22 January 2010

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, 27 January 2010 commencing at 3.30pm.

Yours faithfully

Jason R Gordon
General Manager

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2. PRAYER – PASTOR DONNA JENSEN, SOUTHLAND CHRISTIAN CHURCH, MOSS VALE
3. PUBLIC FORUM
4. APOLOGIES
5. ADOPTION OF MINUTES OF ORDINARY MEETING HELD ON 16 DECEMBER 2009
6. BUSINESS ARISING FROM THE MINUTES
7. DECLARATIONS OF INTEREST
8. MAYORAL MINUTE (if any)
9. OPEN COUNCIL CHAIRED BY CLR PAUL TUDDENHAM
   - Visitor Matters
   - Environment and Planning
   - Corporate Services
   - Infrastructure 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
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Our Mission, Our Vision, Our Values

OUR MISSION
To augment the economic, environmental and social quality of life in the Wingecarribee Shire by serving the community well

- Enhance transparency and accountability in all decision making processes and outcomes
- Gain the trust and confidence of our community by keeping our communities informed and respect their input
- Enhance the services and civic and natural assets of the Shire for this and future generations
- Promote a live locally, work locally sustainability focus
- Support and encourage the Shire’s tourism industry and character

OUR VISION

OUR VALUES

- Trust and integrity
- Respect and responsibility
- Communication
- Service quality
WSC Council Chambers

Recording of Ordinary Meeting of Council
As authorised by the Local Government Act 1993, Wingecarribee Shire Council records the proceedings of the Ordinary Meeting of Council to ensure accurate transcription of resolutions.

No member of the public is to use any electronic, visual or vocal recording device or instrument to record the proceedings of Council without prior permission of the Council.
DECLARATION OF INTEREST

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

ENVIRONMENT & PLANNING DIVISION

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Reporting on a Planning Proposal involving the rezoning of the property known as ‘Sutherland Park’ on Eridge Park Road, Burradoo for residential development.

Mr Peter Childs, Director of Planning, Crighton Properties Pty Ltd, has been invited to make a brief presentation to Council.

REPORT

BACKGROUND

Site Description and Context

The ‘Sutherland Park’ site is located on the southern side of Eridge Park Road at Burradoo, immediately to the south east of Bowral. The site comprises Lots 44 & 45 DP751282, and Lot 2 DP 503189, with a total area of approximately 100 hectares. A location map is provided below.

The site involving the Planning Proposal is currently zoned part 2(a1) Residential A1 which allows subdivision of lots with a minimum 4000m² and extends along the Eridge Park Road frontage of the property, and part 7(b) Environmental Protection (Landscape Conservation) which allows subdivision of lots with a minimum of 4 hectares in this location. An extract of the Wingecarribee LEP 1989 zoning map is provided below.

Wingecarribee Our Future Strategic Plan

Council's current Strategic Plan – Wingecarribee Our Future (2002) which was adopted in October 2002 identifies 5 primary greenfield release areas for the Shire. Council has, since adopting this Strategy, resolved at this time not to proceed with two of these release areas being ‘Gibbergunyah’ at Mittagong and ‘Wensleydale’ at Colo Vale. The remaining three locations being “Renwick” at Mittagong, SW Moss Vale (Broughton Street/Patuna Avenue) have both been rezoned and Chelsea Gardens/Coomungie at Moss Vale is currently at Draft
LEP status. Noticeably, Council’s current strategic Plan does not identify any major new residential developments for the Bowral locality.

The ‘Sutherland Park’ property considered under this Planning Proposal is not identified in any formal Council strategic study or adopted Council report. Instead, this Planning Proposal is the result of an approach to Council by Crighton Properties to undertake a particular form of development upon the site.

**Sydney to Canberra Corridor Strategy**

Under the current Sydney to Canberra Corridor Strategy released by the Department of Planning in 2007, Wingecarribee Shire is expected to increase its population by 16,400 people by 2031 to a total of around 59,000 people. The official population of the Shire as at the 2006 census was 42,272. Unofficially with a growth rate of 1%, the current population would be in the order of 43,500 people. This means the Shire can expect a further 15,500 between 2010 and 2031 and a further 7,400 new dwellings needed to accommodate this population growth.

The proponents envisage that the Sutherland Park site, may help to fill a void in greenfield release, left by the abandoning of the two locations from the Council’s Strategic Plan Wingecarribee Our Future.

**Shire Wide Strategic Planning**

In light of the State Government’s Strategic Plan for the Sydney to Canberra Corridor, it has been determined that Council needs to review and prepare a new Local Planning Strategy that is consistent with the anticipated growth determined under the Regional Strategy. To this end, some work has already taken place identifying locations from within the Shire which could be considered for future urban development. A number of such sites were submitted as part of the exhibition of the Draft Wingecarribee LEP 2007 and Draft Wingecarribee LEP 2009. The Sutherland Park property and adjoining lands was one such location.

Early in 2010 work will commence on developing the Shire’s New Local Planning Strategy. However in the meantime, the subject draft Planning Proposal has been lodged with Council. Whilst the consideration of the proposal is an isolated proposal, it does give an opportunity for Council to commence community consultation regarding the need to accommodate the future population growth targeted for the Shire and the associated issues.

**DETAILS OF THE PLANNING PROPOSAL**

Councillors have on several occasions received presentations from the proponents over the past two years regarding the proposal to redevelop the site with the most recent presentation occurring on 16 September 2009.

The Planning Proposal was received by Council on 4 January 2010. **Attachment 1** which includes a full copy of the Planning Proposal and supporting documentation has been circulated as a separate attachment.
Objectives and intended outcomes

The Planning Proposal states that the primary objective of the proposal is:

“To enable development of the Sutherland Park site for the purpose of housing for singles, families and seniors, tailored specifically for the establishment and support of home based businesses and ongoing education of residents, whilst formalising a publicly accessible foreshore reserve along the banks of the Wingecarribee River to reinforce the greenbelt between the Burradoo and Moss Vale townships”.

As a result, the intended outcomes of the Planning Proposal are:

1. To ensure that the site is developed not just for the purposes of standard residential, but to ensure development establishes and fosters Home Based Business (HBB), vocational training and a range of accommodation types.
2. To ensure that adequate land is set aside and embellished for the purposes of a significant addition to the Wingecarribee River foreshore park network and that access is made available to the public.
3. To ensure that suitable recreation, educational and business support amenity is provided on site with any future development.
4. To ensure that the site is developed under a common scheme (such as Community Title) in order to enforce regulatory controls unique to this development type, and to ensure ongoing management costs (relating to a range of amenities) are internalised within any development.
5. To ensure suitable provisions are made for access and servicing for the possible future continuation of urban development to adjacent lands.

The Planning Proposal seeks to provide for a range of housing types to satisfy the needs highlighted in both Council’s Strategic Plan and the Sydney to Canberra Corridor Regional Strategy for new housing forms to suit; the aging, childless couples, single persons and short term accommodation for key employers and tourists.

Preliminary design work carried out thus far estimates some 350 – 400 dwellings could be established on the site. A large number of the onsite dwellings would be designed with dedicated home office/work space facilities. As stated in one of the intended outcomes of the Planning Proposal, the proponents are seeking to ensure that the development fosters Home Based Business opportunities on the site. Preliminary concept plans for the site can be found in the Discussion Paper in Appendix 2 to the Planning Proposal circulated separately.

It is noted that a key feature of the Council’s Strategic Plan is to maintain the current Greenbelt between Moss Vale and Burradoo which is illustrated in the first diagram in this report. The Planning Proposal seeks to formalise a large portion of this green belt along the Wingecarribee River, embellish it and protect it in perpetuity from further development. This provides an opportunity to establish public access along the Wingecarribee and Mittagong River systems and effectively provide a circuit of Bowral/Burradoo for passive recreation opportunities.

In terms of constraints on the site, preliminary investigations have revealed there are few. The main constraint is flooding from the Wingecarribee River. Under the Planning Proposal, that part of the site affected by flooding will consist of the public open space land. There are no threatened species populations existing on the site. There are however small remnant communities of the Southern Highlands Shale Woodlands within the riverine context in close
proximity to the site. Re-vegetation of the site along the river could add substantial value to the existing communities thus making them more valuable in terms of biodiversity.

There are some historical records which suggest that the site and general location may have some non aboriginal heritage given the it’s access to the original Old South Road Route from Picton to the south as well as its proximity to the original Bong Bong Settlement just to the south of the site. In addition an Aboriginal Heritage Site Assessment will be required to be undertaken as well.

Traffic issues will also be required to be investigated. It is intended that access to and from the proposed development would occur via Eridge Park Road. Future residents of the site are likely to visit the Bowral Town Centre for shopping, business and medical needs. Therefore the impacts of additional traffic on the current traffic and parking patterns in Bowral will need to be assessed and reported on as part of any further investigations on the site.

**COMMUNITY CONSULTATION PLAN**

As part of the preliminary considerations by Council to date, Councillors through the LEP Steering Committee Sunset Working Group, have discussed the timing of wider Community Engagement for this particular proposal. These discussions lead to the following recommendation being made on 21 October 2009.

1. **THAT** Council resolve that the applicants work with Council for collaborative consultation with the community before any contact with the Department of Planning.

In reality this means that Council would not formally advise the Department of Planning of the Planning Proposal under the LEP Gateway Process until such time as some level of community consultation and feedback has taken place.

The Manager Strategic Planning met with the proponent on 20 November 2009 to discuss the appropriate methods for such community consultation. As a result, the following section outlines the proposed methods of consultation that should take place. It is noted that the detailed Community Consultation Plan can be found in Appendix 8 of the Planning Proposal as circulated separately.

Due to the fact the Planning Proposal does not involve a site already identified in the Land Release Strategy, the proposal is to be considered under the State Government’s new LEP Gateway Process regime and the unique development opportunities associated with the proposal, a carefully considered community consultation process is required in order to effectively address the unique project considerations.

The early engagement of the community can identify potential issues which can be addressed prior to the proponent finalising their Planning Proposal and it being submitted to the Department of Planning formally under the Gateway Process should Council ultimately resolve to proceed with the preparation of a Draft LEP.

Community consultation is proposed to commence upfront to address in particular;

1. Providing Council with the opportunity to consider the level of community support for the proposal in principle as a means of addressing future growth in the region
2. Assisting the Community to understand the process at hand – including the further role of Community Consultation.
3. Assisting the Community to understand the importance of the Sutherland Park project in this location and how it fits into the wider strategic context of future development in the region

As part of Appendix 8 in the Planning Proposal, the proponents have put together a Gant Chart which identifies tasks and timings for various stages during the initial community consultation process. In summary the table below lists the significant tasks and the timing of each.

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<th>Date</th>
<th>Duration</th>
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<td>1</td>
<td>Council meeting to endorse Community Consultation Plan</td>
<td>27 Jan 2010</td>
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<td>2</td>
<td>1st Newsletter</td>
<td>1 Feb 2010</td>
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<td>3</td>
<td>Formal Consultation Period Commencement</td>
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<td></td>
<td>- Stakeholder briefings</td>
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<td></td>
<td>- 1st Shopfront display</td>
<td>8-19 Feb</td>
<td>10 days</td>
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<td>- 2nd Shopfront display</td>
<td>11-12 Feb</td>
<td>2 days</td>
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<td></td>
<td>- 3rd Shopfront display</td>
<td>18-19 Feb</td>
<td>2 days</td>
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<td></td>
<td>- 2nd Newsletter</td>
<td>25-26 Feb</td>
<td>2 days</td>
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<td></td>
<td>- Formal Information Session</td>
<td>8 March</td>
<td>2 days</td>
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<td></td>
<td>Close of Consultation period</td>
<td>18 March</td>
<td>1 day</td>
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<td>4</td>
<td>Results of Consultation reported to Council</td>
<td>5 April</td>
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<td>5 April</td>
<td>8 May</td>
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<td>8 May</td>
<td>12 May</td>
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Along with the representatives of the proponent, Council staff would be available at various times during the shopfront displays and also attend the formal information session so as to allow the community to ask questions of Council Staff.

All costs associated with the community consultation will be borne by the proponent.

The Public Consultation Plan proposed is out of sequence with the Department of Planning’s sequence for the preparation of a planning proposal and the Public Consultation phase under the Gateway Process. There is good reason for this as the proponent believes that ongoing engagement with the community will be very beneficial to the project and allow time and resources to be allocated to manage issues and ideas that arise from timely and relevant engagement. This is in comparison to a single opportunity provided for comment at the time of public exhibition.

It is also noted that the Planning Proposal is not in a currently endorsed Council Strategy, and as such a degree of Community engagement is required in the early steps in the process – as highlighted by Council following recent briefings with Council’s LEP Steering Committee, to allow the community to be in the position to make informed comment at the time of statutory exhibition.
AGENDA FOR THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 January 2010
REPORT OF DIRECTOR ENVIRONMENT & PLANNING

Should the Planning Proposal progress to the next level, further community consultation will be undertaken which will be determined by the Department of Planning.

MANAGEMENT PLAN ISSUES OR IMPLICATIONS

The consideration of the Planning Proposal is in line with Council's Management Plan for preparing plans for the growth of the Shire for the future.

POLICY IMPLICATIONS

The Planning Proposal involves the rezoning of land which is currently not identified in the Wingecarribee Our Future Strategic Plan 2002. Notwithstanding, Wingecarribee Shire Council being part of the Sydney to Canberra Corridor Strategy has been set a target of population growth in the order of 16,400 people by 2031. Council's current planning policies fall well short of meeting such a target. The rezoning of this site has the potential to increase the supply of housing in the Shire which will partially meet the target.

It should be noted that if Council resolves not to proceed with the rezoning of the subject land, the proponent has the opportunity under the Environmental Planning and Assessment Act to request the development of the site be considered as a “Major Project” development by the Director General of the Department of Planning. Such action would result in Council not being in a position to facilitate the processing of the rezoning.

BUDGET IMPLICATIONS

There are no budget implications to Council in undertaking the Community Consultation as the proponent will cover the non Council costs associated with this process eg leasing of shop fronts, preparation and distribution of newsletters, etc.

It is also noted that a total rezoning application fee for this proposal in line with Council's 2009/2010 Fees and Charges is $27,000 which is above and beyond the costs which will be incurred relating to the community consultation to take place as proposed by the proponent. Given the preliminary status of the Proposal at this point in time, a fee of 25% has been suggested to cover the initial costs of considering the Planning Proposal as well as preparation of reports to Council and staff attendance during the Consultation Stage. If following the initial Community Consultation, Council decides to proceed with formally submitting the Planning Proposal to the Department of Planning, the remaining 75% of the rezoning fee will be required to be paid in full notwithstanding the final outcome of the proposal.

ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

(i) Environmental Factors

There are a number of environmental factors which require further consideration in the assessment of the Planning Proposal, in particular, flooding, traffic, heritage and flora and fauna. These matters will ultimately be addressed in more detail than has already been considered should Council resolve to proceed with the Planning Proposal into the Gateway Process.
There is also the opportunity of improving the environment along the Wingecarribee River as the land will come into public ownership.

(ii) **Social Factors**
The proponents have identified that the proposed development of the site will target amongst other things opportunities for home based office type employment. Such development is a unique concept and has the potential to meet the needs of both existing and future residents of the Shire.

Further, there can be expected to be a large employment opportunity for local residents during the ongoing construction phase for the development.

The development of the open space areas adjoining the Wingecarribee River will provide opportunities for active recreation and an extension of the existing shared pathway along the Wingecarribee River.

(iii) **Economic Factors**
Potentially there are a number of economic factors associated with this development including employment opportunities during construction and post construction, population growth which will spend more money within the local economy as well as the contribution of developer funds into public facilities and amenities.

**CONCLUSION**

The draft Planning Proposal for the Sutherland Park property is at a very preliminary stage at this point in time. Councillors in previous forums have determined that a decision whether or not to support the proposal would not be taken until some form of community consultation has taken place. The proposed Community Consultation Plan put together by the proponent makes that opportunity available.

It should also be noted that by Council proceeding to seek community input into the proposal at this stage does not commit Council to progressing with the Planning Proposal through the Gateway Process.

**ATTACHMENTS**

There is 1 Attachment to the Report which has been circulated separately.

Attachment 1 - *Planning Proposal for the Rezoning of “Sutherland Park” December 2009*
AGENDA FOR THE ORDINARY MEETING OF COUNCIL  
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 27 January 2010  
REPORT OF DIRECTOR ENVIRONMENT & PLANNING

……Cont’d

RECOMMENDATION

1. THAT the draft Planning Proposal involving the rezoning of the property ‘Sutherland Park’, Eridge Park Road, Burradoo for residential development, as provided in Attachment 1 circulated under separate cover be noted.

2. THAT community consultation of the Draft Planning Proposal be undertaken in accordance with the chart as provided in Appendix 8 being the Community Consultation Plan of the draft Planning Proposal and commence 8 February 2010 and conclude on 5 April 2010 AND THAT the proponent be responsible for all costs associated with the community consultation.

3. THAT a further report be submitted to Council as soon as practical after the completion of the community consultation containing the submissions and respective issues as made by the community to the proposal.

4. THAT the Department of Planning be advised in writing of the progress made in relation to this matter.

Mark Pepping  
Acting Director Environment & Planning  

22 January 2010
AGENDA FOR THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 January 2010

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

OPEN COUNCIL

ENVIRONMENT & PLANNING DIVISION
Governance and Accountability

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<td>REF:</td>
<td>MBDS 5302</td>
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Submitting list of development consents executed under delegated authority of the Director of Environment and Planning between 1st December 2009 and 12th January 2010.

RECOMMENDATION

THAT the information relating to Development Consent Nos 1-12 Approved and Development Consent Nos 1 – 3 Refused under Delegated Authority be received and noted.

Development Applications (DAs) Determined by way of Approval
01/12/2009 to 12/01/2010

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

<table>
<thead>
<tr>
<th>Approval</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date</td>
</tr>
<tr>
<td>Finalised</td>
</tr>
<tr>
<td>1</td>
</tr>
<tr>
<td>2</td>
</tr>
<tr>
<td>4</td>
</tr>
<tr>
<td>5</td>
</tr>
</tbody>
</table>
AGENDA FOR THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 January 2010

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

<table>
<thead>
<tr>
<th>No</th>
<th>Date</th>
<th>Appl/Proc ID</th>
<th>Property Address &amp; Property Legal Desc</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>15/12/2009</td>
<td>LUA09/0786</td>
<td>Karinya Yeola Rd Robertson Lot 2 DP 547434</td>
<td>Farm Shed &amp; Dam</td>
</tr>
<tr>
<td>7</td>
<td>1/12/2009</td>
<td>LUA09/0939</td>
<td>45A Valetta St Moss Vale Lot 101 DP 1036347</td>
<td>Demolish existing carport &amp; new carport &amp; storeroom</td>
</tr>
<tr>
<td>8</td>
<td>7/01/2010</td>
<td>LUA09/1133</td>
<td>Hawkins St Moss Vale Lot 31 DP 1061140</td>
<td>13 Unit Strata Subdivision</td>
</tr>
<tr>
<td>9</td>
<td>7/12/2009</td>
<td>LUA09/0845</td>
<td>Exeter-Ringwood Rd Exeter Lot 1 DP 1013343</td>
<td>Alterations &amp; Additions &amp; Bed &amp; Breakfast</td>
</tr>
<tr>
<td>10</td>
<td>18/12/2009</td>
<td>LUA09/1091</td>
<td>20/44 Kangaloon Rd Bowral Lot 20 S/P 81804</td>
<td>Strata Subdivision</td>
</tr>
<tr>
<td>11</td>
<td>15/12/2009</td>
<td>LUA09/1028</td>
<td>Oxley Dr Mittagong Lot 1 DP 1022930 Lot 2 DP 1022930</td>
<td>Boundary Adjustment</td>
</tr>
<tr>
<td>12</td>
<td>8/01/2010</td>
<td>LUA09/1005</td>
<td>School Or Arts Hoddle St Burrawang Lot 2 Sec 2 DP 2660 Lot 1 DP 906789</td>
<td>Retaining Wall</td>
</tr>
</tbody>
</table>

Development Applications (DAs) Determined by way of Refusal
01/12/2009 to 12/01/2010

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

Refusal

<table>
<thead>
<tr>
<th>Date Finalised</th>
<th>Appl/Proc ID</th>
<th>Property Address &amp; Property Legal Desc</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 15/12/2009</td>
<td>LUA09/0053</td>
<td>77 Main St Mittagong Lot 2 DP 524097</td>
<td>Make Existing First Floor Verandah Safe</td>
</tr>
<tr>
<td>2 7/12/2009</td>
<td>LUA09/0653</td>
<td>Lot 71 Old Jamberoo Rd Robertson Lot 71 DP 13350</td>
<td>Staged Development Application For The Erection Of A New Dwelling</td>
</tr>
<tr>
<td>3 11/12/2009</td>
<td>LUA08/1099</td>
<td>Berrima Court House Argyle St, Berrima Unnumbered Lot</td>
<td>Monthly Markets</td>
</tr>
</tbody>
</table>
Governance and Accountability

**o-EP2 List Of Land Use Applications Received By Council**

<table>
<thead>
<tr>
<th>REF: MDBS 5302</th>
</tr>
</thead>
</table>

Submitting list of development applications which have been received between 1 December 2009 and 12 January 2010, 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 - 23 received by Council be received and noted.

---

**Development Applications (DAs) Received**

01/12/2009 to 12/01/2010

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.

