

File No. 100/09
Our Ref: EAJ

17 July 2009

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, 22 July 2009** commencing at **3.30pm**.

Yours faithfully

Michael Brearley
Acting 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 – PASTOR IAN SALMOND (BOWRAL CHURCH OF CHRIST)
3. PUBLIC FORUM
4. APOLOGIES – THE MAYOR CLR DUNCAN GAIR
5. ADOPTION OF MINUTES OF ORDINARY MEETING HELD ON WEDNESDAY, 8 JULY 2009
6. BUSINESS ARISING FROM THE MINUTES
7. DECLARATIONS OF INTEREST
8. MAYORAL MINUTE (*if any*)
9. OPEN COUNCIL CHAIRED BY CLR LARRY WHIPPER
 - Visitor Matters
 - Environment and Planning
 - Corporate Services
 - Technical Services
10. COUNCIL MATTERS
 - General Manager
 - Corporate Services
11. NOTICES OF MOTION
12. DELEGATES REPORTS
13. PETITIONS
14. QUESTIONS FROM THE PUBLIC
15. CORRESPONDENCE FOR ATTENTION
16. QUESTIONS WITH NOTICE
17. COMMITTEE REPORTS (*Tabled*)
18. COMMITTEE REPORTS (*Attached*)
19. GENERAL BUSINESS
20. CLOSED COUNCIL

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Our Values

EQUITY, JUSTICE and CONSULTATION in our obligations;

PRIDE in our lifestyle and environment;

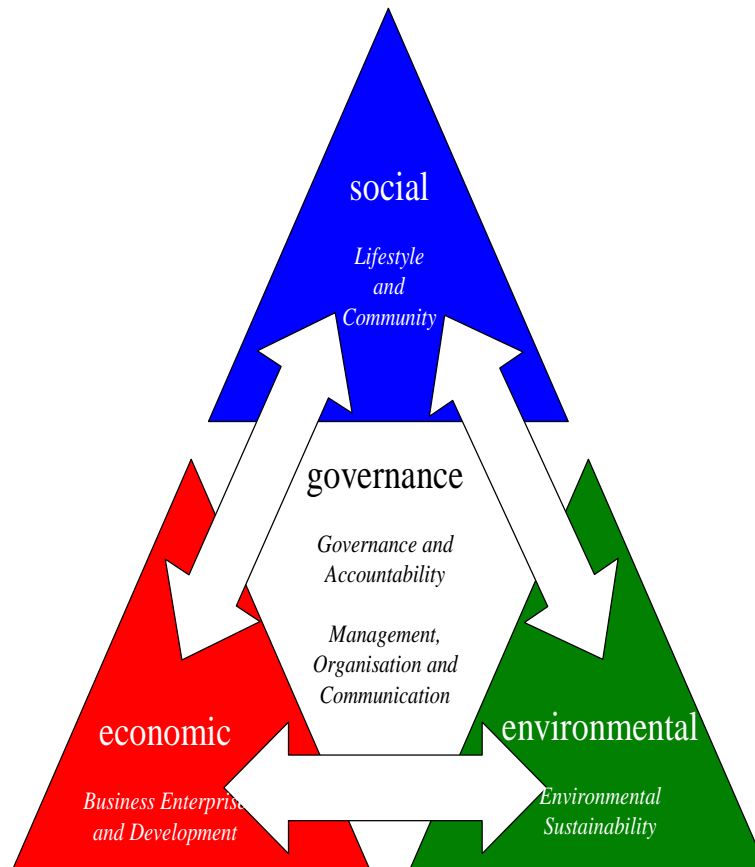
EXCELLENCE in the provision of services;

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.

COUNCIL'S MANAGEMENT PLAN PROGRAMS



QBL ⇔ Sustainability

Economic – The role of business with special attention to tourism in our community.

Governance – The way we go about making decisions and the supporting processes that enable action within our community

Environmental – Managing our natural and urban surrounds.

Social – All things that affect quality of life and our interactions in the southern highlands.

Each of these have a program associated with it. A program is a grouping of functional projects or services that Council provides to help feed each of these quadrants in the QBL. We have formed program teams in order to foster communication across branches. This then develops a holistic view of what the Council's role is within our community.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 22 July 2009

DECLARATIONS OF INTEREST

DECLARATION OF INTEREST

101/3

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



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 22 July 2009

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

VISITOR ITEMS

ENVIRONMENT & PLANNING DIVISION

Environmental Sustainability

v-EP1 Formalising Use Of Berrima Scout Camp By Non-Scouting Groups

REF: DCM

LUA09/0243

Reporting on a Development Application that seeks to formalise the use of the Berrima Scout Camp by non-scouting groups at Lot 2 DP 46916 and Lots 354 & 446 DP 751252 Fountain Street, Berrima. The Applicant (Craig Ramsden on behalf of Hume Region Scouts) and a representative of the objectors have been invited to address Council.

REPORT

1. APPLICATION

Application has been made by the Scout Association to formalise the use of the Berrima Scout Camp by non-Scouting groups, which has been occurring for the past 25 years.

Details of the proposal are contained in **Attachment 1** – Statement of Environmental Effects and Camp Rules.

No building or other site upgrading works are proposed with this application.

2. THE SITE

Berrima Scout Camp is situated on the outskirts of Berrima with access gained via Apple Street. The camp comprises Lot 2 DP 46916, Lots 354 & 446 DP 751252 Fountain Street, and has an area of approximately 6 hectares. To the south of the Scout camp is the Berrima Camping Reserve (refer **Attachment 2**).

3. STATUTORY

- i) Wingecarribee LEP 1989
The site is zoned 6(b) (Open Space (Private Recreation)). Camping grounds are permissible within this zone with consent.
- ii) Draft WLEP 2009
The site is proposed to be zoned RE2 – Private Recreation under the draft plan. Within this plan, the proposal could possibly be defined as a *Caravan park, Recreation facilities (outdoor)* or *tourist and visitor accommodation*. All three of these land uses are permissible with consent under the draft plan.

The definition of *caravan parks* specifically includes a camping ground, so of the three potential definitions, this is the best fit for the proposal, noting that the Standard LEP Instrument does not have a definition for 'camping grounds.'

4. PUBLIC CONSULTATION

Arising from the notification process, four submissions were received, the following being a summary of issues raised:

- *No objection to the use of the area by non-Scout Groups which is similar to Scouts, ie tent camping only, but no real indication on increased usage.*
- *Object to access by Motor Homes / Caravans. Standard of Apple Street is poor, and not regularly maintained.*
- *Lately Motor Homes / Caravans being parked along river frontage – detrimental to the area.*
- *If Council were to approve, then suggested conditions:*
 - i) *Maintain overnight stays (tent-camping) by non-Scout groups at near present levels – say 30 days / 12 weekends in any one year.*
 - ii) *Place specific limitations on the site's use by Motor Home and Caravan Clubs either*
 - a) *excluding them completely or, if the proponent can show why they must be included;*
 - b) *allowing only Caravan Clubs (by specifically excluding permanent, semi-permanent or casual usage) and that the Clubs' usage of the site:*
 - + *is limited to say, four weekends per year;*
 - + *the number of vans at any one time be limited to say, 20.*
 - + *parking be restricted to the area immediately adjacent to the Scout Hall with no parking allowed further to the south (along the river frontage) than the current site of the Scout's camp fire.*
- *No objection to Tent Camping.*
- *Objection to Motor Home / Caravans as they are large - converted buses. Not compatible with landscape character.*
- *Noise – Camp rules have noise ceasing at 11.30pm.*
- *Compliance with Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2009. This will be discussed in the text of the report.*
- *No objection to maximum number of weekends 12-18; noise ceases between 10.00pm and 6.00am.*
- *Have trial period of 2 years, then review.*

Refer **Attachment 3** for submission from Berrima Residents' Association which supports the use of the site for tent camping but does object to any expansion in the numbers and frequency of caravans and motor homes using the site on a casual drive in basis as an alternative to the Berrima Camping Ground.

5. CONSIDERATION OF APPLICATION

In the submissions there is a general acceptance of tent based camping, but little support for motor homes / caravans, primarily on the basis of amenity and visual impacts.

With regard to Statutory licensing of such venues, Section 132 of the Local Government Act is reproduced in **Attachment 4**.

The Section 132 places a limit on numbers by using the formula reproduced below:

'Maximum number of designated camp sites not to exceed a mean average of 2 for each hectare of camping ground.'

Total area of the Berrima Scout camp is approximately 6 hectares, therefore a maximum of 12 camp sites would be permissible, although a lesser number may be more desirable in this location. The same formula applies to caravans, campervans and tents, where **no** designated camp sites exist. A camp site is defined as *two or more tents occupied by not more than 12 persons camping together as a group*.

In this application, there are no designated camp sites.

Section 3 of Clause 132 enables a consent authority, where there are no designated camp sites, to **exclude** camping in certain areas for various reasons, amongst others, such as to protect environmentally sensitive areas. Some submissions have raised concern about the proximity of campers to the river. This should be considered in setting the final number of camp sites.

A suggested setback of 20 metres from the boundary of Lot 354 DP 751252 and the adjacent Crown land described as Lot 7028 DP 1026280 is recommended.

The other issue is the frequency of non-Scout usage.

The applicant suggests 12-18 weekends in a calendar year. Other submissions suggest a lesser number of occasions by non-Scout groups.

In summary, under Local Government Act Regulation:

- Maximum of 12 camp sites is possible, but a lesser number can be nominated;
- Camp site defined as two or more tents occupied by a maximum of 12 persons.

With casual visitors, a lesser number of people would be desirable, as no one person is responsible for overall behaviour, whereas with the Scouts usage there is a continuous regime of supervision.

6. CONCLUSION

The continued use of the Scout Camp by non-Scouting groups has its merits for tourism, and as a fundraiser for the Scouting movement.

The contentious issue is that of frequency. To date the non-scouting use of the site appears to have been conducted without incident. The applicant's Statement of Environmental Effects indicates the use has been occurring for the past 25-40 years.

However, as the Scout Association is seeking consent to formalise the non-Scouting use of the Scout Camp, Council has a responsibility to impose some parameters.

Suggested conditions include:

- Non-Scouting use of the site – maximum 12 weekends per year;
- Camp sites / vans limited to a maximum of 8 at any one time;
- Noise to cease at 10.30pm.
- A Register of all guests to be kept and made available to Council upon request.
- Camping be excluded for a distance of 20 metres from the boundary of the Scout Camp and river reserve.
- No unoccupied vans / tents to remain on site for more than 24 hours.

MANAGEMENT PLAN ISSUES OR IMPLICATIONS

The land is privately owned and therefore there are no Management Plan implications for Council.

POLICY IMPLICATIONS

There are no policy implications for Council. The land is privately owned and the proposed uses are permissible with consent.

BUDGET IMPLICATIONS

There are no costs attributable to Council.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT ISSUES

(i) Environmental Factors

The site has operated for many years without environmental impact. With conditions to restrict user numbers, no environmental impacts are envisaged.

(ii) Social Factors

Provides an opportunity for increased tourism to Berrima and additional funds for the Scout Association.

(iii) Economic Factors

Provides an opportunity for increased tourism to Berrima and additional funds for the Scout Association.

ATTACHMENTS

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

1. Applicant's Statement of Environmental Effects.
2. Locality Plan.
3. Berrima Residents' Association submission.
4. Extract Local Government Act – Primitive Camping Ground.

RECOMMENDATION

THAT LUA09/0243 to formalise the use of the Berrima Scout Camp by non-scouting groups at Lot 2 DP 46916 and Lots 354 & 446 DP 751252 Fountain Street, Berrima be approved subject to appropriate conditions of consent to the satisfaction of the Director, Environment & Planning including the following:

- (i) Non-Scouting use of the site – maximum 12 weekends per year.
 - (ii) Camp sites / vans limited to a maximum of 8 at any one time.
 - (iii) Noise to cease at 10.30pm.
 - (iv) A Register of all guests to be kept and made available to Council upon request.
 - (v) Camping be excluded for a distance of 20 metres from the boundary of the Scout Camp and river reserve.
 - (vi) No unoccupied vans / tents to remain on site for more than 24 hours.
-

(Voting on the Motion)



Scott Lee
Director Environment & Planning

14 July 2009



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 22 July 2009

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

OPEN COUNCIL

ENVIRONMENT & PLANNING DIVISION

Governance and Accountability

o-EP1 Development Consents Determined by way of Approval under Delegated Authority

REF: DCM 5302

Submitting list of development consents executed under delegated authority of the Director of Environment and Planning between 29/5/09 and 13/7/09.

RECOMMENDATION

THAT the information relating to Development Consent Nos 1-6 under Delegated Authority be received and noted.

Development Applications (DAs) Determined by way of Approval 29/06/2009 to 13/07/2009

This list excludes all applications dealing with single residence dwellings and ancillary residential development, new dwellings or additions, garages and less than 2 lot subdivisions.

	Date Finalised	Appl/Proc ID	Property Address & Legal Description	Description
1	30/06/09	LUA08/1265	Lot 2 DP 414842 66 Merrigang Street, Bowral	Alterations & Additions to Dwelling & Detached Garage / Loft
2	1/07/09	LUA09/0375	Lot 5 DP 24454 & Lot 34 DP 1139033 - 'Mondaray' Nowra Road, Fitzroy Falls	New Residence
3	7/07/09	LUA09/0495	Lot 1 DP 1066771 101-103 Hoddle Street, Robertson	Shop
4	8/07/09	LUA09/0541	Lot 1 DP 743263 & Lot 1 DP 712148 - Sowter Park Nowra Road, Moss Vale	Demolish Existing Shed & Replace with a 16m x 54m Shed
5	3/07/09	LUA08/0296	Lot 1 DP 1077348 Sewerage Treatment Plant Kangaloon Rd Robertson	Sewerage Treatment Plant & Reclaimed Water Irrigation Scheme
6	6/07/09	LUA09/0514	Part Lot 2 DP 1115018 Kangaloon Road, Kangaloon	Animal Shelter

Governance and Accountability

o-EP2 List Of Land Use Applications Received By Council

REF: DCM 5302

Submitting list of development applications which have been received between 29/6/09 and 13/07/09, some of which will be dealt with under delegated authority of the Director of Environment & Planning.

RECOMMENDATION

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

Development Applications (DAs) Received – 29/06/2009 to 13/07/2009

* This list excludes all applications dealing with single residence dwellings and ancillary residential development, new dwellings or additions, garages and less than 2 lot subdivisions.

	Date Recd	Application No.	Property Address	Description	Council	Delegation
1	7/07/09	LUA09/0592	Lots 19-22 Sec 1 DP 1307, Lot 1 DP 577713 & Lot 2 DP 777479 - Bundanoon D 7-11 Burgess St, Bundanoon	Bundanoon Works Depot Operation of Men's Shed & C'ty Storage Facility		✓
2	10/07/09	LUA09/0605	Lot 17 DP 741934 1 Elm Street, Bowral	Proposed Additions & Demolish Outbuildings		✓
3	30/06/09	LUA09/0566	Lot 1 DP 310807 Eridge Lodge Eridge Park Rd Burradoo	Addition of 2 storey wing to Existing Building		✓
4	3/07/09	LUA09/0583	Lots 1&2 DP 618233 Sewer Work, Ferndale Road. Bundanoon	Verandah Roof on Front of Shed / Clubhouse (SH Carriage Club)		✓
5	10/07/09	LUA09/0602	Lot 1 DP 835193 School Kangaloon Rd, Bowral	Multi-purpose Hall and Associated Building Works		✓
6	29/06/09	LUA09/0559	Lot C DP 35366 129 Lackey Rd, Moss Vale	Retail Plant Nursery 9-5 & weekends		✓
7	3/07/09	LUA09/0584 LUA09/0585	Lot 1-2 DP 879958 Lot 900 DP 1110888 Lots 1-2 DP 1110887 'Bellfarm' Maugers Road Robertson	Boundary Adjustment		✓
8	1/07/09	LUA09/0570	Lot 1 DP 80319 117 Old Bowral Road Mittagong (Frensham)	New Library Classroom Building & New Outdoor Room		✓

Development Applications (DAs) Received – 29/06/2009 to 13/07/2009

* This list excludes all applications dealing with single residence dwellings and ancillary residential development, new dwellings or additions, garages and less than 2 lot subdivisions.

