests of the Selling Centre and requesting feedback on ways to feature on Country Hour. The possibility of employing someone to report from the Selling Centre was noted.

Next meeting to be held 15 February 2008.

Meeting Closed at 12:30pm.

CORPORATE SERVICES DIVISION

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

REPORT

1. BACKGROUND

The following confidential reports have been distributed separately:

EP-1	<u>HERITAGE SURVEY</u>	<u>5650; 5650/4</u>
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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*

CLOSED COUNCIL

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

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

3. DIRECTOR GENERAL'S GUIDELINES

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

RECOMMENDATION

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



EP-1

HERITAGE SURVEY

5650; 5650/4

Relevant Legal Provisions

This report is placed in Closed Committee under clause 10A(2)(c) of the Local Government Act 1993 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.

Brief Description

Reporting on the expressions of interest submitted by consultants for the heritage survey which aims to identify, assess and list potential items of environmental heritage.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because 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.

Barry W Paull
Director Corporate Services

19 March 2008