<table>
<thead>
<tr>
<th>Date Created</th>
<th>Property Address &amp; Property Legal Desc</th>
<th>Appl/Proc ID</th>
<th>Description</th>
<th>Council</th>
<th>Delegation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 22/12/2009</td>
<td>5 Alcorn St Bowral Lot 71 DP 775295</td>
<td>LUA09/1203</td>
<td>Demolition &amp; Replace with Two Light Industrial Buildings</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>2 16/12/2009</td>
<td>366 Argyle St Moss Vale Lot 12 DP 1009492</td>
<td>LUA09/1178</td>
<td>Gallery/Gifts/Coffee Shop (3th side of Court House)</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>3 8/01/2010</td>
<td>411-415 Bong Bong St Bowral Lot 32 DP 1076738</td>
<td>LUA10/0017</td>
<td>Signage (Light Box for BDCU)</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>4 23/12/2009</td>
<td>(A111) Self Serve 430 Bong Bong St Bowral LOT 1 DP 157227 Shell Retail Property (A111)</td>
<td>LUA09/1216</td>
<td>Canopy Extension &amp; Fuel Dispenser Replacement</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>5 4/12/2009</td>
<td>Boolwey St Bowral Lot 20 DP 802519</td>
<td>LUA09/1137</td>
<td>Change Loading Dock into a Retail Area (Old Bunters Furniture Building)</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td>6 8/01/2010</td>
<td>Oxleys Hill Rd Bowral Lot 2 DP 878094</td>
<td>LUA10/0018</td>
<td>Use of Building as an Administration Office (Baptist Community Services)</td>
<td></td>
<td>✓</td>
</tr>
<tr>
<td></td>
<td>Date</td>
<td>Address</td>
<td>Ref.</td>
<td>Description</td>
<td>Status</td>
</tr>
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<td>----------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>7</td>
<td>4/12/2009</td>
<td>17 Draper Rd Braemar Lot 5 DP 715213</td>
<td>LUA09/1139</td>
<td>Alterations &amp; Additions to Commercial Office (1st floor add to Spantec)</td>
<td>✔</td>
</tr>
<tr>
<td>9</td>
<td>16/12/2009</td>
<td>Huntworth Greenhills Rd Werai Lot 2 DP 546896 Lot 4 DP 559331 Lot 100 DP 555285</td>
<td>LUA09/1180</td>
<td>Boundary Adjustment</td>
<td>✔</td>
</tr>
<tr>
<td>10</td>
<td>8/01/2010</td>
<td>Bellview Hume H’way Sutton Forest Lot 3 DP 253435</td>
<td>LUA10/0021</td>
<td>Greyhound Training Centre Including Kennels Track Driving Tower 2 Garages &amp; Septic Tank System (Up to 50 dogs)</td>
<td>✔</td>
</tr>
<tr>
<td>11</td>
<td>2/12/2009</td>
<td>19 Kent St Yerrinbool Lot 1 DP 317754</td>
<td>LUA09/1127</td>
<td>5 Lot Subdivision</td>
<td>✔</td>
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<tr>
<td>12</td>
<td>4/01/2010</td>
<td>4 Loftus St Bowral Lot 1 DP 712776</td>
<td>LUA10/0004</td>
<td>Continued Use Of Structure &amp; Additional Building Works (Storage facility)</td>
<td>✔</td>
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<tr>
<td>13</td>
<td>4/12/2009</td>
<td>Ivy Tudor Restaurant Moss Vale Rd Bowral Lot 14 DP 581687</td>
<td>LUA09/1136</td>
<td>55 Lot Community Title Subdivision (Proposed Subdivision comprises 53 residential lots, 1 Common property lot and 1 lot containing the “Karrara” Community facilities building)</td>
<td>✔</td>
</tr>
<tr>
<td>14</td>
<td>2/12/2009</td>
<td>Moss Vale Showground The Illawarra H’way Moss Vale Lot 4-5 DP 6103 &amp; Lot 33 DP 736050 &amp; Lot 1 DP 738800</td>
<td>LUA09/1130</td>
<td>Supply Place &amp; Compact Clean Fill (Soil from New Medical Centre site – Argyle St)</td>
<td>✔</td>
</tr>
<tr>
<td>15</td>
<td>2/12/2009</td>
<td>52-54 The Illawarra H’way Robertson Lot 13 Sec 18 DP 758882 Lot 14 Sec 18 DP 758882</td>
<td>LUA09/1126</td>
<td>Demolition of existing building &amp; erection of new rural retail store (Previously operated as Fruit &amp; Veg Shop)</td>
<td>✔</td>
</tr>
<tr>
<td></td>
<td>Date</td>
<td>Address</td>
<td>LUA No.</td>
<td>Description</td>
<td>Approved</td>
</tr>
<tr>
<td>---</td>
<td>------------</td>
<td>----------------------------------------------</td>
<td>----------</td>
<td>------------------------------------------------------------------------------</td>
<td>----------</td>
</tr>
<tr>
<td>16</td>
<td>23/12/09</td>
<td>1 Valetta St Moss Vale Lot 1 DP 1051941</td>
<td>LUA09/1214</td>
<td>Demolition &amp; Retail Development (Situated @ Sth/east cnr)</td>
<td>✓</td>
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<tr>
<td>17</td>
<td>8/01/10</td>
<td>2 Walker St Bowral Lot 2 DP 625407</td>
<td>LUA10/0016</td>
<td>Demolish of Garage &amp; Erection Of Office Building</td>
<td>✓</td>
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<tr>
<td>18</td>
<td>15/12/09</td>
<td>6 Wingecarribee St Berrima Lot 1 DP 38682 Lot 2 DP 38682</td>
<td>LUA09/1175</td>
<td>Two Lot Boundary Adjustment</td>
<td>✓</td>
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<tr>
<td>19</td>
<td>3/12/09</td>
<td>Mittamarathon Wombeyan Caves Rd High Range Lot 136 DP 751252</td>
<td>LUA09/1134</td>
<td>4 X Lot Subdivision</td>
<td>✓</td>
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<tr>
<td>20</td>
<td>23/12/09</td>
<td>Mandalay Bundanoon Rd Exeter Lot 3 DP 814256</td>
<td>LUA09/1223</td>
<td>3 Lot Subdivision</td>
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<tr>
<td>21</td>
<td>2/12/09</td>
<td>Bundanoon Rd Exeter Lot 10 DP 1003705</td>
<td>LUA09/1125</td>
<td>Winery &amp; Cellar Door (Existing Dwelling House conversion to Cellar Door)</td>
<td>✓</td>
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<tr>
<td>22</td>
<td>3/12/09</td>
<td>Hawkins St Moss Vale Lot 31 DP 1061140</td>
<td>LUA09/1133</td>
<td>13 Unit Strata Subdivision (Recently completed Town House Development)</td>
<td>✓</td>
</tr>
<tr>
<td>23</td>
<td>23/12/09</td>
<td>Empire Theatre 325-329 Bong Bong St Bowral PT 5 PT 51 LOT 53 DP 1136482 (Area Of Pt 50 Is The Subsurface Area Within Lot 53 DP 1136482)</td>
<td>LUA09/1218</td>
<td>Coffee Culture Shop Fitout – (Improve with Acoustic ceiling and panelfold glazed doors)</td>
<td>✓</td>
</tr>
</tbody>
</table>
**SEPP 1 Report – October to December 2009**

Under Delegated Authority - Council

<table>
<thead>
<tr>
<th>Determination</th>
<th>Property Address</th>
<th>LUA No.</th>
<th>SEPP 1</th>
<th>Date Finalised</th>
<th>Variation</th>
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</thead>
<tbody>
<tr>
<td>Approved</td>
<td>Landers 7 Sullivan Road</td>
<td>LUA09/0401</td>
<td>Extent of Variation 10.3%</td>
<td>29.09.2009</td>
<td>Clause 12(2)(a) of WLEP 1989</td>
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<tr>
<td></td>
<td>Burradoo</td>
<td></td>
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</tr>
<tr>
<td>Refused</td>
<td>Lot 71 Old Jamberoo Road</td>
<td>LUA09/0653</td>
<td>Extent of Variation 99.65%</td>
<td>17.11.2009</td>
<td>Clause 12(3) of WLEP 1989 and proposed Draft WLEP 2009 Clause 4.2A(c)</td>
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<tr>
<td></td>
<td>Robertson</td>
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Referred to Department of Planning for Concurrence

<table>
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<th>Determination</th>
<th>Property Address</th>
<th>LUA No.</th>
<th>SEPP 1</th>
<th>Date Finalised</th>
<th>Variation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Approved</td>
<td>Lot 1 Sheepwash Road</td>
<td>LUA09/0679</td>
<td>Boundary Adjustment</td>
<td>28.10.09</td>
<td>Concurrence requested from Dept of Planning</td>
</tr>
<tr>
<td></td>
<td>Avoca</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Approved</td>
<td>Lot 1 Maugers Road</td>
<td>LUA09/0585</td>
<td>Boundary Adjustment</td>
<td>14.10.09</td>
<td>Concurrence requested from Dept of Planning</td>
</tr>
<tr>
<td></td>
<td>Robertson</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Approved</td>
<td>Lot 1 Wildes Meadow Road</td>
<td>LUA09/0299</td>
<td>Boundary Adjustment</td>
<td>14.10.09</td>
<td>Concurrence requested from Dept of Planning</td>
</tr>
<tr>
<td></td>
<td>Wildes Meadow</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Approved</td>
<td>Retford Farm Old South</td>
<td>LUA09/0534.01</td>
<td>Boundary Adjustment</td>
<td>20.10.09</td>
<td>Concurrence requested from Dept of Planning</td>
</tr>
<tr>
<td></td>
<td>Road Bowral</td>
<td></td>
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</table>
AGENDA FOR THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 January 2010

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

Governance and Accountability

**o-EP3  Land Use Applications Determined**

| REF:    | MDBS | 5302 |

Submitting list of Land Use applications determined by way of approval under delegated authority of the Director of Environment & Planning for the month of December 2009.

**RECOMMENDATION**

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

<table>
<thead>
<tr>
<th>LAND USE APPLICATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Includes DA’s, Const. Cert., BA’s Local Gov. Act, Sandwich Boards, St App)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Month</th>
<th>Total Applications. Received</th>
<th>Cumulative</th>
<th>Dwellings DA’s Only</th>
<th>No of Flats/ Units / Dual Occ/ClusterHousing</th>
<th>SEPP SL</th>
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<tbody>
<tr>
<td>January</td>
<td>89(*16)</td>
<td>69(*14)</td>
<td>89</td>
<td>69</td>
<td>10</td>
</tr>
<tr>
<td>February</td>
<td>125(*24)</td>
<td>83(*9)</td>
<td>214</td>
<td>152</td>
<td>17</td>
</tr>
<tr>
<td>March</td>
<td>96(*19)</td>
<td>98 (*10)</td>
<td>310</td>
<td>250</td>
<td>21</td>
</tr>
<tr>
<td>April</td>
<td>105(*18)</td>
<td>99(*12)</td>
<td>415</td>
<td>349</td>
<td>10</td>
</tr>
<tr>
<td>May</td>
<td>128(*15)</td>
<td>92(*15)</td>
<td>543</td>
<td>441</td>
<td>20</td>
</tr>
<tr>
<td>June</td>
<td>111(*15)</td>
<td>123(*21)</td>
<td>654</td>
<td>564</td>
<td>9</td>
</tr>
<tr>
<td>July</td>
<td>114(*25)</td>
<td>100(*10)</td>
<td>768</td>
<td>664</td>
<td>16</td>
</tr>
<tr>
<td>August</td>
<td>113(*12)</td>
<td>99(*10)</td>
<td>881</td>
<td>763</td>
<td>26</td>
</tr>
<tr>
<td>September</td>
<td>111(*20)</td>
<td>105(*10)</td>
<td>992</td>
<td>868</td>
<td>12</td>
</tr>
<tr>
<td>October</td>
<td>123(*28)</td>
<td>125(*7)</td>
<td>1115</td>
<td>993</td>
<td>16</td>
</tr>
<tr>
<td>November</td>
<td>92(*28)</td>
<td>116(*4)</td>
<td>1207</td>
<td>1109</td>
<td>8</td>
</tr>
<tr>
<td>December</td>
<td>78(*8)</td>
<td>108(*2)</td>
<td>1285</td>
<td>1217</td>
<td>15</td>
</tr>
</tbody>
</table>

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

**NOTE**  # Includes Seniors Living (SEPP 5)
Environmental Sustainability

<table>
<thead>
<tr>
<th>o-EP4</th>
<th>Proposed 25 Lot Subdivision at ‘Vine Lodge”, Lot 1 DP 596495, Lot A DP 927745 and Lot 4 DP 660174 Exeter Road, Exeter</th>
</tr>
</thead>
<tbody>
<tr>
<td>REF: MDBS</td>
<td>LUA08/1042</td>
</tr>
</tbody>
</table>

Reporting on the proposed 25 Lot subdivision at “Vine Lodge” Lot 1 DP596495, Lot A 927745, Lot 4 DP660174 Exeter Road, Exeter.

REPORT

DESCRIPTION OF PROPOSED DEVELOPMENT

The proposed subdivision would create 25 new allotments in three stages, with lot areas ranging between 2,129m² and 13,551m². (See Attachment 1-Site plan).

All lots would have access from a proposed central subdivision road located within the alignment of the existing driveway to “Vine Lodge”.

The subject property contains several Heritage Items as listed under Schedule 2 of Wingecarribee Local Environmental Plan 1989, and these include “Vine Lodge” (the main original dwelling within the property), three farm buildings and the immediate gardens surrounding these items.

A Heritage Impact Statement has been submitted with this application, and is discussed in Section 5 of this report. The subdivision layout has been designed to allow the curtilage of the “Vine Lodge” house and all outbuildings to remain within a single lot.

A pathway linking the proposed road in the north east of the site to Exeter Oval has been proposed. This will enable direct pedestrian access by the residents to the oval and the shops of Exeter Village.

Electricity and telecommunications services are presently available for connection to the subject site and can be provided to each of the proposed lots. All lots will also be serviced by a reticulated water supply.

However, the property is not sewered and all future dwellings on each proposed allotment will need to manage and dispose all waste water generated on site. A Water Cycle Management Study was submitted with the application to demonstrate how this will be achieved.
STATUTORY CONSIDERATIONS

The property is zoned Residential 2 (a2) in Wingecarribee Local Environmental Plan 1989 (WLEP1989), and is subject to the following specific matters:

Clause 17 Subdivision of land within Zones Nos 2 (a1), 2 (a2), 2 (b) and 2 (c)

The proposed subdivision would create lots ranging in area from 2,129m² and 13,551m². Therefore, it satisfies the minimum lot area requirement of 2,000m² in clause 17(2)(b).

Clause 17A Subdivision of land within Zone No 2 (a2)

This clause requires Council to assess the physical capability of the land to accommodate urban residential development in terms of:

- the satisfactory treatment of effluent within each lot;
- the retention of any significant vegetation;
- ensuring that subdivision works are carried out in accordance with a soil and water management plan approved by the Council; and
- ensuring that road and driveway access to dwelling-houses is constructed in such a way as to minimise any disturbance to the existing landform and not to increase the potential for erosion.

These requirements have been satisfied by:

- the assessment of a Water Cycle Management Study to which the Sydney Catchment Authority has given its concurrence;
- the retention of significant vegetation; and
- the inclusion of road construction standards and soil and water management controls in development consent.

Clause 31A Development in the Vicinity of a Heritage Item

The “Vine Lodge” group of buildings is listed as a Heritage Item in WLEP 1989 and the requirements of this clause have been satisfied through the assessment of a Heritage Impact Statement, which is discussed in more detail in Section 5 of this report.

Clause 77 – Special provisions –certain land adjoining Vine Lodge, Exeter

This clause provides for:

- a subdivision into no more than 25 lots;
- a single dwelling-house on each lot; and
- as the land is unsewered, consideration of a Water Cycle Management Study.

The subdivision would create 25 lots, and a Water Cycle Management Study has been considered and the concurrence of the SCA has been given.

The erection of a single dwelling-house on each lot would be enforced as part of the next phase of development.
REFERRALS TO STATE GOVERNMENT AUTHORITIES

a. In accordance with Regional Environmental Plan – Drinking Water Catchments the Development Application was referred to the Sydney Catchment Authority for concurrence. The Authority raised no issues with the application on the basis that several erosion and water quality control conditions be imposed which the department provided.

b. The subdivision proposes to gain access from a Classified RTA controlled Road. The application has therefore been referred to the RTA for comment and conditions in accordance with the Roads Act 1993. The RTA supports the application subject to several conditions which the Authority has provided.

c. Several proposed lots are adjacent to a State rail corridor. The application was therefore referred to the Australian Rail Track Corporation Ltd (ARTC) for comment/conditions. The ARTC have not yet responded.

PUBLIC CONSULTATION

The development proposal was neighbour notified for a period of two weeks between 24 October 2008 and 1 December 2008. During this period two submissions were received.

The submissions raised the following concerns:

- Possible negative impact on the historic and landscape values;
- Objection to the proposed foot path to the Park;
- Possible negative impact on the views from Exeter Park; and
- Drainage and flooding issues.

DISCUSSION OF MAJOR ISSUES ARISING

Heritage Impact

The submitted Heritage Impact Statement has identified areas of heritage significance within the immediate locality. All significant heritage items are related to “Vine Lodge” and are contained within Lot 1 DP596495 which is 40 hectares in area.

The following measures have been proposed to minimise the impact on these Heritage Items:

- The subdivision layout has been designed to allow the curtilage of the “Vine Lodge” house and all outbuildings to remain within the existing lot;
- A 25 metre dwelling exclusion zone along the tree lined section of the road (part of the existing “Vine Lodge” driveway);
- The access road has been designed to follow the centre line and levels of the existing driveway with a maximum width of 6 metres to retain as many avenue trees as possible;
- Additional boundary landscaping between new lots and the Heritage Items; and
- The “Vine Lodge” access gate will need to be altered to accommodate safe intersection requirements. The existing stone gate posts are proposed to be retained and reconstructed to preserve the appearance of the existing entrance.
AGENDA FOR THE ORDINARY MEETING OF COUNCIL
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It is considered that these measures will ensure minimal impact on the Heritage Items and their setting.

The site is not identified as having any Aboriginal Cultural Heritage significance. Any consent given however should include the following condition:

“Should any Aboriginal relics or artefacts be uncovered during works on the site, all work is to cease and the Director General of the NSW Department of Environment, Climate Change and Water shall be contacted immediately and any directions or requirements of that department complied with.”

Environmental Impact

The subject land has been previously cleared for agricultural purposes, and no vegetation removal is required for the construction of 25 new dwellings with associated services, driveways, out buildings and effluent disposal areas.

The only trees to be removed are exotic species associated with the driveway. The recommended carbon offset condition, as discussed in Section 6 of this report, if included will result in an improved environmental outcome.

Stormwater quality control has been conditioned by the Sydney Catchment Authority.

Amenity Impact

The smaller lots or higher density portion of the development is to be located on the eastern side of the access road between the Southern Railway line, Exeter Park and the larger “Vine Lodge” lot.

There will therefore be no neighbouring residences immediately affected by the additional dwellings.

The lower density or larger lots are to be located to the west of the proposed access road with several having frontage to Exeter Road. These lots will however be comparable to the existing lot pattern on the opposite side of Exeter Road. Intensive boundary landscape plantings are also proposed to reduce any amenity impact.

An existing avenue of trees runs along the boundary of the subject property and Exeter Park. This vegetation is to be supplemented with additional plantings to screen the new dwellings from Exeter Park. The smallest lot size proposed along this boundary is 2,164m². This will allow future dwellings to be positioned well away from the Park's boundary which will allow for substantial landscaping between the park and new dwellings.

Additional landscaping is recommended along the northern boundary between “Vine Lodge” and the proposed subdivision to reduce the impact on the setting of the Heritage Item.

Engineering Comments

The development will necessitate the need for the following works:

- Provision of sealed BAL/BAR intersection upgrade at Exeter Road;
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- Road construction with 2 coat bitumen seal and contained within flush concrete kerbing;
- The existing road table drains will be formalised as required to facilitate any increase in stormwater runoff; and
- Subdivision to be designed with On Site Detention Basins to control/reduce stormwater discharge from site to pre-development conditions.

Table D1.1 of Wingecarribee Development Control Plan No 41 specifies “Minimum acceptable characters of urban roads and design guideline parameters”. The Development Control Plan (DCP) requires a minimum carriageway width of 9 metres for access to 25 lots.

The vegetation along the existing access avenue and proposed access road is considered significant and worthy of retention but the available width between the rows of trees is not sufficient to allow construction of a standard road.

The proposed subdivision access road width has been reduced to 6 meters to conform with the rural road standard as defined in Standard Drawing SD 101 and designed to have minimal impact on the avenue of existing mature trees.

It is recommended that the DCP requirement for road construction be varied to enable road construction within the avenue of the trees only. The remainder of the access road, from the right hand turn onwards, where access will be provided to the lots, should be constructed to the DCP’s minimum standard. It is also noted that a condition of consent will be imposed to ensure that the road carriageway surface and any concrete edging is coloured such that its appearance is softened.

MANAGEMENT PLAN ISSUES OR IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

BUDGET IMPLICATIONS

Nil.

ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

(i) Environmental Factors
The proposed subdivision will result in an additional 25 new dwellings. The carbon footprint from 25 dwellings is approximately 4.5 tonnes of CO₂ emissions per dwelling per annum. Approximately 25 trees would be required to offset the carbon emissions of each dwelling, and this equates to 625 trees required to offset the 25 new lots to be created.
The following condition of approval is therefore recommended:

**Carbon Offset**

To offset carbon emissions from the additional 25 dwellings resulting from the approved subdivision, the developer shall provide a revegetation plan for approval by the Director Environment and Planning prior to the release of the Construction Certificate.

All revegetation in accordance with the approved plan shall be undertaken prior to the release of the Subdivision Certificate.

A minimum of twenty five (25) trees per lot shall be provided to offset average annual household carbon emissions.

The revegetation program shall also include a mix of mid storey and ground cover species at a rate of three (3) mid storey/ground cover plants per every tree provided. Reason: Carbon sequestration rates are based on mature trees of approximately 20 - 30 years of age. The provision of mid storey and ground cover species will help increase the amount of carbon absorbed during the early growth period, assist in weed control, improve the soil nutrient balance and, provide a more natural environment or ecosystem.

All species selected shall consist of indigenous species to the local area only. All trees and shrubs are to be planted at 3-metre spacings from tube stock (due to higher survival potential) and staked and protected. If six months after planting less than 50% of plantings have become established, a further round of planting will be required.

All areas of revegetation are to be delineated on the approved Plan of Subdivision as “native vegetation”, and are to be protected and retained. There is to be a public positive covenant under Section 88E of the Conveyancing Act 1919, the prescribed authority being Wingecarribee Shire Council, placed over all lots requiring that:

- the areas of revegetation as identified in Condition (x) are to be retained, protected and maintained;
- no livestock grazing is to be permitted in these areas of revegetation;
- there is to be no vegetation clearing of the areas designated revegetation other than weed management without the written approval of the Wingecarribee Shire Council;
- there is to be no clearing associated with boundary fencing.

(Footnote: A draft Carbon Policy has been prepared and it is proposed to present this to the next Council meeting. Therefore, as an alternative, the above requirements could be imposed simply as a landscaping condition.)

(ii) **Social Factors**

The proposed subdivision road and intersection upgrade will result in improved access for Exeter Park.

(iii) **Economic Factors**

No significant adverse economic impact is identified.
CONCLUSION

The proposed subdivision complies with the development standards and the requirements of WLEP 1989 and it is unlikely that any significant amenity or environmental impacts will be caused.

The recommended conditions in this report will lead to an improved coverage of native vegetation.

The adjacent heritage item is located at a sufficient distance to avoid any direct impact from the development and the actual views from the heritage buildings will not be significantly affected.

Therefore, approval of the proposed subdivision is recommended, subject to Council’s standard conditions of consent as well as the additional draft conditions in Attachment 2.

ATTACHMENTS

There are two (2) attachments with this report

Attachment 1  Site Plan
Attachment 2  Additional Draft Conditions

RECOMMENDATION

THAT the development application LUA2008/1042 for a proposed 25 lot subdivision at “Vine Lodge”, Lot 1 DP596495, Lot A DP927745 and Lot 4 DP660174, Exeter Road, Exeter, be approved subject to conditions as set out in Attachment 2.
ATTACHMENT 2

Specific Draft Conditions: LUA08/1042

Heritage

Should any Aboriginal relics or artefacts be uncovered during works on the site, all work is to cease and the Director General of the NSW Department of Environment and Climate Change shall be contacted immediately and any directions or requirements of that Department complied with.

Carbon Offset

To offset carbon emissions from the additional twenty five (25) dwellings, the developer shall provide a revegetation plan prior to the release of the Construction Certificate to the satisfaction of the Director Environment and Planning. Revegetation in accordance with the approved plan shall be completed prior to the release of the Subdivision Certificate. A minimum of twenty five (25) trees per lot shall be provided to offset average annual household carbon emissions. The revegetation program shall also include a mix of mid-storey and groundcover species at a rate of 3:1 for every tree provided.

Reason: Carbon sequestration rates are based on mature trees of approximately 20 – 30 years of age. The provision of mid-storey and groundcover species will increase the amount of carbon absorbed during the early growth period, assist in weed control, improve the soil nutrient balance and provide a more natural environment or ecosystem. All species used shall be indigenous to the local area.

88B Restriction as to User – Rail Noise

A suitable 88B Restriction as to User shall be placed on the title of those lots located in the vicinity of the railway line, advising owners of the need to comply with the Rail Authorities requirements for the effect of rail noise and vibration when designing a dwelling for the lot.

Full details to be submitted for the approval of the Director Environment and Planning WITH THE APPLICATION FOR A SUBDIVISION CERTIFICATE.

Street Trees

Street trees shall be provided in subdivision roads and / or on the frontage to the subdivision to the satisfaction of the Town Planner or Manager of Parks and Property.

Noxious Weeds

Prior to the issue of a Subdivision Certificate the applicant must demonstrate to Council that:

- there are no noxious weeds (as defined in the Noxious Weeds Act 1993) on the land; or that
- action has been taken to control any such noxious weeds.

Confirmation of the above must be in the form of certification from Council’s Noxious Weeds Officer, and must accompany the application for a Subdivision Certificate.
Construction of Footpath in Pathways

Concrete paving 2.5 metres wide within the drainage reserve between Lots 11 and 12. Pathway to extend from the boundary with Exeter Park and cross the existing drainage channel within the park, with a structure and in a location to be approved by Council's Parks and Property Division. Pathway barriers are to be installed at each end in accordance with Standard Drawing No SD130.

