

File No. 100/07
Our Ref: JMP

4 September 2008

Dear Councillor

You are kindly requested to attend an **ORDINARY COUNCIL MEETING** of Wingecarribee Shire Council to be held in the Council Chambers, Elizabeth Street, Moss Vale on **Wednesday, 10 September 2008** commencing at **3.30pm**.

Yours faithfully

Mike Hyde
General Manager

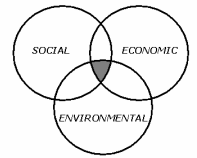
3.30pm	Council Meeting begins
5.30pm	Questions from the Public
6.30pm	Closed Council

BUSINESS

1. OPENING OF THE MEETING
2. PRAYER – *Pastor John Wheeler (Transport for Christ)*
3. PUBLIC FORUM
4. APOLOGIES
5. ADOPTION OF MINUTES OF ORDINARY MEETING HELD ON *Wednesday, 27 August 2008*
6. BUSINESS ARISING FROM THE MINUTES
7. DECLARATIONS OF INTEREST
8. MAYORAL MINUTE (*if any*)
9. OPEN COUNCIL CHAIRED BY CLR G LEWIS
 - Visitor Matters
 - Environment and Planning
 - Corporate Services
 - Technical Services
11. COUNCIL MATTERS
 - General Manager
 - Corporate Services
12. NOTICES OF MOTION
13. DELEGATES REPORTS
14. PETITIONS
15. QUESTIONS FROM THE PUBLIC
16. CORRESPONDENCE FOR ATTENTION
17. QUESTIONS WITH NOTICE
18. COMMITTEE REPORTS (*Tabled*)
19. COMMITTEE REPORTS (*Attached*)
20. GENERAL BUSINESS
21. CLOSED COUNCIL

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Our Values

EQUITY, JUSTICE and CONSULTATION in our obligations;

PRIDE in our lifestyle and environment;

EXCELLENCE in the provision of services;

TEAMWORK, INNOVATION and CO-OPERATION in our business;

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

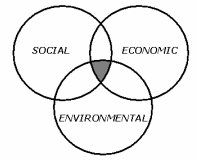
LEADERSHIP in the growth and prosperity of our community.



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth St,
Moss Vale on Wednesday, 10 September 2008

DECLARATIONS OF INTEREST



DECLARATION OF INTEREST

101/3

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

OPEN COUNCIL

ENVIRONMENT & PLANNING DIVISION

o-EP1 Development Consents Under Delegated Authority

DCM

5302

Submitting a list of development consents executed under delegated authority of the Director of Environment and Planning between 18/8/08 and 2/9/08.

RECOMMENDATION

THAT the information relating to Development Consent Nos 1-19 under Delegated Authority be received and noted.

**Development Applications (DAs) Determined – 18/08/2008 to 02/09/2008
(Excluding Small Lot Subdivisions and Domestic Applications)**

	Date Finalised	LUA No	Property Address	Description
1	7/8/08	LUA08/0099	Lot 2 DP 156737332 332 Argyle Street, Moss Vale (Highland Bakery)	Renovation of Existing 2 Storey building No 332 to Argyle Street
2	7/08/08	LUA08/0438	Lot 100 DP 806088216 Argyle Street, Moss Vale (opposite Hawkins St)	New corporate Sign
3	29/08/08	LUA08/0536	Lot 22 DP 5442254 Arthur Street, Moss Vale	Retail Shop
4	25/08/08	LUA08/0434	Part Lot 1 DP 3678 - BUNDANOON OVAL, Erith Street, Bundanoon	Sign
5	12/08/08	LUA06/1032	Lots 96-97 DP 751289 & Lot 1 DP 119188 & EP43355 – Llangothan Ferndale Road, Bundanoon	3 x Lot Subdivision
6	12/8/08	LUA08/0518	Lot 100 DP 1102159 205 Old Hume Hwy Mittagong	Use, Fitout & Signage for Homemakers Bulky goods
7	19/08/08	LUA08/0596	Lot A DP 377098 185 Old Hume Hwy, Mittagong (stone residence adjacent Highland Marketplace)	Refreshment Room & Associated Business Identification Signs
8	19/8/08	LUA08/0339	Lot 243 DP 447554 65 Main Street, Mittagong	Change of Use from Real Estate Office to Café - Deli

**Development Applications (DAs) Determined – 18/08/2008 to 02/09/2008
(Excluding Small Lot Subdivisions and Domestic Applications)**

(Continued)

9	19/8/08	LUA08/0576	Lot 1 DP 700453 224 Old Hume Hwy, Mittagong (Adult Undercover)	Change of Use Storage - Office Space Mail Order Distribution
10	8/8/08	LUA08/0466	Lot 10 DP 609284 - EBBWVALE, Woodlands Road, Mittagong	Alts & Adds to Existing Bungalow Demolition of East Conservatory & Construction of Two Storey Domestic Dwelling
11	8/08/08	LUA08/0668	Lot 350 DP 737777 - BERRIMA LODGE, 22 Wilkinson Street, Berrima	Garage & Alterations & Additions To An Existing House
12	6/08/08	LUA07/1325	Lot 166 DP 751271 - MONARO, Wilson Drive, Balmoral	3 x Lot Subdivision
13	8/08/08	LUA08/0754	Lot 50 DP 841886 - MCDONALDS, 25-29 Bowral Road, Mittagong	Minor Upgrade of Drive Thru Booth
14	8/8/08	LUA08/0566	Lot 21 DP 879317 Berrima Drive, Berrima	Garage Carport & Alts to Verandah
15	13/08/08	LUA08/0590	Lots 12 & 13 DP 1056065 52 Caalong Street, Robertson (between Mary & High Sts)	Studio Powder Room & Store & 3 Car Carport
16	19/08/08	LUA08/0747	Lot 100 DP 1101279 328-332 Bong Bong Street, Bowral (Bakery/Patisserie)	First Occupation Retail Wholesale Commercial Kitchen
17	19/8/08	LUA08/0694	Lot 2 DP 1104268 Boardman Road, Bowral (Scottish Arms)	Private Dining & Function Area & POPE Extension
18	19/8/08	LUA08/0543	Pt Of Road Reserve - Wallangunda St Bushfire Shed, Robertson	Demolish & Rebuild Rural Fire Shed

o-EP2 List of Development Applications Received By Council

DCM

5302

Submitting a list of development applications which have been received between 18th August 2008 to 2nd September 2008, 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 -10 received by Council be received and noted.

**Development Applications (DAs) Received –18/08/2008 to 02/09/2008
(Excluding Small Lot Subdivisions and Domestic Applications)**

	Date Created	Appl/Proc ID	Property Legal Desc	Property Address	Description	Council	Delegation
1	21/08/2008	LUA08/0850	Part Lot 1 DP 1070888	Saleyards Berrima Road Moss Vale	Hay Shed		✓
2	28/08/2008	LUA08/0876	Lot 11 DP 232184	50 Kangaloon Road Bowral	3 x Additional Units (Seniors Living near Kenilworth)		✓
3	27/08/2008	LUA08/0864	Lot 5 DP 258420	9 Wilkinson Street Berrima	Shed (Garden Tool Shed at Harpers Mansion)		✓
4	28/08/2008	LUA08/0875	Part Lot 5 DP 714156 Lease Berrima District Aero Club	Old South Road Mittagong	Aircraft & Car Annual Event Day (Mittagong Airstrip)	✓	
5	18/08/2008	LUA08/0830	Lot 13 DP 1009913	Wombeyan Caves Road High Range	Dwelling Swimming Pool & Detached Ancillary Building (Guest Pavilion 2 bedrooms and Carport 4 Cars)		✓
6	27/08/2008	LUA08/0863	Lot 1 DP 1009528	Oxley Hill Road Bowral	Alts & Adds to Existing Stable and Arena (Personal and Professional Dressage Facilities)	✓	
7	20/08/2008	LUA08/0846	Lot 11 DP 1091676	197 Old Hume Highway Mittagong	Nail & Waxing Shop Shop 6		✓
8	27/08/2008	LUA08/0867	Lot 3 DP 1114582	Station Street Bowral	Radio Studio (Old Electricity Hut)		✓
9	25/08/2008	LUA08/0856	Lot 423 DP 1119066	Browley Street Moss Vale	2 x Lot Strata Subdivision		✓

o-EP3 Land Use Applications Received

DCM

5302

Submitting a list of Land Use applications received under delegated authority of the Director of Environment & Planning for the month of August 2008.

RECOMMENDATION

THAT the information regarding the List of Land Use Applications Received by Council for the month of August 2008, be received and noted.