(Continued)

	Date Recd	Application No.	Property Address	Description	Council	Delegation
9	29/06/09	LUA09/0561	Lots 4-5 DP 6103 & Lot 33 DP 736050 & Lot 1 DP 738800 - Moss Vale Showground, Illawarra Highway, Moss Vale	Demolish existing amenities new toilet and shower block		✓
10	8/07/09	LUA09/0598	Lot 32 DP 869229 'Ditton Hill' Yarrowa Road Moss Vale	Covered dressage arena – 60mx20m - Staged Approval		✓
11	29/06/09	LUA09/0562	Lot 2 DP 508785 Transmission Line Easement Lot 1 DP 529711 T & transmission line easement & closed roads 208785 easements Tudor House, Illawarra Highway, Moss Vale	New Learning Centre/Library		✓
12	1/07/09	LUA09/0573	Lot 11 DP 1091676 197 Old Hume Hwy Mittagong	Carwash – 3 x self serve bays + 16 car parks		✓
13	2/07/09	LUA09/0575	Lot 4 S/P 75992 4/30 Old Hume Highway Berrima	Transfer existing liquor licence for local wine sales from Lot 3 to front room Lot 4		✓
14	8/07/09	LUA09/0597	Lot 101 DP 1137926 Ascot Road, Bowral	8 Lot Strata Subdivision		✓
15	3/07/09	LUA09/0580	Lot 1 DP 1138278 Dale Street, Burrawang	Conversion Of Existing Hall To Dwelling & Carport		✓



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held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 22 July 2009

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

Environmental Sustainability

o-EP3 Robertson Inn – New Shops and Alterations

REF: DCM

LUA07/0958

Reporting on application for boundary adjustment, demolition of part of the existing structure and erection of eight (8) new shops (two with residential flats on first floor) at the Robertson Inn, Lot 2, DP 758882 & Lots 10 and 11 DP 546726 Hoddle Street, Robertson.

Councillors requested that this matter be reported to Council.

REPORT

BACKGROUND

At its meeting of 27 May 2009, Council resolved:

- ‘1. *THAT consideration of LAU07/0958 for the boundary adjustment, demolition of part of the existing structure and erection of eight (8) new shops and two (2) residential flats on the first floor at the Robertson Inn, Lot 2 DP 758882 and Lots 10 and 11 DP 546726 Hoddle Street, Robertson, be deferred until such time as further information is received on the impact of the development on the streetscape and heritage issues involving the Robertson Inn.*
2. *THAT Council carry out a site inspection of the property.*
3. *THAT a further report be brought back to Council for consideration.’*

A site visit was conducted on 10 June.

The applicant has declined to amend the proposal but has provided a detailed report which includes computer generated images of the proposal showing its relationship with the Robertson Hotel within the streetscape, discusses the rationale for the design of the proposal and discusses the impacts of the proposed development on the streetscape and the Robertson Inn. (**Attachment 1**). In the applicant’s opinion, “*the view lines and visual hierarchy of the old hotel have been protected and enhanced in the design proposed by this application*”.

The original staff assessment report, which recommended approval, is **Attachment 2**.

CONCLUSION

The applicant has set out his reasons for the design of the proposed development. Although the Robertson Hotel is not heritage listed, it is a significant building in the streetscape. The original staff assessment report recommended that the application be approved.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 22 July 2009

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

ATTACHMENTS

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

1. Additional report from applicant on impact on streetscape and Robertson Inn.
2. Officer's original assessment report to Council meeting of 27 May 2009.

RECOMMENDATION

Submitted for Council's determination

(Voting on the Motion)

Environmental Sustainability

o-EP4 Earth Mound, Landscaping, Tree Planting & Fencing, Braemar

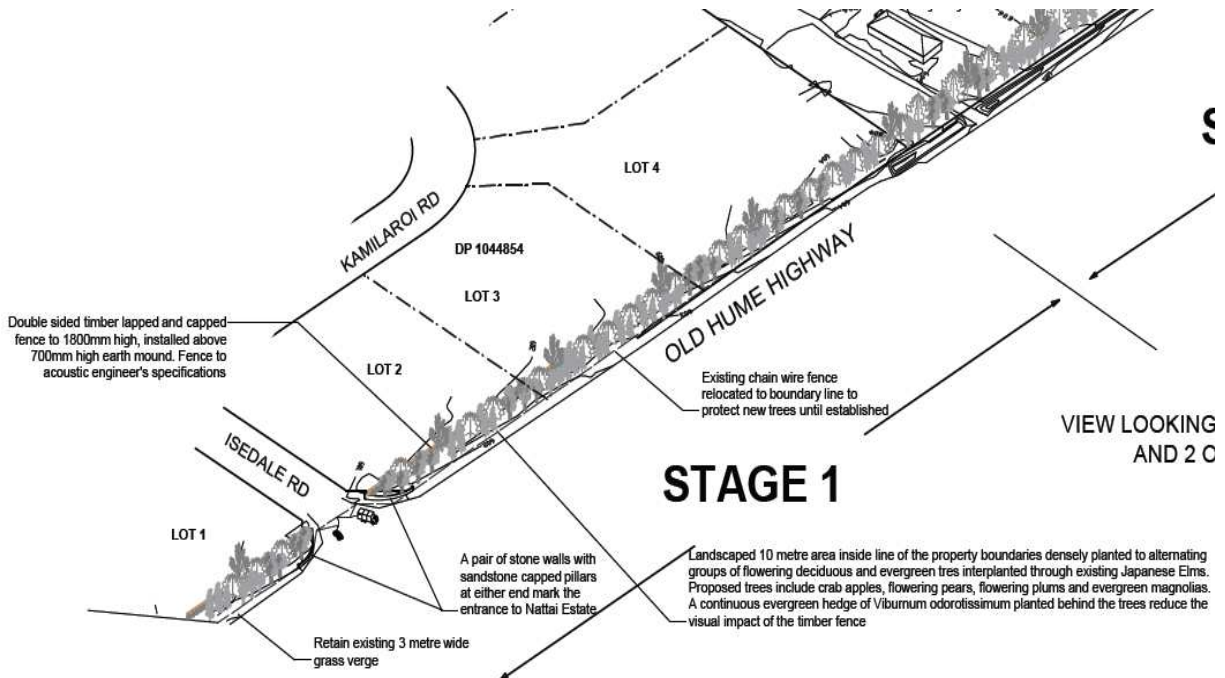
REF: DCM LUA 09/0498; PN 694100

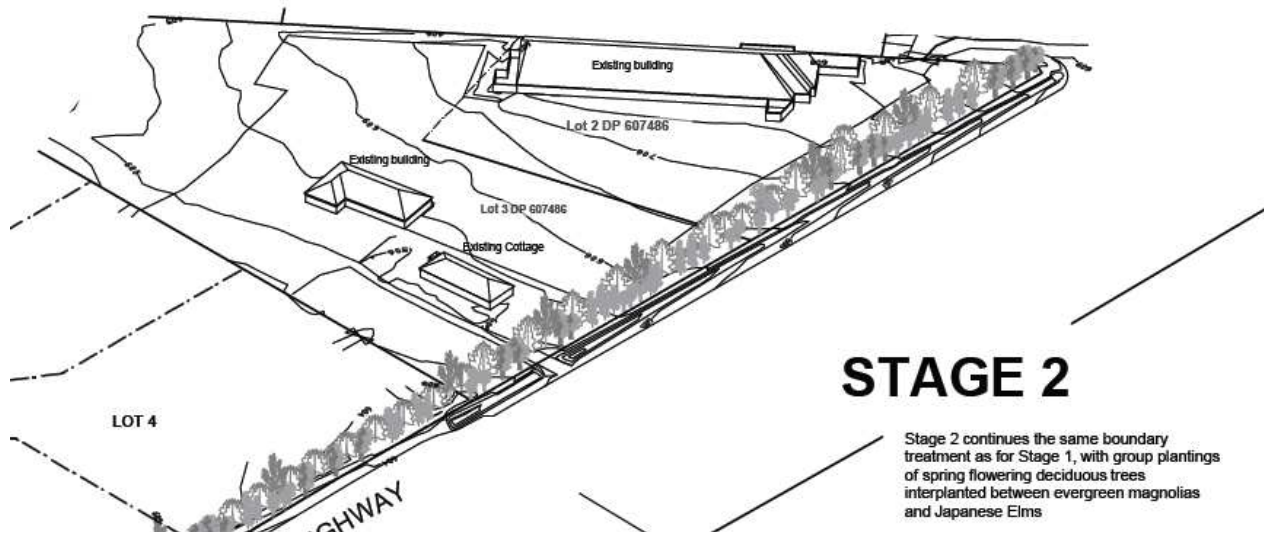
This report considers a proposal to create a landscape strip with earth mounding and fencing along the eastern side of the Old Hume Highway at Braemar.

REPORT

PROPOSED DEVELOPMENT

Council is in receipt of an application for a proposed earth mound, fencing, and landscaping along a section of the Old Hume Highway at Braemar fronting lots 1 - 4 DP 1044854 and 2 -3 DP 607486. The proposed landscaping extends from the intersection of the Old Hume Highway at Beresford Street through to just north of the existing intersection at Isedale Road. The landscaping is to be located along the frontage of each of the lots to a depth of 10 metres. Timber fencing (1.8m high) will run parallel with the Old Hume Highway frontage and will be setback 10 metres into the property with hedging facing the highway. Stone entrance walls will be erected at the intersection of Isedale Road and the Old Hume Highway for the future residential subdivision. The development is proposed to be in two stages as follows:





The reason for the landscaping, mounding and fencing is to prepare the site for a future residential zoning and residential subdivision. The landscaping mounding, fencing etc is being undertaken to reduce the impact of noise to future residents and to soften the visual appearance of the future subdivision

Details are shown on **Attachment 1**.

STATUTORY CONSIDERATIONS

Wingecarribee Local Environmental Plan 1989 (WLEP 1989)

The subject site is located along the eastern side of the Old Hume Highway at Braemar which is zoned Industrial 4(a) under WLEP 1989.

Draft Wingecarribee Local Environmental Plan 2009

The site is proposed to be zoned IN 1 General Industrial under Draft WLEP 2009 which would permit the proposed landscaping and fencing works as ancillary to the industrial use of the site. It is noted, however, that following the adoption of the Northern Gateway Strategy Council proposes to rezone this site for residential development.

Draft LEP Northern Gateway Strategy

In February 2008 Council resolved to prepare the Northern Gateway Strategy, to identify opportunities and constraints for the future development of the Braemar area and to specifically consider the submissions to the Draft LEP 2007 which were received during the exhibition of the draft Plan, which related specifically to this area

An independent report, *The Northern Gateway Strategy Report* was undertaken by Whitehouse and Refshauge dated September 2008. The report found that:

“the following issues would need to be addressed in the detailed site planning for residential development of the Knox / Braemar Garden World Sites:

- landscape treatment adjacent to the Old Hume Highway;” and furthermore:

The Panel concludes that the appropriate planning objectives for the Study Area should be as follows...:

- * *To provide a sense of entry to the Southern Highlands with a gradation of development types and setbacks, landscaping and building design and colour adjoining the Old Hume Highway to reflect the special qualities of the Southern Highlands.*

The panel also recommended the preparation of a DCP to ensure the above.

Council's Northern Gateway Discussion Paper stated:

- ***Land Use and Vegetation Buffers***

Discussions with stakeholders strongly support the need for appropriate buffers to separate potentially conflicting land uses and improve the visual impact of new development.

With regard to the land on the eastern side of the Old Hume Highway, Council will develop a Development Control Plan to ensure that development on the southern edge of the identified I₂ land is of a lower intensity in terms of visual impact and resulting noise and traffic impacts. This buffer, together with an appropriate Landscape Plan for the northern edge of the RU2 land will ensure that impacts between industrial and residential development are minimised.

- ***Appearance of the Existing Industrial Development***

To improve the appearance of the gateway entrance, the existing industrial area (the identified I₂ land) a Development Control Plan needs to be prepared to ensure that this land is less visually dominant, especially at night when lighting is a problem. The DCP will control the scale and design of future development and also include a Landscape Plan to provide a comprehensive vegetation buffer, incorporating both

Smaller, fast growing short lived native species in conjunction with taller, slower growing longer lived trees. A combination of evergreen and deciduous trees will also be required to provide year round screening as well as attractive foliage colour.

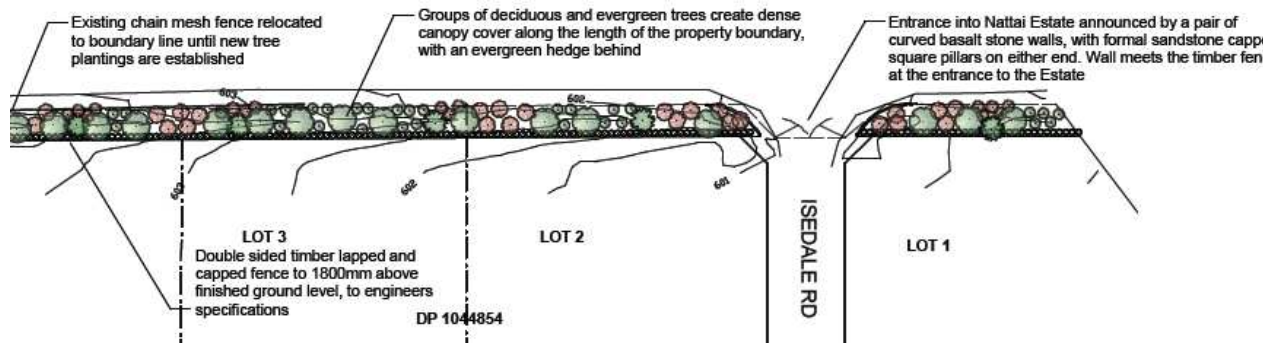
Developers will be required to plant super-advanced stock and provide adequate maintenance to ensure these trees survive.

A thick, varied and well developed area of landscaping would not only act as a buffer, but also provide a distinctive and attractive feature in its own right, such as a Remembrance Driveway.

Council has resolved to prepare a LEP based on the Northern Gateway Strategy which will rezone the subject site to residential. The DCP has not yet been prepared and therefore there are no specific landscape requirements adopted by Council for this area.

Design, Siting and Context

The proposed design is an attempt to achieve both noise reduction and visual improvement for the site.