Roads and Traffic Authority

The following are the requirements of the Roads and Traffic Authority with regard to road safety and traffic management:

(i) Prior to the issue of the Subdivision Certificate associated with Stage 2 of the proposal, the access to proposed Lot 3 shall be permanently closed and reinstated to match existing. All access to Lot 3 shall occur via a right of way providing access across proposed Lots 2, 4, 5 and 6.

(ii) Vehicular access to all lots fronting Exeter Road shall occur via the proposed public road and associated rights of carriageway. Future access to Lots 1, 2, 3 and 4 via Exeter Road shall be restricted via the use of an 88B instrument.

(iii) The junction of the proposed public road and Exeter Road shall be upgraded to a sealed Type BAL left turn together with a sealed Type BAR right turn configuration as per Section 6 of the AUSTROADS Guide to Traffic Engineering Practice- Part 5 Intersections at Gradi.

(iv) The developer shall be required to provide a suitable drainage treatment across the driveway to prevent water proceeding onto, or undermining, the travel lane of Exeter Road.

(v) Geometric road design shall be in accordance with RTA Road Design Guide. Pavement design shall be in accordance with the AUSTROADS Pavement Design Guide.

(vi) Where required, lighting shall be upgraded / provided in accordance with Australian Standard AS/NZS1158.

(vii) All roadworks, traffic control facilities and other works associated with this development, including any modifications required to meet RTA standards, will be at no cost to the Roads and Traffic Authority.

(viii) Section 138 concurrence under the Roads Act 1993 shall be obtained from the Roads and Traffic Authority prior to construction of the junction upgrade.
vii) The developer shall apply for a Road Occupancy Licence (ROL) from the Roads and Traffic Authority Traffic Operations Unit (TOU) prior to commencing work within the classified road reserve or within 100m of traffic signals. The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Direction to Restrict will also be required from the TOU. The developer shall submit the ROL application 10 business days prior to commencing work. It should be noted that receiving an approval for the ROL within this 10 business day period is dependent upon the RTA receiving an accurate and compliant TMP.

Note: An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by the Roads and Traffic Authority Project Manager.
Environmental Sustainability

<table>
<thead>
<tr>
<th>o-EP5</th>
<th>Proposed Hayshed and Building Line Variation, with SEPP 1 Objection Lot 3 DP739390, Myra Vale Road, Wildes Meadow</th>
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<td>REF:</td>
<td>MDBS LUA09/1085</td>
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Reporting on a proposed hayshed and building line variation and concurrent State Environmental Planning Policy No 1 – Development Standards (SEPP1) Objection lodged for Lot 3 DP 739390 Myra Vale Road, Wildes Meadow.

**REPORT**

**BACKGROUND**

A development application has been lodged with Council for the construction of a hay shed, having a floor area of 281m$^2$, on the above property. The applicant has, after discussing the siting of the structure on-site with Council Staff, submitted a request in writing to vary the front building line setback from 20m to 10.6m.

**NOTIFICATION**

The proposal, at an initial setback of 20.6 metres and amended setback of 10.6 metres, was not notified to adjoining neighbours. Development Control Plan 45 states:

"Council will notify a development application where, in Councils opinion the enjoyment of the adjoining land may be detrimentally affected by the development or the building proposed in the application".

The assessment of the proposal during the site inspection determined that there are no adjoining properties that would be detrimentally affected by the varied setback of 10.6m. Notification is therefore not considered necessary in this instance.

**ASSESSMENT**

The application has been assessed to determine compliance with Council’ Development Control Plans and Wingecarribee Local Environmental Plan 1989 (WLEP 1989). The land is zoned 7(b) Environmental Protection (Landscape Conservation), and Myra Vale Road is identified as an Arterial Road on the Local Environmental Plan (LEP) maps. It should be noted however, Myra Vale Road is not deemed an official Main or Arterial Road under Council’s or Roads & Traffic Authority’s road classification hierarchy.

Clause 14(d) of the LEP requires a building to be set back 20 metres from the alignment of any such Road. As this is a development standard, the application is accompanied by a written objection under SEPP 1. The development is proposed on a lot having an area of 31.63 hectares, and there is an existing dwelling and outbuildings on the site.

The site was inspected by Council Staff (11/12/09) to assess any potential impacts of the proposed development as well as consideration of Development Control Plan 53 (DCP 53) - Siting, Design and Landscaping of Rural Developments. The original siting of the shed,
proposed at 20.6 metres from the front boundary, would impact upon the rural vista as it would be at the ridge of the site. Also, the accumulation of structures along the ridge would not be in compliance with the relevant objective of DCP 53 which is:

“To ensure that landscape features such as prominent ridge lines, hill tops, horizons, slopes and topographic features that are prominent when viewed from a public place are protected from the siting and design and landscaping of rural development that conflicts with their prominence and scenic qualities”.

The use of the Manor Red colour to match the colour of the existing residence only adds to the accumulation of buildings along the ridgeline.

These issues were discussed with the applicant on-site. It was determined that relocating the proposed structure closer to the road, as well as changing the colour from Manor Red to Rivergum, would act in greater accord to the sensitivities of ridgetop development. The entrance into the hayshed will be via the north elevation which orientates towards the dwelling house.

Two characteristics of the site that are a relevant considerations are that the roadway is within a cutting and there is substantial roadside vegetation on both shoulders of the road. The roadway is approximately 17 metres from the property boundary. Views to the proposed building are therefore screened from viewing at the roadway.

The applicant has now submitted, via his Solicitor, a formal SEPP 1 Objection to Clause 14(d) of WLEP 1989.

**SEPP 1 ASSESSMENT**

The three fold test that is used for SEPP 1 Objection assessment is:-

1. **Is the standard a development standard?**

   A development standard is a provision in an environmental planning instrument in relation to the carrying out of development, being provisions by or under which requirements are specified or standards are fixed in respect of any aspect of that development.

   The 20m setback requirement is specified within WLEP and therefore is a development standard.

2. **Is the objection well founded?**

   The points raised in the correspondence in support of varying the development standard in this case are:-

   - The objectives of the standard include the proper management of development and conservation of agricultural land. The revised site provides less disturbance to the function of the property as a farm.
   - The revised proposed location of the hay shed is further from the crest of the hill on the property and accordingly far less conspicuous to adjoining properties.
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- Compliance with the development standard in this instance is both unreasonable and unnecessary.
- In this instance the aims and objectives of the SEPP 1 are neither hindered nor compromised.
- Change of the colour of the building from Manor Red to Rivergum is agreed with.

In this case the grounds for the objection are both well founded and reasonable points of objection.

3. Is granting consent consistent with the aims of SEPP 1?

SEPP 1 is a policy which provides flexibility in the application of development standards in circumstances where strict compliance with those standards would be unreasonable or unnecessary or tend to hinder the achievement of the objectives specified in Section 5(a)(i) and (ii) of the Environmental Planning and Assessment Act. These objectives are:

(i) the proper management, development and conservation of natural and man-made resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment;

(ii) the promotion and co-ordination of the orderly and economic use and development of land.

The relevant objectives of the 7(b) zone are:

- To identify and protect areas of particular scenic value and to ensure the preservation of their cultural, heritage, aesthetic and environmental significance
- To recognise the value of the rural scenic landscape to the local tourist economy
- To permit development and land use activities which are compatible with the heritage and scenic qualities of the key cultural landscapes

In this instance strict compliance with the standard is not considered necessary in order to satisfy the spirit of the standard. Varying the standard of 20 metres to 10.6 metres would still satisfy the intent of the above objectives.

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<thead>
<tr>
<th>MANAGEMENT PLAN ISSUES OR IMPLICATIONS</th>
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<th>POLICY IMPLICATIONS</th>
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<th>BUDGET IMPLICATIONS</th>
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<tr>
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ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

(i) Environmental Factors
It is considered that the siting of the hayshed at a reduced setback of 10.6 metres from the Road would have lesser environmental impacts than strict adherence to the 20 metre development standard.

(ii) Social Factors
It is unlikely that there will be any adverse social impact arising from the reduced building setback.

(iii) Economic Factors
It is unlikely that there will be any adverse economic impact arising from the reduced building setback.

CONCLUSION

It is considered that the proposed siting of the hayshed, at a reduced building setback of 10.6 metres, has merit and should be supported as the preferred location for the shed achieves the desired landscape and amenity outcomes of the WLEP.

To build the shed in the original location would add to the cluster of buildings on the ridgeline, and cladding the shed in a Rivergum colour as opposed to Manor Red will further reduce the visual impact.

The amended proposal satisfies the WLEP objectives for this zone and also the intent of DCP 53.

The comments contained within the applicants’ submission are concurred with.

The proposed variation would not unduly create a precedent given the individual characteristics of the site and therefore, approval of the application is recommended.

ATTACHMENTS

There are three (3) attachments to this report:

Attachment 1  Location plan
Attachment 2  Site plan
Attachment 3  Elevations of proposed hayshed

RECOMMENDATION

THAT development application LUA2009/1085 for a hayshed on Lot 3 DP739390, Myra Vale Road, Wildes Meadow, be approved subject to conditions to be determined by the General Manager or delegate.
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ATTACHMENT 1

Fitzroy Falls Reservoir

Fitzroy Falls
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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

ATTACHMENT 3
Environmental Sustainability

<table>
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<tr>
<th>o-EP6</th>
<th>Section 96 Modification – Condition 3, Bulky Goods Retail Centre 205 Hume Highway Mittagong</th>
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<td>REF:</td>
<td>MDBS LUA06/1282</td>
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Report on a proposed modification to reduce the approved minimum floor area.

**REPORT**

**BACKGROUND**

The section 96 Modification has been lodged in response to LUA09/1107 (lodged 27 November 2009), for the first use occupation of one of the existing stores and associated signage for EB Games within the Highlands Homemaker Centre.

EB Games proposed to occupy part of Unit 6, with the reconfigured floor areas being:
- Showroom 6 – 110m² (EB Games)
- Showroom 6A - 255m² (Vacant)

Councillors were advised of this application via Weekly Circular dated 8 December 2009.

In approving the Homemaker Centre, Council agreed to the following uses:

<table>
<thead>
<tr>
<th>Furniture</th>
<th>Home Decoration</th>
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<td>Whitgoods</td>
<td>Home Entertainment Equipment</td>
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<tr>
<td>Small Appliances</td>
<td>Communications</td>
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<tr>
<td>Computer Hardware &amp; Software</td>
<td>Manchester</td>
</tr>
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<td>Floor Coverings</td>
<td>Glassware</td>
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<tr>
<td>Recreational Equipment</td>
<td>Tableware</td>
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<tr>
<td>Auto Accessories</td>
<td>Homeware &amp; Garden</td>
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The proposed use by EB Games fits within “Home Entertainment Equipment” and “Computer Hardware and Software”.

In order to avoid the Bulky Goods Centre becoming a de facto Shopping Mall, Council with the agreement of the owner imposed the following condition:

“3. **Additional Approvals**

With the exception of the Gymnasium separate Development Applications SHALL be submitted for the use of any of the individual bulky goods tenancies or designated café spaces which form part of the overall development. These applications SHALL be submitted and approved **PRIOR TO ANY WORKS OCCURRING OR OCCUPATION OF THE PREMISES**.

- Any increase in the number of individual tenancies will require an application to Council, with all tenancies, other than the designated food stores, remaining greater than 200 square metres of showroom area.
Separate Development Applications are required for the initial occupation of each tenancy to ensure the appropriate bulky goods character of the development. To this effect only the type of uses identified in the Economic Impact Assessment Report prepared by Urbis JHD submitted in support of the application will be permitted.”

Section 96 Modification - Condition 3

The Applicants submission states:

“The proposed modification to the existing development consent is sought under s.96(1A) of the Environmental Planning and Assessment Act 1979, which will have minimal environmental impacts as will be demonstrated through the assessment undertaken below.

Under s.96(1A) the consent authority may approve an application to modify a developmental consent where it is satisfied that the proposed modification achieves the following considerations:

3.1 Have minimal environmental impacts

The proposed modification will enable EB Games to join the established bulky goods tenants within the homemaker centre, in a smaller tenancy for format suited to their operation. This will not create any material impacts from an economic, social or environmental perspective.

The draft comprehensive Wingecarribee LEP 2009 (dLEP2009) the zoning will permit the use so therefore it is entirely consistent with Council’s planned direction of land uses within this site and broader retail precinct of Mittagong.”

The Homemaker Centre is virtually fully tenanted with bulky good and recreational uses as per the list of agreed uses.

MANAGEMENT PLAN ISSUES OR IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

(i) Environmental Factors
It is unlikely that this proposal will generate any adverse environmental effects.

(ii) Social Factors
It is unlikely that this proposal will generate any adverse social effects.
(iii) **Economic Factors**
The proposal will enable the economic use of a currently vacant commercial premises, and provide some employment.

**CONCLUSION**

In the Draft Local Environment Plan (DLEP), the site is proposed to be zoned B5 - Business Development.

The range of uses previously agreed to in LUA06/1282 will remain permissible with the consent of Council.

In the adjacent Big W complex, there is currently one (1) vacant shop, with a floor area of 65m$^2$ but this is not sufficient for EB Games.

In submitting the proposed modification, the applicant proposes to delete the first dot point of condition 3.

However, this would enable other units as they become vacant to be internally modified without recourse to Council, thereby undermining the intent of the Bulky Goods approval.

In order to maintain this intent, it is proposed that condition 3 be reworded in the following manner:

"• any increase in the number of tenancies will require application to Council. The showroom areas of all tenancies, other than the designated food stores and unit 6, must remain greater than 200m$^2$.

Subject to this modification, the development application for the use of the new Showroom 6 (110m$^2$) by EB Games would be determined under delegation.

**ATTACHMENTS**

There are no attachments to this report.

**RECOMMENDATION**

THAT authority be delegated to the General Manager to modify condition 3 of LUA 2006/1282 in the following manner:

"• any increase in the number of tenancies will require application to Council. The showroom areas of all tenancies, other than the designated food stores and unit 6, must remain greater than 200m$^2$."
The purpose of this report is to present a proposed alteration to the Draft LEP 1989 Amendment 131 zone map which has been requested by the proponents for the Chelsea Gardens property prior to re-exhibition commencing.

REPORT

BACKGROUND

The Draft 1989 Local Environmental Plan Amendment 131 aims to rezone the properties known as Chelsea Gardens and Coomungie located on the south eastern fringe of Moss Vale from Rural to Urban. This proposal has previously been on public exhibition for a period of five (5) weeks from Wednesday 19 November 2008 to Wednesday 24 December 2008.

A report on the 9 December 2009 presented submissions in response to that exhibition and an amended plan based on more detailed investigation by the owner of Coomungie supported by the LEP Steering Committee.

Council resolved on 9 December 2009 to re-exhibit the amended proposal as follows:

1. THAT Council re-exhibit the revised Draft Local Environmental Plan 1989 (Amendment 131) for Chelsea Gardens/Coomungie in accordance with the Environmental Planning & Assessment Regulation 2000 for a period of twenty eight (28) days noting that exhibition will not commence until 1 February 2010.
2. THAT notification of the exhibition be placed in local papers advising the general public of the exhibition period.
3. THAT Council advise the proponents of its decision to place the material received on exhibition.

A copy of the amended draft Local Environmental Plan (LEP) Map adopted by Council on 9 December 2009 is included as Attachment 1.

The owner of Chelsea Gardens and their engineering consultant made further representations to Council staff in late December 2009 seeking to reconfigure the proposed zoning layout over Chelsea Gardens following more detailed designs.

DISCUSSION

Various aspects of the Chelsea Gardens site were discussed at a meeting held on 22 December 2009 between Council Staff and representatives of the Chelsea Gardens property including reconfiguring the 6(a) Open Space zoned land, access to and from the site via Hill Road and the proposed access to the Illawarra Highway. It is considered that the proposed reconfiguration of the riparian corridor should be incorporated into the plan to go on exhibition in February 2010. Re-opening the access to Hill Road was not supported and the access to the Illawarra Highway is the subject of ongoing Voluntary Planning Agreement negotiations.
Zone 6(a) Open Space
The reconfiguration of the zone 6(a) Open Space related mainly to the area adjoining Whites Creek south of the Moss Vale Golf Club. These discussions also included reducing the size of the Trunk Drainage Channel heading due east towards elevated land along the eastern boundary of Chelsea Gardens and increasing the size of the trunk drainage heading due south onto the Coomungie property. The 20 metre buffer around the Golf Club is to be retained.

It is submitted by the Chelsea Gardens proponents, to reduce the area of 6(a) Open Space zoned land to consolidate the riparian corridor along Whites Creek based on consultations the proponent has had with the Department of Environment, Climate Change and Water (DECCW).

It should be noted that the Chelsea Gardens proponents are also liaising with the operators of the Moss Vale Golf Club to manage Stormwater detention and dispersal.

The reduction of the area of the eastern trunk drainage channel was supported as it was considered that the Master Planning Stage of the development would reveal that this land would be unsuitable for residential development (due to the presence of an intermittent drainage channel). It was raised however that Council would be keen to retain the vista to the eastern knoll from the lower portions of the site and this could be developed during the Master Planning Stage of the development.

The proponents also considered the length of the southern trunk drainage channel should be extended. The Master Planning Stage of the development may however reveal the optimal area. It is recommended that the area included in the existing plan be retained.

It should be noted that further investigation of the site will be undertaken at the Master Planning stage of development and measures to control stormwater detention, treatment and dispersal arrangements with the Golf Club are not yet finalised.

It is considered that the proponent’s consultation with the DECCW to consolidate the land zoned 6(a) Open Space to the Riparian Corridor and the submission to reduce the area of the eastern trunk drainage should be incorporated into the plan to be exhibited in February 2010. A revised draft LEP map reflecting the changes to the 6(a) Public Open Space zoned land is provided as Attachment 2.

Hill Road Access
The proponents have requested Council reconsider opening the access to the site from Hill Road. Following previous submissions from landowners in the vicinity of the Hill Road access to the original proposal, Council staff conveyed the position that this would not be supported due to the negative impacts this would have on the local traffic network, feeding into Valetta Street, and this is supported by modelling undertaken by Council’s traffic engineers.

Illawarra Highway Access
Part of the program for development of the site will include an access from the release area to the Illawarra Highway to the North East. There are a number of alternative routes to provide this access, again to mitigate impacts on the local traffic road network modelled by Council’s Traffic Engineers. The final route however has not been determined and will be part of the subject of further negotiations with the proponents as a Voluntary Planning Agreement (VPA).
SUMMARY

A summary of alterations from the plan presented to Council on 9 September 2009 includes:

- Consolidating the riparian area south west of the Moss Vale Golf Course
- Removing the ‘finger’ of 6(a) Open Space zone heading due east.
- Removing the delineation of 2(a) Residential zone land facing Yarrawa Road.
- Extending the 20 metre 6(a) Open Space buffer around the Moss vale Golf Course.

CONCLUSION

The proposed alterations to the draft LEP amended map adopted by Council on 9 December 2009 are considered relatively minor. Council’s support of the alterations now will allow an opportunity for the public to comment on all aspects of the changes which have been incorporated since the original exhibition in 2008.

Access to the site via Hill Road was not supported and therefore no changes have occurred to this arrangement.

The supported amendments are reflected in the revised plan as Attachment 2.

MANAGEMENT PLAN ISSUES OR IMPLICATIONS

There are no Management Plan issues or implications.

POLICY IMPLICATIONS

There are no Policy implications.

BUDGET IMPLICATIONS

There are no budget implications.

ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

(i) Environmental Factors
The refinement of the 6(a) Open Space zoned land has minimal environmental implications to the future development of the site.

(ii) Social Factors
Sufficient public open space land will be provided on the site to encourage recreational opportunities.

(iii) Economic Factors
The modifications provide for a more viable layout of the site.
ATTACHMENTS

There are two attachments to this report.

Attachment 1 is the plan resolved on 9 December 2009. Attachment 2 shows the revised Chelsea Gardens amendments.

RECOMMENDATION

THAT the modified Draft Local Environmental Plan Map included in Attachment 2 replace the previously adopted draft LEP Map of 9 December 2009 as part of the exhibition to commence after 1 February 2010.
AGENDA FOR THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 January 2010

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

ATTACHMENT 1

Chelsea Gardens/ Coomungie - Zoning Map

Legend
- Zone No. 2(a) - Residential "A" Zone
- Zone No. 3(a) - Business Zone
- Zone No. 6(a) - Open Space (Existing Recreation)

DRAWN BY: R. HAYES  DATE: 11-01-2009
PLANNING OFFICER: S. W. FARNSEH
COUNCIL FILE NO.: 1999/73
DEPT. FILE NO.
GOVERNMENT PUBLICATION

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979
DRAFT
WINGECARRIBE
LOCAL ENVIRONMENTAL PLAN 1989
(AMENDMENT NO 121)

STANDARD ORGANISATION OF RELATIONSHIP WITH OTHER PLANS
ANNEXED THE WINGECARRIBE LOCAL ENVIRONMENTAL PLAN 1989
CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 AND REGULATION 1999
GENERAL MANAGER: DATE:
Lifestyle & Community

<table>
<thead>
<tr>
<th>o-EP8</th>
<th>Update on the Establishment of the Wingecarribee Community Arts Trust and Board</th>
</tr>
</thead>
<tbody>
<tr>
<td>REF:</td>
<td>SPM 1650</td>
</tr>
</tbody>
</table>

The purpose of this report is to update Council on the progress with the establishment of the Wingecarribee Community Arts Trust and Board.

**REPORT**

Council will recall that the establishment of an Independent Arts Trust and Board was raised as part of a report following issues arising from the raising of community donations towards funding for the installation of the Bert Flugelman Sculpture in Corbett Plaza Bowral and Arts projects generally.

Following several reports and a Councillor Information Session, Council at its meeting held on 28 October 2009 resolved as follows:

1. **THAT** Council proceed with the establishment of The Wingecarribee Arts Trust (WAT).

2. **THAT** Council resolve to issue instructions to its Solicitor to proceed with the drafting of the Trust Deed.

3. **THAT** a further report be submitted to Council with the Draft Deed Trust once it has been drafted.

In accordance with Council’s resolution, Council’s Solicitor on 10 December 2009 submitted a Draft Constitution for consideration. On initial reading of the Draft, a number of matters were identified for further discussion.

At the same time Council’s Solicitor was drafting up the Constitution, the Chief Executive Officer, of The Southern Highlands Foundation (TSHF) contacted Council and offered the services of the Foundation as a possible vehicle for administering the running of the Wingecarribee Arts Trust (WAT) and Board. As a result of this interest, Councillor Juliet Arkright, Council’s Manager Strategic Planning, Council’s Community and Cultural Development Officer, and the CEO of the TSHF met on 12 January 2010 to discuss the ability and suitability of the TSHF to do so. The discussions were very positive and it was strongly felt that that the use of TSHF to administer the WAT was worth further consideration by Council before any final decision is made by Council on the final establishment of WAT. To this end, a Councillor Information Session will be arranged as soon as possible in order to brief Councillors before a further report is submitted to Council.

**MANAGEMENT PLAN ISSUES OR IMPLICATIONS**

Nil
POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

(i) Environmental Factors
Nil

(ii) Social Factors
Nil

(iii) Economic Factors
Nil

CONCLUSION

The establishment of the Wingecarribee Arts Trust and Board remains a priority for Council and the community in developing a framework for the creation of public art within the Shire. It is important to establish a framework that will work most effectively and with the greatest amount of community benefit.

ATTACHMENTS

There are no attachments to this report

RECOMMENDATION

1. THAT the update on the establishment of the Wingecarribee Arts Trust (WAT) and Board be noted.

2. THAT a Councillor Information Session be arranged to outline the opportunity of utilising The Southern Highlands Foundation to administer the running of WAT.
Environmental Sustainability

<table>
<thead>
<tr>
<th>REF: MSP</th>
<th>5701/27, LUA03/0363, LUA04/0266, LUA05/0324, LUA07/1430, LUA09/0631</th>
</tr>
</thead>
</table>

This report discusses voluntary planning agreements negotiated between Council and three separate developers for the upgrade of Douglas Road Moss Vale within the Enterprise Corridor and provision of basic sewer services; acceptance of the Draft Deed of Agreement – Local Infrastructure Support Fund; and an application for an Interest Free Loan – Local Infrastructure Fund and the accompanying S96 Modification Application and Development Application for one of the sites.