LAND USE APPLICATIONS								
(Includes DA's, Const. Cert., BA's Local Gov. Act, Sandwich Boards, St App)								
Month	Total Applications Received		Cumulative		Dwellings DA's Only		No of Flats/ Units / Dual Occ /ClusterHousing SEPP SL	
	2007	2008	2007	2008	2007	2008	2007	2008
January	105(*20)	89(*16)	105	89	12	10		2(4)
February	116(*11)	125(*24)	221	214	15	17		3(12)
March	115(*13)	96(*19)	336	310	25	21		
April	96(*8)	105(*18)	432	415	15	10	1(4)	2(4)
May	121(*19)	128(*15)	553	543	25	20	3(8)	4(204)
June	131(*18)	111(*15)	684	654	19	9	1(4)	2(64)
July	119(*18)	114(*25)	803	768	29	16		2(140)
August	129(*18)	113(*12)	932	881	19	26	3(7)	1(3)
September	122(*24)		1054		9			
October	154(*25)		1208		12		1(3)	
November	142(*13)		1350		27		1(5)	
December	113(*12)		1463		19			

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

NOTE # Includes Seniors Living (SEPP 5)

o-EP4 Proposed S96(2) Modification to consent for approved Hall, Museum, Library, Monastery Accommodation and Car Park at Penrose Park, Sutton Forest

REF: DCM

LUA06/1037

Reporting on a S96(2) Application for modification to Council's approval for a hall, Museum, Library, Monastery Accommodation and Car Park at Lot 9 DP 241054 Hume Highway, Sutton Forest

REPORT

1. DESCRIPTION OF PROPOSED MODIFICATIONS

- The applicant is seeking modification to a number of conditions of consent imposed in regards to planning and engineering matters. The applicant has also sought to delete a condition imposed by the Sydney Catchment Authority (Refer to **Attachment 1** accompanying this report).
- By letter dated 19 August 2008, the applicant has requested that the matter be deferred. (Refer to **Attachment 2**)

2. REFERRALS TO STATE GOVERNMENT AUTHORITIES

Sydney Catchment Authority:

Condition 24 (vii)

- The SCA granted their concurrence to the development under SEPP 58. The applicant has sought the deletion of Condition 24 (vii) originally imposed by the SCA. The S96(2) application was forwarded by Council to the SCA for consideration and the SCA has declined to remove the condition for the following reasons:

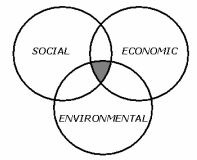
'The applicant has requested the removal of a condition relating to the potential for future changes in wastewater loading and has referred to a wastewater report prepared by Envirotech Pty Ltd as a justification for its removal. The report prepared by Envirotech Pty Ltd considered only the existing use of the property and did not address the impact of the new facility....The Authority objects to the proposed removal of Condition 24 (vii) as it is considered necessary to address the potential for future increased use of the facility.'

3. STAFF COMMENTS

PLANNING ISSUES

Condition 5

Condition 5 requires the submission of amended plans to demonstrate the enclosure of two courtyard areas nominated within the approved plans for the hall building. The applicant now proposes the deletion of the two courtyard areas. It is recommended that this be approved and that Condition 5 be modified to require amended plans indicating the deletion of the courtyard areas from the plans.



Condition 22

Condition 22 requires that a restriction to the property title be imposed limiting use of the accommodation buildings to weekend use only for non-paying guests including temporary accommodation for priests and pilgrims with the building not to be converted for usage as a commercial enterprise. The applicant seeks the deletion of this condition arguing that the restriction is unreasonable, unnecessary and without lawful basis. The applicant states that whilst the use of the accommodation buildings is intended primarily for weekend use, the Church does not wish to be hamstrung by such a restriction and wishes the accommodation to be available as and when required by the Church.

Council imposed condition 22 as a Restriction to Title for two primary reasons, these being 1) that the design of effluent disposal provided by the applicant assumes weekend use only and 2) the application as submitted was for non-paying guests and pilgrims and not for commercial usage (ie: a motel). The application was not assessed as a motel and accordingly Council has worded Condition 22 to reflect a non-commercial use of the buildings.

As Condition 24 (vii) dealing with effluent management, (imposed by the SCA) is to remain, Council may reconsider the restriction to weekend use only for the accommodation building. It is proposed that Conditions be reworded as a condition of consent and not as a Restriction on the Title and read as follows:

22. Building Usage

'The monastery accommodation building is approved for use by non-paying guests only including temporary accommodation for priests and pilgrims'.

The above wording reflects the use that was sought by the applicant within the Statement of Environmental Effects accompanying the original development application.

Conditions 35

Condition 35 has been imposed by Council to enable monitoring of operational noise at the property boundary so as to maintain acoustic privacy for the resident(s) of adjoining Lot 10 DP 241054. The applicant seeks clarification that Condition 35 (erroneously referred to as Condition 36 within the submission accompanying the S96 application) does not apply to sound levels resultant prior to 10pm. In order to clarify this condition, it is proposed to amend condition 35 to read as follows:

35. Noise Levels

'The applicant must ensure operational noise levels (LA_{equ}) for the development must not exceed rating background noise level by more than 5dB(A) when measured at the boundary of the nearest affected residence between the hours of 10pm – 12 midnight with the exception being for religious festivities (eg: Fatima Day) and special events on the Church calendar. Such special events must cease amplified noise by 12 midnight. 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 of 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 exceedance within a period determined by Council.

Conditions 36

Conditions 34, 35 and 36 have been imposed to limit potential noise impacts upon adjoining property. The applicant seeks modification of Condition 36 (erroneously referred to as Condition 37 within the S96 Application) which requires a reduction in the volume of amplified noise from 10pm until cessation of all amplified noise at 12 midnight. The applicant desires to have the ability to operate amplified sound equipment up until 12 midnight with no reduction in volume from 10pm up until 12 midnight. The reason provided is that although Church services routinely finish by 10pm, certain festivities and events on the Church calendar from time to time will continue beyond 10pm. In the interests of securing acoustic privacy for the residence adjoining the development site on adjacent lot 10 DP 241054 it is proposed that Condition 36 be amended to read as follows:

36. Amplified Noise

'Amplified noise, including amplified music and public address, is to be reduced in volume at 10.00pm so as not to exceed 5dB(A) when measured at the property boundary of the adjoining lot 10 DP 241054. Religious festivities (eg: Fatima Day) and special events on the Church calendar are not subject to a reduction in volume after 10.00pm provided that the resident(s) of adjoining lot 10 DP 241054 are informed in writing of such special events at least 7 days prior to the event being held. All amplified noise is to cease entirely by 12 midnight.'

ENGINEERING ISSUES:

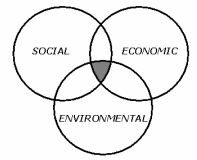
Condition 46(b) (v)

The applicant seeks deletion of Condition 46(b) (v) which requires that a Plan of Management for Traffic Control be prepared for Fatima Day events. Council is not in a position to vary condition 46(b)(v) for the following reasons.

The applicant appears to have misunderstood the reason for requiring condition 46(b)(v). Hanging Rock Road is rated at 100 K/hour which requires a "Safe Intersection Sight Distance" of 225 metres in either direction from the driveway. This can be improved in a southerly direction with some pruning of the roadside vegetation as required by condition 46(b)(iv) but to the north, sight distance is limited by a crest in the road. Reducing the speed limit on Hanging Rock Road is not an option, as the RTA do not alter speed zonings to cater for individual developments. The only viable alternative is to control the speed of the traffic on all Fatima days by implementing 'Traffic Control' to reduce the speed to 80 K/hour and therefore meeting the requirements for "Safe Intersection Sight Distance".

Contrary to the comments from the applicant, the Fatima day events do come under the classification of Class 2, as the speed reduction will:

- impact on local traffic but not on major traffic and transport systems
- disrupt the non-event community in the area around the event but not over a wide area
- require the involvement of Police and Local Council
- require a detailed Transport Management Plan
- require advertising the events traffic aspects to the local community



Additional Information will be provided to the applicant, which essentially outlines that –

- An application can be made annually to the Traffic Committee.
- A Traffic Management Plan is to be prepared and submitted.
- Submit a copy of a Certificate of Currency for the applicants Public Risk Liability Insurance cover, noting Council as an interested party.
- The applicant to keep records to verify the traffic control devices are placed in accordance with the TCP.
- Submit a Speed Restriction form to Traffic Operations Section of Southern Region of Roads and Traffic Authority.
- Complete the Special Events Transport Management Plan Template and the Notification of Intention to hold a Public Assembly and submit to the Traffic Committee as part of the TMP.

Council has a duty of care for the safety of everyone using Hanging Rock Road, especially as Fatima Day events involve up to 3,000 people. The implementation of Traffic Control to reduce the speed to 80 K/hour in this vicinity should be welcomed by the Pauline Fathers for the increased safety of their visitors, as well as alerting other road users who are accustomed to the 100 K/hour speed limit that there is a change in traffic conditions.

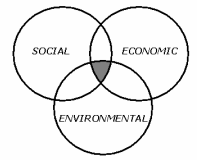
4. CONCLUSION

- The applicant has sought a number of modifications to the existing conditions of consent. Upon assessment in accordance with S96 (2) of the *NSW Environmental Planning and Assessment Act 1979* it is recommended to Council that Conditions 5, 22, 35 & 36 be amended as proposed within the body of this report. Condition 46 (b) (v) is recommended to remain unaltered as per the Development Engineers assessment, with additional information to be provided to the applicant to clarify any uncertainties as to what is required in order to satisfy the condition. Council does not have the legal ability to delete or amend conditions imposed by the SCA under SEPP 58 and accordingly Condition 24 (b) (vii) is to remain unaltered as per correspondence received from the SCA.

ATTACHMENTS

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

1. S96(2) Modification Application provided by David Harvie of Deacliff Developments dated 11 March 2008;
2. Letter dated 19 August 2008 from Deacliff Developments requesting deferral of Council's consideration of the application.



RECOMMENDATION

1. THAT Council approves the S96(2) application to amend LUA06/1037 in relation to conditions 5, 22, 35 and 36 consistent with the changes recommended by Council staff within this report.
 2. THAT Council not support the amendment to conditions 24(vii) and 46(b)(v).
-

o-EP5 Section 64 Plan Reviews

REF: SPM

5701/8, 5701/7

This report provides the results of advertising the Draft Section 64 Development Servicing Plans for Water and Sewerage Services. It is recommended that the Draft Plans be adopted and take effect immediately.