The development proposes the following plantings:

Plant Schedule						
ID	Qty	Botanical Name	Common Name	Height	Width	Pot Size
MF	21	<i>Malus floribunda</i>	Crab Apple	5 - 10m	2.0 - 3.5m	75 litre
MSo	4	<i>Magnolia grandiflora</i>	Bull Bay	20 - 25m	6 - 10m	75 litre
PC	21	<i>Pyrus calleryana Red Spire</i>	Bradford Pear	5 - 10m	2.0 - 3.5m	75 litre
PCN	18	<i>Prunus cerasifera nigra</i>	Cherry Plum	5 - 10m	3.5 - 6m	75 litre
QP	1	<i>Quercus palustris</i>	Pin Oak	15 - 20m	3.5 - 6m	75 litre
Z	11	<i>Zelkova serrata</i>	Japanese Zelkova	15 - 20m	10 - 15m	75 litre
Shrubs						
VO	127	<i>Viburnum odoratissimum</i>	Sweet Viburnum	3 - 5m	2.0 - 3.5m	300mm
Total	406					
E		Existing Tree				

Currently the site is bare without vegetation with an existing cyclone wire fence (which will be temporarily relocated in order to protect the new plantings). The plantings are to include group plantings of evergreen trees to create a dense planting along the property boundary. The style of landscaping is reminiscent of the Remembrance Drive plantings in various locations along the Old Hume Highway and Illawarra Highway which are mentioned in the Northern Gateway Discussion Paper as being an appropriate approach to the landscaping of this area.

It is noted that no native species are proposed in the landscape plan. It is considered that the proposal could include some augmentation of grouped natives whilst maintaining the general reliance upon exotics to create a particular Highlands character.

Traffic

The application has been referred to the Roads and Traffic Authority (RTA) pursuant to Section 138 of the NSW Roads Act. The RTA has not yet provided its comments on the proposal.

There is a small area located within the road reserve of the splayed corner at Isedale Road which will eventually be dedicated to Council. However, landscaping of this area may affect sight distances to the Highway and would need to be maintained to ensure the sight distance is not compromised. Accordingly it is recommended that this area be excluded from the landscaping.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 22 July 2009

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

Storm Water Drainage

The stormwater from the mound will drain to the Old Hume Highway, on the eastern site of the mound the lots are graded to the internal street network.

Maintenance of the Landscape Area

Council's Parks and Property Manager has advised that:

Landscaping looks sufficient and we concur with the recommendation regarding landscaping at the entrance.

It should be noted that all plantings are to be maintained within the property boundary. In this situation it should be a condition of consent that the property owners maintain the footpath to the Hume Highway to Council standards...

Our other major concern is that should the area be re-subdivided Council will need to seriously consider applying a special levy to these lots for maintenance of the landscape strip and any other parcels of land in the subdivision that Council will have responsibility for.

The proposed development is within the property boundary and will be maintained by the owner until the site is rezoned and re-subdivided. When the property is re-subdivided there will be other landscape features requiring maintenance such as drainage swales, rehabilitated creek areas and open space. It is considered that the most appropriate way to deal with the long term maintenance of the site is to introduce a sub category rate (previously known as a special rate) which would contribute towards Council's maintenance of these assets. This approach has been taken with the Renwick release area and is a matter to be determined at a later date.

Public Consultation

An initial assessment of the application found that there were no negative impacts from this development on surrounding owners and accordingly the application was not neighbour notified.

MANAGEMENT PLAN ISSUES OR IMPLICATIONS

There are no management plan implications identified as a result of this application.

POLICY IMPLICATIONS

There are no policy implications identified in this report.

BUDGET IMPLICATIONS

There are no budget implications identified as a result of this application.

ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

(i) Environmental Factors

The proposed development is considered to be an improvement to the aesthetic environment in Braemar.

(ii) Social Factors

It is considered that an improved appearance for this section of the Hume Highway will benefit surrounding residents.

(iii) Economic Factors

The proposed development will improve the appearance of the approach to Mittagong from the Old Hume Highway and Sydney. This approach is the major one into the Shire and is currently very mixed in terms of street presentation. In the short term, the landscape strip will screen lots which are currently zoned industrial and do not contribute positively to the landscape setting of the area. In the long term the landscape will screen a residential subdivision from direct view from the highway which will assist in providing a higher level of residential amenity.

CONCLUSION

As early as 1989 with the Mittagong Gateway Tree Planting Project, Council has considered improving the northern entry into the Shire with landscaping. The Northern Gateway Strategy is proposing a development control plan (DCP) in order to introduce (amongst other things) landscape standards. The discussion paper recommended a Remembrance Drive style of planting which has been used in the proposed design. It is recommended however that the design could be augmented with some grouped native plantings.

It is recommended that the application be approved subject to the appropriate conditions and comments/conditions of the RTA.

ATTACHMENTS

There is one (1) attachment to this report which has been circulated separately (application plans)

RECOMMENDATION

THAT the Director of Environment and Planning be delegated the authority to approve LUA 2009/0498 for an earth mound, tree planting/landscaping and fencing on Lots 1 - 4 DP 1044864 and Lots 2 – 3 DP 607486, Old Hume Highway, Braemar subject to comment/conditions of the Roads and Traffic Authority and the appropriate conditions of consent including the introduction of suitable native species.

(Voting on the Motion)



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 22 July 2009

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

Environmental Sustainability

o-EP5 Proposed 7 lot subdivision, North Street, Robertson

REF: DCM

LUA08/0350

Reporting on the proposed 7 lot subdivision of Lots 120 and 121 DP 751302 North Street Robertson.

REPORT

DESCRIPTION OF PROPOSED DEVELOPMENT

The total combined area of the site is approximately 2.3 Ha.

The proposed subdivision will create six (6) new lots with areas of approximately 2000 square metres and a residual parcel of 9832 square metres (Attachment 1 Site Plan).

Access is to be via North Street, which is currently an unformed road.

There is one existing dwelling on the property which will be retained on proposed lot 1.

Caalong Creek runs through the middle of the property and building envelopes have been designated to demonstrate suitable areas free of flood and riparian zones.

The majority of the site has been previously cleared for agricultural activities. Native vegetation is limited to the riparian corridor along Caalong Creek.

Electricity, sewer, water and telecommunications services are presently available for connection to the subject site and can be provided to each of the proposed lots.

STATUTORY CONSIDERATIONS

The property is zoned 2 (a2) Residential in accordance with the zoning provisions of the Wingecarribee Local Environmental Plan 1989 wherein subdivision to a minimum standard of 2000 square metres is permissible with Council consent.

The property is proposed to be zoned R(2) Low Density Residential in accordance with the zoning provisions of the Draft Wingecarribee Local Environmental Plan 2009 wherein subdivision to a minimum standard of 2000 square metres is permissible with Council consent.

The property is affected by the following Development Control Plans:

- i) DCP 41: Development & Subdivision – Energy Standards & Planning Guidelines
- ii) DCP 47: Development Control Plan for Robertson

REFERRALS TO STATE GOVERNMENT AURTHORITES

Sydney Catchment Authority

In accordance with REP No1 "Protecting Sydney's Water Supply", the Development Application was referred to the Sydney Catchment Authority for their concurrence.

The Authority has not yet given its concurrence however there are no issues expected to be raised. The application will be subject to erosion and water quality control conditions which the Authority will provide.

REFERRALS TO COUNCIL COMMITTEES

N/A

PUBLIC CONSULTATION

The development proposal was neighbour notified for a period of two weeks between 6 May 2008 and 27 May 2008. During this period one submission was received from a neighbouring resident. The submission raised concerns regarding potential environmental impact on Caalong Creek and the general amenity impact from an increased number of dwellings in the area.

DISCUSSION OF MAJOR ISSUES ARRISING

Impact on Amenity

Any dwellings constructed within proposed lots 2, 3, 4, 5 and 6 will be largely screened from the south and the east by existing boundary vegetation. These dwellings will however be able to be viewed from existing residences to the north and west of the site. The large lot sizes will allow ample separation between new and existing dwellings minimising any amenity impact. The residual Lot 7 will have an estimated 5000 square metres clear of the riparian zone for an appropriate building footprint. A dwelling constructed within this lot can easily be located to minimise amenity impact.

No native vegetation will be required to be removed as a result of the subdivision or any dwellings and associated out buildings. Approximately eleven (11) mature exotic trees will be required to be removed for the additional road construction and from the building envelope of proposed Lot 6. The removal of this vegetation is not expected to cause any significant amenity impact and will be off set by replacement vegetation within the riparian zone.

Traffic and Access

Access for Lots 1 through to 6 is to be via North Street on the eastern side of Caalong Creek. The access road is to be upgraded to a public roadway with turning head and a two coat seal finish from the sealed section of North Street. Access to the residual Lot 7 is to be from North Street on the western side of Caalong Creek. This access is to be upgraded for single access in accordance with WSC Policy for unformed roads.

The additional traffic generated as a result of the subdivision is not expected to cause any significant amenity or traffic impact. The existing local roads are also considered suitable for the expected increase in local traffic.



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on Wednesday, 22 July 2009

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

Impact on Caalong Creek

An additional six (6) dwellings will be constructed as a result of the subdivision. Building envelopes have been nominated on the subdivision plans for Lots 5 and 6 to identify areas clear of the riparian zone, the 1:100 year flood level and the 8metre building line set back. Proposed Lots 2, 3, 4 and 7 all have easily identifiable and adequate areas available for building envelopes and therefore prescribed envelopes have not been identified on the plans at this stage.

A 20 metre riparian zone has been allocated within the site. Conditions of consent, which include a restriction as to user on the title, will be included if approval is given which prevents the erection of structures within this area, requires revegetation of the entire riparian zone and ongoing maintenance of the area. Significant revegetation of the riparian area has already been undertaken by the current owner.

The proposed subdivision layout will create an area of 752 square metres south of Caalong Creek which appends to Lot 7. An existing causeway is to be retained and upgraded to allow access between the two areas of Lot 7 separated by Caalong Creek. The proposed upgrade has been approved and conditioned by the Department of Water and Energy.

The southern portion of Lot 7 does not have any suitable area clear of the riparian zone or the flood line for the erection of a structure. Staff requested the applicant to delete this portion of Lot 7 and adjoin it to Lot 6. The applicant is however pursuing approval for the current subdivision pattern. The owners intend to retain Lot 7 for the construction of their own dwelling and plan to utilise this small area within Lot 7 for a vegetated "nature reserve". If approval is given, the restriction placed on the title as discussed previously will relate to the entire 752 square metre area.

CONCLUSION

The proposed subdivision will not lead to any significant amenity or environmental impact. The conditions which will be imposed regarding revegetation of the riparian area will lead to an improvement in the condition and coverage of native vegetation and eventually in the general health of Caalong Creek. The proposed subdivision warrants approval subject to conditions.

ATTACHMENTS

There are two (2) Attachments to this report, which have been circulated separately.

1. Plan of subdivision.
2. Draft Conditions



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 22 July 2009

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

RECOMMENDATION

THAT LUA08/0350 for proposed 7 lot subdivision of Lots 120 and 121 DP 751302 North Street, Robertson, be approved subject to appropriate conditions of consent to the satisfaction of the Director, Environment & Planning including the conditions as generally set out in Attachment 2.

(Voting on the Motion)



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 22 July 2009

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

Lifestyle and Community

o-EP6 Illawarra Area Assistance Scheme Grant Approvals 2009/2010

REF: SPM 1880/2007

Reporting on Illawarra Area Assistance Scheme grant approvals for 2009-2010.

REPORT

Council has received notification of two Area Assistance Scheme (AAS) grant approvals from the NSW Department of Community Services. To release funds the Department requires the accompanying Service Agreements signed by an authorised representative of Council along with application of the Common Seal.

These capital grants will provide \$20,387 to fit out and equip the Aboriginal Cultural Community Centre in Bowral and \$10,585 at Yerrinbool Hall for outdoor improvements including soft fall matting, sand pit and shade structures.

Another grant of \$19,113 was provided to Volunteering Wingecarribee for minor capital works needed to accommodate this organisation at the Moss Vale Senior Citizens and Community Centre, as previously reported to Council.

MANAGEMENT PLAN ISSUES OR IMPLICATIONS

Council's Management Plan and Annual Report must include and report on access and equity activities linked to the Shire Social Plan. Actions identified in this plan include the targeting of project funding to promoting volunteering, supporting families raising children and Aboriginal community development and capacity building

POLICY IMPLICATIONS

There are no policy implications associated with this report.

BUDGET IMPLICATIONS

The two AAS projects auspiced by Council were costed by quotations and the grants are adequate to address identified outcomes with respect to outdoor improvements at Yerrinbool Hall and office requirements for the Aboriginal Community Cultural Centre.

Council has committed \$10,000 in the 2009/10 budget towards renovations at Moss Vale Senior Citizens and Community Centre, quoted in March in total as \$29,990. Volunteering Wingecarribee has applied for a Community Development and Support Expenditure Scheme grant for office fit out i.e. blinds, carpet, heating and kitchenette.

ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

(i) Environmental Factors

Outdoor improvements at Yerrinbool Hall will improve child safety and amenity for families participating in playgroup and preschool programs or other activities.

Renovations approved for Moss Vale Senior Citizens and Community Centre will address occupational health and safety requirements, transforming the area which was once the Wingecarribee Food Services kitchen into appealing office premises.

Furnishing, carpet, computers and office equipment will provide infrastructure at the new Aboriginal Community Cultural Centre, necessary for community members to develop and deliver Aboriginal heritage and environment programs.

(ii) Social Factors

This AAS grant to resource the Aboriginal Community and Cultural Centre will provide a culturally appropriate avenue with amenity for outreach services, providing Aboriginal people with better access to community, educational and health services.

Upgrades at Yerrinbool Hall will improve the quality and safety of the outside children's play area and improve amenities in this small community for isolated families and households.

Renovations at Moss Vale Senior Citizens and Community Centre will provide long-term and affordable premises from which Volunteering Wingecarribee can operate and build capacity.

(iii) Economic Factors

Each year, the Area Assistance Scheme offers Council and community organisations opportunity to source funding for community development and service priorities and is a significant avenue for progressing actions identified in the Shire Social Plan.

For 2009/2010 Wingecarribee Shire received 14% of total AAS funds available for Illawarra region. In the previous year 2008/09, Shire grants represented 13% of total funds and contributed equally to a Community Foundation "Growing Philanthropy" project and to the Wingecarribee Adolescent Survival Program (WASP) Evaluation.

Five local government areas participate in the Illawarra Area Assistance Scheme. Funding criteria and assessment processes are highly competitive. The following table provides comparative funding allocations across LGAs over the past two years.

Illawarra Region	Persons 2006	% Persons	\$AAS 2008/09	;%AAS 2008/09	\$AAS 2009/10	;%AAS 2009/10
Wingecarribee	42,272	11%	\$86,211	13%	\$50,085	14%
Wollongong	184,213	47%	\$190,277	29%	\$11,295	3%
Shellharbour	60,336	15%	\$239,904	36%	\$99,707	29%
Kiama	18,988	5%	\$51,418	8%	\$86,586	25%
Shoalhaven	88,405	22%	\$94,645	14%	\$102,290	29%
Illawarra Region	394,213	100%	\$662,455	100%	\$349,963	100%

Grant applications are assessed on merit in relation to identified or perceived community needs and project objectives. Funding allocations attracted by coastal population centres reflect areas of significant need across the region, diversity in applications tendered and greater community sector capacity to subsume and implement short term, one off projects.



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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

ATTACHMENTS

There are no attachments to this report.

RECOMMENDATION

THAT the Mayor and General Manager be authorised to execute the Area Assistance Scheme Service Agreements for the Aboriginal Cultural Centre Project (Grant Number 9055309) and the Yerrinbool Community Hall Outdoor Project (Grant Number 9054509) under the Common Seal of Council.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

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on Wednesday, 22 July 2009

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

Lifestyle and Community

o-EP7 Voluntary Planning Agreement

REF: SPM

LUA08/0409

This report discusses the applicant's offer to enter into a Voluntary Planning Agreement (VPA), for the payment of a contribution towards car parking at Lot 1 DP 515559, No 45 Bowral Street, Bowral.