**BACKGROUND – GRANT FUNDING**

At its meeting of the 10 June 2009 Council considered a report (extract provided at Attachment 1) regarding the seeking of grant funding for two projects in the Moss Vale Enterprise Zone, those being:

- The upgrading of 2.8kms of Douglas Road to 13-metre width and Industrial Road pavement standard ($3.5 million); and
- The provision of basic sewerage services to the location ($1.8 million).

The total costs of the projects being $5.3-million. The Grant Funding was sort through the Local Infrastructure Support Fund offered by The Department of Industry and Investment, who were offering up to 50% funding for eligible projects. Following consideration of the report Council made the following resolution:

1. **THAT** Council proceed with the funding submission to the Department of State and Regional Development offering 50% contribution.

2. **THAT** Council seek approval from the Department of Local Government (Loans Council) to obtain loan funding of up to $2.65 million in 2009/10 for this project.

3. **THAT** this matter be referred to Council’s budget session on Wednesday, 17 June 2009, for discussion of funding options to proceed with the project if the grant application is successful.

4. **THAT** subject to item (3), this matter be referred back to Council once advice is received from the Department of State and Regional Development regarding the grant application.
On Friday 16 October 2009 Council received official notice from the Department of Industry and Investment that Council had been successful in its application for the funding. Further, on the 17 December 2009 Council received the Draft Deed Agreement for the Grant of $2.65 million (Attachment 2 circulated as a separate attachment).

The only potentially significant implication within the Draft Deed of Agreement is paragraph 3.2.4 which states:

“The Grantee must demonstrate to the Department that it has secured additional funding from other entities to allow the Project to be fully completed.”

To match the Grant funds Council resolved to seek loan funding for the other $2.65 million required to fully complete the project. Should loan funding not be secured Council will need to forgo the Grant Funding and cancel the project.

Background – Local Infrastructure Fund (Interest Free Loan)

On 16 June 2009, as part of the 2009-10 State Budget, The NSW Government announced the creation of the NSW Local Infrastructure Fund, administered by the NSW Department of Planning.

The NSW Local Infrastructure Fund was offered to provide interest free loans to local councils to bring forward urban development infrastructure works, including roads, water, sewer and drainage projects. The objectives were to assist local councils increase the supply of serviced land for housing, as well as provide an economic boost to local communities. The fund was designed to help local council’s utilise their existing Section 94 funds by offering the interest free loans to bridge the gap between monies invested and the cost of projects those monies were collected for.

The NSW Local Infrastructure Fund would support projects under the following conditions:

1. Project must cost a minimum of $1 million;
2. applicants are eligible for only one funding contribution per project;
3. funding will not cover administration, travel, licensing, salaries or other activities that are the responsibility of the applicant; and
4. a maximum of 10% of the total funding amount can be spent on specialist advice or design and permit costs (for example engineering or planning).

As the Moss Vale Enterprise Zone projects for the Douglas Road upgrade and Sewer Facilities provision met the above requirements, an application was submitted to the Department of Planning by the 31 August 2009 deadline. Announcements for successful applicants were expected mid November however, at the time of drafting this report (18 January 2010) announcements had only been forthcoming for a single project in Tweed Shire. Council is currently awaiting notification as to whether it has been successful or not. Discussions with the Department of Planning indicate that announcements will occur over the coming weeks and that official notifications will be sent to successful Councils within 24-hours of public announcements or media releases.

Comments from Council’s Manager of Finance have been included under the report heading “Budget Implications”, discussing the implications for Council’s finances should it be successful with the interest free loan application, or alternatively need to seek a conventional loan for the projects.
Background – Voluntary Planning Agreements

Over recent years Council has approved 4 Development Applications over 3 sites fronting Douglas Road and is currently considering another, which are all listed as follows:

- **Lot 21 DP812725**
  3-Stage Subdivision proposed resulting in total of 17 Industrial Lots
  
  Stage 1: LUA03/0363 – 6 Lots + Residue (Approved)
  
  Stage 2: LUA04/0266 – 6 lots + Residue (Approved)
  
  Stage 3: LUA09/0631 – 4 lots (Lodged with Council for Determination – see section below)

- **Lot 24 DP817194**
  
  LUA05/0324: 18-Lot Industrial Subdivision – Not Staged (Approved)

- **Lot 12 DP116008**
  
  LUA07/1430 – Plastics Factory Building, Storage Building, Warehouse Addition and Parking. Cromford Group P/L (Approved)

All of the above approved developments would receive a significant benefit from Council carrying out the upgrading of Douglas Road and providing sewerage access. Further these consents also contained conditions requiring the applicants to upgrade their frontages to Douglas Road and LUA 05/0324 was required to provide sewerage services to the development. To avoid the duplication of works on Douglas Road and to also promote equity between the developers in regards to the provision of sewerage facilities, Council’s, Economic Development Officer, Mr Carl Pemberton, approached the developers to enter into Voluntary Planning Agreements, pursuant to Section 93F of the Environmental Planning and Assessment Act 1979, under the proviso that Council was successful with the Grant Funding.

In summary the Voluntary Planning agreements consist of the following:

- The three (3) developers contributing to a total sum of $902,429.15 to Council for providing the Douglas Road Upgrade and access to sewerage facilities. The developers for each Lot providing individual amounts of:
  
  - Lot 21 DP812725 - $450,000.00
  - Lot 24 DP817194 - $303,000.00
  - Lot 12 DP116008 - $149,429.15

- The developers are to make payments in three instalments, which will cover Council’s initial loan repayments.

- The developers have lodged Section 96 Applications to Modify their development consents (as detailed below) to include the Voluntary Planning Agreements (VPAs) and to remove any conditions that relate to works requiring them to upgrade their
frontage to Douglas Road, connect to town sewer or provide on-site sewerage treatment systems.

- The developers will still be required to carry out all internal works to their developments.
- The developers will need to provide internal connections for sewer to each others properties.
- The developers and Council are contributing 25% each of the legal costs for preparing the Voluntary Planning Agreements.
- Council will need to have completed the sewerage facilities works by end of 2010 and the Douglas Road works by end of June 2011 in accordance with the Deed of Agreement (Grant Funding Obligations).

A copy of each of the 3-draft agreements are provided in Attachment 3 to this report, circulated separately. Whilst all three parties have confirmed in writing to the preparation of the VPA's the Draft Agreements as attached are yet to be finally accepted by each party pending Council legal advice on the content of the VPA’s as negotiated.

**S96(2) APPLICATION FOR MODIFICATION TO EXISTING CONSENTS FOR INDUSTRIAL SUBDIVISION & PROPOSED NEW FOUR (4) LOT INDUSTRIAL SUBDIVISION AT LOT 21 DP 812725 DOUGLAS ROAD, MOSS VALE**

**BACKGROUND**

Council, on the 8 July 2003 approved a six (6) lot industrial subdivision and residue at Lot 21 DP 812725 Douglas Road (LUA03/0363). Stage 2, a further six (6) lot industrial subdivision and residue was approved by Council on 20 January 2005 (LUA04/0266).

Council is currently assessing an application for an additional 6 lots at the subject site in conjunction with the VPA prepared in accordance with S93F of the Environmental Planning & Assessment Act 1979 (EP&A Act 1979).

In order to maintain consistency between the existing consents, the VPA application and pending application, section 96(2) applications for modifications to consent have been lodged for LUA03/0363 and LUA04/0266.

The s96(2) modifications are described as follows:

**LUA03/0363**

Boundaries and areas of the proposed lots are to be revised in accordance with the Plan of Subdivision No. 17983-DA4.1 Issue A dated 13.11.2009 prepared by LandTeam (Refer to Attachment 1 accompanying this report).

The reason provided by the applicant for the modification is to amend the north facing boundaries of each lot in order for them to now run perpendicular to the proposed access road. The change will also allow for a concurrent modification to the approved subdivision of Stage 2 (LUA04/0266).
LUA04/0266

Boundaries and areas of the proposed lots are to be revised in accordance with the Plan of Subdivision No. 17983-DA4.2 Issue A dated 13.11.2009 prepared by LandTeam (Refer to Attachment 2 accompanying this report).

The reason provided by the applicant for the modification is to allow for lots to run perpendicular to the road alignment and lot frontages have been lengthened in order to provide for an improved lot configuration for future industrial development. The changes will provide consistency with the lot configurations proposed for Stage 3 (LUA09/0631) currently the subject of assessment by Council.

LUA09/0631

The application was lodged as a proposed 6 lot industrial subdivision however was amended by the applicant on 30 November 2009 to reflect a 4 lot subdivision with lot areas ranging from 3,881m² to 4,245m² (Refer to Plan of Subdivision Attachment 3 to this report).

This amended proposal is currently being assessed in conjunction with the VPA application. Approval of LUA09/0631 for a 4 lot subdivision will complete the final and 3rd stage of the cumulative subdivision proposal for Lot 21 DP 812275.

As the proposed lot areas comply with the minimum lot standard in Wingecarribee Local Environmental Plan 1989 (WLEP1989) Clause 19, no planning objections to the development are raised. Arrangements for the disposal of storm water to a designated watercourse have been designed to the satisfaction of both the Sydney Catchment Authority (SCA) and Council’s Development Engineer. Road construction standards and service provision will be conditioned within Council’s consent.

MANAGEMENT PLAN ISSUES OR IMPLICATIONS

The infrastructure development in the Moss Vale Enterprise Zone is in accordance with Council’s Economic Development Strategic Plan; and Development Control Plan for the Moss Vale Enterprise Corridor.

POLICY IMPLICATIONS

The Draft Voluntary Planning Agreements must be placed on public exhibition with the related development applications for a period of 28-days pursuant to Section 93G of the Environmental Planning and Assessment Act 1979 (as amended). It is recommended that Council resolve to publicly notify the agreements with their respective S96 Modification/Development applications for 28-days as soon as practicable. It is likely that proposed Part 5B of the Environmental Planning and Assessment Amendment Act 2008 will be introduced in April 2010, as indicated by the Dept. of Planning. All Draft VPAs and Contributions Plans that have completed their required exhibition period under the current Section 93 and Section 94 provisions of the Act will be able to proceed to completion without redrafting should the new Part 5B be introduced prior to their finalisation. In the case of VPAs, that means if they have completed exhibition prior to the introduction of Part 5B, Council and the other parties can still enter into the agreements even if Part 5B has been introduced prior to final signing of the document.
BUDGET IMPLICATIONS

Council’s Manager Financial Services advises that Council does not have sufficient liquidity in its Reserves to fund this project, and Council does not have capacity in its current budget to fund any proposed loan repayments.

Should Council approve the project, funding will need to be sourced from an external loan to provide the matching contribution of $2.65million. The repayments associated with an external loan are initially proposed to be funded from contributions received from the VPA’s with the ongoing payments for the road component to be funded from the Land Rental Reserve, then to be repaid from future developer contributions, and the sewer component to be funded from the Sewer Fund Augmentation Reserve.

It is also noted that Council does not currently have a contributions plan in place for the enterprise zone, although Council’s Section 94 Planner has advised that a draft plan would be tabled before Council by the middle of 2010. The draft contribution plan will quantify the likely financial commitment required to provide the necessary infrastructure for the enterprise zone and indicate how it will be funded. In considering this current project, it needs to be acknowledged that further resources may be required from Council in the future to facilitate the necessary infrastructure requirements of the enterprise zone, however, the quantum and timing of this financial commitment by Council is currently unknown.

The proposed loan repayments would equate to the following amounts:

<table>
<thead>
<tr>
<th>Loan Type</th>
<th>Total Annual Repayment</th>
<th>Road Portion</th>
<th>Sewer Portion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interest Free</td>
<td>$265,000</td>
<td>$175,000</td>
<td>$90,000</td>
</tr>
<tr>
<td>Est. Interest of 8%</td>
<td>$394,928</td>
<td>$260,801</td>
<td>$134,127</td>
</tr>
</tbody>
</table>

It is estimated that the amounts paid by developers under the three VPA’s would fund the loan repayments for the first three (3) to four (4) years under the interest free loan scenario. Under the interest loan scenario the VPA’s would not fully fund the annual loan repayment and would actually require Council to fund a shortfall of $92,927 for each of the first three (3) years. This amount would be apportioned between the Land Rental Reserve and Sewer Fund budgets on 66% and 34 % basis.

While this project will provide significant infrastructure for the enterprise zone, the impact of sourcing external loans will be to reduce the amount of funds available for use on future Section 94 projects and capital works within the Sewer Fund. The quantum of these repayments without additional developer contributions being received would be as follows:

<table>
<thead>
<tr>
<th>Loan Type</th>
<th>Funded from Land Rental Reserve</th>
<th>Funded from Sewer Fund</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interest Free</td>
<td>$1,154,056.22</td>
<td>$593,514.63</td>
<td>$1,747,570.85</td>
</tr>
<tr>
<td>Est. Interest of 8%</td>
<td>$2,012,072.27</td>
<td>$1,034,780.03</td>
<td>$3,0456,852.30</td>
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</tbody>
</table>
ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

(i) **Environmental Factors**
The environmental factors in regards to the VPAs have been assessed under the individual development applications. The Douglas Road works and Sewerage Facilities works will require assessment by Council under Part 5 of the Environmental Planning and Assessment Act prior to work commencing.

(ii) **Social Factors**
The upgrading of Douglas Road to an industrial road standard and the provision of basic sewerage services to the Enterprise Zone should promote further employment generating development in the zone.

(iii) **Economic Factors**
The nominated section of Douglas Road will initially provide the sole link between the existing industrial area and future stages of the Enterprise Zone to the north-west and access to the Hume Freeway. It is expected that the road will continue to provide the primary function for at least the next 15-years.

Sewerage and road infrastructure are vital and strategically important to enable both existing and future development to achieve its full potential especially when considered in a development “start up” context.

CONCLUSION

It is recommended that Council accept the Deed of Agreement and inform the Department of Industry and Investment of its decision as soon as practicable. It is also recommended that Council accept the offer of the interest free loan if granted or seek an alternative loan should the application be unsuccessful; and advertises the Draft VPAs with their respective Development Applications as soon as practicable.

Council’s assessment staff have delegation to approve the s96(2) applications for modifications to the consents however, the current pending 4 lot subdivision application being assessed in conjunction with the Voluntary Planning Agreement, triggers the need for a report to Council.

The proposed lot areas comply with the minimum lot standard in WLEP1989 Clause 19, and conditions can be imposed in a consent to ensure a satisfactory development outcome.

It is recommended that Council delegate authority to the General Manager to approve the proposed 4 lot subdivision (LUA09/0631) subject to the completion of the Voluntary Planning Agreement.
AGENDA FOR THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 January 2010

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

ATTACHMENTS

There are six (6) attachments to this report, which have been circulated separately:

1. Extract of Report to Council 10 June 2009
2. Deed of Agreement
3. Draft Voluntary Planning Agreements (Three Parts - 3A, 3B & 3C))

RECOMMENDATION

1. THAT Council accepts the Deed of Agreement and informs the Department of Industry and Development of its decision.

2. THAT Council accepts the terms and Conditions of the Voluntary Planning Agreements as included in Attachment 3 and publicly notifies them for 28-days with their respective S96 Applications to Modify Consents.

3. THAT Council delegate authority to the General Manager to determine the proposed subdivision LUA09/0631, and the s96(2) applications for modifications to LUA03/0363 and LUA04/0266 subject to the completion of the Voluntary Planning Agreement between Council and three separate developers for the upgrade of Douglas Road and the provision of basic sewer services.

4. THAT Council delegate authority to the General Manager to determine the future S96 Applications to LUA07/1430 and LUA05/0324 relating to the respective attached Draft Voluntary Planning Agreements.

5. THAT should no objections be submitted in respect of the Draft Voluntary Planning Agreements and Section 96 Applications that delegation be granted to the General Manager to approve the Applications and that the General Manager and Mayor to sign the Voluntary Planning Agreements officially entering Council into those agreements.

6. THAT Council commence the necessary processes to make application for an alternative standard loan to match the Grant funding in the event that the interest free loan is not forthcoming.
REPORT OF DIRECTOR ENVIRONMENT & PLANNING

o-EP10 Request For Funding To Transport A Life Education Van To Local Schools

REF: SPM 1855/5, 7105

To seek a budget from Council to assist Life Education NSW with the transportation of Learning Centre Van to schools throughout the Shire.

REPORT

Life Education Australia and its NSW subsidiary is a not for profit Charity that runs life education courses in schools. The Life Education Centre was set up by the Reverend Ted Noffs in 1974. Part of the services run by Life Education Australia is the operation of Learning Centre Vans.

There are currently 100 specially designed Mobile Learning Centres visiting schools throughout Australia with 40 of them operating within NSW. The mobile learning centre is an integral part of the Life Education Program. It has been designed to be a place of magic, intrigue and fun for children. The interactive programs combine special effects and exciting story lines which engage students to challenge their values and attitudes, expand on their knowledge and develop skills which ultimately empower them to make the best choices.

The Mobile Learning Centre is equipped with high-tech, multi-media equipment which includes a Transparent Anatomical Model (TAM), a talking brain and electronic modules showing the body systems. The photo below shows an example of the vans.

Life Education NSW will be operating a bus within the Wingecarribee Shire between 8 February and 28 April 2010 visiting 10 local primary schools. In rural and regional centres across NSW, Life Education NSW uses local councils, or community based organisations such as Lions and Rotary to assist in towing the vans from school to school. Within Wingecarribee, arrangements were in place for a local transport business to undertake the towing at a cost to Life Education NSW. However the contracted transport business advised Life Education NSW that it would no longer be available to undertake the towing of the van. As a result, the Chairman of Life Education NSW contacted the Mayor in early January seeking assistance from Council with the ongoing towing of the Mobile Learning Centre as well assistance for storage of the van over the school holiday period. Arrangements were
consequently made to transport and store the van at Council’s Water and Sewer Depot over the summer school holidays.

There is no cost to Council with storing of the van, however, a budget vote would be required to cover the towing costs. Life Education NSW would be seeking this contribution on an annual basis. It is noted that the General Manager and Mayor in discussions with the Chairman of Life Education NSW have already approved the costs associated with the towing of the first two moves of the van under existing budget considerations.

It could be argued that the costs attributed to the operation of the van, including towing between schools, should in reality be a State Government obligation given its health and education responsibilities to the people of NSW. It is understood from speaking with staff within Life Education NSW only a small contribution is made from the Department of Health to the operation of the service. In reality, if Council agrees to a contribution to Life Education NSW, it would be another example of cost shifting from State to Local Government.

**MANAGEMENT PLAN ISSUES OR IMPLICATIONS**

The aim of the Lifestyle and Community Program under Council’s Management Plan is to:

*Provide services and infrastructure to allow the community to pursue a vibrant and healthy lifestyle.*

The contribution of a small budget to assist in the towing costs of the Education Learning Van is consistent with the aim as above.

**POLICY IMPLICATIONS**

Nil

**BUDGET IMPLICATIONS**

Council’s Roads and Traffic Manager has estimated that the total cost to Council to arrange towing etc is approximately $6000. Life Education NSW are seeking such assistance on an annual basis.

At this point in time, Council does not have a budget to cover such costs. It is therefore proposed that in the 2009/2010 budget, the towing costs be sourced from Council’s Contingency Fund which has a balance of $29,000 as at 31 December 2009. Then in the 2010/2011 financial year and beyond, Council consider a recurrent amount of $6,000.

**ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES**

(i) **Environmental Factors**

Nil
(ii) **Social Factors**
The service provides a vital education service in working with schools to develop programs/sessions to support the provision of drug and health education within the school environment.

(iii) **Economic Factors**
Nil

**CONCLUSION**

The provision of financial assistance to Life Education NSW will ensure that the current operation of the Mobile Learning Centres visiting schools within the Wingecarribee Shire will continue this year and beyond thus enabling Life Education NSW to use the money saved in paying towing costs to a commercial operator into developing and expanding other worthwhile programs.

**ATTACHMENTS**

There are no attachments to this report

**RECOMMENDATION**

1. **THAT** an amount of $6,000 be taken from Council’s Contingency Fund in the 2009/2010 Budget to cover the costs of towing of the Mobile Learning Centre Van operated by Life Education NSW to schools in the Wingecarribee Shire.

2. **THAT** an amount of $6,000 be considered as a recurrent vote in the 2010/2011 budget and beyond.

3. **THAT** Life Education NSW be advised of Council’s decision.

4. **THAT** Council write to the State Government raising the issue of ongoing impacts to Councils of cost shifting its responsibilities to Local Government.

Mark Pepping  
**Acting Director Environment & Planning**  
22January 2010
AGENDA FOR THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 January 2010

REPORT OF DIRECTOR CORPORATE SERVICES

CORPORATE SERVICES DIVISION
Governance & Management

<table>
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<th>o-CS1</th>
<th>Investments as at 31 December 2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>REF: FSM</td>
<td>2104</td>
</tr>
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</table>

Submitting details of Council's Investments as at 31 December 2009.

REPORT

A list of Council’s investments as at 31 December 2009 has been included on Attachment 1 for information. All Investments have been made in accordance with the Local Government Act, 1993 the Regulations and Council's Investment Policy.

It should be noted that the investments have been listed at their face value and also an estimated market value. This market value has been provided to Council by the ANZ bank as Council’s Safe Custody nominee. The ANZ have advised that these values are based on a forecast model and information from a number of market providers and participants. As stated these figures are only estimates which may not necessarily reflect the potential ‘realisable value’ or the actual value if the CDO’s were sold in the current market conditions.

Market value is typically a combination of interest rates, credit quality and liquidity. It can be clearly seen that the current values have been severely impacted by the current credit crisis, world recession and lack of available markets.

Interest received from investments totalled $975,613.40 as at 31 December 2009.

ATTACHMENTS

There is one (1) attachment to the report being the list of cash and investments held by Council as at 31 December 2009.

RECOMMENDATION

THAT the information on Council's Investments as at 31 December 2009 be received and noted.
ATTACHMENT 1

INVESTMENT RECONCILIATION AS AT 31 December 2009

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<th>Bank</th>
<th>Arranger</th>
<th>Face Value</th>
<th>Market Value</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Floating Rate Notes</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adelaide Bank FR Sub Debt</td>
<td></td>
<td>3,500,000.00</td>
<td>3,300,323.81</td>
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</tr>
<tr>
<td>Bank of Qld Sub Debt</td>
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<td>7,000,000.00</td>
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<tr>
<td>Elders Rural Bank Sub Debt</td>
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<td>500,000.00</td>
<td>489,242.19</td>
<td></td>
</tr>
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| Property Note         |                         | 560,000.00  | -             |           |

| **Floating Rate & Property Notes** | 24,060,000.00 | 22,322,271.71 |

| **CDO's**               |              |               |               |           |
| Aphex Glenelg (NR)      | Nomura Intnl Plc | 2,250,000.00  | 252,034.52    |           |
| Corsair Kakadu (CCC)    | JP Morgan Aust Ltd | 1,500,000.00 | 481,014.37    |           |
| Corsair Torquay (CCC-)  | JP Morgan Aust Ltd | 2,500,000.00 | 187,885.82    |           |
| Helium Esperance (CCC-) | Merrill Lynch Int | 2,000,000.00 | 580,936.05    |           |
| Helium Scarborough (CCC-) | Merrill Lynch Int | 2,700,000.00 | 204,945.06    |           |
| Magnolia Flinders (NR)  | Credit Suisse | 5,100,000.00 | 4,030,444.49  |           |
| Omega Henley (NR)       | BNP Paribas | 2,000,000.00 | 1,222,986.85  |           |
| Starts Blue Gum (NR)    | HSBC Bank    | 1,050,000.00 | 1,408.44      |           |
| Cypress Tree Lawson (NR) | Calyon | 1,000,000.00 | 949,352.69    |           |
| MAS6-7 Parkes (NR)      | Morgan Stanley | 2,000,000.00 | 99,327.84     |           |
| Bishopsgate Wentworth (NR) | Calyon | 500,000.00  | 467,500.00    |           |
| Zircon Coolangatta (NR) | Lehman Bros | 2,000,000.00 | -             |           |
| Saphir Endeavour (NR)   | Lehman Bros | 140,000.00  | -             |           |
| Beryl (NR)              | Lehman Bros | 4,000,000.00 | -             |           |
| Zircon Merimbula (NR)   | Lehman Bros | 500,000.00  | -             |           |

| **Total CDO's**         | 29,240,000.00 | 8,477,836.13  |

| **Total Securities Face Value** | 53,300,000.00 |
| NAB Term Deposit          | 2,000,000.00  |
| BDCU Term Deposit         | 500,000.00    | 2,500,000.00  |
| Macquarie Cash Management Trust | 330,982.73 | 330,982.73 |

| **Short Term**            |               |
| NAB                       | 5,800,000.00  | 5,800,000.00  |

| Total Securities Face Value | 61,930,982.73 |
AGENDA FOR THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 January 2010

REPORT OF DIRECTOR CORPORATE SERVICES

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**o-CS2  2009/2010 Loan Program**

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Submitting a report on Council’s 2009/2010 Loan Borrowing Program.