REPORT

At its meeting of 23 April 2008 Council resolved to advertise the following Draft Development Servicing Plans for a period of 40-days:

- Wingecarribee Shire Council Water Supply
- Wingecarribee Shire Council Sewerage

The Draft Plans proposed amendments that apply consistent administrative components across all the plans, which include:

- Timing of payments;
- Population projections and anticipated development;
- Indexation and CPI increases;
- Occupancy Rates;
- Treatment of Works in Kind;
- Exemptions; and
- Allowances for existing development

The Draft Plans were advertised for a period of 40-days from Wednesday 9th July 2008 to 20th August 2008 in accordance with Council's resolution of 23rd April 2008.

Notices of the exhibition of the draft Plans were advertised in the Council information page on the 9th, 23rd July and 13th August 2008 in the local papers. During this period no submissions have been received regarding the Draft Plans.

CONCLUSION

It is recommended that the Draft Plans as advertised be adopted by Council and take effect immediately. The adoption of the plans will ensure consistent application of the plans throughout the development assessment process.

ATTACHMENTS

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

1. Draft Development Plan for Water Supply.
2. Draft Development Plan for Sewerage.

RECOMMENDATION

1. THAT the amendments to the following Draft Developer Contributions Plans be adopted by Council:
 - Wingecarribee Shire Council Water Supply
 - Wingecarribee Shire Council Sewerage.
 2. THAT notification of the adoption of the Plans be advertised in a public newspaper.
 3. THAT Council registers the Draft Section 64 Development Servicing Plans for Water and Sewerage Services with Department of Water and Energy.
-



Scott Lee
Director, Environment & Planning

3 September 2008

CORPORATE SERVICES DIVISION

o-CS1 Committee Appointments & Resignations

REF.	MAS	107/1 7216/1 72224/1 7212/1 6529/5.1 6531/1.1 7208/1 6530/1.1
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Reporting on Management Committee Appointments and Resignations.

REPORT

1. Moss Vale Senior Citizens & Community Centre Management Committee

File No: 7216/1

Moss Vale Senior Citizens & Community Centre Management Committee held its Annual General Meeting on Monday 18 August 2008. Lillian Melrose, Joyce Wood, Ken Pogson, Penelope Barcicki, Catherine Davies, John Rose and Neville Smith were nominated to the Committee. The resignations of Denise Heapy and Sandra D'Adam were received with regret.

Committee Recommendations

THAT Council accepts with regret the resignation of Denise Heapy, Sandra and D'Adam and appoints Lillian Melrose, Joyce Wood, Ken Pogson, Penelope Barcicki, Catherine Davies, John Rose and Neville Smith to the Moss Vale Senior Citizens & Community Centre Management Committee.

2. Yerrinbool Community Facilities Management Committee

File No: 72224/1

Yerrinbool Community Facilities Management Committee held its Annual General Meeting on Tuesday 12 August 2008. Fred Hambridge, Jane Wiltshire, Peter Kruss, Leigh Thomas, Kim Overall and Grace Romeo were nominated to the Committee.

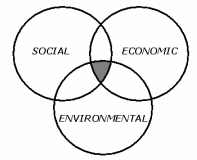
Committee Recommendations

THAT Council appoints Fred Hambridge, Jane Wiltshire, Peter Kruss, Leigh Thomas, Kim Overall and Grace Romeo to the Yerrinbool Community Facilities Management Committee.

3. Hill Top Community Centres Management Committee

File No: 7212/1

Hill Top Community Centres Management Committee held its Annual General Meeting on Thursday 21 August 2008. Stephen Chalker, Peter Martyn, Sidney Jeffery, Dorothy Hinschen, Merie Jeffery, Darlene Bishop, Chris Wenberg and Tony Jagicic were nominated to the Committee. The resignation of Janeen Dale was received with regret.



Committee Recommendations

THAT Council accepts with regret the resignation of Janeen Dale and appoints Stephen Chalker, Peter Martyn, Sidney Jeffery, Dorothy Hinschen, Merie Jeffery, Darlene Bishop, Chris Wenberg and Tony Jagicic to the Hill Top Community Centres Management Committee.

4. Bundanoon Oval & Ferndale Reserve Management Committee File No: 6529/5.1

Bundanoon Oval & Ferndale Reserve Management Committee held its Annual General Meeting on Thursday 21 August 2008. Chris Petersen, Peter Rocca, Graeme Hines, John Hines, Cameron Reid and Dennis Day were nominated to the Committee. The resignation of John Kelly and John Leah was received with regret.

Committee Recommendations

THAT Council accepts with regret the resignation of John Kelly and John Leah and appoints Chris Petersen, Peter Rocca, Graeme Hines, John Hines, Cameron Reid and Dennis Day to the Bundanoon Oval & Ferndale Reserve Management Committee.

5. Burrawang Park Management Committee File No: 6531/1.1

Burrawang Park Management Committee held its Annual General Meeting on Thursday 26 August 2008. Lesley Daley, Jon Hill, Michael Vaughan, Russell Watman, Gregory Schofield and Bruce Mumford were nominated to the Committee. The resignation of Wal Engel, Ed Woolfrey and Paul Wright was received with regret.

Committee Recommendations

THAT Council accepts with regret the resignation of Wal Engel, Ed Woolfrey and Paul Wright and appoints Lesley Daley, Jon Hill, Michael Vaughan, Russell Watman, Gregory Schofield and Bruce Mumford to the Burrawang Park Management Committee.

6. East Bowral Community Centre Management Committee File No: 7208/1

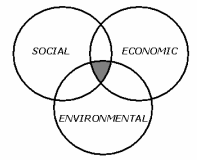
East Bowral Community Centre Management Committee held its Annual General Meeting on Thursday 26 August 2008. Fred Dawson, Marika Schmidhofer, Joseph Arahill, Ina Smith, Joe Buhagiar, Don Chapman, Ian Mackinnon, Anne McMillan, Margaret-Ann Mann and David Thompson were nominated to the Committee.

Committee Recommendations

THAT Council appoints Fred Dawson, Marika Schmidhofer, Joseph Arahill, Ina Smith, Joe Buhagiar, Don Chapman, Ian Mackinnon, Anne McMillan, Margaret-Ann Mann and David Thompson to the East Bowral Community Centre Management Committee.

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

Bong Bong Common Management Committee held its Annual General Meeting on Thursday 26 August 2008. Linda Emery, Roslyn Allan, Ann Beaumont, Phil Yeo and Sarah Gray were



nominated to the Committee. The resignation Professor Ian Jack and Sandra Everett was received with regret.

Committee Recommendations

THAT Council accepts with regret the resignation of Professor Ian Jack and Sandra Everett and appoints Linda Emery, Roslyn Allan, Ann Beaumont, Phil Yeo and Sarah Gray to the Bong Bong Common Management Committee.

ATTACHMENTS

There are no attachments to this report.

RECOMMENDATION

1. THAT Council accepts with regret the resignation of Denise Heapy and Sandra D'Adam and appoints Lillian Melrose, Joyce Wood, Ken Pogson, Penelope Barcicki, Catherine Davies, John Rose and Neville Smith to the Moss Vale Senior Citizens & Community Centre Management Committee AND THAT Denise Heapy, Sandra D'Adam, Lillian Melrose, Joyce Wood, Ken Pogson, Penelope Barcicki, Catherine Davies, John Rose and Neville Smith be notified of Council's determination.
2. THAT Fred Hambridge, Jane Wiltshire, Peter Kruss, Leigh Thomas, Kim Overall and Grace Romeo be appointed to the Yerrinbool Community Facilities Management Committee AND THAT Fred Hambridge, Jane Wiltshire, Peter Kruss, Leigh Thomas, Kim Overall and Grace Romeo be notified of Council's determination.
3. THAT Council accepts with regret the resignation of Janeen Dale and appoints Stephen Chalker, Peter Martyn, Sidney Jeffery, Dorothy Hinschen, Merie Jeffery, Darlene Bishop, Chris Wenberg, Tony Jagicic and Naomi Smith to the Hill Top Community Centres Management Committee AND THAT Janeen Dale, Stephen Chalker, Peter Martyn, Sidney Jeffery, Dorothy Hinschen, Merie Jeffery, Darlene Bishop, Chris Wenberg and Tony Jagicic be notified of Council's determination.
4. THAT Council accepts with regret the resignation of John Kelly and John Leah and appoints Chris Petersen, Peter Rocca, Graeme Hines, John Hines, Cameron Reid and Dennis Day to the Bundanoon Oval & Ferndale Reserve Management Committee AND THAT John Kelly, John Leah, Chris Petersen, Peter Rocca, Graeme Hines, John Hines, Cameron Reid and Dennis Day be notified of Council's determination.
5. THAT Council accepts with regret the resignation of Wal Engel, Ed Woolfrey and Paul Wright and appoints Lesley Daley, Jon Hill, Michael Vaughan, Russell Watman, Gregory Schofield and Bruce Mumford to the Burrawang Park Management Committee AND THAT Wal Engel, Ed Woolfrey, Paul Wright, Lesley Daley, Jon Hill, Michael Vaughan, Russell Watman, Gregory Schofield and Bruce Mumford be notified of Council's determination.
6. THAT Fred Dawson, Marika Schmidhofer, Joseph Arahill, Ina Smith, Joe Buhagiar, Don Chapman, Ian Mackinnon, Anne McMillan, Margaret-Ann Mann and David

Thompson be appointed to the East Bowral Community Centre Management Committee AND THAT Fred Dawson, Marika Schmidhofer, Joseph Arahill, Ina Smith, Joe Buhagiar, Don Chapman, Ian Mackinnon, Anne McMillan, Margaret-Ann Mann and David Thompson be notified of Council's determination.