REPORT

BACKGROUND

On 30 April 2008 Council received Development Application LUA08/0409 for a mixed use Commercial/Residential 2-storey development at 45 Bowral Street, Bowral. The application was amended during the assessment process, with latest incarnation of the plans being 1-car parking space short of the requirements under Council's Car Parking Development Control Plan No. 12. This report deals specifically with the VPA as the proposed development is to be assessed under delegated authority.

THE VPA

To make up for the car parking shortfall the applicant has offered to enter into a VPA, under which they will be required to pay to Council the sum of \$28,719.00 plus CPI increases prior to Council issuing a Construction Certificate for the Development. The VPA stipulates that the above contribution must be put toward car parking in Bowral by Council. The applicant must also pay other relevant Section 94 and Section 64 Contributions and Developer Levies.

The VPA has been forwarded to Council containing the land owner's signature, which represents their irrevocable offer to enter into the VPA.

Pursuant to Section 93G(1) of the Environmental Planning and Assessment Act 1979, a Planning agreement cannot be entered into until after it has been on public exhibition for a period of 28-days. Further, Section 25D of the Environmental Planning and Assessment Regulation 2000 states that the Planning agreement must be publicly notified with a development application,

"...if practicable, as part of and contemporaneously with, and in the same manner as, any notice of the development application that is required to be given by a consent authority for a development application by or under the Act, or..."

Thus as the development application has been in Council for some time, it is recommended that the development application be placed upon public exhibition once again with the Planning Agreement to meet the requirements of the Act and Regulation.

Once the VPA and Application have completed their public notification, the VPA may then be forwarded to the General Manager's Office to be stamped with the Council Seal and signed by the General Manager and Mayor. Further the Development Application's assessment will be able to be finalised.

The signed VPA with Council seal will become operational when the Development Consent is signed.

CONCLUSION

It is recommended that Council resolve to place the VPA on public exhibition with the latest amendment of the Development Application for a period of 28-days. It is further recommended that if submissions are made regarding the VPA and DA that they be reported back to Council. However if no submissions are received that the VPA be stamped with the Council seal, signed by the General Manager and Mayor and the DA be determined under delegated authority.

MANAGEMENT PLAN ISSUES OR IMPLICATIONS

The proposed DA and accompanying VPA will not have any impact on the implementation of Councils Management Plan.

POLICY IMPLICATIONS

The VPA meets the requirements of Council Planning Agreements Policy 2005 and will not undermine the Development Control Plan No. 12 as the contribution set in the VPA must be used by Council toward Car Parking in the Bowral CBD.

BUDGET IMPLICATIONS

The VPA will not have any negative impact on Council Budget as it will be raising monies for future provision of Car Parking facilities within Bowral CBD.

ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

(i) Environmental Factors

The terms of agreement in the VPA will not cause any significant environmental impacts.

(ii) Social Factors

The terms of the agreement in the VPA will not cause any significant social impacts.

(iii) Economic Factors

The terms of the agreement in the VPA will not cause any significant economic impacts.

ATTACHMENTS

There is one attachment to this report - Voluntary Planning Agreement between Wingecarribee Shire Council and Paper Trade Services Pty Limited, which has been circulated separately.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 22 July 2009

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

RECOMMENDATION

1. THAT the Voluntary Planning Agreement ('VPA') and LUA08/0409 be placed on public exhibition for a period of twenty eight (28) days.
 2. THAT if no submissions are received during the public exhibition period that the Council Seal be stamped on the VPA and that it be signed by the General Manager and Mayor and the Development Application ('DA') be assessed under delegated authority.
 3. THAT if submissions are received regarding the VPA and DA during the exhibition period that they both be reported to Council addressing the content of the submissions.
-

(Voting on the Motion)



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 22 July 2009

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

Governance and Accountability

o-EP8 Parking Restrictions in Empire Cinema Car Park, Bowral

REF: DEP

5504/1, 7470/6

Submitting a further report on parking restrictions in the Empire Cinema Carpark at Bowral.

REPORT

At the Council meeting held 8 July 2009 Council considered the report of the Traffic Committee held Monday 22 June 2009 and resolved as follows:

2. ITEM 7 – EMPIRE CINEMA CARPARK, BOWRAL (TIMED PARKING ARRANGEMENTS) 5504/1, 7470/6

Clr P B Tuddenham asked that this item be re-submitted to the full Council for consideration at the next meeting of Council to be held on Wednesday, 22 July 2009 as it was no longer possible to trial a three (3) hour voucher system in the Empire Cinema Carpark having regard to the Local Government Act, 1993.

MN 295/09

MOTION moved by Clr P B Tuddenham and seconded by Clr J Mauger:

THAT Item 7 Empire Cinema Carpark, Bowral (Timed Parking Arrangements) (TC 62/09) be referred to the Ordinary Council Meeting to be held on Wednesday, 22 July 2009 for further consideration.

PASSED

All previous reports considered by the Traffic Committee on this matter are included as Attachments to this report.

Further comment from Director Environment and Planning

Clarification was sought from Council's Solicitor, Mr Bilinsky, of the advice he provided that was presented to the Traffic Committee meeting of 22 June 2009. After discussion with Mr Bilinsky, Council should consider the following:

- A parking voucher system can be introduced
- As long as Council remains the parking authority, the Empire Cinema can be the distribution point for the vouchers
- Protocols for the distribution of the vouchers will need to be established with the Empire Cinema
- Signage within the car park will need to be amended to advise users that a voucher system was in place and provide details of the operation of that system

Further discussions with owners of the Empire Cinema and Empire Cinema complex clarified that in their view either a voucher system or a move to make the whole area 3 hour parking would be workable.

Councillors need to be aware of the potential for some users of the car park to feel discriminated against if they are restricted to 2 hour parking while other users are granted 3 hour stays.

Also to be noted that the name "Empire Cinema Car Park" is a default name that has been applied to the car park by the general public and has not been officially endorsed.

ATTACHMENTS

1. Report to the Traffic Committee on 30 June 2008;
2. Report to Traffic Committee on 1 December 2008;
3. Report by Council's Senior Ranger to Traffic Committee on 22 June 2009.

RECOMMENDATION

THAT in relation to the Parking Restrictions in the "Empire Cinema Car Park" being Lot 7 Section 1 DP 977575, Lot 450 DP 594573, Lot 455 and Lot 454 DP 258059, Lot 457 DP 597627 and Lot 459 DP 596056, the following be adopted:

- (i) THAT a three hour parking voucher system, which includes expiry date and time, be implemented by Council for the area known as the Empire Cinema car park.
 - (ii) THAT the parking vouchers be distributed by the Empire Cinema under set protocols agreed between Council and the Empire Cinema.
 - (iii) THAT the voucher system be trialled for a six month period from commencement date.
 - (iv) THAT signposting be erected advising of the parking voucher system in the area known as the Empire Cinema car park.
 - (v) THAT the Empire Cinema place an on-screen advertisement prior to each film screened advising patrons of the voucher system.
-



Scott Lee
Director, Environment & Planning

16 July 2009

ATTACHMENT 1

Report to Traffic Committee on 30 June 2008

Two requests have been received to change the parking restriction in the Cinema Carpark from two to three hours to reduce the chance of cinema patrons being booked while watching a long movie. Both requests relate to patrons being booked in a two hour parking area while watching movies lasting longer than two hours?!

All of Council's time restricted carparks have a two hour restriction except for the bottom level of the Woolworths Carpark in Bowral which has three hours and the section of Oxley Mall Carpark near Gloria Jeans which is also to become three hours.

Despite its name, the Cinema Carpark is a public carpark which is for use by the whole community, not just cinema patrons. The two hour parking restriction applies in the carpark from 8.30am to 6pm Mon-Fri and 8.30am to 1pm Sat. During these times cinema patrons rarely park in the carpark due to the unavailability of spaces and the two hour limit. Surveys show 95% occupancy of the carpark.

Changing the restriction to three hours will reduce availability further for all users including cinema patrons.

The existing 44 spaces with a two hour restriction provides an average of 209 spaces per day. However a change to three hours corresponds to 139 spaces per day which is a reduction of 70 spaces per day. The three hour limit is harder to police and more susceptible to the "move your car at lunchtime" behaviour favoured by some shop and office staff.

Changing a small number of spaces to three hours is not recommended as it will simply make those spaces more desirable, but not necessarily available for movie goers.

Mayor Gordon Lewis will be attending the meeting at 10.45am for this item.

RECOMMENDATION

THAT the two hour parking restriction in the Empire Cinema Carpark not be changed.

ATTACHMENT 2

Report to Traffic Committee on 1 December 2008

Council at its meeting on 27 August 2008 considered LUA06/1405 which seeks approval for renovations, alterations and additions to the Westpac Bank building in Bowral to create an additional six tenancies with direct access to the 'Empire Walk'. Council resolved in part as follows:

3. THAT the issue of a further disabled car parking space in the cinema parking area be referred to the Traffic Committee for consideration.

At the same Council meeting Clr T D Gair stated that two weeks ago Council had elected to increase the car parking time frame in the Empire Cinema carpark to 3 hours. The cinema owners and Clr Gair had discussed this and it has been agreed that they will come back to Council with suggestions regarding a **parking voucher** for cinema goers. However, this could take a couple of months to implement and Clr Gair asked that it be treated as a matter of urgency.

Council resolved as follows in two separate resolutions:

THAT the increase in carparking time limits in the Empire Cinema area be considered as a matter of urgency.

THAT no action be taken to implement 3 hour parking in the Empire Cinema carpark area until the Empire Cinema carparking strategy is revisited.

Council Rangers advise that a parking voucher system which includes a time and date stamp may be possible to implement to allow movie-goers to stay for a longer time. An agreement would need to be reached between the Cinema management and Council as to the details and which patrons are eligible. Signposting would also need to be erected advising of the parking voucher system in the Empire Cinema Carpark.

It is to be noted that the vouchers would operate between 8.30am to 6.00pm Mon to Fri and 8.30am to 1.00pm Sat.

Council's Head Ranger Mark Rich as well as Gerry Kroon and Richard Ruhfus from the Empire Cinema will be attending the meeting for this item at 10.30am.

Recommendation shown in the report of 22 June 2009 which follows.

ATTACHMENT 3

Report to Traffic Committee on 22 June 2009 by Council's Senior Ranger

BACKGROUND

Legal advice has been sought as to the permissibility of differential timed parking arrangements in the parking area immediately adjoining the Empire Cinema at Bowral. At present, the parking is limited to 2 hours free continuous parking between certain specified hours and on certain days (excluding Sundays). Signs to this effect are erected within the parking area.

The advice is as to whether it is permissible to issue to patrons of the Empire Cinema parking permits which exceed the 2 hour limit in cases where patrons attend a film of more than 2 hours duration.

PROPOSED SOLUTIONS

Special permits permitting parking up to 3 hours to be issued by the Empire Cinema box office to those patrons requesting a permit when purchasing a ticket to a film exceeding a duration of 2 hours.

The relevant statutory provisions are:

- Road Transport (Safety and Traffic Management) Act 1999
- Road Transport (Safety and Traffic Management) Regulation 1999
- Road Rules 2008 (being a Regulation made under the Road Transport (Safety and Traffic Management) Act 1999).

For the purpose of the legislation, Council is classified as a "parking authority".

A variety of different parking schemes and parking tickets are provided for by the above legislation. There is no provision, however, which permits certain persons to exceed the parking limit displayed on signs.

The 1999 Regulation identifies pay schemes in Part 4 of the Regulation. These include a metered parking scheme, a ticket parking scheme and a coupon parking scheme. In the majority of cases these schemes apply to roads only. Council may establish a "coupon parking area". All three schemes, however, envisage that a fee would be payable for parking. For example, a parking ticket which issued for a particular duration pursuant to clause 106 of the 1999 Regulation requires to be date-stamped showing the date and time of expiry. No such machines are installed in the parking area in question.

Permissible parking is not dependent upon any particular scheme recognized by the regulations. Regulation 124 of the 1999 Regulation identifies a variety of parking permit.

All these permits must specify the particular road or area to which they apply and the conditions to which they are subject. For example, resident's parking permits must disclose the address of the resident who is entitled to the special parking permit. In the case of business parking permits or similar visiting permits, the registered number of the vehicle must be disclosed on the parking permit.

Clearly, the aforementioned variety of permits are not appropriate to the parking arrangements contemplated for the Empire Cinema car park.

Regulation 114(1) of the 1999 Regulation, however, provides:

“Nothing in the part affects any power of a parking authority to provide for parking on land within its area of operation.”

Council is a “parking authority” under the Regulation. The land in question is the property of Council. This regulation is the only one which may possibly be capable of being used to implement the scheme presently proposed.

In addition to the 1999 Regulation, the Road Rules 2008 also provide for parking. Part 12 of that Regulation is concerned with the restrictions on stopping and parking. Specific permissive parking areas are identified. Although the Road Rules apply primarily to roads, they also apply to an “area” to which permissive parking signs apply. The Road Rules identify the type of parking permitted and the manner in which the permissive parking signs are displayed. The majority of the rules relate to the requirement that persons parking must not exceed particular periods of permissive parking or must simply not park at particular times or on particular days. There are, however, a number of exceptions:

- Clause 205A of the Road Rules permit parking outside times indicated but only in the case of special event parking.
- Clause 206 of the Road Rules acknowledge that a time extension is permissible for people with disabilities. This extension, however, requires the person with the disability to display a current parking permit which must be displayed on the vehicle.
- The remaining road rules are primarily applicable to ticket parking areas and areas where a fee is payable. Whilst Road Rules 124(5)(a) acknowledges that it is possible to exclude certain permit holders from the application of parking rules, such exemptions must be issued only in accordance with Guidelines approved by the Roads & Traffic Authority and must clearly contain the words “Permit Holders Excepted”. These permit holders are limited to either persons with disabilities or to organizations who are involved in connection with the conveyance of disabled persons.
- There are other exceptions applying to delivery vehicles and the like. For the purpose of the present advice, these need not be considered.

As Regulation 114(1) of the 1999 Regulation is contained within Part 4 of the Act, which is concerned with “Pay Parking Schemes”, it is difficult to see how that regulation can confidently be relied upon to introduce a scheme which will permit cinema patrons, in certain cases, to extend their parking rights from two hours to three hours. Unless some form of pay ticket or coupon parking scheme is introduced, it would appear that the particular proposal could not be implemented.

Comment by Traffic Engineer

Council at its meeting on 10 December 2008 adopted the recommendation of the Traffic Committee as follows:

- i) *THAT a three hour parking voucher system which includes a time and date stamp be implemented by the Empire Cinema with advice and enforcement by Council’s Rangers;*
-

- ii) *THAT the parking vouchers, which must be displayed on vehicle dashboards, be available from the cinema when patrons purchase cinema tickets;*
- iii) *THAT the voucher system be trialled for a six month period from commencement date;*
- iv) *THAT signposting be erected advising of the parking voucher system in the Empire Cinema Carpark;*
- v) *THAT the Empire Cinema place an on-screen advertisement prior to each film screened advising patrons of the voucher system;*
- vi) *THAT a second accessible parking space be signposted in the Empire Cinema Carpark.*

As the proposed voucher system is not feasible, resolutions 1-5 cannot be carried out. An instruction has been issued to signpost a second accessible parking space. It is recommended that the existing two hour parking restriction in the Empire Cinema Carpark be maintained. It is also recommended that the Cinema exhibit and make available media detailing long stay parking areas.