**REPORT**

Council’s 2009/2010 Management Plan and Budget provides for Loan Funds of $4 million to be utilised for Council’s Sewer Fund to provide funding for the Bundanoon and Robertson Sewerage Schemes.

Quotes for these Loans have been requested from Westpac, the Commonwealth, and National Australia Bank. The National Australia Bank provided the most competitive rates. Details are as follows:

1. **Sewer Fund**
   - Lending Authority: National Australia Bank
   - Amount to be borrowed: $4,000,000.00
   - Interest Rate: 7.68% per annum
   - Period: 15 year loan (with the interest rate renegotiated every 5 years)
   - Repayments: Quarterly, principal and interest
   - Annual Repayments: $451,416 (Estimated)

The indicative rates quoted by Westpac and CBA were 7.69% and 8.79% respectively.

As with all the quotes they are indicative at this stage, with the actual rate to be negotiated at draw down.

Council’s debt service ratio as at 30 June 2009 was 5.97% which is well below the industry benchmark of 10%.

The Department of Local Government is advised as a matter of course of the loan particulars once draw down has occurred.

**ATTACHMENTS**

There are no attachments to this report.

**RECOMMENDATION**

1. THAT Council accept the National Australia Bank’s offer to provide a $4,000,000.00 Sewer Fund loan for the Bundanoon and Robertson Sewerage Schemes.

2. THAT the Mayor and General Manager be authorised to sign the necessary documentation under the Common Seal of Council.

3. THAT the General Manager and his nominated delegate be authorised to negotiate the interest rate at draw down time with the National Australia Bank.
REPORT OF DIRECTOR CORPORATE SERVICES

o-CS3 Applications for Special Variation to General Notional Rate Income 2010/2011

REF: DCS 2210

Reporting on guidelines issued by the Department of Local Government for the preparation of an application for a special variation to General Income in 2010/2011.

REPORT

BACKGROUND

In December 2009 the Department of Local Government issued updated guidelines for the information of council’s intending to submit an application for a special rate variation in 2010/2011.

Part 2, Chapter 15 of the Local Government Act 1993 empowers the Minister for Local Government to limit the increases in councils’ revenue from general income (s506) and also increases in the levels of annual domestic waste management services charges (s507).

This annual limit is referred to as ‘rate pegging’. It is important to appreciate that rate pegging is applied to a council’s total notional general rate income – not to the rates for individual parcels of land. It is also important to appreciate that the rate peg sets the maximum amount by which a council can increase its general income from rates. Councils do not need to take up the increases.

Councils can apply to the Minister to increase their general income by an amount greater than the rate peg. Councils have two avenues available under the Act in this regard:

- Section 508(2)
- Section 508(A)

Councils can also apply, under section 548(3)(a) and (b) of the Act, to increase their minimum ordinary rates or special rates above the statutory limits. Applications to increase minimum amounts above the statutory limit are the subject of a separate process.

PURPOSE OF THE DEPARTMENT OF LOCAL GOVERNMENT GUIDELINES

The guidelines are provided to advise councils and other interested parties on:

- How the new Integrated Planning and Reporting reforms impact on special variations;
- What the different types of special variations are;
- What the special variation application process involves; and
- The treatment of applications to increase minimum rates above the statutory limit.
Any council considering applying for a special variation must review these guidelines in the first instance. **All special variation applications must comply with the guideline’s requirements.** It is the responsibility of councils to ensure their application is fully compliant and that all relevant information is provided as part of the application.

While the guidelines provide comprehensive information to assist councils in determining the type of special variation that best meets their needs, and the requirements they must meet in preparing their application, councils are encouraged to contact the Division of Local Government to discuss their proposal well in advance of submitting the application.

**TYPES OF SPECIAL VARIATIONS**

When a council is considering whether it wishes to increase its income above the rate pegging limit, it must determine which type of special variation is most appropriate to the council and its community needs.

Where an increase in general income in excess of rate pegging is sought for one year only, an application is required under section 508(2) of the *Local Government Act 1993*. A section 508(2) application can be for a specified period, with council required to reduce its general rate income in the year after the approval period concludes.

Alternatively, an application can be made for a special variation to be retained and council will not be required to reduce its income at some future date. It is noted however that council is not obligated to take up the permissible variation to general rate income including any special variation. Under the ‘catch up’ provisions of section 511 of the *Local Government Act 1993*, council can recoup the shortfall in either or both of the next two (2) years, but after two (2) years any shortfall is forgone.

Application seeking a multiple year special variation, up to a maximum of seven (7) years would be in accordance with section 508(a) of the *Local Government Act 1993* and Council’s Infrastructure Recovery Strategy (IRS) programme was approved in accordance with section 508(a).

**SECTION 508(2) APPLICATIONS**

The Department of Local Government guidelines highlight the reform processes underway at present and the importance of the Integrated Planning and Reporting model being introduced, and there is an expectation that section 508(2) special variations will be absorbed into this process.

The following comments from section 4 of the guidelines – “Section 508(2) Applications” are reproduced for Council’s information:

“As previously discussed, the new Integrated Planning and Reporting framework will facilitate the process for a council to apply for a special variation under section 508A of the Act.

As a result, the Division anticipates that only those councils that are continuing to operate under the management planning framework will pursue an application under section 508(2) of the Act.
In doing so, the Division expects that councils will, in general, defer the preparation and submission of a special rate variation application until such time as they have successfully implemented the Integrated Planning and Reporting reforms.

TIMING OF APPLICATIONS

The guidelines for 2010/2011 have placed more stringent requirements on councils proposing to submit an application in 2010 with:

“All councils therefore are required to submit their comprehensive application, including the results of their draft management plan consultations and resolution to adopt the plan, by Friday 26 March 2010.”

This is a significant change to previous years where section 508(2) applications were required to be submitted within two (2) weeks of the announcement of the rate pegging limit, with further information provided once the councils draft management plan consultations had been completed and the council had resolved to adopt the plan.

In summary, councils are now required to have adopted their 2010/2013 Management Plan and submit it with their section 508(2) application by 26 March 2010. This is a significant change and would require a major realignment of Council’s timelines and preparation for the Management Plan process for any proposed section 508(2) applications, and would not be possible for the 2010/2011 planning cycle.

CONCLUSION

The above information is provided for Council’s consideration to ensure that Council is aware of the changed requirements for section 508(2) applications for 2010/2011.

As Council would also be aware, Council currently has a section 508(A) special variation for the period 2007/08 to 2011/12, providing approval for Council to raise it’s general notional rate income by 9.5% for each of the five (5) years. Therefore any further application for a section 508(2) increase during this period would be on top of the current approval, which effectively would need the Minister to sign off on the aggregated figure of the 508(A) and 508(2) special variations.

It is suggested that from a tactical position this is not the preferred strategy as to go forward it is likely to increase the risk of the 508(2) application not being approved. It is suggested that a strategy seeking a section 508(2) approval in 2012/13 would significantly improve the chances of approval given that Council will fall back to the normal rate pegging increase in 2012/13, and hence any proposed 508(2) variation would only be aggregated with the rate pegging cap.

The above information is provided for Council’s information and consideration.
ATTACHMENTS

There are no attachments to this report.

RECOMMENDATION

THAT the information be received and noted.
AGENDA FOR THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 January 2010

REPORT OF DIRECTOR CORPORATE SERVICES

---

**o-CS4 Bradman Museum Extension Lease**

REF: PO PN 212200, 6537/3.2

Reporting on the outcome of public exhibition of the Lease between Council and The Bradman Foundation for an additional area of land to accommodate the Bradman Museum extension which is under construction.

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**BACKGROUND**

On Wednesday 13 August 2008, Council adopted the draft Plan of Management for Glebe Park incorporating Bradman Oval:

*OC 168/08*

“THAT the draft Plan of Management for Community Land known as Glebe Park Bowral (incorporating Bradman Oval) be adopted AND THAT this document be known as the ‘Plan of Management for Glebe Park Bowral (incorporating Bradman Oval)’”

On Wednesday 27 May 2009, Council resolved with respect to the extension of the Bradman Museum as follows:

*OC 72/09*

“THAT LUA 2009/0130 for an extension to the Bradman Museum to house the International Cricket Hall of Fame on Lot 11 DP 787940, St Jude Street, Bowral, be approved subject to appropriate conditions of consent to the satisfaction of the Director of Environment and Planning AND THAT the landscape plan address the southern exposure of the building and, where possible, maximise the replanting of existing trees.”

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**REPORT**

In accordance with the Plan of Management, a three (3) lot subdivision of Glebe Park is underway to create three (3) lots to formalise lease arrangements including Bradman Oval.

By adoption of the Plan of Management, Council expressly authorised:

- The existing ninety nine (99) year lease of the Bradman Museum building site.
- A twenty one (21) year lease of the area to accommodate the Bradman Museum extension.
- A future twenty one (21) year lease of the Bradman Oval (whilst maintaining at all times public access).

Development consent was granted to The Bradman Foundation for the construction of the extension of the Museum and building works are underway.
LEGISLATION

There are two (2) classifications for public land—‘community’ and ‘operational’.

Glebe Park incorporating the Bradman Museum and Oval is a public asset, the land being classified as ‘community land’ pursuant to Section 26 of the Local Government Act 1993:

Community land is required to be used and managed in accordance with the following:
- the Plan of Management applying to the land.
- any law permitting the use of the land for a specified purpose or otherwise regulating the use of the land.

Council must not grant a lease for a period (including any period for which the lease could be renewed by the exercise of an option) exceeding twenty one (21) years.

Section 47 of the Local Government Act 1993 states:

1) If a council proposes to grant a lease, licence or other estate in respect of community land for a period (including any period for which the lease, licence or other estate could be renewed by the exercise of an option) exceeding 5 years, it must:
   (a) give public notice of the proposal; and
   (b) exhibit notice of the proposal on the land to which the proposal relates; and
   (c) give notice of the proposal to such persons as appear to it to own or occupy the land adjoining the community land; and
   (d) give notice of the proposal to any other person, appearing to the council to be the owner or occupier of land in the vicinity of the community land, if in the opinion of the council the land the subject of the proposal is likely to form the primary focus of the person’s enjoyment of community land.

2) A notice of the proposal must include:
   (a) information sufficient to identify the community land concerned.
   (b) the purpose for which the land will be used under the proposed lease, licence or other estate.
   (c) the term of the proposed lease, licence or other estate (including particulars of any options for renewal).
   (d) the name of the person to whom it is proposed to grant the lease, licence or other estate (if known).
   (e) a statement that submissions in writing may be made to the council concerning the proposal within a period, not less than 28 days, specified in the notice.

3) Any person may make a submission in writing to the council during the period specified for the purpose in the notice.

4) Before granting the lease, licence or other estate, the council must consider all submissions duly made to it.
5) If a person makes a submission by way of objection to the proposal, the council must not grant the lease, licence or other estate except with the Minister’s consent.

6) If the council applies for the Minister’s consent, it must forward with its application:

(a) a copy of the Plan of Management for the land
(b) details of all objections received and a statement setting out, for each objection, the council’s decision and the reasons for its decision
(c) a statement setting out all the facts concerning the proposal to grant the lease, licence or other estate
(d) a copy of the newspaper notice of the proposal
(e) a statement setting out the terms, conditions, restrictions and covenants proposed to be included in the lease, licence or other estate
(f) a statement setting out the manner in which and the extent to which the public interest would, in the council’s opinion, be affected by the granting of the proposed lease, licence or other estate, including the manner in which and the extent to which the needs of the area with respect to community land would, in the council’s opinion, be adversely affected by the granting of the proposed lease, licence or other estate.

7) On receipt of the application, the Minister must request the Director of Planning to furnish a report concerning the application within such period as the Minister specifies.

8) After considering the application and any report of the Director of Planning, the Minister, if satisfied that:

(a) subsections (1), (2) and (6) have been complied with; and
(b) such consent would not contravene section 46; and
(c) in all the circumstances, it is desirable to grant consent, may consent to the granting of a lease, licence or other estate in respect of the whole or part of the land to which the application relates, subject to such terms and conditions as the Minister specifies.

8A) On request by any person, the Minister must provide that person, within 14 days of that request, with a written statement of reasons for consenting to, or refusing to consent to, the granting of a lease, licence or other estate in accordance with subsection (8).

9) The Minister’s consent is conclusive evidence that the council has complied with subsections (1), (2) and (6).

10) For the purposes of this section, any provision made by a lease or licence, or by an instrument granting any other estate, in respect of community land, according to which the council:

(a) would suffer a disadvantage or penalty if the same or a similar lease, licence or estate were not to be granted, for a further term, after the expiry of the current lease, licence or other estate; or
would enjoy an advantage or benefit if the same or a similar lease, licence or estate were to be so granted, is taken to confer an option for renewal for a term equal to the further term.

COUNCILLOR INFORMATION SESSION

In the Councillor Information Session held on Wednesday 18 November 2009, it was discussed and informally decided that:

a. the lease of the Bradman Museum extension area should be in similar terms to that of the Museum building and, following public exhibition, referred to a future meeting of Council for endorsement.

b. the future lease of the Bradman Oval will be negotiated with The Bradman Foundation and, following negotiations, be referred to a further Councillor Information Session Council for approval prior to public exhibition of the lease.

PUBLIC EXHIBITION AND NOTICE OF PROPOSED LEASE

In accordance with the legislative requirements outlined above, Council undertook the following:

1. Publicly gave notice of the proposal by:
   (a) exhibiting notice of the proposal on the land to which the proposal relates; and
   (b) giving written notice of the proposal to all neighbours in the Glebe Park precinct; and
   (c) giving written notice of the proposal to other owners of land who may be affected by the proposal; and
   (d) exhibiting the notice of the proposal together with a full copy of the proposed Lease for perusal by the general public at the Civic Centre, Bowral Library and Mittagong Library; and
   (e) exhibiting the notice of the proposal together with a full copy of the proposed Lease for perusal by the general public on Council’s website.

   The notice of the proposal included:
   (a) information sufficient to identify the community land concerned.
   (b) the purpose for which the land will be used under the proposed lease, licence or other estate.
   (c) the term of the proposed lease, licence or other estate (including particulars of any options for renewal).
   (d) the name of the person to whom it is proposed to grant the lease, licence or other estate (if known).
   (e) a statement that submissions in writing may be made to the council concerning the proposal within a period, not less than 28 days, specified in the notice.

2. The Lease was publicly exhibited from Tuesday 24 November to Wednesday 23 December 2009.
3. The public exhibition of the Lease and period for receipt of submissions closed at 4pm on Wednesday 23 December 2009.

4. No submissions or objections were received up to 4pm on Wednesday 23 December 2009 with respect to the proposed Lease.

CONCLUSION

To comply with legislative requirements, it is recommended that Council endorse the Lease for the area of Glebe Park to house the Bradman Museum extension.

MANAGEMENT PLAN ISSUES OR IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

The Bradman Foundation has maintained the existing Museum building (with the exception of the public toilets within that building which are cleaned by Council twice daily).

The Foundation obtained Federal funding for the proposed extension of the Museum to house the International Cricket Hall of Fame. The lease of the Museum extension area the subject of this report and, as exhibited, requires that the Foundation maintain the extension of the Museum similarly.

Therefore there are no additional costs to be incurred by Council with respect to maintenance of the building or its extension.

ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

(i) Environmental Factors

Nil

(ii) Social Factors

Glebe Park is Bowral’s most prominent park and is well-utilised by local residents and visitors alike providing opportunities for passive and active recreation and social gatherings.

The Bradman Museum, which was established to honour Sir Donald Bradman AC, attracts many visitors and tourists to the park. The Museum was created to be a living centre of cricket, documenting the history of Australian cricket, paying tribute to past cricketers and providing inspiration for the future of the game.

The Museum is open everyday from the year from 10am to 5pm (Closed Christmas Day).
Whilst a future lease of the Oval itself will be negotiated with The Bradman Foundation, it will be an essential term of the lease that public access to the Oval not be in any way restricted except for times of competition and scheduled play.

(iii) Economic Factors

Glebe Park incorporating the Bradman Museum and Oval is a high profile local and tourist attraction in the Southern Highlands which, primarily through tourism, generates revenue for the general local community through the Museum, accommodation providers, cafes and restaurants, retail shops and the like.

Whilst The Bradman Foundation has obtained funding specifically for the construction of the International Cricket Hall of Fame, the Foundation is a non profit charitable trust which is not funded by Government. The Foundation is reliant on funding of supporters through donations, sponsorship, membership and volunteer activities to continue its work.

In addition to the free use of the Oval by local schools and organisations, the Foundation offers the hire of the Oval to corporate bodies and pursues the organisation and event management of high profile cricket events at the Oval. The publicly promoted cricket matches attracts many people, local and tourists, to the Oval and to the area.

The Foundation also promotes various parts of the Bradman Museum for corporate and social hire, i.e. for conferences, functions & meetings. Further, it actively encourages organised tours and social clubs from outside the region to visit, en route from Sydney to Canberra.

ATTACHMENTS

There is one (1) attachment to this report being the Bradman Museum Extension Lease.

RECOMMENDATION

1. THAT it be noted that pursuant to Section 47 of the Local Government 1993, Council has publicly exhibited the proposed Lease of the Bradman Museum extension area of Glebe Park AND THAT no submissions or objections were received by Council during the period of public exhibition.

2. THAT it be noted that, as there were no objections received with respect to the proposed Lease of the Bradman Museum extension area, that Council may proceed with the Lease to The Bradman Foundation without obtaining the approval of the Minister for Local Government.

3. THAT the Lease of the Bradman Museum extension be executed under the Common Seal of the Council.
AGENDA FOR THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 January 2010

REPORT OF DIRECTOR CORPORATE SERVICES

o-CS5  Transfer Granting Easement to Council, 33 Cumberteen Street, Hill Top

REF:  PO  PN1743500; LUA03/1464

REPORT

BACKGROUND

Pursuant to Development Consent granted in 2003 for the construction of a new home at Lot 3 Deposited Plan 1056040 Cumberteen Street, Hill Top, a new residence was built.

The site survey plans submitted by the builder did not show the sewer maintenance shaft which existed on the property. Council’s sewer plans had been produced by Transfield prior to registration of the subdivision with limited site identification available. These plans, it appears, were inaccurate and as a consequence part of the new home was built over the sewer main.

Development Control Plan 44 “Requirements for the Erection of Buildings” details conditions under which Council may permit building over a sewer main. Applicants are required to comply with the requirements of Council’s Development Control Plans unless specific exemption is provided. In 2004 it had been determined that Council will allow construction over the main for the length of the house, which is greater than the twelve (12) metres normally stipulated. The builder had requested that Council redirect the sewer around the building however this request was refused.

REPORT

In order to formalise consent for the building over the sewer main, an easement must be registered against the Title to the property.

The owners of the property have recently arranged to grant an easement in gross to Council to drain sewerage, which incorporates Council’s usual terms and conditions to indemnify and protect Council.

MANAGEMENT PLAN ISSUES OR IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

The owner will pay all costs of granting the Easement.
ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

(i) **Environmental Factors**
Nil

(ii) **Social Factors**
Nil

(iii) **Economic Factors**
Nil

CONCLUSION

It is recommended that Council endorse the Transfer Granting Easement to formalise consent for the building over the sewer main.

ATTACHMENTS

There is one (1) attachment to this report as follows:

1. Plan of Proposed Easement to Drain Sewage over Lot 3 DP1056040.

......Cont'd
RECOMMENDATION

1. THAT the General Manager and Mayor be delegated authority to execute the Transfer Granting Easement with respect to 33 Cumberteen Street Hill Top, being Lot 3 Deposited Plan 1056040, to drain sewage 3 metres wide and which easement shall:

   (a) Indemnify Council at all times against any and all claims arising in respect of damage to the building (erected directly over the sewer main) which may be caused by the sewer main or any work reasonably necessary to be carried out by Council with due care for the purpose of maintaining, preparing, replacing, renewing or enlarging that sewer main.

   (b) Indemnify Council against the costs of remedying damage to the sewer main caused by the building.

   (c) Give Council the right to enter and carry out maintenance, repairs, renewal and/or enlargement of the sewer main and any associated works.

   (d) Release Council from claims for damages.

   (e) Ensure that the sewer main should be suitably protected against damage by any measure deemed necessary by Council.

2. THAT all costs with respect to the granting and registration of the Transfer Granting Easement be borne by the owner of 33 Cumberteen Street Hill Top AND THAT the owner provide to Council evidence of registration of the Transfer Granting Easement within three (3) months of the date of this resolution.

3. THAT the Transfer Granting Easement for 33 Cumberteen Street Hill Top be executed under the Common Seal of the Council.
**o-CS6 Easement for Electricity Transmission – Yerrinbool Reservoir**

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Reporting on the requirement for Council to enter into an Agreement with the National Parks & Wildlife Service for an easement for electricity transmission at Yerrinbool Reservoir.

**REPORT**

**BACKGROUND**

To enable proposed works for power connection, Council has been liaising with National Parks & Wildlife Service with respect to the Yerrinbool Reservoir.

Yerrinbool Reservoir is within the Upper Nepean State Conservation Area on Crown land, under the care of the National Parks & Wildlife Service.

The Department of Environment, Climate Change and Water (DECCW) has completed determination of Council’s Review of Environmental Factors (REF) for the proposed power connection to Yerrinbool Reservoir.

**REPORT**

Conditional approval has been issued for the activity subject to certain terms and conditions.

The determination granted by DECCW specifies certain conditions including:

> “The Proponent does not currently have an easement or right-of-way with the Minister for their existing or new infrastructure at this location. Section 153 of the NP&W Act 1974 requires the Minister (or their delegate) to be satisfied in relation to a number of matters before granting an easement or right-of-way. As such, the Proponent will need to enter into an easement or right-of-way with the Minister. This process is to commence prior to the on-ground works commencing, and is to be finalised, if endorsed by the Minister, within twelve (12) calendar months of the commencement date of the easement or right-of-way request.

> Also, under Section 185, any easement or right-of-way to be entered into within a catchment area or special area, under the NP&W Act, must also first have concurrence from the Sydney Catchment Authority.”

As outlined above, the process of the granting of easement must commence prior to Council accessing or commencing any works in the DECCW estate and must be finalised within twelve (12) months of commencing the Agreement.

Under Section 185 of the *National Parks & Wildlife Act 1974* Council also needs to obtain the concurrence of the Sydney Catchment Authority (SCA).

Council’s Water Engineer has confirmed that a right of carriageway to legalise access to the reservoir is requested in addition to the easement for power supply.
CONCLUSION

It is recommended that Council seek approval from the Minister to grant an easement for electricity transmission for and right of access to Council’s facilities at Yerrinbool Reservoir within the Upper Nepean State Conservation Area and that as part of the approval process, Council seek the concurrence of Sydney Catchment Authority.

MANAGEMENT PLAN ISSUES OR IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

The granting of the easement and associated costs will be funded through Water & Sewer division’s project, Power Supply to Reservoir Sites (2-76864). It is anticipated that the cost of granting the easement, including surveying of site, preparation of plan, legal costs and registration fees should not exceed $5,000.00.

ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

(i) Environmental Factors
   Nil

(ii) Social Factors
    Nil

(iii) Economic Factors
    Nil

ATTACHMENTS

There is one (1) attachment to this report being the Locality Map

RECOMMENDATION

THAT Council seeks the approval of the Minister of Lands to grant an easement for electricity transmission for and right of carriageway to Council’s facilities at Yerrinbool Reservoir, within the Upper Nepean State Conservation Area AND THAT as part of the approval process, Council request the concurrence of Sydney Catchment Authority.
ATTACHMENT 1

[Diagram showing Yerrinbool Water Reservoir and Proposed Power Line]
o-CS7  Integrated Planning and Reporting Committee

REF: MOD 500/2.4

The Mayor and two (2) Councillor nominees are requested for the Integrated Planning and Reporting Committee.

REPORT

BACKGROUND

As previously reported to Council on 28 October 2009, the Local Government Amendment (Planning and Reporting) Act 2009 commenced on 9 October 2009.

MN 460/09 resolved that

1. THAT Council resolve to nominate for inclusion in Group 2: Community Strategic Plan and Delivery Program adopted by 30 June 2011.

2. THAT Council confirm endorsement of the following project milestones:

   - Wednesday 9 December 2009: Councillor Strategic Workshop
   - February 2010: Further Councillor Strategic Workshop
   - March – June 2010: Community Engagement
   - July 2010: Councillor Workshop to present Community Engagement findings
   - September-October 2010: Exhibit Draft Community Strategic Plan
   - November 2010: Council adopt Community Strategic Plan

It is proposed that a Committee be established to oversee and lead the work being undertaken to develop a Community Strategic Plan for the Shire. It will also be important for the Committee to oversee and lead the transition to the new legislative requirements as the Community Strategic Plan is implemented and Council’s shorter term plans align and integrate with the new community direction.

CONCLUSION

Given the nature and the scope of the projects being undertaken in the area, members of the Executive are seen integral members of the team, however, it will be essential for further representation from Council. The Mayor and two (2) Councillors are requested to participate on this Committee. The Corporate Planner is the responsible officer within Council for ensuring the development, alignment, integration and reporting on corporate plans and strategies. Membership of the Corporate Planner would therefore be essential in ensuring implementation of committee recommendations.

MANAGEMENT PLAN ISSUES OR IMPLICATIONS

Formation of this committee aligns with as identified in the 2009-2012 Management Plan:
Council Priority Areas

**Governance**
- Adopting communication methods between our staff and Councillors that promote clarity and trust.

Program Area

**Governance & Management**
- Plan for and adopt the Integrated Planning and Reporting frameworks across Council – December 2011

**POLICY IMPLICATIONS**

Nil

**BUDGET IMPLICATIONS**

Nil

**ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES**

(i) **Environmental Factors**

Nil

(ii) **Social Factors**

Nil

(iii) **Economic Factors**

Nil

**ATTACHMENTS**

There are no attachments to this report.

**RECOMMENDATION**

THAT Council endorse the formation of the Integrated Planning and Reporting (IP&R) Committee and nominate the Mayor and two (2) Councillors to sit on this Committee, with the following membership:

- Mayor – chair
- Councillor
- Councillor
- General Manager
- Director Finance and Corporate Strategy
- Director Environment and Planning
- Director Infrastructure Services
- Corporate Planner
- Organisational Development Manager
### o-CS8 Committee Appointments and Resignations

**REF:** MALS 6549/1.1, 7216/1

Reporting on Management Committee Appointments and Resignations.

#### REPORT

1. **Penrose Hall & Recreation Reserve Management Committee File No: 6549/1.1**
   The Penrose Hall & Recreation Reserve Management Committee has received the nomination of Ms Carol Princic to the Committee.

   **Committee Recommendation**
   THAT Council appoints Ms Carol Princic to the Penrose Hall & Recreation Reserve Management Committee AND THAT Ms Princic be notified of Council’s determination.

2. **Moss Vale Community Centre Management Committee File No: 7216/1**
   The Moss Vale Community Centre Management Committee at its meeting on the 14 December 2009 received the nomination of Ms Elizabeth Shepherd to the Committee.

   **Committee Recommendation**
   THAT Council appoints Ms Elizabeth Shepherd to the Moss Vale Community Centre Management Committee AND THAT Ms Shepherd be notified of Council’s determination.

#### MANAGEMENT PLAN ISSUES OR IMPLICATIONS

Nil

#### POLICY IMPLICATIONS

Nil

#### BUDGET IMPLICATIONS

Nil

#### ATTACHMENTS

There are no attachments to this report.
RECOMMENDATION

1. ** THAT Ms Carol Princic be appointed to the Penrose Hall & Recreation Reserve Management Committee AND THAT Ms Princic be notified of Council’s determination.**

2. ** THAT Ms Elizabeth Shepherd be appointed to the Moss Vale Community Centre Management Committee AND THAT Ms Shepherd be notified of Council’s determination.**

3. ** THAT the Penrose Hall & Recreation Reserve Management Committee and the Moss Vale Community Centre Management Committee be notified of Council’s determination.**
REPORT OF DIRECTOR CORPORATE SERVICES

o-CS9 Wingello Mechanics Institute Management Committee Constitution

| REF. | DCS, MALS 7223/2 |

Reporting on the Wingello Mechanics Institute Management Committee Constitution.

REPORT

BACKGROUND

At the Council Meeting held on 8 April 2009 Council adopted the changes to the generic Management Committee Constitution.

Council resolved that each 355 Management Committee be forwarded a copy of the updated generic constitution and be requested to undertake a review of its objectives, membership and quorum.

On the 31 October 2008 it was gazetted that the Wingecarribee Shire Council be appointed as the Corporate Manager to manage the affairs of the Wingello Mechanics Institute Hall Reserve Trust and on the 28 January 2009 Council appointed a 355 Management Committee to manage the facility.

COMMITTEE RECOMMENDATIONS

THAT Council adopts the Wingello Mechanics Institute Management Committee Constitution incorporating Council’s generic constitution adopted on 8 April 2009 and the following recommendations:

1. The committee to be known as the Wingello Mechanics Institute Management Committee.

2. Item 3.3.1 The Committee will comprise up to twelve (12) members including representatives of the user groups of the facility and community representatives.

3. Item 3.3.14 A quorum will comprise five (5) members.

MANAGEMENT PLAN issues or IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil
ATTACHMENTS

There is one (1) attachment being a copy of the Draft Wingello Mechanics Institute Management Committee Constitution.

RECOMMENDATION

1. THAT Council adopts the Wingello Mechanics Institute Management Committee Constitution incorporating Council’s generic constitution adopted on 8 April 2009 and the following recommendations:

   (a) That the committee to be known as the Wingello Mechanics Institute Management Committee.

   (b) Item 3.3.1 The Committee will comprise up to twelve (12) members including representatives of the user groups of the facility and community representatives.

   (c) Item 3.3.14 A quorum will comprise five (5) members.

2. THAT the Wingello Mechanics Institute Management Committee Management Committee be notified of Council’s determination.

Barry Paull
Director Corporate Services
22 January 2010
AGENDA FOR THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 January 2010

REPORT OF DIRECTOR INFRASTRUCTURE SERVICES

INFRASTRUCTURE SERVICES DIVISION
Governance and Accountability

<table>
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<tr>
<th>o-IS1</th>
<th>Wallaby Hill Road Gravel re Sheetig Works</th>
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<tr>
<td>REF: RTM</td>
<td>LU0 0/0903, RD3640, 100/5, 7810/3</td>
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The purpose of this report is to provide information in relation to the recycled road material used to gravel re-sheet Wallaby Hill Road, Robertson in 2008 and 2009. This information was requested by Councillors following the approval of Land Use Application (LUA) 09/0903 for the proposed use of Wallaby Hill Farm for equestrian events.

Subsequently a rescission motion has been received on 16 December 2009 regarding LUA09/0903. Relevant extracts from the report to the Council meeting of 9 December 2009 are included as Attachment 1.

REPORT

This report details the history of expenditure and maintenance activities carried out by Council over the last few years and goes into further detail surrounding the use of a recycled road material in 2008 sourced from the Resource Recovery Centre. (RRC)

BACKGROUND

Wallaby Hill Road in Robertson is a 2.3 km long and 5.5 metre wide unsealed road that provides access to 11 properties. It is a ‘No Through Road’ that can be entered from the unsealed section of Belmore Falls Road. The first 1.5 km provides direct access to seven properties and is fully maintained by Council whilst the remaining 0.8 km section falls into the category of an unformed road and is maintained by the remaining 4 properties. The distance between Belmore Falls Road and the first entry gate to Wallaby Hill Farm is 1 km.

MAINTENANCE HISTORY

Council was spending approximately $3,000 annually maintaining this 1.5km section of Wallaby Hill Road from the 2001/02 financial year up until the 2003/04 financial year. The works carried out involved the following work types; maintenance grading, gravel patching (pothole repairs), gravel re-sheeting, tree and roadside vegetation removal, drainage works and guide post installation.

From 2004/05 as shown in the table below Council maintenance expenditure jumped up significantly increasing annual average expenditure to $7,100 that coincided with the start of increased activities on properties within Wallaby Hill Road.

The road was scheduled for a gravel re-sheet during the 2008/09 financial year, which is a significant upgrade. The expenditure on this work is shown on the right hand side of the following table:
AGENDA FOR THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 January 2010

REPORT OF DIRECTOR INFRASTRUCTURE SERVICES

<table>
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<th>EXPENDITURE SUMMARY</th>
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The gravel re-sheet was budgeted to cost $30,000 per kilometre. The total expenditure for the 2008/09 year is double the budgeted figure due to difficulties associated with the use of a certified recycled road base sourced from the Resource Recovery Centre. The Manager Resource Recovery has commented on this material in Section 3.

Council placed over 100mm of the recycled road material to act as the new wearing course for the 1.5km Council maintained section of Wallaby Hill Road in December 2008. Council had also previously used recycled material from the RRC in May 2008 to resheet the 2km section of Belmore Falls Road between Yeola Road and Wallaby Hills Road with great success. Following its placement on Wallaby Hill Road, Council received numerous complaints and insurance claims for car tyre punctures resulting from the new material. The road surface was inspected by Council officers and metal contamination was removed from the surface in quantities that in the opinion of the officers could cause damage to motor vehicle tyres.

Initially it was believed that the source of the metal was due to settlement of the stockpile at the RRC with the metal concentrating at the base. This was because the majority of the metal and nails seemed to be in the last section of the road (300m) maintained that coincided with the base of the stockpile from the RRC. Following inspections and evidence of the contaminants, it was decided to source another road material and re-sheet the last 300m of the road in February 2009. Removal of the product was considered but not pursued due to the cost and capping (re-surfacing) was considered the best option.

Claims received by Council did reduce in number and it was understood that the problem had been rectified. In April & May 2009, tyre puncture claims increased again and it was decided to re-sheet the remaining section of road in June 2009. To date Council has received and paid 9 claims for a total of $3860.70.

Wallaby Hill Road had a total of 150mm to 180mm of material added to the road surface in 2008/09 on top of the existing wearing course. The RRC material is below the 50-80 mm of road material added, following the discovery of the metal contaminants. Accordingly, the pavement of Wallaby Hill is now structurally sound and is fit for purpose.

As a structurally sound pavement is now on Wallaby Hill Road, the road pavement could be sealed with the existing wearing/base course only requiring some minor shaping, trimming and compacting work. It would be then suitable to seal with a 2-coat seal comprising 14 & 10mm metal.
The 2km missing link of Belmore Falls Road (between Yeola Rd and Wallaby Hill Rd) could also be considered for sealing. Sealing this section of Belmore Falls Road is currently not on Council’s “Roads To Recovery” (R2R) program. Sealing would have the benefit of preventing dust, reducing erosion and maintenance of the pavement due to increased traffic volumes. Prior to sealing, the existing road pavement will require further strengthening (by adding additional pavement material), widening, tree removal and drainage work. The cost of this work including sealing this section of Belmore Falls would be approximately $600,000.

COMMENT OF MANAGER RESOURCE RECOVERY (MRR)

The Resource Recovery Centre accepts masonry waste from local construction and residential sectors. This material is stockpiled and subsequently processed on a campaign basis, usually once per year. In November 2008 around 5,000 tonnes of masonry waste was processed (crushed) and screened into 3 products, namely, 75mm ballast, 25-40mm aggregate and 25mm minus concrete/brick rubble. Crushing is performed by an impact crusher which incorporates a magnetic separator for metal contaminants. The material is further screened to achieve product standards described above.

To conform with requirements of the FFF (Fuels, Fill and Fertiliser) Regulation under the Protection of the Environment Operations Act 1997 the RRC arranged to test the crushed aggregates. The NSW EPA Recovered Aggregate Exemption Certificate 2008 from this testing is attached (refer Attachment 2) and indicates that the material passed all requirements for exemption. Aside from chemical contaminants, the exemption involves testing for physical contaminants such as plastic, metals and wood. The RRC samples showed minimal contamination in these areas and well below threshold limits.

The 25-40mm aggregate was supplied to Roads and Traffic for the Wallaby Hill Road Project. It is assumed that the contaminants may have aggregated at the bottom of stockpiles due to their ‘heavy’ nature and were concentrated in some of the loads supplied as stockpiles were cleared. The contaminants are typical of material found in recycled masonry and testing confirmed they were below acceptable limits. It has been suggested that a physical inspection of materials supplied for roadways be undertaken in the future and that when evidence of contamination is present the material be only used under an appropriate seal. Given the origin of waste materials that end up in recycled masonry products, it has also been suggested that a ‘fit for purpose’ test be conducted prior to specification.

From a Quality Assurance perspective, the RRC will conduct their own tests on future processed material to ensure that contamination is kept to a minimum. For the next crushing campaign due in February, an extra magnet has been specified for the screening plant to determine whether this can reduce contamination even further.

COMMENT OF BUILDING AND DEVELOPMENT SERVICES MANAGER

In the report to the Council meeting on 9 December 2009, the following development history of Wallaby Hill Farm was outlined:

- LUA2004/0426 Small rural shed
- LUA2004/1691 New dwelling-house and garage to replace existing;
- LUA2005/1318 Stables with home office and stores;
- LUA2006/1142 Dressage arena (non-commercial use); and
- LUA2006/1187 Machinery shed.
Council was also advised that:

- Over the last 3 years, the cost to Council to maintain Wallaby Hill Road had increased from about $3,000.00 p.a. to about $7,700.00 p.a.; and
- During the period 2000 to present, there had been no new developments approved along Wallaby Hill Road.

Therefore, there appeared to be a clear link between the increased, and incremental development of Wallaby Hill Farm, and the additional maintenance requirements for Wallaby Hill Farm Road, indicating a significant increase in the amount of traffic using that Road.

This seems to have coincided with the stables/home office/stores and the dressage arena developments.

The application considered by Council at that meeting was for the use of Wallaby Hill Farm for equestrian events, with up to 100 competitors, on 4 weekends a year commencing on 31 January 2010.

These events would result in a substantial increase in the volume of traffic, and the type of vehicles by their nature would be more likely to put a strain on the road surface thereby increasing the maintenance burden on Council.

Having regard to the above, it was considered reasonable to impose a condition in respect of the current development application requiring a contribution towards the upgrading of Wallaby Hill Farm.

By way of comparison, the cost to upgrade and seal 1.5km of a low volume rural road is estimated at about $280,000.00, including the cost of the 2 coat bitumen estimated at $60,000.00. This cost includes costs associated with improvements to the road alignment and width, construction of drainage and assumes minimal existing pavement over subgrade.

In the case of Wallaby Hills Road, the existing road has good alignment and width, the road had gravel on it prior to the first re-sheeting and the subsequent re-sheeting to cover the contaminated road base has provided a total pavement depth of between 200 and 250mm. For these reasons, the sealing of Wallaby Hills Road can be achieved for minimal extra cost above the cost of the bitumen seal. The sealing costs are based on current Tender pricing and were estimated to seal the full 1.5km. Given that the main access gate to the property for the proposed scheduled events is 1km from the intersection with Belmore Falls Road the cost of the contribution would be reduced to $40,000.

As indicated at the Council meeting, a contribution would have been sought if the total development of Wallaby Hill Farm, as described above, had been the subject of a single development application or an overall master plan in a staged development application.

Unfortunately, the incremental development of the property has prevented the cumulative traffic impacts from being fully assessed but, given the circumstances described above it is likely that the imposition on Wallaby Hill Farm in respect of upgrading the road would have been a substantially greater proportion of the total cost than the $40,000.00 now proposed.
CONCLUSION

This report presents information on the road maintenance activities on Wallaby Hill Road. As a consequence of increased activity on private property along Wallaby Hill Road, Council has significantly increased the level of service it provides to users of this road, to the point where there is now a structurally sound road pavement that can be readily sealed, subject to the normal minor shaping, trimming and compacting work that is undertaken immediately prior to sealing a road.

The issue of contaminants in the recycled road material has resulted in the placement of additional road pavement material that would not have normally been placed. This, however, is a significant benefit to the users of this road because there is now a structurally sound pavement that is, with minor work, ready to be sealed.

Provided the Resource Recovery Centre implements the proposed quality control measures, the material sourced from the Resource Recovery Centre will be suitable to be used for road construction. The material will only be used as a sub-base under a sealed or unsealed road incorporating a non-recycled material as a capping layer. This will remove the risk of any contaminants.

ATTACHMENTS

3. Locality Map.

RECOMMENDATION

1. THAT the information be received and noted.

2. THAT the ‘Missing Link’ of unsealed road within Belmore Falls Road between Wallaby Hill Road and the sealed section be re-prioritised against other competing projects within the Roads To Recovery Program as part of the management plant review for the upcoming financial year.
ATTACHMENT 1

Extract from Council Report 9 December 2009

Vehicular access: This was one of the major issues raised in submissions, and the potential impact on Wallaby Hill Road is of particular concern as this is a single carriageway gravel road.

The types of competition vehicles can range from a large four wheel drive towing either a single or double horse trailer, to a self contained motor homes with horse compartment, to small prime movers with articulated horse trailers.

The concentration of such traffic, as well as spectator traffic, over a week-end would be well beyond what might be expected of a typical agricultural activity, and would inevitably result in damage to the gravel road surface and increase the maintenance burden. This situation would be exacerbated by inclement weather.

The Manager Roads and Traffic has suggested that the sealing of Wallaby Hill Road would be appropriate.

It would therefore be a condition of development consent that Wallaby Hill Horse Trials would be responsible for the cost of 2 coat bitumen seal along Wallaby Hill Road from Belmore Falls Road to the property entry, a distance of about 1.5 km.

Council would undertake the preparatory work, namely trimming and compacting the existing road prior to sealing.

Extract from Council Minutes 9 December 2009

Reporting on the proposed limited use of “Wallaby Hill Farm” for equestrian events.

MN 503/09

MOTION moved by Clr L A C Whipper and seconded by Clr K Halstead:

THAT development application LUA2009/0903 for the use of “Wallaby Hill Farm” Lot 4 DP590435, Wallaby Hill Road, Robertson, for equestrian events on four (4) occasions in a calendar year be approved subject to deferred commencement and special conditions as described in Attachment 2 to the report, which was circulated under separate cover AND THAT the special conditions requiring a 2 coat bitumen seal to Wallaby Hill Road include confirmation that such sealing is for a length of approximately 1.5 kms from the intersection with Belmore Falls Road to the entry gate of “Wallaby Hill Farm”, up to a cost of $60,000”.

AMENDMENT moved by Clr D Stranger and seconded by Clr J Mauger:

THAT development application LUA2009/0903 for the use of “Wallaby Hill Farm” Lot 4 DP590435, Wallaby Hill Road, Robertson, for equestrian events on four (4) occasions in a calendar year, be deferred to the next full Meeting of Council to be held on Wednesday, 16 December 2009.

LOST
In accordance with the Local Government Act (section 375A – Recording of voting on planning matters) Council must record the Councillor’s vote in relation to this matter.

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MOTION PASSED

In accordance with the Local Government Act (section 375A – Recording of voting on planning matters) Council must record the Councillor’s vote in relation to this matter.

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AGENDA FOR THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 January 2010

REPORT OF DIRECTOR INFRASTRUCTURE SERVICES

ATTACHMENT 2

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Summary and Recommendations:

The batch of RCC material satisfies the NSW EPA Recycled Aggregates Exemption 2008. Further testing will be required to confirm compliance with relevant standards.

Checked by: Simon Leake
o-IS2  Bulk Water Supply Agreement

REF: WSM  7730/2

The purpose of this report is to advise of minor changes to the Bulk Water Supply Agreement (BWSA) with the Sydney Catchment Authority (SCA).

REPORT

BACKGROUND

At its meeting of 27 May 2009 Council approved the proposed Bulk Water Supply Agreement (BWSA) with the Sydney Catchment Authority, with the agreement to be signed off by the General Manager and to be effective from 1 July 2009.

Following Council’s resolution the SCA advised they wished to make some minor changes. These changes were advised on 23 December 2009 following their discussions with NSW Department of Health.

In the original agreement, Appendix A (page 16, Attachment 2) contained specific parameters that relate to the Australian Drinking Water Guidelines (ADWG) which apply to potable water supplies. Limits that apply to these parameters (Toxin producing Algae, Algal Toxins) in the ADWG, are not applicable to raw water as supplied by the SCA and have been deleted from the Water Quality Standards. The SCA will, however continue to monitor these characteristics and advise Council of any extreme high levels.

The other change relating to the Agreement is simply the date of commencement (page 5, Attachment 2) which will now be 1 April 2010 subject to Council’s acceptance of the deletion of the aforementioned parameters.

These changes have been accepted by Shoalhaven Water in their BWSA with the SCA.

CONCLUSION

Removal of the above parameters will not affect the quality of water delivered to consumers as these are effectively dealt with by council’s water treatment processes.

ATTACHMENTS

2. Amended Bulk Water Supply Agreement (BWSA)
3. Correspondence between SCA and NSW Health

RECOMMENDATION

THAT the amended Bulk Water Supply Agreement between the Sydney Catchment Authority and Wingecarribee Shire Council be approved for execution by the General Manager.
ATTACHMENT 1

Report of Council Meeting 27 May 2009

α-TS2 BULK WATER SUPPLY AGREEMENT

REF: WSM 7730/2

The purpose of this report is to recommend approval and sign off of the attached Bulk Water Supply Agreement (BWSA) jointly prepared by the Sydney Catchment Authority (SCA) and Wingecarribee Shire Council (WSC).

REPORT

Background

Council purchases approximately 70% of its treatment plant raw water requirements from the SCA. The raw water is supplied from the Wingecarribee Dam and treated at the Wingecarribee Water Treatment Plant. At present, there is no formal BWSA between the SCA and Council. The original BWSA between the then Bowral and Mittagong Councils and the Ministry of Public Works & Services was signed in 1974 and expired in 1999.

Owing to the Sydney water crisis and formation of the Sydney Catchment Authority in 1999, the agreement was not renewed at that time. A Draft BWSA between the SCA and Council was drawn up in 2002, but was not signed. For a number of reasons outlined in this report, it is now necessary to sign a formal BWSA with the SCA.

Format & Contents of the Proposed Agreement

The format and contents of the proposed agreement is very similar to the agreement signed between the SCA and Shoalhaven City Council in 2006 and covers the following:-

- Framework – protocols, commencement date, remains in force until amended or replaced, dispute resolution, termination and legal obligations;
- Quality of water – quality standards, monitoring/reporting, water quality planning and risk management.
- Water quantity – optimise water availability, provide volume up to the rated capacity of the Wingecarribee Water Treatment Plant.
- Continuity of supply – joint incident management, planning and implementation.
- Payment for water – Council to pay for water as per IPART determination, recovery of costs related to negligent or intentional acts or omissions.
- Legal obligations – force majeure clause, indemnity, limitation on action for failure to supply water (natural events).
Reasons for Finalising a Formal Agreement

Some of the reasons and factors in favour of finalising a formal agreement are:-

- A formal supply agreement should provide a level of security and reliability of water supply in the long term and during prolonged drought periods.
- Signing an agreement would also assist in negotiating access to alternative supply sources (such as the Kangaloon bore field) and hence mitigate the risks of relying on a single (Wingecarribee Dam) source.
- The “Integrated Water Cycle Management” plan recently adopted by the Council stipulates that a formal agreement be signed as soon as possible.
- Since its formation, the SCA has been providing a reliable and quality raw water supply to Council and the working relationship between the two organizations has been excellent.
- A formal supply agreement would pave the way for Council to secure increased technical support from the SCA and share resources in the areas of technical investigations, incident management and asset management.