7. THAT Council accepts with regret the resignation of Professor Ian Jack and Sandra Everett and appoints Linda Emery, Roslyn Allan, Ann Beaumont, Phil Yeo and Sarah Gray to the Bong Bong Common Management Committee AND THAT Professor Ian Jack, Sandra Everett, Linda Emery, Roslyn Allan, Ann Beaumont, Phil Yeo and Sarah Gray be notified of Council's determination.
 8. THAT Moss Vale Senior Citizens & Community Centre management Committee, Yerrinbool Community Facilities Management Committee, Hill Top Community Centres Management Committee and Bundanoon Oval & Ferndale Reserve Management Committee, Burrawang Park Management Committee, East Bowral Community Centre Management Committee and Bong Bong Common Management Committee be notified of Council's determination.
-

**o-CS2 Licence Agreement For Use Of Part Senior Citizens Building, Queen Street,
Moss Vale**

REF. PO

1801/2, DEE159

Reporting on a request from Volunteering Wingecarribee Inc to relocate their operations to part of the Senior Citizens Building in Queen Street, Moss Vale.

REPORT

Background

Volunteering Wingecarribee Inc ('Volwing') has over the last years leased Council's building at 556 Argyle Street Moss Vale. Under the terms of the lease Volwing is now required to vacate the existing premises.

Volwing was scheduled to join the new Wingecarribee Community Centre, however due to funding and other issues, Volwing has given up its allocated space to tenants in the Community Centre who were able to pay rent. This action by Volwing has increased the opportunity of the Wingecarribee Community Centre to be a successful operation.

Proposal

Volwing have requested that they be permitted to enter into a licence agreement to use the area previously occupied by Food Services within the Senior Citizens building.

Volwing has offered to pay a modest fee for access to and the use other hall facilities and/or could manage the booking function for the hall at no cost to the hall users. The issue of managing the booking function is an issue to be negotiated between the Section 355 Committee and Volwing.

Volwing would wish to share use of the existing (non Food Services) kitchen to carry out Volwing's catering operations (i.e. no commercial cooking, simple preparation of sandwiches and finger food etc.

COUNCIL STAFF COMMENTS

Council's Section 355 Committee Coordinator, has given in principle support to the proposal of Volwing to enter into a Licence Agreement with Council for the use of part of the Senior Citizen's building. An onsite joint meeting was conducted by the committee coordinator between the Senior Citizens group and Volwing and consensus was reached for Volwing to occupy and use agreed parts of the building, subject to Council approval.

Council's Disability Aged Worker, also fully supports the proposal.

CONCLUSION

The overall proposal has the support of Volwing staff, management committee, volunteers and now requires formal Council approval.

ATTACHMENTS

There are no attachments to this report.

RECOMMENDATION

1. THAT Council give written notice to Volunteering Wingecarribee Inc of the proposed termination of the lease relating to 556 Argyle Street, Moss Vale.
 2. THAT Council agrees to enter into a Licence Agreement with Volunteering Wingecarribee Inc. for the use of part of the Senior Citizen's Building, Queen Street, Moss Vale, for an initial period of five (5) years with two options of renewal, each of five (5) years duration.
 3. THAT the annual Licence fee be \$1.00 if demanded.
 4. THAT the Licence Agreement for the use of part of the Senior Citizen's Building, Queen Street, Moss Vale, be executed under the Common Seal of the Council.
 5. THAT the Senior Citizens Management Committee be advised of Council's decision.
-

o-CS3 Renewal and Amendment Of Licence Agreement For Use Of Facilities On Mt Gibraltar Tower With Wireless Site Communications

REF. PO

7130/2

Reporting on a request by Wireless Site Communications for the renewal and amendment of the Licence Agreement for the use of radio transmission facilities on the Mt Gibraltar Tower.

REPORT

Wireless Site Communications has requested a renewal of their Licence Agreement for the use of radio transmission facilities on the Mt Gibraltar radio tower.

Wireless Site Communications originally had two customers which were serviced via this facility. One of these customers is no longer in operation and therefore the level of service required from Wireless Site Communications has been reduced.

Wireless Site Communications has requested a reduction in the licence fee charged due to the reduction in their operations.

On a commercial basis, this request cannot be agreed to as the same amount of equipment and space is required irrespective of the number of the licensee's customers.

CONCLUSION

It is recommended that the request for a reduction in the licence fee be declined and, should the licensee wish to renew the Licence Agreement, it be re-instated on the same terms and conditions as previously agreed with the licence fee to increase annually by 5% or CPI, whichever is the greater.

ATTACHMENTS

There are not attachments to this report

RECOMMENDATION

1. THAT Council not approve the request for a reduction in the Licence Fee payable by Wireless Site Communications.
2. THAT, should Wireless Site Communications wish to continue operations at the Mt Gibraltar radio transmission facility, the terms and conditions of the new Licence Agreement be in line with the existing agreement, with the licence fee to increase annually by 5% or CPI whichever is the greater AND THAT the Licence Agreement be executed under the Common Seal of the Council.

o-CS4 Investments as at 31 July 2008

REF	FSM	2104
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Submitting details of Council's Investments as at 31 July 2008

REPORT

Submitting details of Council's Investments as at 31 July 2008 (See **Attachment 1**)

ATTACHMENTS

Investment Reconciliation as at 31 July 2008

RECOMMENDATION

THAT the information on Council's Investments as at 31 July 2008 be received and noted.

INVESTMENT RECONCILIATION AS AT 31 July 2008

ATTACHMENT 1

Bank	Certificates	Rate	Due Date	Value	Consideration	Variance	Total
Lehman Brothers							
<u>Individual Managed Portfolio</u>							
Adelaide Bank FR Sub Debt ANZ		bbsw + .50% 8.25%	9/06/2016 17/07/2017	3,500,000.00 750,000.00	3,356,475.07 640,623.29	-143,524.93 -109,376.71	
Bank of Qld Sub Debt		bbsw + .29%	2/12/2010	7,000,000.00	6,942,707.40	-57,292.60	
Elders Rural Bank Sub Debt		bbsw + .85%	13/07/2015	500,000.00	475,714.38	-24,285.62	
Elders Rural Bank Sub Debt		bbsw + .83%	7/09/2015	1,000,000.00	956,640.55	-43,359.45	
Elders Rural Bank Sub Debt		bbsw + .75%	13/10/2015	500,000.00	471,741.10	-28,258.90	
HSBC FRN		bbsw + .28%	22/09/2016	6,500,000.00	6,020,615.21	-479,384.79	
Macquarie Bank Sub Debt		bbsw + .70%	15/09/2014	500,000.00	494,630.48	-5,369.52	
Royal Bank Scotland		bbsw + .28%	17/02/2012	2,000,000.00	1,894,313.20	-105,686.80	
Elders Rural Bank		bbsw + .60%	6/03/2017	1,000,000.00	915,997.77	-84,002.23	
Westpac		bbsw + .35%	21/01/2015	500,000.00	501,155.03	1,155.03	
St George		bbsw + 0.31%	26/07/2016	1,000,000.00	957,562.47	-42,437.53	
Lehman		bbsw + 0.00%	15/06/2009	560,000.00	498,736.00	-61,264.00	
				25,310,000.00	24,126,911.95	-1,183,088.05	
<u>Liquid Securities</u>							
Aphex Glenelg (AA-)		bbsw + 1.25%	22/12/2014	2,250,000.00	1,438,781.30	-811,218.70	
Corsair Kakadu (AA)		bbsw + 1.00%	20/03/2014	1,500,000.00	706,655.54	-793,344.46	
Corsair Torquay (AA)		bbsw + 1.20%	20/06/2013	2,500,000.00	1,391,570.87	-1,108,429.13	
Helium Esperance (BBB+)		bbsw + 1.10%	20/03/2013	2,000,000.00	1,217,179.98	-782,820.02	
Helium Scarborough (A+)		bbsw + 1.30%	23/06/2014	2,700,000.00	1,593,838.11	-1,106,161.89	
Magnolia Flinders (AA)		bbsw + 1.50%	20/03/2012	5,100,000.00	4,031,373.20	-1,068,626.80	
Omega Henley (AA-)		bbsw + .80%	22/06/2012	2,000,000.00	1,393,092.99	-606,907.01	
Starts Blue Gum (AA-)		bbsw + 1.40%	22/06/2013	1,050,000.00	586,335.25	-463,664.75	
Cypress Tree Lawson (A-)		bbsw + 1.30%	30/12/2010	1,000,000.00	910,761.30	-89,238.70	
MAS6-7 Parkes (A)		bbsw + 2.00%	20/06/2015	2,000,000.00	713,453.96	-1,286,546.04	
Bishopgate Wentworth (AA-)		bbsw + 1.50%	30/09/2010	500,000.00	467,915.58	-32,084.42	
Zircon Coolangatta (AA)		bbsw + 1.30%	20/09/2014	2,000,000.00	841,481.35	-1,158,518.65	
Saphir Endeavour (AAA)		bbsw + 1.30%	4/08/2011	140,000.00	127,260.09	-12,739.91	
Beryl (AA)		bbsw + 0.60%	20/09/2014	4,000,000.00	3,268,617.50	-731,382.50	
Zircon Merimbula (AA)		bbsw + 1.05%	20/06/2013	500,000.00	202,729.93	-297,270.07	
				29,240,000.00	18,891,046.95	-10,348,953.05	
<u>Medium - Long Term Securities</u>							
Total Securities							43,017,958.90
 <u>Bank Accepted Commercial Bills</u>							
NAB	Various	7.72	50	5/08/2008	3,000,000.00	2,968,605.98	
NAB	Various	7.68	46	8/08/2008	1,500,000.00	1,485,620.82	
							4,454,226.80
Macquarie Cash Management Trust						322,459.84	
							322,459.84
 <u>Short Term</u>							
NAB						2,000,000.00	
							2,000,000.00
							49,794,645.54