Despite its name, the Empire Cinema Carpark is a public carpark which is for use by the whole community, not just cinema patrons. However the name Empire Cinema Carpark is being used by movie-goers as an excuse to overstay the two hour parking restriction. It is recommended that Council write to the Bowral Chamber of Commerce with a proposal to change the name of the Empire Cinema Carpark.

RECOMMENDATION

1. THAT it be noted that the December 2008 resolution to trial a three hour parking voucher system in the Empire Cinema Carpark is not allowed under the Local Government Act 1993;
 2. THAT the two hour parking restriction be maintained in the Empire Cinema Carpark;
 3. THAT the Empire Cinema display and make available media which details long stay parking areas;
 4. THAT Council write to the Bowral Chamber of Commerce with a proposal to change the name of the Empire Cinema Carpark.
-

CORPORATE SERVICES DIVISION

Governance and Accountability

o-CS1	Wingecarribee Shire Council Internal Audit Committee
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REF.	DCS	2102/3; 107/34
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Presenting draft charter of the Finance Committee and Internal Audit Committee of Council, for Council's consideration

REPORT

BACKGROUND

Following a recommendation from Council's Finance and Internal Audit Committee, Council resolved at the Ordinary Meeting of Council on 27 May 2009 as follows:

1. ***THAT** the Finance and Internal Audit Committee be restructured to split the roles of Finance and Internal Audit to separate committees.*
2. ***THAT** the Finance Committee consist of the nine (9) elected Councillors AND **THAT** the General Manager, Director Corporate Services and Manager Financial Services be included as "non-voting members" of the committee.*
3. ***THAT** Council confirm the appointment of an independent "Internal Audit Committee" consisting of four (4) Councillors and three (3) Community Representatives appointed by Council*
4. ***THAT** Council confirm the following Community Representatives as members of the Internal Audit Committee:*
 - Mr Lyle Briggs
 - Mr Noel Crellin
 - Ms Jan Edwards
5. ***THAT** the Director Corporate Services bring back a report to a future meeting of Council, proposing draft terms of reference for the Finance Committee and Internal Audit Committee for Council's consideration and adoption.*

COMMITTEE CHARTER

In October 2008, the Department of Local Government (DLG) released a detailed set of guidelines providing direction to Councils on the implementation and operation of internal auditing services, the guidelines also included a "Sample Internal Audit Charter".

The Draft Wingecarribee Internal Audit Charter attached to this report is based on the DLG templates, and can be enhanced however Council deems appropriate. It is suggested however that Council adopt the draft as presented and that the document be reviewed within twelve (12) months, with feedback to be provided by the Internal Audit Committee.



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A draft charter has also been prepared for Council's Finance Committee and is attached for Council's consideration.

It is noted also that with the endorsement by Council of the recommendation to split the function of Finance and Internal Audit that Council now needs to confirm the Councillor delegates for the Internal Audit Committee.

ATTACHMENTS

There are two (2) attachments to this report:

1. Draft Internal Audit Committee Charter
2. Draft Finance Committee Charter

RECOMMENDATION

1. THAT Council endorse and confirm the Charter for the Internal Audit Committee as presented in Attachment 1 of the report to Council AND THAT the Charter be reviewed within twelve (12) months following feedback from the Committee.
 2. THAT Council confirm the following Councillors as the Council delegates on the Internal Audit Committee:
 - i. Councillor _____
 - ii. Councillor _____
 - iii. Councillor _____
 - iv. Councillor _____
 3. THAT Council endorse and confirm the charter for the Finance Committee as presented in Attachment 2 to the report to Council.
-

Barry Paull
Director Corporate Services

17 July 2009

ATTACHMENT 1

INTERNAL AUDIT COMMITTEE CHARTER

1. Objective

The objective of the Internal Audit Committee (Committee) is to provide independent assurance and assistance to Wingecarribee Shire Council on risk management, control, governance, and external accountability responsibilities.

2. Authority

The Council authorises the Committee, within the scope of its role and responsibilities, to:

- Obtain any information it needs from any employee or external party (subject to their legal obligations to protect information).
- Discuss any matters with the external auditor or other external parties (subject to confidentiality considerations).
- Request the attendance of any employee or councillor at Committee meetings.
- Obtain external legal or other professional advice considered necessary to meet its responsibilities.

3. Composition and Tenure

The Committee will consist of:

3.1 Members (voting)

- Mayor
- Councillors - (3)

3.2 Members (voting)

- Independent external member(s) (not a member of the Council) - (3)

3.3 Attendee (non-voting)

- General Manager
- Director Corporate Services
- Manager Financial Services

3.4 Invitees (non-voting) for specific Agenda items

- Representatives of the external auditor.
- Other officers may attend by invitation as requested by the Committee.

3.5 The Chairperson

The Chairperson will be appointed by Council on an annual basis at the Ordinary Meeting of Council held in September to elect the Mayor and appoint Committees.

The independent external member(s) will be appointed for the term of council, after which they will be eligible for extension or re-appointment following a formal review of their performance.

The members of the Committee, taken collectively, will have a broad range of skills and experience relevant to the operations of Wingecarribee Shire Council. At least one member of the Committee shall have accounting or related financial management experience, with understanding of accounting and auditing standards in a public sector environment.

4. Role and Responsibilities

The Committee has no executive powers, except those expressly provided by the Council.

In carrying out its responsibilities, the Committee must at all times recognise that primary responsibility for management of Council rests with the Council and the General Manager as defined by the Local Government Act.

The responsibilities of the Committee may be revised or expanded by the Council from time to time. The Committee's responsibilities are:

4.1 Risk Management

- Review whether management has in place a current and comprehensive risk management framework, and associated procedures for effective identification and management of business and financial risks, including fraud.
- Review whether a sound and effective approach has been followed in developing strategic risk management plans for major projects or undertakings;
- Review the impact of the risk management framework on its control environment and insurance arrangements; and
- Review whether a sound and effective approach has been followed in establishing business continuity planning arrangements, including whether plans have been tested periodically.

4.2 Control Framework

- Review whether management has adequate internal controls in place, including over external parties such as contractors and advisors;
- Review whether management has in place relevant policies and procedures, and these are periodically reviewed and updated;
- Progressively review whether appropriate processes are in place to assess whether policies and procedures are complied with;
- Review whether appropriate policies and procedures are in place for the management and exercise of delegations; and
- Review whether management has taken steps to embed a culture which is committed to ethical and lawful behaviour.

4.3 External Accountability

- Satisfy itself the annual financial reports comply with applicable Australian Accounting Standards and supported by appropriate management sign-off on the statements and the adequacy of internal controls.
 - Review the external audit opinion, including whether appropriate action has been taken in response to audit recommendations and adjustments.
 - To consider contentious financial reporting matters in conjunction with council's management and external auditors.
 - Review the processes in place designed to ensure financial information included in the annual report is consistent with the signed financial statements.
 - Satisfy itself there are appropriate mechanisms in place to review and implement, where appropriate, relevant State Government reports and recommendations.
 - Satisfy itself there is a performance management framework linked to organisational objectives and outcomes.
-

4.4 Legislative Compliance

- Determine whether management has appropriately considered legal and compliance risks as part of risk assessment and management arrangements.
- Review the effectiveness of the system for monitoring compliance with relevant laws, regulations and associated government policies.

4.5 Internal Audit

- Act as a forum for communication between the Council, General Manager, senior management, internal audit and external audit.
- Review the internal audit coverage and Internal Audit Plan, ensure the plan has considered the Risk Management Plan, and approve the plan.
- Consider the adequacy of internal audit resources to carry out its responsibilities, including completion of the approved Internal Audit Plan.
- Review all audit reports and consider significant issues identified in audit reports and action taken on issues raised, including identification and dissemination of better practices.
- Monitor the implementation of internal audit recommendations by management.
- Periodically review the Internal Audit Charter to ensure appropriate organisational structures, authority, access and reporting arrangements are in place.
- Periodically review the performance of Internal Audit.

4.6 External Audit

- Act as a forum for communication between the Council, General Manager, senior management, internal audit and external audit.
- Provide input and feedback on the financial statement and performance audit coverage proposed by external audit, and provide feedback on the external audit services provided.
- Review all external plans and reports in respect of planned or completed external audits, and monitor the implementation of audit recommendations by management.
- Consider significant issues raised in relevant external audit reports and better practice guides, and ensure appropriate action is taken.

4.7 Responsibilities of Members

Members of the Committee are expected to:

- Understand the relevant legislative and regulatory requirements appropriate to Wingecarribee Shire Council.
- Contribute the time needed to study and understand the papers provided.
- Apply good analytical skills, objectivity and good judgment.
- Express opinions frankly, ask questions that go to the fundamental core of issues, and pursue independent lines of enquiry.

5. Reporting

At the first Committee meeting after 30 June each year, Internal Audit will provide a performance report of:

- The performance of Internal Audit for the financial year as measured against agreed key performance indicators.
- The approved Internal Audit Plan of work for the previous financial year showing the current status of each audit.

The Committee may, at any time, consider any other matter it deems of sufficient importance to do so. In addition, at any time an individual Committee member may request a meeting with the Chair of the Committee.

6. Administrative arrangements

6.1 Meetings

The Committee will meet at least four times per year, with one of these meetings to include review and endorsement of the annual audited financial reports and external audit opinion.

The need for any additional meetings will be decided by the Chair of the Committee, though other Committee members may make requests to the Chair for additional meetings.

A forward meeting plan, including meeting dates and agenda items, will be agreed by the Committee each year. The forward meeting plan will cover all Committee responsibilities as detailed in this Audit Committee Charter.

The meetings will be conducted in accordance with Council's Code of Meeting Practice as adopted, and where any inconsistencies occur between this charter and the Code, the Code of Meeting Practice will prevail.

6.2 Attendance at Meetings and Quorums

A quorum will consist of a majority of Committee members, including at least one independent member.

The General Manager and Director Corporate Services will be invited to attend each meeting. The Committee may also request the Manager Financial Services or any other employees to participate for certain agenda items, as well as the external auditor.

6.3 Secretariat

The Committee has appointed the Director Corporate Services to provide secretariat support to the Committee. The Secretariat will ensure the agenda for each meeting and supporting papers are circulated, at least three days before the meeting, and ensure minutes of the meetings are prepared and maintained. Minutes shall be approved by the Chair and circulated to each member within three weeks of the meeting being held.

6.4 Conflicts of Interest

Committee members must declare any conflicts of interest at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflicts of interest should be appropriately minuted.



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Where members or invitees at Committee meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from Committee deliberations on the issue where the conflict of interest may exist. The final arbiter of such a decision is the Chair of the Committee.

6.5 Induction

New members will receive relevant information and briefings on their appointment to assist them to meet their Committee responsibilities.

6.6 Assessment Arrangements

The Chair of the Committee will initiate a review of the performance of the Committee at least once every two years. The review will be conducted on a self-assessment basis (unless otherwise determined by the Chair), with appropriate input from management and any other relevant stakeholders, as determined by the Chair.

6.7 Review of Internal Audit Committee Charter

At least once every two years the Internal Audit Committee will review this Internal Audit Committee Charter.

6.8 Code of Conduct

The Code of Conduct as adopted by Council shall apply to the Committee Members.

The Council will approve any changes recommended to this Internal Audit Committee Charter.

Approved:

Council Meeting

Date:

ATTACHMENT 2

FINANCE COMMITTEE CHARTER

1. Objective

The Finance Committee's primary objective is to consider all aspects of Council's strategy and policy decisions that affect the financial transparency, accountability and sustainability of Council. The Finance Committee will also have an important monitoring, review and feedback role relating to Council budgets and financial reports.

2. Composition and Tenure

The Committee will consist of:

2.1 The membership of the Committee shall include all Councillors.

2.2 The following staff will attend in a non-voting and advisory role:

- General Manager
- Director Corporate Services
- Manager Financial Services
- Other staff as required from time to time

2.3 The Committee shall serve for the four (4) year tenure of Council

3. Role and Responsibilities

The Finance Committee shall have responsibility for providing recommendations to Council on all aspects of financial strategy, policy and performance reviews, including the following:

- i) Review and provide direction on the Draft Management Plan and Budget priorities and works programmes on an annual basis.
- ii) Review Quarterly Financial Reports and make recommendations on identified budget variations and issues.
- iii) Review and make recommendations on Policy Statements of Council that relate to Financial matters.
- iv) Review and make recommendations on financial strategy including the Ten Year Financial Plan.
- v) Review and make recommendations on Council's Revenue Policy including all rates, fees and charges, Section 64 and Section 94 fees.
- vi) Review and make recommendations on Council's borrowing strategy and programme
- vii) Provide recommendations on other matters relating to policy and strategy decision that affect financial transparency, accountability and sustainability.



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4. The Chairperson

The Chairperson will be appointed by Council on an annual basis at the Ordinary Meeting of Council held in September to elect the Mayor and appoint committees.

5. Administrative arrangements

The Committee will meet at least four times per year, with meetings scheduled for the third Wednesday of September, December, February and May to consider the Quarterly Budget Review(s). The need for additional meetings will be confirmed by the Chair of the Committee after consultation with the General Manager.

Meetings will be conducted in accordance with Council's Code of Meeting Practice as adopted, and where inconsistencies occur between this Charter and the Code, the Code of Meeting Practice will prevail.

6. Delegations

The Committee shall not have leave to incur expenditure unless specifically delegated authority to do so under the provisions of Section 377 of the Local Government Act 1993.

The Committee shall not have leave to bind the Council unless being given specific delegation authority to do so by resolution of Council.

Approved:

Council Meeting

Date:



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

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REPORT OF DIRECTOR INFRASTRUCTURE SERVICES

INFRASTRUCTURE SERVICES DIVISION

Lifestyle and Community

o-TS1	Swimming Centres
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REF:	PPM	6700, 6700/4
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The purpose of this report is for Council to consider recommendations for the operation of the Shire's Swimming Centres for the 2009/10 Season.

REPORT

CURRENT SITUATION

The Sport and Recreation Working Group met on Tuesday 7 May 2009. Representatives from Swimming User Groups participated in the Sport and Recreation Working Group meeting and provided input into the operational aspects of all four swimming centres.

Council staff outlined the Swimming Centres attendance, expenditure and income against the approved budget for the previous five years. The Working Group reviewed options for season length, entry fees and opening hours for the Shire's Swimming Centres and provided recommendations for the operation of the Swimming Centres for the 2009/10 swimming season.

Attendance and income were higher than previous years for the 2008/09 Swimming Season, largely due to the hot and dry weather conditions in January. There were no major infrastructure failures during the season, as has been experienced in previous seasons.

Recruitment is now underway for the 2009/2010 Swimming season.

CONCLUSION

The recommendations provided by the Sport and Recreation Working Group were reviewed by Councillors at an Information Session on the 8 July 2009. The recommendations of this report reflect the outcomes of that Information Session.

Update on the Condition Report for Pools and the proposal to provide an All Year Round Covered Facility at Bowral.

The preliminary findings of the study carried out on the condition of the infrastructure at each of Council's four pools has been received. In order to consider the total cost of providing swimming facilities into the future, Council also needs to know the costs associated with providing an all year round covered facility at Bowral.

Quotations are being sought for a consultant to advise on the cost of a number of options to construct an all year round facility at Bowral, and this information will be brought back to Council once quotations have been received.



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REPORT OF DIRECTOR INFRASTRUCTURE SERVICES

BUDGET IMPLICATIONS

The 2009/10 Budget has been set and adopted by Council. This budget was adopted based on preliminary operational strategies for the 2009/10 season, noting that there remains no provision in the budget for any significant infrastructure failure.