Planning Implications

Finalising a BWSA will complete one of the follow up actions identified in the Integrated Water Cycle Management Plan. It will also fulfil Council’s commitment to provide reliable water supply as per the Management Plan.

ATTACHMENTS

1. Proposed Bulk Water Supply Agreement

RECOMMENDATION

1. THAT the proposed Bulk Water Supply Agreement between the Sydney Catchment Authority and Wingecarribee Shire Council be approved for signing off by the General Manager effective from 1 July 2009.
ATTACHMENT 2

Mr I Tanner
General Manager, Water Supply Division
Sydney Catchment Authority
PO Box 323
PENRITH NSW 2751

Dear Mr Tanner,

I am writing in reply to your letter of 3 November seeking approval for changes to the list of health-related water quality characteristics in the Sydney Catchment Authority’s Water Monitoring Program, 2010-2015.

As discussed at our meeting on 15 October, NSW Health approves the inclusion of the revised list in the 2010-15 Monitoring Program.

The 2010-15 Monitoring Program describes a process for revising the list of characteristics for which monitoring will be conducted. NSW Health supports the review of this list after twelve months, including a review of the risk assessment process for setting priorities for the monitoring characteristics. NSW Health also supports ongoing review of the risk assessment and the characteristic list through the five year period of the Monitoring Program.

Thank you for the opportunity to review the health-related water quality characteristic list. If you have any questions please contact me on (02) 9816 0537.

Yours sincerely,

Sandy Leask
A/Manager, Water Unit

30 November 2009
### Attachment A: Specific and health related water quality characteristics

<table>
<thead>
<tr>
<th>SPECIFIC WATER CHARACTERISTIC (Health related characteristics shaded yellow)</th>
<th>DRIVER</th>
<th>ADWG (2004) Health Guideline</th>
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</thead>
<tbody>
<tr>
<td>Ammonia</td>
<td>Operating Licence</td>
<td>10 μg/L</td>
</tr>
<tr>
<td>Chlorine</td>
<td>See footnote 1 below</td>
<td>30 μg/L</td>
</tr>
<tr>
<td>2,4-D</td>
<td></td>
<td>30 μg/L</td>
</tr>
<tr>
<td>2,4,5-T</td>
<td></td>
<td>300 μg/L</td>
</tr>
<tr>
<td>Dieldrin</td>
<td></td>
<td>5 μg/L</td>
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<tr>
<td>Dioxin</td>
<td></td>
<td>5 μg/L</td>
</tr>
<tr>
<td>Ethyl</td>
<td></td>
<td>30 μg/L</td>
</tr>
<tr>
<td>Hexachlorobenzene</td>
<td></td>
<td>0.005 μg/L</td>
</tr>
<tr>
<td>Hexachlorodibenzene</td>
<td></td>
<td>0.3 μg/L</td>
</tr>
<tr>
<td>Hexachlorobutadiene</td>
<td></td>
<td>0.00001 μg/L</td>
</tr>
<tr>
<td>Hexachloropiperazine</td>
<td></td>
<td>0.01 μg/L</td>
</tr>
<tr>
<td>Vinyl chloride</td>
<td></td>
<td>0.01 μg/L</td>
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<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Arsenic</td>
<td>Operating Licence</td>
<td>6.007 mg/L</td>
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<tr>
<td>Uranium</td>
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<td>0.7 mg/L</td>
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<td>Iodide</td>
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<td>1 mg/L</td>
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<tr>
<td>Mercury</td>
<td></td>
<td>0.1 μg/L</td>
</tr>
<tr>
<td>Molybdenum</td>
<td></td>
<td>0.0001 mg/L</td>
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<tr>
<td>Selenium</td>
<td></td>
<td>5.0 μg/L</td>
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<tr>
<td>Silver</td>
<td></td>
<td>0.01 mg/L</td>
</tr>
<tr>
<td>Tin</td>
<td></td>
<td>0.1 mg/L</td>
</tr>
<tr>
<td>Benzenyls</td>
<td></td>
<td>N/A</td>
</tr>
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</table>

| E. coli | Operating Licence | See footnote 2 below |
| C. perfringens | | |
| Cryptosporidium | | |
| Giardia | | |
| Total toxin producing cyanobacteria | | |
| Toxicity | | |
| Total cyanobacteria biovolume | | |

| MBB | Operating Licence | N/A |
| Geosmin | | N/A |
| Total dissolved solids | | N/A |

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<tr>
<th>PHYSICAL/CHEMICAL/BIODIVERSITY ORGANIC</th>
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<th>ADWG (2004)</th>
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<tr>
<td>Total colour</td>
<td>BWQA</td>
<td></td>
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<tr>
<td>Particulate aluminium</td>
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<td>Refer to BWQA</td>
</tr>
<tr>
<td>Particulate iron</td>
<td></td>
<td></td>
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<tr>
<td>Particulate manganese</td>
<td></td>
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<tr>
<td>Iron</td>
<td></td>
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<tr>
<td>Aluminium</td>
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<td>Turbidity</td>
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<td>Manganese</td>
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<td>Hardness</td>
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<td>Temperature</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Algae (ASU)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total toxin producing cyanobacteria</td>
<td>WHC</td>
<td>Refer to Guidelines for Managing Risks in Recreational Water (NHMRC, 2008)</td>
</tr>
<tr>
<td>Toxicity</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total cyanobacteria biovolume</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Toxicity</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chlorophyll a</td>
<td>Operational</td>
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</tr>
<tr>
<td>Phytoplankton</td>
<td></td>
<td>N/A</td>
</tr>
<tr>
<td>secchi depth</td>
<td></td>
<td>N/A</td>
</tr>
</tbody>
</table>

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**Footnotes:**
2. Section shaded blue contains characteristics for which drinking water guidelines may exist although these are not applicable for raw water. However, SCA must endeavour to supply the best quality raw water available so that it can be treated to meet Australian Drinking Water Guidelines.
ATTACHMENT 3

Ref: D2009/05480

Dr Paul Byleveld
Manager, Water Unit
NSW Department of Health
PO Box 708
GLADESVILLE NSW 2111

Dear Dr Byleveld,

I refer to our meeting of Friday 16 October 2009 regarding the list of health related water quality characteristics in SCA’s Water Monitoring Program. An interim list was agreed to by relevant stakeholders during workshops in 2006 with a proviso that pesticides, herbicides and Synthetic Organic Compounds to be monitored would be finalised following a risk assessment. The risk assessment has since been finalised and a revised list was agreed at a workshop on 26 February 2009. The revised list was included in the SCA’s Water Monitoring Program for 2010 – 2015.

In order to be able to attach the list to the bulk water supply agreements that the SCA has with each major customer and following our discussions the list of water quality characteristics has been rearranged. Attachment A contains the agreed list of water characteristics that will be monitored in the raw water supply. The characteristics in the section shaded yellow are those that cannot normally be treated by conventional treatment processes and therefore need to be monitored in raw water as an early warning of potential presence in treated water. The section shaded blue contains the characteristics for which Australian Drinking Water Guidelines exist for drinking water. For these characteristics the raw water supplied by the SCA does not have to meet the guidelines. The SCA endeavours to supply the best quality raw water for treatment. The SCA works with its customers to ensure that the treated water meets Australian Drinking Water Guidelines.

As required by our Operating Licence, we seek NSW Health’s approval for the list of water quality characteristics as shown at Attachment A. This list will be included in the revised Water Monitoring Program, which will be sent to the Independent Pricing and Regulatory Tribunal in December 2009. Should you require further information please contact Mr Ramen Charan, Senior Manager Stakeholder Relations, on 4724 2406.

Yours sincerely,

IAN TANNER
General Manager Water Supply
co. Mr Colin Nicholson, General Manager Operations, Sydney Water
End.
### AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 January 2010

REPORT OF DIRECTOR INFRASTRUCTURE SERVICES

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**Attachment A: Specific and health related water quality characteristics**

<table>
<thead>
<tr>
<th>SPECIFIC WATER CHARACTERISTIC (Health related characteristics shaded yellow)</th>
<th>DRIVER</th>
<th>ADWAG (2004) Health Guideline</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ammonia</td>
<td>Operating licence</td>
<td>10 µg/L</td>
</tr>
<tr>
<td>Alkaline</td>
<td>See footnote 1 below</td>
<td>40 µg/L</td>
</tr>
<tr>
<td>Chlorophyll a</td>
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<td>10 µg/L</td>
</tr>
<tr>
<td>2,4-D</td>
<td></td>
<td>30 µg/L</td>
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<tr>
<td>Diazinon</td>
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<td>Diazat</td>
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<td>Gross alpha</td>
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<tr>
<td>Gross beta</td>
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<td>Hexachlorobutadiene</td>
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<td>VMT chloride</td>
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<td>Arsenic</td>
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<tr>
<td>Barium</td>
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<tr>
<td>Iodide</td>
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<tr>
<td>Mercury</td>
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<td>N/A</td>
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<tr>
<td>Molybdenum</td>
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<td>Selenium</td>
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<td>Silver</td>
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<tr>
<td>Tin</td>
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<tr>
<td>Beryllium</td>
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<td>E. coli</td>
<td>Operating licence</td>
<td>Seek advice from NSW Health</td>
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<td>Enteroocci</td>
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<tr>
<td>C. jejuni</td>
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<td>Cryptosporidium</td>
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<tr>
<td>Giardia</td>
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<tr>
<td>Total toxic producing cyanobacteria</td>
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<tr>
<td>Toxicity</td>
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<tr>
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<td>Nitrite</td>
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<td>True colour</td>
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<td>Filterable aluminium</td>
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<td>Total bacteria producing cyanobacteria</td>
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<tr>
<td>Toxicity</td>
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<td>Phaeophytin</td>
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<td>Loeconan</td>
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</tr>
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<td>Secchi depth</td>
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</tr>
</tbody>
</table>

**Footnotes**


2. Section shaded blue contains characteristics for which drinking water guidelines may exist although these are not applicable for raw water. However, SCA must endeavour to supply the best quality raw water available so that it can be treated to meet Australian Drinking Water Guidelines.
Community and Lifestyle

<table>
<thead>
<tr>
<th>o-IS3</th>
<th>Proposed Statue of Mary Poppins – Glebe Park, Bowral</th>
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REF: PPM 1650/23

The purpose of this report is for Council to consider a proposal to erect a statue of Mary Poppins in Glebe Park, Bowral.

REPORT

BACKGROUND

A community based committee, the Mary Poppins Group, is interested in commemorating Bowral’s link with P L Travers, the author of the novel, Mary Poppins.

P L Travers resided in Bowral from 1908 to 1917 and there is some evidence to suggest that the Mary Poppins character was created in 1910 whilst P L Travers resided in Holly Street, Bowral.

CURRENT

The Mary Poppins Group’s priority is to advance the construction and erection of a statue of Mary Poppins in Bowral (refer attachment 1). The Mary Poppins Group has met with the Bradman Foundation, Southern Highlands Business Chamber Inc. and Tourism Southern Highlands, and has gained their support for the proposal (refer attachments 2, 3 and 4). Additionally, the Mary Poppins Group has met with Council staff to review possible locations for the statue.

Should the proposal be supported, the preferred location would be the southern end of Glebe Park. The statue would face south and greet visitors arriving from Bowral Street, and be placed on a plinth at the junction of two (2) pathways; one leading to the Bradman Museum and the other to the children’s playground (refer attachment 5, site plan).

The proposed statue complies with the existing landscape objectives of the Plan of Management for Glebe Park.

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

The Mary Poppins Group will undertake all fundraising responsibilities for the project.
CONCLUSION

The proposed statue fits well, within the landscape plans for Glebe Park and will provide additional tourism opportunities for the Shire.

ATTACHMENTS

1. The Mary Poppins Group proposal
2. The Bradman Foundation – letter of support
3. The Southern Highlands Business Chamber – letter of support
4. Tourism Southern Highlands – letter of support
5. Glebe Park proposed site plan

RECOMMENDATION

1. THAT the proposal to erect a statue of Mary Poppins in Glebe Park, Bowral be supported by Council AND THAT the preferred location be approved.

2. THAT the details of the proposed sculpture be submitted to Council for approval prior to erection.

Dominic Lucas
Acting Director Infrastructure Services

22 January 2010
ATTACHMENT 1

Mary Poppins Group

PO Box 687
BOWRAL NSW 2576
Ph 0408 659896

Mr Jason Gordon
General Manager
Wingecarribee Shire Council
Elizabeth Street
MOSS VALE NSW 2577

5th January 2009

Dear Mr Gordon,

Proposed Mary Poppins Statue

As you are aware from our discussion at the TSH Christmas function, Bowral was the childhood home town of P.L. Travers (Lyndon Helen Goff) the creator of the Mary Poppins character.

The “Mary Poppins Group” (MPG) comprising the individuals listed below was formed in 2005 as a steering committee. Its purpose is to advance proposals to commemorate the author’s residence in Bowral from 1908 to 1917 and especially centenary events related to the creation of the Mary Poppins character in 1910.

There is worldwide recognition for one of fiction’s most famous characters and a huge resurgence of interest in Mary Poppins generated by the smash hit stage musical produced in 2004 by Cameron Mackintosh and Disney. The musical opens in Australia for the first time in July 2010 at Melbourne’s Her Majesty’s Theatre. Ironically this the same month that research has identified the most probable centenary date for a dramatic event in the life of the future author in Bowral that proved to be the genesis for the Mary Poppins character.

There is public support in the community to recognise Bowral’s connection with the creator of Mary Poppins and clear advantages for regional tourism to do so during 2010. The MPG’s highest priority was to advance the construction and erection of a bronze statue of Mary Poppins in bowral, an idea first proposed in 2004 as part of the Corbett Plaza re-design.

Following a presentation to Council last September, meetings were held with Bradman Foundation Chairman Michael Ball and Executive Director Rime Hore. As a consequence, the MPG has reached agreement with the Bradman Foundation and Museum to incorporate the statue and associated plinth and plaque with their proposed landscaping plans for Glebe Park in connection with the museum’s current expansion to accommodate the International Cricket Hall of Fame (ICHF).
A further meeting then took place between MPG representatives Terry Oakes-Ash and Paul McShane together with Council’s Director of Technical Services Michael Brearley and the Parks and Property Manager Peter St Zimmerman. The proposed location in Glebe Park was endorsed as not presenting any objections from the relevant Council department.

That proposed location for the statue is marked on the attached plan of the park. The statue would face south and greet visitors arriving via proposed formal entrance gate fronting Bowral Street directly opposite the hospital. The statue would be located on a plinth at the junction of two pathways, one leading to the new Bradman Museum & IGHF entrance and the appropriately leading to the children’s playground.

In discussions with both Michael Brearley and Scott Lee, the advice has been that the statue does not require any planning approval or development application as it is congruent with the existing landscaping objectives for Glebe Park and its plan of management. We really only require agreement from Council to enable our community committee to invite expressions of interest from suitable sculptors and commence fundraising.

The MPG undertakes to keep Council and its administration updated on progress as it has done so to date and work closely with the relevant officers and departments. Council officers such as Steve Rosa and Jenny Kosa have been included in the consultation from the committee’s inception. Discussion will also take place with the planned Wingecarribee Shire Public Art Trust to with a view to achieving its co-operation and involvement with the project.

Our steering committee would appreciate Council’s support for the project and agreement that this location can be utilised so that expressions of interest can be invited from prospective sculptors, cost estimates and fundraising to begin.

Sincerely,

Paul McShane
Secretary
Mary Poppins Group

ENCL. The attached article from the Sydney Morning Herald of 22 Aug 2009 gives more of the historical and literary background to the project. The Mary Poppins Group is an informal ad hoc community committee interested in commemorating Bowral’s link with PL Travers, the author of Mary Poppins and comprises the following participants:

Chair – Terry Oakes-Ash  Secretary – Paul McShane
Nick Campbell-Jones  Melissa McShane
Tony Glenn  Steve Rosa
Rina Hore  Richard Ruhfus
Jenny Kosa  Tony Springett

CC. Mayor Duncan Gair
14 December 2009

Cllr Duncan Gair
Mayor
Wingecarribee Shire Council
Elizabeth Street
Moss Vale NSW 2577

Dear Mayor,

Re: Mary Poppins Statue

The Bradman Foundation & Museum is writing in support of the proposed commemorative statue of Mary Poppins for Glebe Park.

The suggested location for the statue at the junction of the planned pathways - one leading to the playground and the other to the Museum entrance - fits in well with the Foundation’s own landscaping proposals for Glebe Park which we have developed with Council officers. The Mary Poppins proposal would provide an excellent opportunity to increase tourism, in addition to The International Cricket Hall of Fame which will open in August 2010.

The positioning and commission of a statue should sit comfortably with Council’s own plans for upgrading the park and precinct generally.

Given the proximity of the author’s childhood residence only a block away in Holly Street and the fact PL Travers (Helen Lyndon Goff) and her sisters would almost certainly have played in and around the Glebe open space, then this location seems ideal. It is understood that Council officers have raised no objections to the location.

The Bradman Foundation therefore supports the proposal and will actively work with Council and the committee comprising the Mary Poppins Group, to see the commemorative statue erected during 2010 if possible to coincide with the centenary date, in and around the opening of The International Cricket Hall of Fame.

Yours faithfully

Pete White
Executive Director
12 November, 2009

Cllr Duncan Gair
Mayor
Wingecarribee Shire Council
Elizabeth Street
MOSS VALE
NSW 2577.

Dear Mayor,

Re: Proposed Mary Poppins Statue

We write in support of the "Mary Poppins Group" proposal for the location of a bronze statue to be located in Glebe Park, such location to be in accord with the location plan as agreed between Messrs McShane, Oakes-Ash of the MPG, Rina Hope of Bradman and Bowne and Brearley of WSC.

The location sits well within the landscaping plan and does not take over any major space within that plan. We commend this proposal to Council and ask for your agreement as it will add to the tourism value of the Bradman Complex and highlight the story of Mary Poppins originating here in Bowral.

Yours sincerely,

T.E. Oakes-Ash
President
10 December 2009

Paul McShane
Secretary
Mary Poppins Group
PO Box 587
Bowral NSW 2576

Dear Paul,

RE: MARY POPPINS GARDEN & FESTIVAL

I am writing on behalf of Tourism Southern Highlands, the peak tourism body for the Southern Highlands to express our support for the proposed application by the Mary Poppins Group (MPG) to seek approval from Wingecarribee Shire Council (WSC) for the development and erection of a commemorative statue depicting Mary Poppins in Glebe Park, Bowral. This letter of support is undertaken with the vision that the Southern Highlands will be recognised as the ‘home’ of the Mary Poppins story and one time resident and author PL Travers. As a result of the erection of this statue and redevelopment of Glebe Park it will provide numerous tourism opportunities for the Shire.

Approval of the statue commissioning, placement and the redevelopment of Glebe Park as a recreational and tourism precinct by the Wingecarribee Shire Council will further contribute to the regions position as an emerging Festival & Events tourism destination. More importantly, it will provide much needed recreational and social benefits for our local community and potential visitors. The theme park will also generate enormous economic benefit to our shire by delivering additional income opportunities for our local tourism and hospitality industry. The development of the Mary Poppins statue and park to positioned alongside the Bradman Museum (which is the regions number one (1) man made attraction) will potentially become a significant driver of tourism expenditure for the region creating a multiplier effect for all levels of business and the community.

Support of the MPG application will further enhance our position both domestically and internationally as a major recreational and events based tourism destination.

Yours faithfully

Steve Rosa
EXECUTIVE MANAGER TOURISM
PROPOSED LOCATION OF MARY POPPINS STATUE
GLEBE PARK, BOWRAL
QUESTION WITH NOTICE

c-QWN1  QWN 01/10 – Planning Issues for Affordable Housing in Moss Vale

REF:  GM  101/2

To:  General Manager, Mr Jason Gordon
From:  Clr David Stranger
Received:  13 January 2010

Subject:  Planning Issues for Affordable Housing in Moss Vale

Question:

1. Could the General Manager advise on the outcome of Council’s representations to the Minister for Housing, The Hon David Lawrence Borger BEc, in relation to the proposed development – SEPP (affordable Rental Housing) 2009 Lots 24 and 25 DP 1013577 Argyle Street Moss Vale.

Comment from Acting Director Environment & Planning

Councillors were advised prior to Christmas a letter was received from Mr Matt Brown MP, Member for Kiama, confirming that he had made representations with Minister Borger in which he requested the Minister give consideration to meeting a deputation from Council on the matter.

I contacted Minister Borger’s Office on 18 January 2010 and at the time of preparing this comment, I was advised that a response to Council’s request had not been acted on as yet.
NOTICE OF MOTION

NOTICE OF MOTION

c-NRM1 01/2010 - Notice of Motion of Rescission - Development Application
‘Wallaby Hill Farm’

REF: DEP LUA2009/0903

“We hereby give notice of our intention to move at the next meeting of Council that the motion passed at the Ordinary Meeting of Council held on Wednesday, 9 December 2009 be rescinded. (Reference MN503/09)

“That development application LUA2009/0903 for the use of ‘Wallaby Hill Farm’ Lot 4 DP590435, Wallaby Hill Road, Robertson, for equestrian events on four (4) occasions in a calendar year be approved subject to deferred commencement and special conditions as described in Attachment 2 to the report, which was circulated under separate cover AND THAT the special conditions requiring a 2 coat bitumen seal to Wallaby Hill Road include confirmation that such sealing is for a length of approximately 1.5kms from the intersection with Belmore Falls Road to the entry gate of ‘Wallaby Hill Farm’, up to a cost of $60,000.”

Dated 16 December 2009
Signed Cllr Juliet Arkwright
Cllr David Stranger
Cllr Paul Tuddenham

RECOMMENDATION

SUBMITTED FOR DETERMINATION
NOTICES OF MOTION

o-NM1 01/2010 – Notice of Motion – Development Application ‘Wallaby Hill Farm’

Clr Juliet Arkwright has given notice that it is her intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday 27 January 2010:

1. THAT Development Application LUA 2009/0903 for the use of ‘Wallaby Hill Farm’ Lot 4 DP590435, Wallaby Hill Road, Robertson for equestrian events on four (4) occasions in a calendar year be approved subject to deferred commencement and special conditions as described in Attachment 2 of the report at the meeting held on Wednesday 9 December 2009 which was circulated under separate cover.

ATTACHMENTS

There is one attachment being ‘Attachment 2’ from the 9 December 2009 Council report.

RECOMMENDATION

SUBMITTED FOR DETERMINATION
ATTACHMENT 2

Deferred Commencement Condition

1. This consent is not to operate until Council has been satisfied as to the following matters:

i) There must be an Emergency Action Plan, developed by Wollaby Hill Horse Trials in consultation with the Rural Fire Service to ensure the safety of all visitors to the equestrian events.

The plan must include actions for a range of bushfire events, from minor to catastrophic.

The plan must also include actions in relation to medical emergencies, and assign responsibility for implementing the plans and ensuring that all visitors are aware of the emergency procedures.

ii) There must be a Traffic Management Plan to ensure that all visitors can easily find the event and can safely locate themselves, their vehicles and their horses on the property.

The Plan must:

- Provide details of proposed directional signs and, if necessary, warning signs (ie design, locations);
- Restrict all vehicular access to the existing property driveway;
- Clearly identify areas on the property for the parking of competitor, spectator and service vehicles, and for temporary horse enclosures;
- Show the locations of amenities and emergency facilities; and
- Assign responsibility for ensuring that all visitors are aware of the traffic management requirements.