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

Doug Neville
Financial Services Manager

o-CS5 Code of Meeting Practice re Pecuniary Interest

REF. MAS

100/3

Reporting on amendments to the Code of Meeting Practice in relation to Pecuniary Interest matters

REPORT

BACKGROUND

Council at its meeting held on Wednesday 9 July 2008 resolved to amend its Code of Conduct and Code (OC 150/08) and its Code of Meeting practice (148/08)

REPORT

When Council resolved to adopt its Code of Conduct which took effect on and from Friday 20 June 2009 it has now become necessary to amend Council's Code of Meeting Practice to take into account the new definition of Pecuniary Interest.

In this regard Attachment one (1) details item 7 of Council's Code of Conduct entitled "Conflict of Interests" (refer items 7.1 to 7.20)

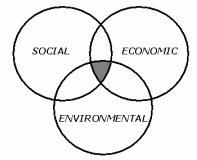
Therefore it is necessary to adopt items 7.1 to 7.20 into Council's Code of Meeting Practice to replace item 6 entitled "Pecuniary Interests" and is detailed on page 26 to 29, items number 6.1 to 6.8.

ATTACHMENTS

There is one attachment to this report (details item 7.1 to 7.20 dealing with Conflict of Interest

RECOMMENDATION

1. **THAT** Council amends its current Code of Meeting Practice in that it deletes the information detailed in items 6.1 to 6.8, entitled Pecuniary Interests, and adopted by Council on 9 July 2008 and replace the subject matter with the information detailed in items 7.1 to 7.20, entitled "conflicts of Interests" in its Code of Conduct adopted by Council on Wednesday 9 July 2008.



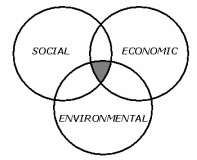
ATTACHMENT 1

7 CONFLICT OF INTERESTS

- 7.1 A conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.
- 7.2 You must avoid or appropriately manage any conflict of interests. The onus is on you to identify a conflict of interests and take the appropriate action to manage the conflict in favour of your public duty.
- 7.3 Any conflict of interests must be managed to uphold the probity of council decision-making. When considering whether or not you have a conflict of interests, it is always important to think about how others would view your situation.
- 7.4 Private interests can be of two types: pecuniary or non-pecuniary.

What is a pecuniary interest?

- 7.5 A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. (*section 442*)
- 7.6 A person will also be taken to have a pecuniary interest in a matter if that person's spouse or de facto partner or a relative of the person or a partner or employer of the person, or a company or other body of which the person, or a nominee, partner or employer of the person is a member, has a pecuniary interest in the matter. (*section 443*)
- 7.7 Pecuniary interests are regulated by Chapter 14, Part 2 of the Act. The Act requires that:
- councillors and designated persons lodge an initial and an annual written disclosure of interests that could potentially be in conflict with their public or professional duties (*section 449*)
 - councillors and members of council committees disclose an interest and the nature of that interest at a meeting, leave the meeting and be out of sight of the meeting and not participate in discussions or voting on the matter (*section 451*)
 - designated persons immediately declare, in writing, any pecuniary interest. (*section 459*)
- 7.8 Designated persons are defined at section 441 of the Act, and include, but are not limited to, the general manager and other senior staff of the council.
- 7.9 Where you are a member of staff of council, other than a designated person (as defined by section 441), you must disclose in writing to your supervisor or the general manager, the nature of any pecuniary interest you have in a matter you are dealing with as soon as practicable.



What is a non-pecuniary conflict of interests?

7.10 Non-pecuniary interests are private or personal interests the council official has that do not amount to a pecuniary interest as defined in the Act. These commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.

7.11 The matter of a report to council from the conduct review committee/reviewer relates to the public duty of a councillor or the general manager. Therefore, there is no requirement for councillors or the general manager to disclose a conflict of interests in such a matter.

7.12 The political views of a councillor do not constitute a private interest.

Managing non-pecuniary conflict of interests

7.13 Where you have a non-pecuniary interest that conflicts with your public duty, you must disclose the interest fully and in writing, even if the conflict is not significant. You must do this as soon as practicable.

7.14 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes. This disclosure constitutes disclosure in writing for the purposes of clause 7.13.

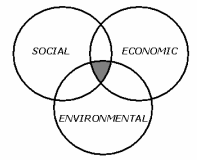
7.15 How you manage a non-pecuniary conflict of interests will depend on whether or not it is significant.

7.16 As a general rule, a non-pecuniary conflict of interests will be significant where a matter does not raise a pecuniary interest but it involves:

- a) a relationship between a council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse, current or former spouse or partner, de facto or other person living in the same household
- b) other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship
- c) an affiliation between the council official and an organisation, sporting body, club, corporation or association that is particularly strong.

7.17 If you are a council official, other than a member of staff of council, and you have disclosed that a significant non-pecuniary conflict of interests exists, you must manage it in one of two ways:

- a) remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another council official
- b) have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in section 451(2) of the Act apply



-
- 7.18 If you determine that a non-pecuniary conflict of interests is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.
- 7.19 If you are a member of staff of council, the decision on which option should be taken to manage a non-pecuniary conflict of interests must be made in consultation with your manager.
- 7.20 Despite clause 7.17(b), a councillor who has disclosed that a significant non-pecuniary conflict of interests exists may participate in a decision to delegate council's decision-making role to council staff, or appoint another person or body to make the decision in accordance with the law. This applies whether or not council would be deprived of a quorum if one or more councillors were to manage their conflict of interests by not voting on a matter in accordance with clause 7.17(b) above.
-

o-CS6 Councillors' Access to Information And Interaction with Staff

REF. MAS

101/13

Reporting on amendments to the Code of Meeting Practice and the subsequent changes to Council's policy concerning Councillors' access to information and Interaction with Staff.

REPORT

BACKGROUND

Council at its meeting held on Wednesday 10 October 2007 considered a report in relation to adopting a policy for Councillors' Access to Information and Interaction with staff and resolved to adopt the new Policy

Council at its meeting held on Wednesday 9 July 2008 adopted the revised Code of Conduct and in this regard the Code has implications that affect Council's existing Policy relating to Councillors' access to information and interaction with Staff as follows:-

(a) Access to Information by Councillors

This matter details items 9.1 to 9.13 in the policy and is replaced by items 10.1 to 10.21 in the Code of Conduct.

(b) Relationship between Council officials - Councillors

This matter details items 8.1 and 8.2 in the policy and is replaced by items 9.1 and 9.2 in the Code of Conduct.

(c) Relationship between Council officials – staff

This matter details items 8.4 and 8.5 in the policy and is replaced by items 9.3 and 9.4 in the Code of Conduct.

(d) Inappropriate Interaction

This matter details items 4.1.1 to 4.1.11 in the policy and is replaced by items 9.7, items (a) to (j) in the Code of Conduct.

(e) Sanctions

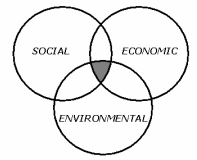
This matter is detailed in item 4.3.2 in the policy and is replaced by item 14.9 (a) to (f).

(f) Conduct Committee

Where there is reference to the Conduct Committee in the Councillors' Access to Information and Interaction with Staff be replaced by Conduct Review Committee as the name of the committee has been changed.

POLICY IMPLICATIONS

Amendment to existing Policy in relation to changes to Council's Code of Conduct adopted on Wednesday 9 July 2008.



CONCLUSION

The purpose of this report is to amend Council's policy on Councillors' Access to information and interaction with Staff as a result of the changes to the adopted Code of Conduct by council and these changes are detailed in items (a) to (f) in the report

Once the amendments have been adopted they will be incorporated into the policy and distributed to Councillors and staff.

ATTACHMENTS

There are no attachments to this report

RECOMMENDATION

THAT in relation to recent changes to Council's Code of Conduct the Wingecarribee Shire Council Policy relating to Councillors' Access to Information and Interaction with Staff be amended to reflect those changes detailed in items (a) to (f) of the report.

o-CS7 Request for Council Seal re Renwick Stage 1 Subdivision and Adoption of Voluntary Planning Agreement

REF. MAS

LUA07/0946

Reporting on request for Council to approve the Council Seal for the agreement with Landcom.