ATTACHMENTS

1. Minutes of Meeting for the Sport and Recreation Working Group held 7 May 2009.

RECOMMENDATIONS

1. Cost of Admission

THAT the following fee structure be adopted for Council's Swimming Centres.

ADULT	\$3.50
CHILD (under 18 years)	\$2.50
CONCESSION (Cardholder)	\$2.50
SPECTATOR (is defined as a guardian or direct relative accompanying or attending a child's activity at the Swimming Centre except Learn to Swim & squad training)	\$1.50
Children under 3 years	Free
SEASON FAMILY TICKET (immediate family only)	\$400.00

Pass Outs be available for School Children under 16 years of age during School Holidays.

2. Multiple Entry Tickets

THAT the multiple entry cards be as follows:-

20 Tickets \$2.50 \$50.00 a book
50 Tickets \$2.00 \$100.00 a book and

THAT tickets are non refundable and non transferable between swimming seasons. One card per visit pass.

3. After Hours Usage

- a. THAT prior to commencement of the season all user groups wishing to use the Centres after hours attend an information session so that their needs and Council's conditions can be addressed.
- b. THAT Council charges the standard admission fees for after hours usage of the pools.
- c. THAT all user groups confirm their program formally prior to the season.

4. **School Activity Or Carnival Booking – School Concessions – Adjustment of Entry Cost for Swimming Carnivals and School Swimming Activities**

- a. THAT a flat entry fee for students for carnivals and organised school activities be \$2.00 and \$1.50 for spectators be applied.
- b. THAT a booking fee of \$100.00 per event at Mittagong and Bowral Swimming Centres, which includes staff entry fees, be adopted.
- c. THAT a booking fee of \$60.00 per event at Moss Vale and Bundanoon Swimming Centres, which includes staff entry fees, be adopted.
- d. THAT the booking fee be applicable where the school group requests to have exclusive use of the centre and the booking fee be non-refundable for cancellations within 48 hours of the date booked.

5. **Season Length and Duration**

- a. THAT the Mittagong Swimming Centre's season be 21 weeks commencing Saturday 10 October 2009 and close on Sunday 7 March 2010.
- b. THAT the Bowral Swimming Centre's season be 19 weeks commencing on Saturday 7 November 2009 and close on Sunday 21 March 2010.
- c. THAT the Moss Vale Swimming Centre's season be 18 weeks commencing on Saturday 14 November 2009 and close on Sunday 21 March 2010.
- d. THAT Bundanoon Swimming Centre's season be 17 weeks commencing on Saturday 14 November 2009 and close on Sunday 14 March 2010
- e. THAT the Swimming Centres be open each day of the swimming season excluding Christmas Day and Boxing Day.
- f. THAT only Mittagong Swimming Centre open on Boxing Day.

6. **Opening and Closing Time of the Centres**

- a. THAT the opening hours for each Swimming Centre be as follows:

	<u>Mittagong: 10 Oct to 6 Nov & 12 Dec to 7 Mar</u>	<u>Mittagong: 7 Nov – 11 Dec</u>
Monday	6am – 9am 2pm – 9pm	2pm – 9pm
Tuesday	6am – 9am 2pm – 9pm	2pm – 9pm
Wednesday	6am – 9am 2pm – 6pm	2pm – 6pm
Thursday	6am – 9am 2pm – 6pm	2pm – 6pm
Friday	6am – 9am 2pm – 8pm	2pm – 8pm



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Mittagong: 10 Oct to 6 Nov
& 12 Dec to 7 Mar

Saturday 10am – 6pm
Sunday 10am – 6pm

Mittagong:
7 Nov – 11 Dec

10am – 6pm
10am – 6pm

Bowral: 7 Nov to 21 March

Monday 6am – 6pm
Tuesday 6am – 6pm
Wednesday 6am – 6pm
Thursday 6am – 6pm
Friday 6am – 8pm
Saturday 10am – 6pm
Sunday 10am – 6pm

Moss Vale: 14 Nov to 21 March

Monday 6am – 9am
2pm – 6pm
Tuesday 2pm – 6pm
Wednesday 6am – 9am
2pm – 6pm
Thursday 2pm – 6pm
Friday 6am – 9am
2pm – 8pm
Saturday 10am – 6pm
Sunday 10am – 6pm

Bundanoon: 14 Nov to 14 March

Monday 6am – 10am
2pm – 6pm
Tuesday 2pm – 6pm
Wednesday 6am – 10am
2pm – 8pm
Thursday 2pm – 6pm
Friday 2pm – 6pm
Saturday 10am – 6pm
Sunday 10am – 6pm

Note: Opening and closing times may be reviewed pending staff availability and further consultation with user groups.

- b. THAT the Swimming Centres remain open during school holidays or when required for functions e.g. School Swimming Carnivals.
 - c. THAT all pools will remain open until 6pm, conditional that at 5pm should patronage be less than 20 people (10 at Bundanoon) and the weather is not conducive to swimming, the pool supervisors may close the pools at 5pm.
 - d. THAT on inclement days where temperatures fall below 17 degrees the Mittagong, Moss Vale and Bundanoon Swimming Centres be closed from 9:00am AND THAT signage will be provided to advise that the pools have been closed due to inclement weather and that the Bowral Swimming Centre is open.
 - e. THAT if the forecast temperature is greater than 35 degrees, Bowral pool is to remain open until 7pm.
-



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ATTACHMENT1

SPORT & RECREATION WORKING GROUP **Report of meeting held Tuesday 7 May 2009**

Ref: 107/30

COMMENCED: 5.00pm

PRESENT: Clr David Stranger
Clr Jim Mauger
Mr Ian Campbell
Mr Gordon Munro
Mr Terry Loader

IN ATTENDANCE: Lisette Slotboom – Bowral Swimming Club (part)
Matthew Froome – Moss Vale Swimming Club (part)

ALSO PRESENT: Mr Peter Bowmer - Parks and Property Manager
Mr Peter Byrne - Civic Services Coordinator
Ms Jenny Kena – Community & Cultural Development Officer
(part)

APOLOGIES: Mayor Duncan Gair
Clr Paul Tuddenham
Graham Andrews

Clr David Stranger opened the meeting at 5.05pm

Community Grants, Submission Review

Jenny Kena, the Community and Cultural Development Officer in Strategic Planning, outlined the relevant applications for the 2009/10 Community Assistance Scheme. The merits of the various submissions were discussed and the applications were ranked accordingly by the Working Group.

Jenny Kena left the meeting at 5:45pm.

Overview of the 2008/09 Swimming Season

Lisette Slotboom and Matthew Froome joined the Working Group meeting to take part in discussion involving the Swimming Centres.

The working group reviewed a presentation by Council staff on operational aspects of the Swimming Centres, including attendance, income and comparative opening hours.

The Parks and Property Manager advised that the working group recommendations will be presented to a Councillor information session within the next few weeks

The working group provided the following recommendations:

RECOMMENDATIONS

1. Cost of Admission

THAT the following fee structure be adopted for Council's Swimming Centres.

ADULT	\$3.50
CHILD (under 18 years)	\$2.50
CONCESSION (Cardholder)	\$2.50
SPECTATOR (is defined as a guardian or direct relative accompanying or attending a child's activity at the Swimming Centre except Learn to Swim & squad training)	\$1.50
Children under 3 years	Free
SEASON FAMILY TICKET (immediate family only)	\$400.00

Pass Outs be available for School Children under 16 years of age during School Holidays.

2. Multiple Entry Tickets

THAT the multiple entry cards be as follows:-

20 Tickets \$2.50 \$50.00 a book
50 Tickets \$2.00 \$100.00 a book and

THAT tickets are non refundable and non transferable between swimming seasons. One card per visit pass.

3. After Hours Usage

- a. THAT prior to commencement of the season all user groups wishing to use the Centres after hours attend an information session so that their needs and Council's conditions can be addressed.
- b. THAT Council charges the standard admission fees for after hours usage of the pools.
- c. THAT all user groups confirm their program formally prior to the season.

4. School Activity Or Carnival Booking – School Concessions – Adjustment of Entry Cost for Swimming Carnivals and School Swimming Activities

- a. THAT a flat entry fee for students for carnivals and organised school activities be \$2.00 and \$1.50 for spectators be applied.
- b. THAT a booking fee of \$100.00 per event at Mittagong and Bowral Swimming Centres, which includes staff entry fees, be adopted.
- c. THAT a booking fee of \$60.00 per event at Moss Vale and Bundanoon Swimming Centres, which includes staff entry fees, be adopted.
- d. THAT the booking fee be applicable where the school group requests to have exclusive use of the centre and the booking fee be non-refundable for cancellations within 48 hours of the date booked.

5. Season Length and Duration

- a. THAT the Mittagong Swimming Centre's season be 21 weeks commencing Saturday 10 October 2009 and close on Sunday 7 March 2010.
- b. THAT the Bowral Swimming Centre's season be 19 weeks commencing on Saturday 7 November 2009 and close on Sunday 21 March 2010.
- c. THAT the Moss Vale Swimming Centre's season be 18 weeks commencing on Saturday 14 November 2009 and close on Sunday 21 March 2010.
- d. THAT Bundanoon Swimming Centre's season be 17 weeks commencing on Saturday 14 November 2009 and close on Sunday 14 March 2010
- e. THAT the Swimming Centres be open each day of the swimming season excluding Christmas Day and Boxing Day.
- f. THAT only Mittagong Swimming Centre open on Boxing Day.

6. Opening and Closing Time of the Centres

- a. THAT the opening hours for each Swimming Centre be as follows:

	<u>Mittagong: 10 Oct to 6 Nov</u> <u>& 12 Dec to 7 Mar</u>	<u>Mittagong:</u> <u>7 Nov – 11 Dec</u>
Monday	6am – 9am 2pm – 9pm	2pm – 9pm
Tuesday	6am – 9am 2pm – 9pm	2pm – 9pm
Wednesday	6am – 9am 2pm – 6pm	2pm – 6pm
Thursday	6am – 9am 2pm – 6pm	2pm – 6pm
Friday	6am – 9am 2pm – 8pm	2pm – 8pm
Saturday	10am – 6pm	10am – 6pm
Sunday	10am – 6pm	10am – 6pm



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Bowral: 7 Nov to 21 March

Monday	6am – 6pm
Tuesday	6am – 6pm
Wednesday	6am – 6pm
Thursday	6am – 6pm
Friday	6am – 8pm
Saturday	10am – 6pm
Sunday	10am – 6pm

Moss Vale: 14 Nov to 21 March

Monday	6am – 9am 2pm – 6pm
Tuesday	2pm – 6pm
Wed.	6am – 9am 2pm – 6pm
Thursday	2pm – 6pm
Friday	6am – 9am 2pm – 8pm
Saturday	10am – 6pm
Sunday	10am – 6pm

Bundanoon: 14 Nov to 14 March

Monday	6am – 10am 2pm – 6pm
Tuesday	2pm – 6pm
Wed.	6am – 10am 2pm – 8pm
Thursday	2pm – 6pm
Friday	2pm – 6pm
Saturday	10am – 6pm
Sunday	10am – 6pm

Note: Opening and closing times may be reviewed pending staff availability and further consultation with user groups.

- b. THAT the Swimming Centres remain open during school holidays or when required for functions e.g. School Swimming Carnivals.
- c. THAT all pools will remain open until 6pm, conditional that at 5pm should patronage be less than 20 people (10 at Bundanoon) and the weather is not conducive to swimming, the pool supervisors may close the pools at 5pm.
- d. THAT on inclement days where temperatures fall below 17 degrees the Mittagong, Moss Vale and Bundanoon Swimming Centres be closed from 9:00am AND THAT signage will be provided to advise that the pools have been closed due to inclement weather and that the Bowral Swimming Centre is open.

7. General Business

- a. Projects associated with the Regional and Local Community Infrastructure Program were reviewed.
- b. Discussed the possibility of Council providing administrative support for the various sports user groups

Meeting Closed 6.55pm

Next meeting: TBA

Lifestyle and Community

o-TS2 Grant Applications – NSW Community Building Partnership

REF: DIS 1890, 1800/1

Reporting on the NSW Governments Community Building Partnership program, with the aim to stimulate the local economy through the delivery of improved community facilities.

REPORT

The State Government has announced that \$300,000 is available in every electoral district for building local community projects. A copy of the information sheet is included as Attachment 1. Some of the requirements of the grant are listed below:

- Applications close on 10 August 2009.
- Councils are required to commit at least 50% funding towards the project.
- Council must compete for the grant funds with other Councils and organisations within the electorate.
- For an application from Local Government, a Council resolution is to be attached to the application form “confirming commitment and funding matching the grant funding”.
- Only one project proposal for each local council within an electoral district will be accepted. Councils whose boundaries cover more than one electoral district will be able to submit an application for funding of projects within each of those electorates. In this situation where multiple electorates are involved, local councils will be required to provide a preference ranking for projects they submit.

There are a number of projects that may be considered for a grant application.

A suggested list of projects that may be considered for funding includes:

Project	Estimated Cost	Potential Funding Source for Council Contribution	Suggested Grant Funding Application
Mittagong Playhouse – Improvements to comply with conditions of approval to operate as a PoPE	\$120,000	\$60,000 from Infrastructure Recovery Strategy Funds	\$60,000
Bowral Memorial Hall - Kitchen Upgrade	\$30,000	\$15,000 from Infrastructure Recovery Strategy Funds	\$15,000
Hill Top Recreation Centre - Acoustic Ceiling	\$12,000	\$6,000 from Infrastructure Recovery Strategy Funds	\$6,000
Resource Recovery Centre - Construction and Demolition Slab and push-up walls	\$545,000	\$500,000 from Domestic Waste Reserve and Borrowings	\$45,000
Exeter Park – Construction of new Amenities Building	\$420,000	\$220,000 already committed	\$200,000

All projects are high priority projects that are listed in the current management plan and all have a shortfall of funds.

It is suggested that the highest priority is the Mittagong Playhouse project. Upgrading works are essential in order to obtain approval for the facility to operate as a Place of Public Entertainment (PoPE), which will be of benefit to wider community.

These upgrading works include:

- Improvements to the stage area to meet fire rating requirements
- Reconstruction of stage and dressing room doors to meet fire rating requirements
- Installation of self closing devices and automatic release mechanisms on the main auditorium doors
- Installation of a motorised opening and closing device for the stage curtain
- Installation of compliant emergency lighting
- Installation of fire extinguishers to dressing rooms

Comment regarding Federal Infrastructure Grants

The Federal Government Infrastructure Grants are a separate grant program. Council will be allocated \$326,000 in this program for 2009/10. Council is awaiting advice on the criteria for this grant program, which be reported to Council as soon as it is received.

ATTACHMENT

1. Information Sheet – Community Building Partnership

RECOMMENDATION

1. THAT Council lodge a grant application for the NSW Community Building partnership for the following project:

Project	Estimated Cost	Funding Source for Council Contribution	Grant Funding Application
Mittagong Playhouse – Improvements to comply with conditions of approval to operate as a PoPE	\$120,000	\$60,000 from Infrastructure Recovery Strategy Funds	\$60,000

2. THAT Council confirms the above funding commitment from Infrastructure Recovery Strategy Funds to match the grant funding;
3. THAT Council seek support from Pru Goward MP Member for Goulburn for this Grant Application.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 22 July 2009

REPORT OF DIRECTOR INFRASTRUCTURE SERVICES

M J Brearley
Director Infrastructure Services

17 July 2009



COMMUNITY BUILDING PARTNERSHIP

The NSW Government's \$35 million Community Building Partnership program will support local jobs, stimulate growth and improve community facilities.

Community groups and local councils across NSW will be eligible to submit applications for funding that will help support local infrastructure and jobs.