Special conditions

Limit on use:

- 4 times a year;
- must be for staged by a not-for-profit organisation and not as a commercial use;
- maximum 200 visitors (includes competitors, support, emergency and spectators);
- As per the submitted info in respect of hours, use, wet weather etc

The Applicant must ensure operational noise levels for the development must not exceed rating background level by more than 5dB(A) when measured within 30metres of nearest affected residence. Without limiting the above, operational noise levels must also fall within the requirements of the acceptable noise level amenity of the area as specified by the Department Environment and Climate Change Industrial Noise Policy. In the event that operational noise is identified as exceeding the requirements of this condition, the Applicant will be required to undertake such works as is necessary to remedy such exceedence within a period determined by Council.
NOTICES OF MOTION

Lighting – shall not

- Adversely impact on surround development;
- Create "twilight" impacts on the surrounding environment
- Diminish the quality of the night sky

Road work – 2 coat bitumen seal
COMMITTEE REPORTS

COMMITTEE REPORTS TABLED

<table>
<thead>
<tr>
<th>c-CR1</th>
<th>Management and Advisory Committee Reports</th>
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<tr>
<td>REF:</td>
<td>MALS 107/1</td>
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</table>

Submitting minutes of five (5) Committee meetings that will be tabled for information.

REPORT

1. Welby Community Hall 355 Management Committee Annual General Meeting held Monday, 10 August 2009.
3. Moss Vale Senior Citizens and Community Centre Management Committee held Monday, 9 November 2009.
4. Mittagong Community Centre Management held Thursday 12 November 2009
5. Moss Vale Senior Citizens and Community Centre Management Committee held Monday, 14 December 2009.

ATTACHMENTS

There are no attachments to this report.

RECOMMENDATION

THAT the information contained in the following Committee Reports be noted:

1. Welby Community Hall 355 Management Committee Annual General Meeting held Monday, 10 August 2009.
3. Moss Vale Senior Citizens and Community Centre Management Committee held Monday, 9 November 2009.
5. Moss Vale Senior Citizens and Community Centre Management Committee held Monday, 14 December 2009.
COMMITTEE REPORTS ATTACHED

<table>
<thead>
<tr>
<th>c-CR2</th>
<th>Minutes of the Access Committee <em>(Refer Minutes page 120)</em></th>
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<tbody>
<tr>
<td>REF: CWAD</td>
<td>1823/3</td>
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Submitting minutes of the Access Committee held Monday, 30 November 2009.

**RECOMMENDATION**

THAT the recommendations as detailed in the minutes of the Access Committee held Monday, 30 November 2009 be adopted.

<table>
<thead>
<tr>
<th>c-CR3</th>
<th>Minutes of the Water &amp; Sewerage Advisory Committee <em>(Refer Minutes page 122)</em></th>
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<tbody>
<tr>
<td>REF: WSM</td>
<td>7799/2</td>
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</table>

Submitting minutes of the Water & Sewerage Advisory Committee held Friday, 27 November 2009.

**RECOMMENDATION**

THAT the recommendations as detailed in the minutes of the Water & Sewerage Advisory Committee held Friday, 27 November 2009 be adopted.
MINUTES OF THE ACCESS COMMITTEE MEETING
Held on Monday 30 November, 2009 in Council’s Gibraltar Room
Commencing at 10.10 am

1. PRESENT:

Clr Duncan Gair (Chairperson), Ms Dianna Clarke, Ms Jan Graham, Mr Paul Hartley, Ms Dympna Irwin, Ms Olwen Lammond, Mr Russell Leith, Mr Bruce Mumford, Ms Maria Robinson, Clr David Stranger and Mr Alex Traill.

APOLOGIES: Ms Jill Chauncy, Ms Pamela Cormick, Mr Rob Moran and Ms Sonia Worthington.

ALSO IN ATTENDANCE:

Ms Nicola Robson (Community Worker – Aged and Disability) and Ms Amanda McMillan (Temporary Administration Assistant).

2. ADOPTION OF PREVIOUS MINUTES OF MEETING HELD MONDAY 12 OCTOBER 2009:

RECOMMENDATION:
THAT the minutes of the meeting held on Monday 12 October 2009 be accepted as a true and accurate record.

Moved: Clr Gair
Seconded: Mr Russell Leith
Carried

3. BUSINESS ARISING FROM PREVIOUS MINUTES:

Lot 2 Station Street, Bowral

RECOMMENDATION:
THAT Development and Building Services revisit footpath and kerb ramps re: requirements of a handrail and tactile indicators

4. CORRESPONDENCE:

National Dialogue on Universal Design working party

RECOMMENDATION:
THAT the committee write to the Local Government Association about having a representative at that forum.
Access Aware project, an initiative of the Ideas Organisation

**RECOMMENDATION:**

THAT a letter be sent to Ideas – Information on Disability & Education Awareness Services advising them of our 2010 meeting dates and inviting them to do a presentation to the Committee on the Access Aware project at a meeting next year.

5. GENERAL BUSINESS:

Accessible Car Parking at Bundanoon

**RECOMMENDATION:**

THAT a report be prepared for the Traffic Committee for consideration of an accessible parking space in Bundanoon in Railway Avenue.

The Good the Bad and the Ugly – CD released 2007 by HREOC

**RECOMMENDATION:**

THAT council staff in the Health and Building and Design sections be asked to view and comment on the CD.

Access Committee Membership

**RECOMMENDATION:**

THAT a representative of the Aged Care and Assessment Team be invited to join the Access Committee.

NEXT MEETING:

The date of the next Access Committee meeting is Monday 15 February 2010 at 10am.

MEETING CLOSURE:

The meeting was declared closed at 11.50 am
MINUTES OF THE WATER & SEWERAGE ADVISORY COMMITTEE

Date: Friday 27 November 2009
Venue: Nattai Room, Civic Centre, Moss Vale
Time: 10.15am
File No: 7799/2

PRESENT:

Wingecarribee Shire Council (WSC):
Clr Ken Halstead (Chaired the Meeting)
Clr Jim Mauger (arrived at 10.35am)
Clr Duncan Gair (opened the meeting)
Mr Michael Brearley – Director Infrastructure Services (arrived at 11.45am)
Mr Mark Williams – Water & Sewerage Projects Co-ordinator
Mr Selva Selvaratnam – Water & Sewerage Manager

Visitors (WSC):
Nil

Department of Commerce, NSW Public Works (DOC)
Mr Craig Summerhayes – Regional Projects Controller
Mr Mike Gomola – Construction Manager, Mittagong LO

Sydney Catchment Authority (SCA):
Mr Geoff Holden – Program Co-ordinator Water & Sewerage

Department of Environment, Climate Change & Water (DECCW)
Nil

NSW Office of Water (NOW):
Mr Paul Lee – Regional Manager – South

Apologies
Clr Paul Tuddenham – Wingecarribee Shire Council
Ms Rebecca Whiteside – Regional Operations Officer (DECCW)
Ms Gillian Reffell – Unit Head, Metropolitan Infrastructure Water (DECCW)
Mr Bill Schofield - Water & Sewer Planning Engineer
A. MINUTES OF PREVIOUS MEETING

There being no business arising from the meeting held on 28 August 2009, the minutes were adopted as a true and correct record.

B. STRUCTURAL REVIEW OF LOCAL WATER UTILITIES

Mr Paul Lee advised there is no further information available to report at this stage.

C. WATER SUPPLY SCHEMES

Mittagong Water Supply Augmentation

Summary of Committee Report

This project is essentially complete and the reservoir will be placed into service when the contractor has provided Council staff with training. Despite several major variations to the project, the estimated total cost remains at $7.95 million. NSW Public Works billings for this project totalled $7,243,777 (excluding GST) at the end of October 2009.

D. SEWERAGE SCHEMES

Bowral Sewerage Augmentation

Summary of Committee Report

NSW Public Works has prepared a draft report on options to increase the biological treatment capacity of the plant. Following review of the report by other government agencies, it will be finalised and the recommendations reported to Council to determine a course of action.

NSW Public Works expenditure on this scheme totalled $15.933 million (excluding GST) at February 2009, with the predicted end cost remaining at $16.1 million. It is expected that the investigation of options to increase biological treatment capacity of the existing treatment units will be carried out within the existing project budget. Council has allocated a provisional amount of $600,000 in its 2009/10 budget to undertake modifications to increase the plant’s biological treatment capacity.

Committee Discussion

Request that once government agency responses have been received, that a specific meeting be held with all agencies to discuss options for the plant. Geoff Holden (SCA) also requested that an SCA Statutory Officer be in attendance at the meeting.

| Action: | Water & Sewerage Projects Co-ordinator to organise a meeting with Sydney Catchment Authority, Environment & Protection Authority and NSW Office of Water to discuss the interim options report. |
Robertson Sewerage Scheme

Summary of Committee Report

Acquisition of the land needed for irrigation of reclaimed water is being pursued.

Council accepted the design and contract documentation proposal submitted by NSW Public Works at its meeting of 24 June 2009 and this work has commenced.

A draft reticulation layout has been prepared and went on public exhibition during October 2009. From over 600 properties to be connected to the scheme, thirty written submissions were received, with 18 of these requiring site inspections to assess and address the issues raised. Responses will be provided to submissions over the next few weeks.

Geotechnical investigations have commenced at Robertson and site drilling should be complete by mid December 2009. The final Geotechnical report should be issued in early February 2010. Other design activities are also in progress, including the determination of flood levels at the sewage pumping station.

NSW Public Works expenditure on this scheme to the end of October 2009 was $948,547. Council has incurred other direct costs associated with the scheme, including acquisition of the sewage treatment plant site. A revision of the estimate is continuing and will be completed when the acquisition cost for the irrigation area is resolved.

Committee Discussion

An inspection of the draft sewerage reticulation layout at Robertson, has been organised for interested Councillors on Wednesday, 23 December 2009.

Bundanoon Sewerage Augmentation

Summary of Committee Report

The following construction activities have been undertaken place since the last Committee meeting:

- Fit-out of the amenities building is complete.
- Backfilling around the major structures is complete and the access road in under construction.
- Testing of the mechanical equipment in the aeration tank has taken place.
- Work on the electrical services within the plant has continued.
- Mechanical equipment has been installed in the new inlet works.
- Mechanical equipment for the storm return pumping station has been installed.
- The lime dosing area is complete, including the building and equipment installation.
- Alum storage tank and dosing equipment has been installed.
- The new Garland Road sewage pumping station has been constructed.
• Civil works for the new Gullies Road sewage pumping station and rising main have commenced.
• Work for programming the plant’s SCADA system has commenced.

The contract for the irrigation equipment was awarded to Aquawest Pty Ltd. Installation of the distribution pipelines is in progress and it is anticipated that this will be complete in mid December 2009.

The contract for supply and installation of the radio telemetry was awarded to Radtel Systems Pty Ltd. This contractor has commenced equipment procurement and off site preparations.

The estimated total cost of this scheme remains at $18.5 million. NSW Public Works billings totalled $14,378,592 (GST exclusive) at the end of September 2009. The NSW Office of Water has paid Council’s fourth claim, with grant payments received now totalling $4,795,086.

Committee Discussion
Suggested that a site inspection be organised with DECCW and Sydney Catchment Authority in mid January. Geoff Holden to liaise with Rebecca Whiteside and advise Mark Williams of a preferred date.

That an official opening be held next year, once the plant has been commissioned. Council to invite the Minister for Water to the opening, in conjunction with an open day at the plant for the residents of Bundanoon and those Robertson residents who have concerns regarding the implementation of the Robertson plant.

<table>
<thead>
<tr>
<th>Action:</th>
<th>Water &amp; Sewerage Projects Co-ordinator to organise an on site meeting with DECCW and SCA, once a preferred date has been given by SCA.</th>
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<tbody>
<tr>
<td>Action:</td>
<td>That an official opening of the Bundanoon Sewerage Treatment Plant be organised in conjunction with an open day for residents of Bundanoon and Robertson in 2010, inviting the Minister for Water.</td>
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</table>

W&S Operations & Management Update

1. Pollution Reduction Program & Review of Operating Licenses

Network performance assessment studies for all five schemes were completed in December 2008. Variations to operating licenses for the Mittagong and Bundanoon sewerage schemes have been discussed and agreed between DECCW and Council. The above licenses have been expanded to cover the whole scheme including STPs, pump stations and reticulation. Zero dry weather overflow conditions with the exception of one pumping station in Bundanoon, for the above schemes have been included. DECCW intends to undertake a staged approach to including conditions in all licenses prohibiting dry weather overflows and setting targets for wet weather & choke related overflows. DECCW, SCA and Council are working on coming up with a feasible & progressive network assessment/modeling, pro-active maintenance and asset upgrade/renewal strategy to achieve the above. The pro-active maintenance program involves purchase of a Combo unit and implementation of a sewer main cleaning, root cutting and CCTV condition assessment.
2. Sewerage Treatment Plant Operation

All sewerage treatment plants (STPs) performed well and DECC operating licence conditions were met during the reporting period. Regarding the Bowral STP, DOC has been engaged to investigate medium to long-term solutions/options to solve operational and capacity issues. Following the investigation, plant modifications which would be identified as medium term solution can be carried out in this financial year. Staff intend to trial the operational changes outlined in DWE’s report after the above works are completed, if required. Operational problems (high ammonia in aeration tank) were experienced at the Moss Vale STP in October and following replacement of the diffusers in the No1 aeration tank the situation has stabilised.

3. Water Treatment Plant Operation

All three water treatment plants have been operating well and the total water production for the July to September 09 quarter was 1160 ML. Since mid July 2009 powder activated carbon (PAC) dosing has been turned off. As the algae levels are going up it will be turned on again shortly. An investigation into optimising coagulation at the Medway WTP was carried out recently. Following the findings dosage of Alchor has been gradually reduced. On 17/11/09 the Bundanoon dam was 100% full and the Medway dam was 93% full. The cost of purchasing water from SCA has gone up to 23.64 cents per KL from 1 July 2009.

4. Water Capital Projects

In addition to the Willow Vale reservoir project, the W&S staffs is handling 18 water capital projects relating to treatment plant, reservoir, pump station and reticulation assets at a budget cost of $2.09M. At this stage all projects are progressing well. Upgrading Bundanoon raw water & Werai booster pump stations; refurbishing ladders and accessories at the dams and reservoirs and; renewal of 2km of water main are included in the capital/renewal projects.

5. Sewerage Capital Projects

In addition to the Bundanoon and Robertson major projects, the W&S staffs are handling 23 sewerage capital projects relating to treatment plant, pump station and reticulation assets at a budget cost of $1.48M. Installation of a septic waste dump system, construction of bio-solids processing facility, pump station upgrades and renewal of 1.32KM of sewer main are included in the program.

6. Asset Management

GIS – Completed capture of all known water and sewer reticulation assets. A pilot project to capture the sewer junctions (boundary traps) in Moss Vale has been completed. Pipe layers in GIS are being progressively fine tuned based on feedback received from field staff. Received recent aerial maps from the Department of Lands in exchange for more accurately aligned cadastre maps. Completed a project to obtain 0.5 metre contour maps (LIDAR) required for network modelling and a number of other applications. Arrangements have been made to scan and capture individual property drainage maps in a GIS layer.
Asset Management – All assets and major components including description, condition and valuation data have been captured in the Conquest Asset Management System. Valuation reports including replacement cost, annual depreciation and accumulated depreciation have been provided to the Finance staff. Current replacement cost of the water assets is $285M and that of sewerage assets is $240M.

Leak detection in Robertson, Burrawang, Exeter & Berrima in hand. Next is Bowral. Completed inspection of 1500 manholes (condition and invert). Development of water network models is progressing well

Reticulation Restructure – Implemented revised on call system, filled all vacant positions, implemented revised work groups/gangs, organised and commenced TAFE course/training for Certificate 3, purchased CCTV equipment and truck and implemented new Conquest customer services system. Order has been placed and a Combo unit (Combination jetting & vacuum extraction unit) is being manufactured in Victoria. Preparatory work for implementation of the Conquest work order system is in hand.

Other
- Trade waste charges will be implemented from the second 09/10 W&S billing period.
- W&S financial models will be reviewed early next year.
- A presentation on development of IWCM at WSC was made to the SCA LG Reference Panel.
- Three urban filling stations have been installed and 3 more are being installed.
- ‘NOW’ annual performance reports were submitted in mid September.
- National NWI Performance Reports for 2008/09 identify WSC as a water utility with low water charges (WSC $317, State median $370) and high sewerage charges (WSC $530, State median $440).
- An application for Federal Grant funding under the National Water Security Plan for leakage control, hydraulic modelling and pressure management for $1.3 million has been submitted. If successful, 50% of the project costs would be funded by Wingecarribee Shire Council from the capital works program.

F. GENERAL BUSINESS

a. Future Residential Development in Vicinity of Sewerage Treatment Plants

The chairperson requested the Water & Sewerage Manager, in conjunction with Mr Mark Williams prepare a report to Council outlining the Department of Planning guidelines that recommend a 400 metre buffer for residential development in relation to Sewerage Treatment Plants.

| Action:                | Water & Sewerage Projects Co-ordinator, Water & Sewer Manager prepare a report to Council regarding the 400 metre buffer zone in relation to residential development. |

b. Highlands Source Project – (Goulburn/Mulwaree Pipeline).

A brochure distributed by the Highlands Source Project was tabled at the meeting (copy attached). A decision is yet to be determined on whether supply of water will be treated or raw water. This decision will have a big impact on Wingecarribee Shire Council.
c. Upgrading of Moss Vale and Mittagong Sewerage Treatment Plants

The Water & Sewerage Projects Co-ordinator advised that the Feasibility Study reports for Moss Vale and Mittagong Sewerage Treatment Plants have been received and are currently being reviewed. Geoff Holden requested that these be provided to Sydney Catchment Authority and the Office of Water following review.

The matter will be reported to a Council meeting early 2010 and include a recommendation that Council approach SCA for funding.

<table>
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<th>Action:</th>
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<tr>
<td>Provide copies of the Feasibility Study reports after they have been reviewed by Council to SCA and Office of Water.</td>
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<th>Action:</th>
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<tr>
<td>A report be prepared for Council in early 2010 and include a recommendation that Council approach SCA for funding.</td>
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d. Metropolitan Water Plan

The Water & Sewerage Projects Co-ordinator advised that he will be representing Council at a Metropolitan Water Plan Workshop to be held early December 2009.

**MEETINGS FOR 2010:**

<table>
<thead>
<tr>
<th>Day</th>
<th>Date</th>
<th>Time</th>
<th>Location</th>
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<tbody>
<tr>
<td>Friday</td>
<td>26 February 2010</td>
<td>10.00am</td>
<td>Nattai Room, Civic Centre, Moss Vale</td>
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<tr>
<td>Friday</td>
<td>21 May 2010</td>
<td>10.00am</td>
<td>Nattai Room</td>
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<tr>
<td>Friday</td>
<td>20 August 2010</td>
<td>10.00am</td>
<td>Nattai Room</td>
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<tr>
<td>Friday</td>
<td>26 November 2010</td>
<td>10.00am</td>
<td>Nattai Room</td>
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AGENDA FOR THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 January 2010

COMMITTEE REPORTS

1 FACT SHEET ONE

Water for Goulburn
HIGHLANDS SOURCE PROJECT

Why is the project needed?
In 2007, with Goulburn’s dam levels down to 12 percent, serious consideration was given to the expensive exercise of trucking water to the City, or building an emergency pipeline to the Wingecarribee Reservoir. Similar major drought situations have occurred in the past, including during the 1980s drought.

When rain arrived in mid 2007, Goulburn Mulwaree Council, and other levels of Government, were given a respite and more time to research the best options for securing the water supply. Following substantial research and investigation, the Highlands Source Project was selected as the most suitable option.

What are the major benefits?
The Highlands Source Project will ensure the water security of Goulburn. Some of its specific benefits are:

- The Goulburn community will have access to a reliable water source from a high rainfall area.
- The risk to Goulburn residents of facing severe Level 5 water restrictions will be reduced.
- Important community facilities, such as the swimming pool and sporting fields, will not need to be closed due to an extreme lack of water.
- A secure water supply will provide more opportunities to attract business and industry to Goulburn.

Phone: 1800 705 942 Email: hspmail@ghd.com

Post: GHD Reply Paid 1877, Canberra ACT 2601

What is the Highlands Source Project?
The Highlands Source Project is a major initiative designed to secure Goulburn’s water – even during severe drought.

It will see Goulburn linked to the Sydney Catchment Authority’s water supply at Wingecarribee Reservoir via approximately 80km of underground pipeline. While the water is vital for the future of Goulburn the amount required in any one year is estimated at less than one days supply for Sydney.

How much water will be provided?
The pipeline will be designed to transfer 5 megalitres (ML) of water a day. With the addition of a new pumping station, this can be increased to 7.5ML to help meet Goulburn’s water needs well into the future.

Will supplying water to Goulburn impact on the Sydney Catchment Authority supply?
The Sydney Catchment Authority (SCA) manages a total of 21 storage dams (11 major dams), that hold more than 2.5 million ML of water. The 5ML a day required by Goulburn is a relatively small amount and the SCA has given approval for Goulburn to access this water.

Wingecarribee Reservoir is part of a network of dams known as the Shoalhaven Scheme. This scheme includes: Tallawva Dam with an available storage of 34,520ML; Wingecarribee Reservoir with an available storage of 16,550ML and Fitzroy Falls with an available storage of 7570ML. With 80 per cent of Sydney’s supply coming from Warragamba Dam, the Shoalhaven Scheme is generally only used to top up the water supply to Sydney and the Illawarra during drought. The scheme also supplies the Southern Highlands and Nowra.

The Highlands Source Project, linked to Wingecarribee Reservoir (above) will provide a more reliable water source to the NSW City of Goulburn, which has a population of around 22,000 people.
Photography by TVU Sydney Catchment Authority
AGENDA FOR THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 January 2010

COMMITTEE REPORTS

The Highlands Source Project will provide a secure water supply to complement Goulburn's existing source, which includes Pejar Dam (left) and Scoley Dam (right).

What is the timeframe for the Project?
Following extensive preliminary work, the pre-construction stage (Stage 1) started in August 2009. With Council approval, the target date for completion is 30 June 2011.

Who is involved?
The project is being led by Goulburn Mulwaree Council, which has appointed leading firm GHD to supply Project Management and Design Services. Other companies and organisations will be involved during construction.

What will it cost?
The Department of Commerce has estimated that the project will cost $54 million, however the final estimate will not be known until tenders are received for the construction stage.

How is the project funded?
The State and Federal Governments have committed up to $20 million each - a total of $40 million. The remainder is being funded by Goulburn water users (residents and businesses) through an annual charge of $75 for homes. Properties with meters larger than 20mm (such as commercial, industrial and business premises) will be charged more.

Where can I get more information?
You can find more information on the Highlands Source Project through visiting Council's website www.goulburn.nsw.gov.au.
Alternatively you can also:
Call 1800 705 942
Email hspmail@ghd.com
Or post to:
GHD Reply Paid 1877
Canberra ACT 2601
CLOSED COUNCIL

CORPORATE SERVICES DIVISION

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To consider moving into Closed Council

REPORT

The following confidential report has been distributed separately:

- **c-GM1** PROPOSED ACQUISITION OF LAND – PART LOT 11 DEPOSITED PLAN 577683 BELMORE FALLS ROAD, ROBERTSON PN 1346400 & LUA03/0725

- **c-GM2** LUMP SUM CONTRACT 14/10- REHABILITATION OF WATER AND SEWER MAINS 6330/10.7, 7799

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):

   a. Except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and

   b. 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.

……Cont’d
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 report:

   c-GM1 PROPOSED ACQUISITION OF LAND – PART LOT 11 DEPOSITED PLAN 577683 BELMORE FALLS ROAD, ROBERTSON PN 1346400 & LUA03/0725

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

   Brief Description
   Reporting on the necessity to acquire land to facilitate the proposed replacement of Belmore Falls Road Bridge over Johnson’s Creek at Robertson.

   Public Interest
   It is not in the public interest to consider this information in Open Council because it contains information which could confer a commercial advantage.

   c-GM2 LUMP SUM CONTRACT 14/10- REHABILITATION OF WATER AND SEWER MAINS 6330/10.7, 7799

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

   Brief Description
   Reporting on tenders received for the rehabilitation of approximately 1,297 metres of sewerage mains and 2,000 metres of water mains in various locations in Bowral, Mittagong, Moss Vale and Bundanoon.

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

2. THAT the minutes of the Closed Council part of the meeting (being the Council’s resolution) be made public.
AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 27 January 2010

CLOSED COUNCIL

Jason R Gordon
General Manager

22 January 2010