REPORT

BACKGROUND

Council at its meeting held on Wednesday 9 July 2008 considered a report on relation to approval for a 79 lot subdivision at "Renwick", Mittagong and resolved as follows:-

1. THAT Council approves the development application LUA07/0946 for a 79 lot subdivision, subject to standard conditions of consent, including the requirements of the RFS and SCA.
2. THAT those people who made submissions be advised of Council's decision.
3. THAT the exhibited Voluntary Planning Agreement be accepted and that Council enter into the agreement with Landcom.
4. THAT a further report be brought forward on the possibility of extending the protection of the woodland over the whole site as per the suggestion by DECC, a cross section detail of the road and comparisons with the main spine roads in Bowral.

Having regard to item 3 above the agreement is now with Council for signing and it is requested that Council sign the application under the Common Seal of the Council.

ATTACHMENTS

There are no attachments to this report

RECOMMENDATION

THAT the Voluntary Planning Agreement between Wingecarribee Shire Council and Landcom be executed under the Common Seal of the Council.

Barry W Paull
Director Corporate Services

4 September 2008

TECHNICAL SERVICES DIVISION

o-TS1 Bowral Golf Course Detention Scoping Study

REF: DPM 8100/8

Report on the scoping study for the development of a stormwater detention system on Bowral Golf Course.

REPORT

Background

Bewsher Consulting completed the Bowral Floodplain Risk Management Study and Plan (FRMSP) in August 2005. The study also included investigations of Bowral catchment BO1 which includes the Bowral Golf Course and Beavan Place and Alcorn Street areas.

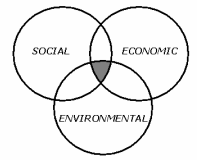
One of the recommended high priority measures (within 2 years) was to undertake a scoping study to further investigate the feasibility of constructing a detention basin in Bowral Golf Course. The studies proposed option from the FRMSP is described in the Figure below.



FIGURE 8.5
Bowral Golf Course Detention Basin

The scoping study is intended to further consider the merits of constructing a detention basin within the golf course in consultation with the Bowral Golf Club to reduce flooding risks for properties downstream of the golf course.

Bewsher Consulting were then the successful consultant to undertake scoping study as part of the further investigation of the project.



Scoping Study

The study was carried out in consultation with the Bowral Golf Club and a golf course architect was also engaged to provide comment in relation to the design and incorporating them into the golf course layout so as to minimise the impacts on the playability of the course.

The intention was to achieve the desirable outcomes for Council and the local community in terms of stormwater mitigation while minimising the impacts for the golf club.

Preferred Option

“Following preparation of some initial concept options..... and discussions with members of the Golf Club Board, a preferred option was identified and prepared..... This option was presented to members of the Golf Club Board and ultimately by the Golf Club Board to members. As there was no adverse comment to the preferred option, the Board was prepared to give an ‘Agreement in Principle’ letter to Wingecarribee Council for the next stage of the project to proceed.....”

The preferred option is essentially restricted to modifications to the 2nd and 18th fairways to form two basins which supply a combined storage of 22,000m³. The scheme presents a significant potential detention option for Council in the catchment and provides a revised benefit cost ratio (compared to the 2005 study) of \$550k/\$800k or 0.7, which is equivalent to the finding of the original study.

The preferred option also provides a number of benefits to the golf course including:

- Improved resident safety by realigning the centrelines of both the 2nd and 18th fairways further away from neighbouring properties;
- Improved course drainage in the form of elevated fairways in some locations;
- Aesthetic improvements by making the existing creek a feature on the course;
- Development of some permanent ponds on the course;
- Most of the existing trees are retained

MANAGEMENT PLAN ISSUES OR IMPLICATIONS

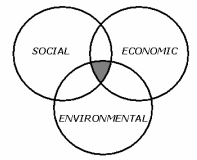
Nil.

POLICY IMPLICATIONS

The scoping study has investigated the development of the basins in general terms. A number of issues were identified during the process that would require negotiation between the golf club and Council for the project to proceed including:

- Insurance requirements;
- Council / Golf Club liability;
- Maintenance requirements, long term and after major storm events;
- Possible compensation for business loss during construction / establishment;
- Formal agreement for development application.

This is not an exclusive list but highlights some of the concerns / issues raised during discussions for the scoping study.



As part of the report Bewsher have also included some consideration for the inclusion of drainage easements from Links Rd.

At present there are some trapped low points in Links Rd that drain to the golf course. Formalisation of these easements should also be included as part of the negotiations with the golf club.

BUDGET IMPLICATIONS

“A preliminary construction cost estimate was prepared for the preferred option. The total estimated cost is approximately \$800K”

The project needs to be considered for inclusion in Council's future budgets for construction.

ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

(i) Environmental Factors

Construction of the basins within a water course provides some potential for erosion and water quality issues but the project would be subject to the normal sediment and erosion control measures that would be required for a project of this type.

(ii) Social Factors

As a result of the Bowral Floodplain Risk Management Study some of the downstream neighbours (Berrida Park) advised that they did not want an embankment on the adjoining property boundary. Copies of the concept plans were forwarded to Berrida Park's representative engineer but no response was received.

It is felt that this proposed scheme is a suitable compromise which supplies Council with the required detention volumes and reduces the impact to downstream properties in terms of aesthetics and flooding.

The golf club obtains some aesthetic benefits for the course as part of the project. The construction of the basins would require negotiation with the golf club to minimise the impacts on their operations. The club has provided a letter offering “approval in principle” for the project.

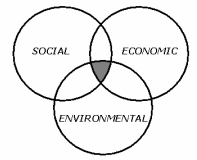
(iii) Economic Factors

The study reports that the development of the basin would provide a revised benefit cost ratio (compared to the 2005 study) of \$550k/\$800k or 0.7, which is equivalent to the finding of the original floodplain risk management study.

“Whilst direct economic analysis is important it is not unusual to proceed with urban flood mitigation schemes on largely social grounds, that is, on the basis of the reduction in intangible costs and social and community disruption. In fact, on a worldwide basis, it is often the experience that many mitigation schemes are only marginally economic in strict tangible cost benefit terms.”

Source: “Floodplain Development Manual – the management of flood liable land”, NSW Government, April 2005.

Applications have been placed with this years round of the Floodplain Mitigation Program and Natural Disaster Management Program for two-third funding for the design of the project.



CONCLUSION

The scoping study indicates that the proposal to develop flood mitigation on the golf course to protect the downstream areas of Beavan Place and Alcorn Street does have potential to proceed.

The project is highlighted as having a satisfactory benefit / cost ratio, with benefits provided to both the golf club and the local community.

The development of the project will be subject to the success of future negotiations between the Bowral Golf Club and Council. The golf club has supplied a letter providing “approval in principle” for the project at this time.

ATTACHMENTS

1. Site of Works Plan
2. Embankment Concept Layout Plan.
3. Bowral Golf Club “Approval in Principle” Letter.

RECOMMENDATION

1. THAT Council notes the findings of the Bowral Golf Course Detentions Scoping Study;
 2. THAT the Bowral Golf Course Detention system be considered in future budgets, subject to the outcomes of grant funding applications.
-

Attachment 1: Site of Works Plan



Attachment 3: Bowral Golf Club "Approval in Principle" Letter



BOWRAL GOLF CLUB
KANGALOO ROAD BOWRAL NSW 2576
ESTABLISHED 1901

14 March 2008

Mr Robert Lewis
Design & Construction Engineer
Wingecarribee Shire Council
PO Box 141
MOSS VALE NSW 2577

WINGECARRIBEE SHIRE COUNCIL	
Classification:	MAILING
Doc. No.	
File No.	8100/8
17 MAR 2008	
OFFICER:	
	B Lewis ✓
ORIGINAL SENT	

Dear Bob

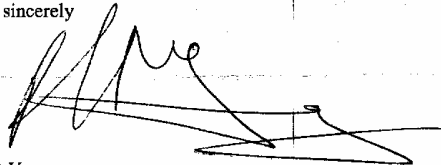
BOWRAL GOLF COURSE DETENTION BASIN SCOPING STUDY

Following the recent meeting that was held with our Board at the Golf Club on 14 February 2008, we write now to confirm our response to the Detention Basin Scoping Study which has been discussed with us over the last several months.

Having reviewed the plans of proposed alterations to the Golf Course which have been prepared by Bewsher Consulting and Enviro Links Design comprising Figures Nos. 1, 2, 3 and 4, we advise that based on the details we have been provided to date, we are prepared to provide 'approval in principle' for the next stage of the work to proceed.

We understand that if and when funding should become available for the work, Council will contact us again prior to any detailed design and construction documentation commencing. There are various issues which will need to be finalised at that time, including those relating to insurances, liability, maintenance, easements and formal approval for the construction work to proceed.

Yours sincerely



Robert Young
President

ABN 41 000 041 583
PO BOX 934 BOWRAL NSW 2576
TELEPHONE (02) 4861 1042 FACSIMILE (02) 4862 2104 PRO SHOP (02) 4861 3218
enquiries@bowralgolfclub.com.au

o-TS2 Bundanoon Sewerage Augmentation – Funding Offer

REF: MBW

7614

Presenting details of an offer of funding from the Minister for Water in relation to the Bundanoon Sewerage Augmentation Scheme.

REPORT

The Minister for Water has recently responded to Council's request for Stage 3 funding approval for the Bundanoon Sewerage Augmentation and offered a grant totaling \$6,404,870 (copy attached). This offer includes a grant of \$5.1 million from the Sydney Catchment Authority.

The Minister previously gave Stage 2 funding approval, under the Country Towns Water Supply and Sewerage Program, at the indicative rate of 7.8%. This has now been confirmed as a fixed dollar grant of \$1,304,870 of which \$187,000 has already been received for pre-construction activities.

