

## ADMINISTRATOR MINUTE

---

Over the past 6 months Council has received multiple reports of real estate agent signs being placed and left on public land – specifically the public road verge.

The reports received from the community in relation to real estate agent signs on public road raised issues including:

- interference with pedestrian movement,
- unsightliness and advertising the agency business following sale of a property,
- open day directional signs being left out on public road verge, and
- dumped rubbish accumulating around for sale signs.

The public road verge, or nature strip, between the road edge and property boundaries, is for pedestrian movement, essential services, drainage infrastructure and vegetation.

Council is the authority for most road verges in Wingecarribee, other than State roads.

Under the Roads Act a person cannot erect any structure (including real estate or advertising signs), nor carry out any work, nor dig into the public road verge without the approval of Council (as the road authority).

I am advised that all the reported cases, Council had not given any approval for the sign on public land.

It is recognised that in practical terms, signage may need to be affixed to the outside of a boundary fence to a public road, sometimes resulting in an encroachment into the public land.

Otherwise, there is no legitimate reason real estate agent signs need to be littering public land, and in the rare circumstance it is necessary, it must be with prior approval.

## ADMINISTRATOR MINUTE

---

While some agents have been very responsive in removing signs and changing their practice to be lawful, unfortunately others have not.

Council officers can issue a penalty infringement notice (PIN/fine) of \$1,100 per sign, per occasion sighted.

Council can adopt a policy which provides clarity and a general 'blanket' approval for sign encroachment in certain circumstances, such as for example the minor encroachment of signs attached to the outside of a high boundary fence, which may overhang public land.

It is noted that, while subject to separate legislation and rules, real estate signs on private land can only advertise that the property is for sale or lease (not general advertisement for the agency) and must be removed within 14 days after the sale or lease of the property.

The General Manager has advised me that all real estate agents in the Shire will be written to early in the new year reminding them of their statutory obligations and that the Council does not want to introduce unnecessary policy but that rangers have been instructed to enforce what are state based rules. Hopefully this will result in more respect being given to both streetscape and fellow residents.

The site of the major fire in July 2021 at the corner of Bong Bong Street and Wingecarribee Street in Bowral continues to be an eyesore.

Following the fire, Council cooperated with the insurance company responsible for the site and was very generous in the time it allowed for demolition and clearing and negotiated a one metre wide extension of the site onto footpaths (at a rental in line with Council's policies) and arranged for artwork to be placed around the site as it knew it would take some time for it to be redeveloped.

## ADMINISTRATOR MINUTE

---

A Development Application was subsequently lodged in July last year but on the recommendation of Council's professional officers, has been refused by the Wingecarribee Local Planning Panel and I understand that the Applicant has now lodged an Appeal with the Land and Environment Court and obviously this process will also take time.

In short, the primary issue with the development proposal and the Appeal relates to carparking being provided for the development in line with a long standing Council policy, adopted in 2010, that redeveloping sites provide for the full amount of car parking generated at the prescribed rates.

Prior to Administration, it was the Council's policy that this required parking be entirely provided on site. In some cases this, caused issues where it may have been impractical and costly to do so, bringing the financial viability of developments into question.

At my instigation, Council developed an interim policy in relation to voluntary carparking contributions to provide business owners and developers an alternative option to expensive basement parking, recoup the cost of it providing additional public carparking until the Bowral Town Centre Masterplan is finalised. The development application for 1,800m<sup>2</sup> of new retail and commercial space proposed only 2 spaces on site and funding of 30 spaces off-site, about half of the car parking required.

I am conscious that there have been rumours circulating that the Council is endeavouring to sell some of the new carparking spaces that have been developed at the Southern end of Station St – this is not the case. All of these works have been fully funded and any contributions now received by Council will be used for the provision of new carparking that in my view should be provided as a second level at the northern end of the Station St carpark.

Following the refusal by the Independent Planning Panel of the application, the existing hoardings were removed – presumably

## ADMINISTRATOR MINUTE

---

by the owners – and replaced with chain wire fencing. If this action was taken in an endeavour to embarrass the Council, it hasn't worked. I am advised by the General Manager, that officers from the Council (including her) in meeting with the owners and their representatives have personally requested that permission be given to reinstall the artworks, but this has been refused.

Attempts by the Council to install its own screen fencing hoardings – a process that has become very protracted – have been stifled by red tape. However, residents (and business owners in the area) are assured that the Council is doing its best and the cost to reinstall the artworks will be paid from fees already received from the former hoardings.

The draft Bowral Town Centre Masterplan was endorsed for public exhibition by the Wingecarribee Local Planning Panel at its meeting on 25 October subject to consideration being given to a number of additional matters including additional landscaping to the Station Street Carpark. Unfortunately, the decision of the Panel was not reported to Council at its November meeting but is listed for consideration at this meeting.

I am intending at the meeting to move an additional clause to the Officer's recommendation requesting a consideration be flagged in the Plan to the provision of a second level (80-100 spaces) of carparking at the northern end of Station Street carpark, with concept proposals to align with the recognition that Council is investigating alternatives to onsite parking provision on redevelopment sites within the Town Centre and has adopted an interim funding mechanism to recoup the cost of carparking to service such development.