The NSW Community Building Partnership will invest \$300,000 into building local community projects in every electoral district – with an additional \$100,000 to be invested in electoral districts with higher unemployment.

Under the partnership, the NSW Government will contribute to the cost of building important community projects and stimulating local economies.

For example, a community group which has commenced raising some of the cost of repairing a local hall roof would be able to apply under the partnership for funding to finish the job – getting the project completed faster, maintaining critical local infrastructure, creating local jobs and delivering new facilities.

CRITERIA

Applicants should demonstrate how their project will deliver positive results for their community, through job creation and community, social, recreational or environmental outcomes.

Applications from local councils will require a commitment of matching funding by the council.

Projects must be ready to commence by late 2009 and be completed before the end of December 2010.

Applications for funding under the partnership open on 22 June and close on 10 August 2009.

APPROVAL

Members of Parliament will:

- Invite applications from local councils and community groups within their electoral districts.
- Provide comments and recommendations on the suitability and priority of eligible proposals within their electoral districts for the Premier's consideration.

The Department of Premier and Cabinet will make recommendations to the Premier based on the assessment criteria and information provided by Members of Parliament.

INFORMATION AND APPLICATIONS

Application packs are available from your local State Member of Parliament or can be downloaded from www.nsw.gov.au



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 22 July 2009

NOTICES OF MOTION

COUNCIL MATTERS

NOTICES OF MOTION

c-NM1 11/2009 – Notice of Motion – Tendering

Clr Ken Halstead has given notice that it is his intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday 22 July 2009:

1. THAT Council comply with the provisions of Part 3, Division 1 – Tendering, Local Government Act 1993, and Part 7 – Tendering, Local Government (General) Regulation 2005 in all respects; AND THAT Council review its current procedures with regard to seeking “quotations” for works/undertakings/projects having regard to the provisions of the abovementioned Act and Regulation, in the interest of sound governance and probity.

Comment from Director Corporate Services

Council staff are aware of the requirements of the Local Government Act 1993 and the Local Government (General) Regulation 2005 as they relate to tenders, and there are a number of Council policies which also confirm these obligations. Training sessions are provided on an as needs basis (subject to budgets) to ensure relevant staff understand Council's obligations in relation to tenders. (Workshops were conducted in 2008 and 2007, by Local Government Procurement Services with fourteen (14) staff attending.)

The General Manager's Practice Note 7 – Purchasing and Procurement also provides detailed procedures for staff for all purchasing decisions including tenders. Practice Note 7 is currently under review and will be updated as appropriate, and further staff training will be conducted.

RECOMMENDATION

SUBMITTED FOR DETERMINATION



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 22 July 2009

NOTICES OF MOTION

c-NM2 12/2009 – Notice of Motion – Legal Committee

Clr Ken Halstead has given notice that it is his intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday 22 July 2009:

1. THAT Council's Legal Committee be disbanded immediately and that all legal matters be reported to Council to avoid further breaches of Sections 9 and 10 of the Local Government Act 1993.

Comment from Director Corporate Services

The protocols for conducting the meetings of the Legal Committee have been in place for many years and have been endorsed by successive Council's. Council has previously received advice on the requirements of Section 9(1) and (2) and 10(A)(2) of the Local Government Act 1993, and the operation of the Legal Committee was deemed not to be in breach of those provisions.

Recent advice also confirms this view, however, it is suggested that greater transparency and accountability would be achieved by referring "legal matters" to the Ordinary Meeting of Council with greater scrutiny available to the public to review those matters dealt with in closed committee.

RECOMMENDATION

SUBMITTED FOR DETERMINATION

c-NM3 13/2009 – Notice of Motion – Parking Argyle Street, Moss Vale

Clr Paul Tuddenham has given notice that it is his intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday 22 July 2009:

1. THAT a report is requested into options for the provision of additional parking in the vicinity of the railway underpass on Argyle Street in Moss Vale.

RECOMMENDATION

SUBMITTED FOR DETERMINATION



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 22 July 2009

NOTICES OF MOTION

c-NM4	14/2009 – Notice of Motion – Expressions of Interest – Executive Recruitment Consultant
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Clr Jim Mauger has given notice that it is his intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday 22 July 2009:

1. THAT in advertising for expressions of interest from persons or organisations interested in assisting Wingecarribee Shire Council in the procurement of a new General Manager that it be specifically mentioned that local (that is persons or organisations that are ratepayers based within our Shire boundaries) be made aware they are welcome to apply.

Comments from Director Corporate Services

Advertisements seeking Expressions of Interest from suitably qualified persons to assist Council in recruiting its General Manager, have been placed in local, regional and metropolitan newspapers and seek expressions of interest from any suitably qualified persons with the relevant skills, as articulated in the selection criteria.

It is noted that Expressions of Interest are required to be received by close of business on Friday 24 July 2009, with final advertisements scheduled for Wednesday 22 July 2009.

There is one attachment being the advertisement as placed in the local Southern Highlands News on Wednesday 15 July 2009.

RECOMMENDATION

THAT the information be noted.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale on Wednesday, 22 July 2009

NOTICES OF MOTION

ATTACHMENT 1

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SUMMARY
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The Draft Industrial Land DCP and supporting documentation will be available to inspect at the following locations:

- Council's Customer Service Centre, Civic Centre, Elizabeth Street, Moss Vale: Monday to Friday: 8.30am and 4.30pm (public holidays excluded).
- Council's Libraries: Bowral: 9:30am to 6:30pm Mon-Fri & 9:30-4pm Sat Mittagong: Tues, Thurs, Fri; 10am-5:30pm. Wed; 1pm-5:30pm, Sat; 9am-12pm Moss Vale: Tues, Thurs, Fri; 10am-5:30pm, Wed; 1pm-5:30pm, Sat; 9am-12pm
- The 'What's on exhibition' page on Council's website at www.wsc.nsw.gov.au.

An invitation is extended to inspect the plan and to make written comments on it up to and including Friday 31st July, 2009.

HOW TO MAKE A SUBMISSION/COMMENT

Submissions must be in writing, including the following reference number, and lodged by COB on the 31 July 2009. You can also lodge a submission electronically, quoting the reference number 5700/68 in the subject heading, by emailing it to wsc.mail@wsc.nsw.gov.au.

Any submission objecting to the draft LEP must clearly state the reasons for objection.

Please note that from 1 October 2008, the Environmental Planning and Assessment Act 1979 was amended to require the disclosure of donations and gifts, when making planning applications or submissions in respect of planning applications. If you are intending to make a submission to this Draft DCP, please refer to Council's webpage or contact the person nominated below for a copy of the form to be forwarded to you for completion and returned with your written submission.

Should you have any further queries regarding the above matters or the Draft Industrial Land Development Control Plan, please contact Council's Strategic Planner Bennett Kennedy on 4868 0829.

PUBLIC NOTICE

GARDEN ORGANICS COLLECTION SERVICE IS CONTINUING

Council's fortnightly garden organics collection service will be continuing until further notice. The cost is \$20 (incl. GST) for collections from 1 July 2009. Conditions apply regarding availability, dates, payment and booking. Details are available on Council's website and by telephoning the Resource Recovery Centre between 8.30 am and 4.30 pm, Monday to Friday, on 4868 0500. The next collection dates are:

North Zone Friday 17 and 31 July
South Zone Friday 24 July, Monday 3 August

PLEASE NOTE: Commencing on 3 August the collections will take place on Monday rather than Friday.

RABBIT BAITING PROGRAM AT HAMMOCK HILL AND MANSFIELD RESERVE EAST BOWRAL

The Sydney Feral Animal Control will be commencing a Pindone Rabbit baiting program for Council at Hammock Hill & Mansfield Reserve, at East Bowral, commencing Monday 13th July and ending Friday 31st July 2009.

It will be unsafe to walk pets in these reserves even if they are TETHERED, from Monday 13th July and ending Friday 31st July 2009.

All reserve users and adjoining neighbors of the reserves are also advised that pets should be restrained to prevent them from entering the reserve during this time. Warning signs will be erected at all baiting locations within the Reserves to advise visitors of baiting activity. Designated picnic areas will not be targeted in this baiting program. **Queries contact Natural Resources Supervisor, Greg Bray, Wingecarribee Shire Council on 0408 634 062.** This work is funded by the Wingecarribee Environment Levy Program.

Competition and grazing by the Rabbit *Oryctolagus cuniculus*, is identified as a Key Threatening Process under the Environment Protection and Biodiversity Conservation Act 1999, as they may threaten the survival, abundance or evolutionary development of a native species or ecological community. There is evidence that feral rabbit impacts negatively on indigenous plant and animal species as they compete for resources, alter the structure and composition of vegetation, and cause consequent land degradation. For further information on Key Threatening Processes and/or the European Rabbit, log onto the Department of Environment and Heritage's website - www.deh.gov.au

NOTICE OF EXHIBITION OF DRAFT SECTION 94 DEVELOPER CONTRIBUTIONS PLAN FOR RESOURCE RECOVERY CENTRE 2009 (SECTION 94 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979) FILE NO: 5701/15

Wingecarribee Shire Council resolved at its meeting of 10th June 2009 to exhibit the Draft Section 94 Developer Contributions Plan for Resource Recovery Centre 2009 for 28 days pursuant to Section 26(4) of the Environmental Planning and Assessment Regulation 2000. The Draft Plan will be on exhibition at the Civic Centre, Elizabeth Street, Moss Vale from Friday 19th June to Friday 17th July 2009 between the hours of 8.30am and 4.30 pm, Monday to Friday.

The amended plan applies to residential development throughout the Wingecarribee LGA and proposes to repeal the current Developer Contributions Plan for Resource Recovery Centre and Animal Shelter adopted by Council on 27th March 2002. An invitation is extended to inspect the draft plan and make submissions on it up to and including Friday 17th July 2009.

PROPOSED DEVELOPMENT

EXHIBITION OF PROPOSED ADVERTISED DEVELOPMENT SECTION 79A ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 FILE NO LUA09/0570

Notice is hereby given that Wingecarribee Shire Council has received plans for the land use (development) application and accompanying documents for the following development proposal. This development proposal is not designated development:

DESCRIPTION OF PROPOSED DEVELOPMENT:

New Library / Classroom Building / New Outdoor Room

PROPERTY DESCRIPTION:

Lot 1 DP 80319 'Gib Gate School' 117 Old Bowral Road, Mittagong

APPLICANT'S NAME:

Winifred West Schools Ltd

CONSENT AUTHORITY:

Wingecarribee Shire Council (the Council)

The land use application and accompanying documents may be inspected at the Division of Environment and Planning, Civic Centre, Moss Vale, during ordinary office hours (8.30am to 4.30pm) Mondays to Fridays inclusive from 15 July 2009 to 14 August 2009.

FILE NO LUA09/0474

Notice is hereby given that Wingecarribee Shire Council has received plans for the land use (development) application and accompanying documents for the following development proposal. This development proposal is not designated development:

DESCRIPTION OF PROPOSED DEVELOPMENT:

Three (3) Multi Purpose Outdoor Sports Courts

PROPERTY DESCRIPTION:

Lot 12 DP 748370 Chevalier College, Moss Vale Road, Burradoo

APPLICANT'S NAME:

Chevalier College

CONSENT AUTHORITY:

Wingecarribee Shire Council (the Council)

The land use application and accompanying documents may be inspected at the Division of Environment and Planning, Civic Centre, Moss Vale, during ordinary office hours (8.30am to 4.30pm) Mondays to Fridays inclusive from 24 June 2009 to 24 July 2009.

EXPRESSIONS OF INTEREST

EXECUTIVE RECRUITMENT CONSULTANT

File 503/60

Wingecarribee Shire Council is seeking to Expressions of Interest (EOI) to assist the Mayor and Council in recruiting its General Manager.

The successful consultant will be required to:

- Facilitate a Council workshop to determine Council requirements for the position of General Manager, including developing a competency based position specification;
- Provide creative work in the drafting of advertisements or other methods to attract a pool of candidates;
- Conduct all pre-selection and short listing activities;
- Assist and support Council in the interview process;
- Provide written selection reports;
- Provide negotiation and applicant management services, including advice to unsuccessful candidates.

EOI should provide details of experience in local government executive recruitment, outline of services available and pricing structure. Further information or a briefing document may be obtained from Peter Nelson on telephone (02) 4868 0702 or Council's website www.wsc.nsw.gov.au.

EOI may be sent by email to recruitment@wsc.nsw.gov.au and will close on Friday 22 July 2009.

GENERAL MANAGER

MIKE HYDE

COUNCIL • CIVIC CENTRE • ELIZABETH STREET • MOSS VALE 2577 • TELEPHONE (02) 4868 0888
PO BOX 2577 or DX 4961, Bowral website: www.wsc.nsw.gov.au.

July 15, 2009

16/2772



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 22 July 2009

COMMITTEE REPORTS

COMMITTEE REPORTS ATTACHED

c-CR1	Minutes of the Legal Committee (<i>Refer Minutes page 65</i>)
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REF:	DEP
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107/22

Submitting minutes of the Legal Committee held Wednesday, 8 July 2009.

RECOMMENDATION

THAT the recommendations as detailed in the minutes of the Legal Committee held Wednesday, 8 July 2009 be adopted.

c-CR2	Minutes of the Access Committee (<i>Refer Minutes page 72</i>)
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REF:	DAW
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1828/3

Submitting minutes of the Access Committee held Monday, 15 June 2009.

RECOMMENDATION

THAT the recommendations as detailed in the minutes of the Access Committee held Monday, 15 June 2009 be adopted.

LEGAL COMMITTEE

MINUTES

MEETING HELD ON WEDNESDAY 8 July 2009 at 1.30pm in the Nattai Room

File No. 107/22

PRESENT: Clr K Halstead (Chairman)
Mayor Clr D Gair
Clr J Arkwright
Clr J Clark
Clr L Whipper
Clr P Stranger
Clr P Tuddenham
Mr M Hyde, GM
Mr S Lee, DEP
Mr P Mitchell
Mr L Pawlak
Mr B Bilinsky

APOLOGIES: Clr G McLaughlin
Clr J Mauger

The Meeting commenced at 1.30pm.

REPORTS FROM ENVIRONMENT & PLANNING

1. **UNAUTHORISED ACTIVITY – MOTORBIKE ACTIVITIES –
TUGALONG STATION, TUGALONG ROAD, CANYONLEIGH**
PN1006600; PN1519200; PN1722990; PN1518500; 502/75

Mr Daniel Pearson addressed the Legal Committee. He was accompanied by his son, Cory. Because of economic necessity, Mr Pearson is seeking an interim approval from Council until the Development Application being lodged by the owners of Tugalong Station, Bunbury Properties, is processed.

RECOMMENDATION

THAT no unauthorised development be endorsed by Council and THAT Council undertake to expedite any Development Application received from Bunbury Properties, bearing in mind the interaction required with internal and State Government agencies.

(A) NEW MATTERS

2. HOME HARDWARE REDEVELOPMENT, CORNER BOWRAL ROAD AND PRINCESS STREET, MITTAGONG PN236101; N236500 LUA08/1208

Proposal to lease land to Council for the purpose of a public car park until such time as the land is rezoned.

RECOMMENDATION

1. **THAT** the information be noted and that authority be delegated to the GM and Mayor to execute the lease of Lots 1 to 4 DP913353, Lot 1 DP724351 and Lot 30 DP41289, corner of Princess and Regent Streets, Mittagong, from Downes and Wills Pty Ltd for the purpose of a public carpark.
 2. **THAT** the Deed between Council and Downes and Wills Pty Ltd be executed under the Common Seal of the Council.
-

**3. CLASS ONE APPEAL ('Neerim'), Lots 17,18,19 Centennial Road Bowral
LUA06/0401; LUA08/0616; 502/77**

This appeal relates to a development application for an 8 lot subdivision of the property and is specifically related to a number of engineering conditions that were imposed. Section 34 conference on-site Wednesday 22 July 2009.