It is also highlighted that the calculation of subsidy does not include the contingency amount for unidentified post tender costs, which was adopted by Council in its revised estimate of \$18.5 million. This is why the project estimate included with the Minister's letter is less than Council's estimate and is in accordance with the current funding arrangements.

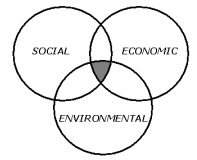
To accept this offer it will be necessary to execute the attached conditions under seal of Council.

MANAGEMENT PLAN IMPLICATIONS

This ongoing project is included in Council's Management Plan and its Strategic Business Plan for Sewerage Services. The funding offer is in line with the amount anticipated following the receipt of tenders for the main contract and the subsequent estimate revision.

ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

- (iv) Environmental Factors
Detailed environmental assessment was undertaken for this project's Environmental Impact Statement.
- (v) Social Factors
The Environmental Impact Statement also considered social impacts.
- (vi) Economic
Augmentation of the Bundanoon sewerage system will improve the economy of the town and the Shire. It will allow the development moratorium that Council has imposed at Bundanoon to be lifted.



ATTACHMENTS

1. Letter of Offer – Hon. Nathan Rees MP – Minister for Water
2. Bundanoon Sewerage Augmentation Scheme – Project Estimate **(Under Separate Cover)**
3. Agreement from Department of Water & Energy – Conditions For Using Government Funds for Construction of Water Supply & Sewerage Scheme **(Under Separate Cover)**
4. Department of Water & Energy - Schedule 1 to the Conditions for Council Managed Water Supply and Sewerage Works **(Under Separate Cover)**

RECOMMENDATION

1. THAT the offer of financial assistance of \$6,404,870.00 towards the Bundanoon Sewerage Scheme from The Hon Nathan Rees MP, Minister for Water be accepted;
 2. THAT the conditions for using government funds for the construction of water supply and sewerage scheme be executed under the Common Seal of Council.
-



NEW SOUTH WALES

The Hon. Nathan Rees MP

Minister for Emergency Services
Minister for Water

SCANNED

20 AUG 2008

MSO08/01954
08/1822

Councillor Gordon Lewis
Mayor
Wingecarribee Shire Council
PO Box 141
MOSS VALE NSW 2577

Classification:	MA 10
Doc No:	1255465
File No:	7614
20 AUG 2008	
OFFICER	
Aolwa	

UNDER MAYOR'S
SIGNATURE

Dear Councillor Lewis

I refer to Council's letter of 10 July 2008 requesting financial assistance for the augmentation of the Bundanoon Sewerage Scheme (the Project).

I am pleased to offer Council financial assistance of \$6,404,870 towards the tender price and associated costs of \$16,729,100 (excluding GST and contingency) for the construction works. The \$6,404,870 includes \$1,304,870 from the Country Towns Water Supply and Sewerage (CTWS&S) Program and a contribution of \$5.1 million from the Sydney Catchment Authority.

Under the CTWS&S Program rules, there is no provision for revised estimates or additional costs for this Project. The limit of financial assistance including previous approval will be \$6,591,870 for this Project. An estimate sheet is attached for Council's information.

The standard conditions that will apply to the CTWS&S Program financial assistance are also attached in duplicate. Council is requested to return a signed original of these conditions to Mr Colin McLean, Director, Water Utilities, Department of Water and Energy, GPO Box 3889, Sydney 2001.

The financial assistance is contingent on completion of the Project within three years. Project delays within the control of Council may result in financial assistance being reduced or withdrawn.

The financial assistance is also dependent upon substantial compliance by the Wingecarribee Shire Council with the Best Practice Management of Water Supply and Sewerage Guidelines. Council will note that some payments may be withheld, as nominated in Schedule 2 of the conditions, until Council complies with the requirement listed in Schedule 3 of the attached standard conditions.

I also require Council to comply with the local government tendering rules.

REPORT OF DIRECTOR TECHNICAL SERVICES

Please contact Mr Paul Lee in the Wollongong Office of the Department of Water and Energy, on telephone (02) 4225 0712, regarding management of the Project and due processes to ensure eligibility of funding.

I look forward to working with you on this important Project.

Yours sincerely



The Hon. Nathan Rees MP
Minister for Water
Minister for Emergency Services

Encl

Michael Brearley
Director Technical Services

10 September 2008

REPORT OF THE GENERAL MANAGER

COUNCIL MATTERS

GENERAL MANAGER'S REPORTS

c-GM1 Weekly Circulars

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

REPORT

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

ATTACHMENTS

There are no attachments to this report.

RECOMMENDATION

THAT the information relating to Local Government Weekly Circulars Nos 33/08 - 34/08 and Council Weekly Circulars Nos 35/08 - 36/08 be noted.

c-GM2 Retiring Councillors

REF. GM 101

Recognising the service of five Councillors who are retiring from local government this year.

REPORT

Five of our current Councillors, including the current Mayor and two former Mayors, will not be standing for election on 13th September 2008.

In this the last meeting of the current Council, and the last meeting where we have twelve elected members, I think it is appropriate to record the service of each of these Councillors in their respective terms serving the Wingecarribee Shire community as elected members.

Councillor Penny George

At just eighteen when elected in 2004, we believe Penny George was the youngest female Councillor to serve local government in New South Wales. Councillor George has taken an active interest in all aspects of Council, with a particular focus on youth issues and invigorating the Youth Advisory Council. During her time as an elected member she has juggled university studies and a job, while conscientiously attending her civic duties.

Councillor Nick Campbell-Jones

Nick Campbell-Jones replaced Rick Mandelson at a by-election in 2002 to enter Council for the first time. Then in 2004 he led the *Time for Change* team at the 2004 elections and was elected deputy Mayor. He served as Deputy Mayor until September 2007, when he didn't contest the position. Councillor Campbell-Jones has served on many Council committees and was chair of the old Works and Planning Committee before it was disbanded.

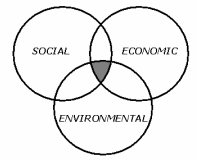
Councillor Sara Murray

Dr. Sara Murray was first elected to Wingecarribee Shire Council in 1992 at a by-election following the resignation of former Shire President, Geoff Larsen.

She became the first female (and to date, only) Mayor on the Highlands in 1997 before handing over the chains to Phil Yeo in 2000. In October 2002 Councillor Murray became only the second woman to be elected as President of the New South Wales Local Government Association. In February 2003 Dr Murray was appointed to the board of the Sydney Catchment Authority.

Councillor Phil Yeo

Councillor Yeo first served on Wingecarribee Shire from 1981 to 1995, before retiring to concentrate on his job with the Department of Education. He returned to Council in September 1999 and was immediately elected Deputy Mayor. He served as Mayor from 2000 to 2004. Councillor Yeo was the architect of Council's very successful community grants scheme and was responsible for creative policies and a solid commitment to social and community service initiatives. He was chair for many years of Council's Water and Sewerage Advisory Committee.



Councillor Gordon Lewis

Councillor Gordon Lewis is retiring from local government after 34 consecutive years as a Councillor. He held the office of Mayor from 2004 for four and a half years – the full term of this current Council. He was first elected to Bowral Municipal Council in 1974, then the amalgamated Wingecarribee Shire Council in 1981, where he has served continuously up until the present. He was Deputy Mayor in 1996, 1997 and 1998 and has served on countless Council committees in his 34 years in civic office. He founded the Wingecarribee Sports Council and has been closely associated with the Illawarra Academy of Sport as a Director for 21 years. In March 2008 he was elected deputy chair of the Southern Group of Councils (Bega, Eurobodalla, Shoalhaven, Shellharbour, Kiama, Wollongong and Wingecarribee Shires).

Finally

The remaining seven Councillors have indicated they would like to continue serving the people of Wingecarribee Shire and are contesting the September elections – Deputy Mayor Paul Tuddenham (elected 1999) along with Councillors Duncan Gair (1995) Larry Whipper (1999), Jim Clark (2004), May King (2004), Malcolm Murray (2004) and Jim Mauger (2004).

I thank these seven Councillors and the five retiring Councillors for their service to the community and hard work at many committee meetings, information nights, functions and Council meetings.

RECOMMENDATION

THAT the service of the five retiring Councillors be gratefully acknowledged.

Mike Hyde
General Manager

2 September 2008

OTHER MATTERS

QUESTIONS WITH NOTICE

c-QWN1 QWN 02/08 – Substantiation of Accusations Against Councillors and Staff

REF.	GM	101/2
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To: General Manager
From: Clr NN Campbell-Jones
Received: 21 August 2008

Reference: Ordinary Meeting of Council 27 August 2008 MN 336/08 resolved:

THAT this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 10 September 2008 when Clr N N Campbell-Jones is present.

Subject: Substantiation of accusations against Councillors and Staff

- Question:**
1. Will Councillor Jim Mauger substantiate his accusations against Councillors and staff made to ICAC of over a year ago and the current accusations being made to ICAC.
 2. Would Councillor Mauger please give his opinion on how the current specific accusations were the subject of conversation at the sale yards when the only people who should know the details are himself, the General Manager, the Director Corporate Services and ICAC.

Answer:

COMMITTEE REPORTS

COMMITTEE REPORTS TABLED

c-CR1 Management and Advisory Committee Reports

REF.	DCS	107/1
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Submitting minutes of six (6) Committee meetings that will be tabled for information.