There is already a shortfall of carparking in the Bowral Town Centre and while the additional approximately 100 spaces in the Station Street carpark have been of great help – and they are already being heavily used – and the decision to consult on the introduction of a 3 hour limit in the carpark adjacent to Dirty

## ADMINISTRATOR MINUTE

---

Janes (Wattle Lane Carpark) also provides opportunities to address short term parking convivence.

I have nearly completed my Village Visit meetings and have discussed issues on both a one-to-one basis with many residents and with committees.

One major issue that has been highlighted is the need for some community halls to pay rates and this follows a decision of the Council to introduce a revised grants, donations and sponsorship policy to ensure subsidies are made available more equitably across the rate payer base. Unfortunately, it has highlighted an inequity.

Halls that remain Council owned and that are generally managed by 355 Committees have their rates paid by the Council however halls that are run by Community Committees that are either held in fee-simple or on Crown Land etc are being required to pay rates. Church Halls, Scout Halls do not pay rates and, in my view, it is just unfair to expect volunteers to have sausage sizzles and cake stalls to pay rates on important and well used village community infrastructure.

I think four or five properties may be affected and I have asked the General Manager to report on how to overcome this inequity to the February 2024 meeting.

As residents would be aware, I have devoted considerable time and energy into Council having more open, transparent and consistent approach to dealing with development applications. I make it very clear that this is not a criticism of staff, it is a complex issue dealing with State Legislation which both sides of Parliament agree is in need of review – but which neither side appear to be taking much action.

## ADMINISTRATOR MINUTE

---

As from the first of February, Council will have one source of truth for all matters associated with Development Applications that will be easily accessible on the front page of our website – basically a vastly enhanced DA's online system where residents will be able to access up to close of business on any day basically any matter associated with a DA that would be accessible through the GIPA process.

The only thing that the Council cannot do at the present time and which will be introduced prior to the September elections, is recording phone calls and replies. The staff undertook to have a video available of what residents can expect by the 30 November, however I requested that it not be released until this meeting due to the quantum difference it's going to make for residents dealing with their Council.

Residents will recall that I arranged a report on the Council's response to the 2019/2020 Bushfires which was undertaken by Mr Dave Owen. Mr Owen made 44 recommendations which addressed substantial matters including that council undertake a review of the current emergency operation sites to either update the current assets or provide an alternate site for the emergency operations centre. Council provided \$270,000 in its 2023/24 budget to provide a centre shell at the Civic Centre in Moss Vale, and I am delighted to say that following visits by Ministers by both the former and present governments, Council has now been advised that it will receive funding of \$200,000 for the fit-out of the centre. The funds are being provided through the Government's infrastructure grants program and made possible through a club grants category 3 funds which reinvests a contribution from the state registered clubs gaming machines profits back into projects. This is a major achievement for the community and the first time in the Shire's history it will have a fully operational civic based centre and residents are assured that there will be no repeats on the Council's behalf of past

## ADMINISTRATOR MINUTE

---

failures. That General Manager continues to ensure that suitable and adequate staff are trained – including Ms Miscamble who as part of her leadership of the council administration who has also undertaken a course in resilience and emergency management.

At the 21 February meeting of Council I requested that the government policy in relation to the installation of convex safety mirrors be sought. The Minister for Regional Transport and Roads has now advised that Transport NSW does not support the use of such mirrors on state and regional road; however notes these mirrors are appropriate for local roads with low traffic volumes and roads with a low posted speed limit. Resulting from the reply I have asked the General Manager to report to the February meeting on a policy that will delegate to Council staff a mechanism for approval or otherwise of requests for such mirrors subject to the applicant paying the costs involved.

Roads and their condition continue to be a matter of much discussion across the State and I am pleased to advise that in October the NSW Government announced a Regional Emergency Road Repair Fund and a funding allocation to Wingecarribee Shire Council of \$3,118,206 so that Council can continue vital repair and maintenance work on its road network. This builds on the 2022/23 allocation of \$2,223,196 under the Regional and Local Roads Repair Program and on behalf of all residents I have written to the Minister noting our appreciation.

The biggest roads infrastructure project in the Shire for many years – the renewal of Old South Road - is nearing completion and I am advised that despite the bad weather during first week in December it should open before Christmas. This major investment will result in a reduction of traffic volumes in Bowral and Mittagong town centres. Council has already requested that



## ADMINISTRATOR MINUTE

---

Transport NSW in association with community consultation to reduce speed limits in Bong Bong Street, Bowral to look at load limits following completion of the Station Street renewal project. I have requested the General Manager to provide an update on this to the February meeting together with the history as to why there is a 10 tonne load limit on Old South Road and the mechanisms for it to be removed or increased.

Last Saturday it was again my honour to welcome her Excellency the Honourable Margret Beazley AC KC Governor of New South Wales back to the Shire when she unveiled a marvellous sculpture of Charlotte Waring Atkinson who was a remarkable Berrima district women, who resided for many years at Oldbury Farm, and was Australia's first children's author. She was also a trail blazer in the fight for women's legal rights and a champion for the education of girls.

I accepted the sculpture on behalf of the Shire and complemented it's sculptor Julie Hasler Reilly and Lynn Watson and her team for bring a wonderful project to fruition.

A large crowd attended the event and were a part of the story what is a fascinating piece of our local heritage. Well done to all involved.