RECOMMENDATION

THAT Council defend the appeal.

**4. COMPLAINTS REGARDING EXTERNAL LIGHTING - 5 When Close Bowral -
LUA 08/0766, - PN 1593900**

Matter involving potential nuisance caused to neighbour from light spillage.

RECOMMENDATION

THAT Council reiterate its previous advice to the complainants that if Council officers are satisfied about light spillage following a further site visit, then it views the matter as a private dispute and will enter into no further correspondence on the issue and that it recommends they contact the Community Justice Centre in an attempt to resolve the matter.

8. MATTERS AWAITING JUDGEMENTS

CLASS 4 SUMMONS - THOUSAND OAKS' SUTTON ROAD, MOSS VALE –

LUA08/0707

Land Use Application relates to aged housing at Lot 3 DP 873240 Sutton Road, Moss Vale (old SCEGGS site).

CLASS ONE APPEAL 'NEERIM' -

LUA08/0616

Appeal against refusal of development application for Seniors Living development at "Neerim", Lots 17, 18 & 19 DP 20797 Centennial Road Bowral.

WSC -V- NORLEX –

LUA07/1170; LUA 08/0932

Water Extraction, Governors Rd, Bundanoon.

(C) OTHER ONGOING / DEFERRED MATTERS

9. ROYAL HOTEL COURTYARD, BOWRAL

PN197300, LUA08/1199

Further discussions have now occurred between the current licensee and Council staff concerning solutions to the current situation. One such solution is a Voluntary Planning Agreement (VPA).

RECOMMENDATION

1. **THAT** Council indicate its willingness to accept a Voluntary Planning Agreement to support Development Application LUA08/1199, that requires a monetary contribution to the value of two carspaces within the Bowral town centre in lieu of the physical provision of the four carspaces that were approved as part of development application LUA99/1805 additions and alterations to the commercial premises at Lot 11 DP 547653 Bong Bong Street Bowral.
 2. **THAT** Council then move to determine the development application LUA 08/1199
 3. **THAT** the service of Orders under the Environmental Planning and Assessment Act 1979, as resolved at the previous legal committee, only proceed if the written agreement to enter into the Voluntary Planning Agreement, on the terms set out in Point 1, is not received by 22 July 2009.
-

10. COMPLIANCE REGISTERS

5210/1

An updated Compliance Register from development Control relating primarily to unauthorised developments was attached to the Agenda (Attachment 2).

A summary from Environment and Health Branch relating to pending legal challenges was attached to the Agenda (Attachment 3).

RECOMMENDATION

THAT the information be received and noted.

Late report to the Legal Committee

11. Subdivision of Joadja Historic Site, Lots 22 and 23 DP1023493, Joadja Road, Joadja **LUA06/0994**

On 5 July 2006 a deferred commencement development consent was granted for the subdivision of the Joadja Historic Site into 11 lots which required the establishment of a Joadja Conservation Trust and the creation of a mechanism for the collection of \$55,000.00 from the sale of each lot and the use of these funds for conservation works at Joadja.

RECOMMENDATION

THAT the Deed between Council and Mr Mark Longobardi be executed under the Common Seal of the Council.

ADDITIONAL ITEM

12. LEGAL COSTS 502

Attachment 1 is a list of Legal Costs as at 31 May 2009.

RECOMMENDATION

THAT the information be received and noted.

GENERAL BUSINESS ITEMS

13. KFC SIGN AT HIGHLANDS GOLF CLUB, MITTAGONG
PN676500, 6612/3

Amended version of sign distributed. Proposed dimensions same as original dimensions – 2.4 x 1.8 and to be placed in original position.

General agreement that the proposal was unacceptable.

14. STORAGE OF FIREWORKS AT CARRIBEE CLOSE, BERRIMA
LUA09/0050

Agreed that following receipt of advice from Council's Solicitor, this matter again come before the Legal Committee.

There being no further business, the meeting closed at 3.15pm.

LEGAL COSTS (as at 31 May 2009)

LAND & ENVIRONMENT COURT		
2007/08	2008/09 (at end May 09)	
151,634.29	80,465.20	WSC v Norlex Holdings Pty Ltd - - LUA 07/1170 - water extraction Bundanoon
12,462.50	19,400.00	WSC ats Zammit – Boen Boe Piggery LUA03/0783
4,444.42		WSC ats Humphrey & Edwards, The Intersection, corner Bowral St and Station St, conditions of consent
104,122.33	70,616.41	Aust Lifestyle Corp (Capernwray) 79 self care units under the Seniors Living state policy, Moss Vale Rd opposite The Briars, LUA06/1457
	3,974.00	WSC v Bodor – RFS requirements
	60,039.50	WSC –v- Baeviski – riding arena, Wildes Meadow
	3,290.00	Scottish Arms – LUA07/1359 - 69 Boardman Road
\$272,663.54	\$237,785.11`	TOTAL

2007/2008	2008/09 (at end May 09)	
OTHER		
	1,321.00	WSC v Powell – Companion Animals Act. \$100 fine payable. Matter closed. (EHM)
	294.95	Reversal of legal costs to D Curcio & G Molluso - PN48700 authorised by DCS (FM)
	11,641.90	Lease to Bowral Country Living – Golf course, Centennial Road, Bowral (DCS)
	1,668.50	WSC –v- Nino Nappa – noxious weeds (DTS)
	4,321.04	Share of Gosford City Council –v- Tauszik (MA)
	132.00	Anderson’s LUA – Phil Hawley for RRC (DTS)
	1,076.25	Street Sweeping / Bins report – Phil Hawley for RRC (DTS)
	11,563.38	East Bowral Reservoir (DTS)
	1,647.34	Right of Carriageway – Aldi (DCS)
	1,444.00	WSC –v- Jan Baker re Dogs (DEP)
	310.00	WSC –v- NE Nile (DEP)
	1,453.00	WSC –v- Stephen Baker (DEP)
	4,417.50	WSC Lease to Telstra Corpn Lot 1 DP735013 Old Hume Hwy (DCS)
	13,440.10	WSC –v- Pratt (Parks & Property)
	1,628.00	Review of Contracts – Indemnity Clauses Telstra Access agreement
	223.00	WSC –v- Duggan (Rangers) PN1135900
	282.50	WSC Lease to Hucker, 73 Station St, Bowral Cont'd
		CONTINUED.....

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 22 July 2009

COMMITTEE REPORTS

2007/2008	2008/09 (at end May 09)	(Continued)
<u>OTHER</u>		
	60.00	CLM Excavations Pty Ltd – assignment of Contract Pipeline and Reservoir
	850.00	Angus Property – Commercial devt
	255.00	WSC and Gasson, EPA
	55.00	WSC and Gotting, Mittagong
	82.50	Chelsea Gardens, Freedom of Information
	900.00	Timed parking arrangement – Empire Cinema, Bowral
	700.00	Appointment of Conduct Review Committee
\$84,979.24	\$59,766.96	

<u>EASEMENTS</u>		
2007/08	2008/09 (at end May 09)	
	1,689.31	Variation of drainage easement – M Reynolds (DCS)
	1,343.45	Variation of drainage easement - DJ Chandler (DCS)
	565.00	Sewer easement from Harrison – Bowral Sewer (DCS)
	160.00	Variation to easement for drainage, 13 Sheffield St, Bowral
	\$3,757.76	

<u>ACQUISITION</u>		
2007/08	2008/09 (at end May 09)	
	2,142.00	WSC from Mereworth P/L Cnr Taylor Ave, Medway Rd & Old Hume Hwy roundabout. Draft Deed of Agreement (DCS)
	4,100.58	Acquisition of Part 5-15 Loftus St, Bowral
	2,068.78	Cancellation of Right of Way and Land Swap re Lot 1 Evans Lane, Bowral
	\$8,311.36	

<u>SALE OF LAND</u>		
2007/08	2008/09 (at end Apr 09)	
1,370.05		RTA land Lot 31 DP 831268 Drapers Road, Mittagong
567.50		WSC to Lyons, Lot 12 DP788983 Drapers Rd, Colo Vale PN452600
481.00		Sale Lot 45 Bulwer Road, Moss Vale
• 2,418.55		
	700.00	Proposed sale of land for unpaid rates & charges Lot B Old Hume Hwy, Mittagong & Lot 21 Colo St, Mittagong
\$304,561.92	\$700.00	

MINUTES OF THE ACCESS COMMITTEE MEETING

HELD ON MONDAY, 15 JUNE 2009
IN COUNCIL'S THEATRETTE
File No 1828/3

Meeting commenced at 10.07am.

1. **PRESENT:**

Cr Duncan Gair (Chairperson), Jill Chauncy, Dympna Irwin, Pamela Cormick, Olwen Lammond, Jenny Clough, Bruce Mumford, Linda Sabato, Robyn Sercombe, Alex Traill, Tony McElhinney, Sonja Worthington and Maria Robinson,

IN ATTENDANCE:

Jo Babb (Community Worker – Aged and Disability), Trevor Grant (Civil Design and Projects Officer) and Amanda de Somer (Administration Assistant)

2. **APOLOGIES:**

Apologies were received and noted from Peg Ludwig, Amanda Carkagis, Paul Hartley, Rod Irwin and Rob Moran.

Dympna Irwin advised that due to ill health Rod Irwin must withdraw his nomination for the Access Committee.

As this was the first meeting of the Access Committee since its reinstatement as an advisory committee, there were no previous minutes.

3. **CORRESPONDENCE:**

3.1 Letter from M Ward regarding the inadequate and inappropriate seating at the photographic point in the RTA office in Mittagong

RECOMMENDATION:

THAT the Access Committee write to the RTA requesting that seating suitable for people with an ambient mobility impairment be installed at the photographic point.

3.2 Letter from R & D Irwin and copies of letters received from politicians regarding adaptable and affordable housing

RECOMMENDATION:

THAT the subject of universal, adaptable and affordable housing be included as a standing item on the Access Committee agenda so that Council becomes more informed and sensitive to its importance.

- 3.3 Letter from Berrima District Historical Society regarding access to premises both at street level and to the upstairs area.

RECOMMENDATION:

THAT the Access Committee continues to encourage Council to prepare a Disability Action Plan which would include a priority list and plan for the upgrade of Council facilities AND THAT in the meantime, the Berrima District Historical Society to be advised that the Access Committee is aware of the problem but is unable to assist at this stage.

4. GENERAL BUSINESS

- 4.1 Objectives, role, task setting and operation of the Access Committee

RECOMMENDATION:

THAT the Access Committee will further discuss role and tasks of the Access Committee at its next meeting AND THAT copies of the existing terms of reference will be sent to all members along with copies of terms of reference from other committees. Issues that will be considered will be Disability Awareness training for council staff, provision of information to residents who cannot access written communications, inclusion of other staff in Access Committee deliberations to take advantage of expertise and to improve awareness of access issues across council and ways of contributing to the Community Strategic Plan.

- 4.2 NSW Government Companion Card – request for Council to participate in the scheme

RECOMMENDATION:

THAT a report be prepared for Council requesting that the user agreement of all Council properties includes a clause which states that all events held on Council grounds will need to offer Companion Card entry where a fee is being charged AND THAT Companion Card entry to swimming pools be included in the report.

- 4.3 Easy Access Questionnaire – Tourism Southern Highlands – request for comments

RECOMMENDATION:

- (i) **THAT a working group will meet to redesign the Easy Access Questionnaire for presentation to Tourism Southern Highlands AND THAT the word “Easy” be removed as it is a misleading.**
- (ii) **THAT Members who will meet are Alex Traill, Maria Robinson, Jenny Clough and Bruce Mumford with the new Aged and Disability Community Worker.**
- (iii) **THAT the Access Committee does not support the present questionnaire as the inadequacy of the questionnaire could do more harm than good in its present form.**
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5. AROUND THE TABLE

- 5.1 Loss of opportunity to include an accessible toilet in the new block at near Bowral Pony Club

RECOMMENDATION:

THAT a sign be placed on the toilets advising that the nearest accessible toilet is in Bowral or Moss Vale (with location)

- 5.2 Lack of accessible car parking spaces in IGA Supermarket Car park, Moss Vale

RECOMMENDATION:

THAT the issue be referred to Traffic Committee to reconsider the number of accessible car parking spaces in the IGA Supermarket car park and in particular placing the additional spaces at the top side of the IGA Supermarket entrance.

- 5.3 Plan by RailCorp to leave stations unmanned as part of workforce management which will lead to no services for people with mobility impairment, particularly those requiring the ramps for users of wheelchairs

RECOMMENDATION:

THAT Council write to Railcorp expressing the Council's objection to the cutting of staff from the Moss Vale Train Station.

- 5.4 Lack of Tactile Ground Surface Indicators for people with vision impairment and blind people in and around Bowral, particularly at the crossing in Bong Bong Street near the Commonwealth Bank

RECOMMENDATION:

THAT the Traffic Committee be asked to look at installing more tactile ground surface indicators on Shire's pedestrian crossings to assist vision impaired people crossing the road, in particular the main pedestrian crossing in Bowral opposite the Commonwealth Bank.

- 5.5 The Moss Vale Services Club car park requires handrails along the garden from the upper level of the car park to assist patrons with mobility issues to safely access the lower level of the car park.

RECOMMENDATION:

THAT Council write to the Moss Vale Services Club requesting that consideration be given to installing handrails along the garden from the upper level carpark to assist patrons with mobility restraints accessing the club.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 22 July 2009

COMMITTEE REPORTS

- 5.6 Concern that none of the public pools have lifts or access for people with a disability.

RECOMMENDATION:

THAT the issue be referred to Bob Lewis from Council's Design Branch for inclusion in the investigation/planning for the upgrade of one of the Shire's pools.

- 5.7 Cr Gair thanked Jo Babb for her service to the Access Committee over the years and wished her the very best for her retirement.

NEXT MEETING:

The next Access Committee meeting was scheduled for Monday, 3 August 2009 to commence at 10.00am

MEETING CLOSURE:

The meeting was declared closed at 12.10 pm



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 22 July 2009

CLOSED COUNCIL

CORPORATE SERVICES DIVISION

c-CS1	Closed Council	
REF.	DCS	107/9

To consider moving into Closed Council

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

REPORT

BACKGROUND

The following confidential reports have been distributed separately:

c-GM1 STAFF MATTER 503/60

c-EP1 NSW OMBUDSMAN'S REPORT 104/2; 600/30; LUA02/0678

STATUTORY

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

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

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

Section 10B

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

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

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

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

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

c-GM1 STAFF MATTER

503/60

Relevant Legal Provisions

This matter has been placed in Closed Council as it deals with personnel matters concerning particular individuals, under Section 10A(2)(a) of the Local Government Act.

Brief Description

This report deals with a staff matter concerning the General Manager.

Public Interest

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



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

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CLOSED COUNCIL

c-EP1 NSW OMBUDSMAN'S REPORT

104/2; 600/30; LUA02/0678

Relevant Legal Provisions

This report is referred to Closed Committee under Clause 10A(g) of the Local Government Act 1993 as it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

Brief Description

Reporting on confidential report from NSW Ombudsman.

Public Interest

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

2. THAT the minutes of the Closed Council part of the meeting (being the Council's resolution) be made public.
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Michael Brearley
Acting General Manager

17 July 2009