REPORT

1. Bundanoon Oval & Ferndale Reserve Management Committee Annual General meeting 5 September 2007.
2. Bong Bong Common Management Committee Annual General Meeting Tuesday 28 August 2007.
3. Bong Bong Common Management Committee meeting Tuesday 10 June 2008.
4. Moss Vale Senior Citizens and Community Centre Management Committee Annual General Meeting Monday 18 August 2008.
5. Robertson Community Centre Annual General Meeting Wednesday 13 August 2008.
6. Robertson Community Centre Management Committee meeting Wednesday 13 August 2008.

ATTACHMENTS

There are no attachments to this report.

RECOMMENDATION

THAT the information contained in the Committee Reports be noted.

COMMITTEE REPORTS

COMMITTEE REPORTS ATTACHED

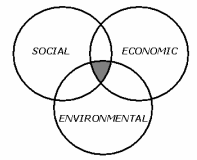
c-CR2	Environment and Sustainability Committee (Refer Minutes page 48)
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REF	DTS	5465/29.01
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Submitting minutes of the Environment and Sustainability Committee Meeting held on Wednesday, 13 August 2008.

RECOMMENDATION

THAT the recommendations No's 1 to 11 as detailed in the minutes of the Environment and Sustainability Committee Meeting held on Wednesday, 13 August 2008 be adopted.



MINUTES OF THE ENVIRONMENT AND SUSTAINABILITY COMMITTEE MEETING
Held on the 13 August 2008 in the Gibraltar Room

File No: 5465/29.01

PRESENT:

Clr. Larry Whipper (Chair)
Clr. Jim Clark
Pam Cooper – Community Representative
Jane Lemann – Community Representative
Tony Hill – Community Representative
Jan Hainke – Community Representative
Tony Paull – Sydney Catchment Authority

IN ATTENDANCE:

Nathan Bourke - CANWin
Nina D'Arcy - CANWin
Eddie Anderson – Natural Resources Co-ordinator (NRC)
Andrew De Montemas – Environment and Health Manager (EHM) (part)
Scott Lee – Director of Environment and Planning (part)
Tracey Poulter – Environmental Protection Officer (part)
Tannia Andrews – Administration Officer

APOLOGIES:

Lori McWhirter

The meeting commenced at 12:10pm

PRESENTATION – The Transition Town Concept BY CANWIN

CANWin gave a presentation to the Committee on the Transition Shire Initiative. The presentation drew attention to issues of climate change and peak oil and stressed that we cannot plan for a future with oil. They presented a solution to societies vulnerability due to oil dependency in the form of becoming a Transition Shire, a community that works together to re-localise its food and energy needs.

Recommendation 1

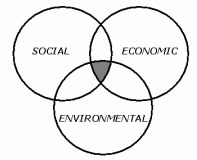
THAT the new Council hold a formal information session with CANWin to consider and discuss a partnership arrangement where both parties can work together on issues of sustainability.

Moved by Clr Larry Whipper

Seconded by Clr Jim Clarke

Clr Whipper formally thanked Nathan Bourke and Nina D'Arcy for attending the Environment and Sustainability Committee meeting and for presenting the information on Transition Towns.

Nathan Bourke and Nina D'Arcy left the meeting.



MINUTES OF THE PREVIOUS MEETING HELD ON THE 11 JUNE 2008

Previous minutes were discussed and it was agreed that they be amended by the addition of the following recommendation in the "Presentation Business Treading Lightly" section on page 3.

Recommendation

THAT Business Treading Lightly (BTL) be made a regular agenda item for the Environment and Sustainability Committee and THAT the Committee be provided with regular updates on programme progress.

Moved by Clr Larry Whipper

Seconded by Clr Jim Clarke

Recommendation 3

THAT the Minutes of the Environment Committee meeting held on the 11 June 2008 be accepted as a true and accurate record, with the above amendment.

Moved by Tony Hill

Seconded by Pam Cooper

MATTERS ARISING FROM PREVIOUS MINUTES

1. WOFE 2008-13 adoption and implementation

The NRC confirmed that the Minister for Local Government has announced the continuation of the Environment Levy with the first year's budget at \$739,682.

Clr Whipper informed the Committee that there may be the opportunity to seek the funding in perpetuity in several years time. He also thanked all representatives on the Committee and employees who work on Environment Levy projects.

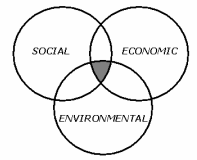
Action: EHM and NRC to commence implementing the approved WOFE programme.

2. Indian Myna control

The EHM thanked the Environment Protection Officer for her work on the Indian Myna project.

It was reported that there has been a great deal of feedback from various people and groups expressing concern about the Indian Myna situation in the Shire. Information and census forms are available on the website in order to give Council an indication of where the birds are presenting a problem and information packages are being given to members of the community with further details regarding traps and euthanizing of the birds.

It was proposed that Council begin a process of directly supporting the community action of trapping, euthanizing and disposing the birds. Council has consulted the RSPCA regarding the most appropriate method of euthanizing. The EHM requested the support of the Committee to purchase a four trial traps to lend out to the community. Gas will be held at depots and the birds will be disposed of in the vertical composter at the RRC.



Recommendation 4

THAT the Indian Myna trapping program be trialed and \$2,000 be allocated from the Environment Levy for the purchase of the traps and gas. At the completion of the trial, a report is to be brought back to the Committee for consideration.

Moved by Tony Hill

Seconded by Jan Hainke

3. Subdivision at Paddy's River – update

The NRC provided an update on the subdivisions at Paddy's River. One of the subdivisions has been put on hold due to the landowner undertaking vegetation clearing prior to approval. The DEC are following up the matter with the landowner.

The second subdivision is also on hold. Information has been requested by Council and yet to be received.

4. MOU Landcare Community Support Officer

The Landcare Community Support Officer is now working for the Southern Highlands Bushcare and Landcare Network, based at the CMA office. It is requested that Council be involved in the Management Committee to assist the Southern Highlands Bushcare and Landcare Network and the CMA to manage this position.

Recommendation 5:

THAT Council continues to support and assist in the management of the Landcare Community Support Officer where appropriate in order to share the responsibility for the management of the employee and delegate to the General Manager authority to sign a Memorandum of Understanding to that effect.

Moved by Jane Lemann

Seconded by Tony Hill

5. Biodiversity Strategy Stage 2

The NRC requested support from the Committee to proceed with stage two of the Biodiversity Strategy to provide a coordinated approach to effectively conserve, protect, enhance and rehabilitate the biodiversity in the Shire. The second stage of the Biodiversity Strategy will also include an update of the vegetation mapping.

Recommendation 6:

THAT Council approves implementing Stage 2 of the biodiversity strategy with a budget up to a maximum of \$43,000 from the environment levy and obtain the assistance of the IT department for the comprehensive vegetation mapping to ensure its integration into Councils GIS system.

Moved by Clr Jim Clark

Seconded by Clr Larry Whipper.

FEEDBACK FROM COUNCIL MEETING

Nil.

Andrew De Montemas left the meeting at 1:20pm.

NEW PROJECTS

1. *Conservation of Endangered Ecological Communities – Southern Highlands Shale Woodland.*

Approval was requested to enter into a Vegetation Conservation Management agreement to protect and conserve endangered Southern Highlands Shale Woodland on Lot PT 193 DP 751303 at Moss Vale. Funding of \$2,197.50 from external grant funding will be used for fencing materials and planting.

Recommendation 7:

THAT the above project proposal be approved.

Moved by Jan Hainke

Seconded by Jim Clarke

2. *Conservation of Endangered Ecological Communities – Southern Highlands Shale Woodland.*

A project proposal was tabled for a Vegetation Conservation Management agreement to protect and conserve endangered Southern Highlands Shale Woodland on Lot 1 DP 998621 at Moss Vale. Funding of \$3,537.67 from external grant funding is proposed to be used for conserving one hectare of degraded bushland in three small sections.

Recommendation 8:

THAT this project proposal is refused as it was not cost effective compared to other project proposals.

Moved by Jane Lemann

Seconded by Tony Hill.

MONTHLY ACTIVITY REPORT

The activity report for June/July was distributed, discussed and noted.

MONTHLY EXPENDITURE REPORT

Expenditure report for June/July was distributed, discussed and noted.

GENERAL BUSINESS

Land For Wildlife Conservation Programme partnership

The NRC requested the support of the Committee to become a partner in the Land for Wildlife Conservation Programme which presents an opportunity for landowners to trial

conservation works on their land that benefits wildlife. The partnership would be at no cost to Council and would allow Council to disseminate information to interested landowners.

Recommendation 9

THAT Council become a partner in the Land for Wildlife Conservation program.

Moved by Jane Lemann Seconded by Jan Hainke

Berrima Public School sustainability project- strawbale multipurpose classroom

Recommendation 10

THAT Council give in principle support to the Berrima Public School strawbale multipurpose classroom project and request that Council offer an exemption on DA fees and THAT members of the project be invited to the next Committee in order to discuss other ways to support the project.

Moved by Clr Larry Whipper Seconded by Clr Jim Clarke

Noxious weed control provisions for subdivisions

It was reported that Eurobodalla Shire Council have a provision that states that prior to the release of the linen plan for subdivisions a developer must contact Council's Weeds Officer and satisfy their requirements for noxious weed control on that parcel of land.

Recommendation 11:

THAT Council investigate suitable wording for a standard LUA clause to ensure that developers must satisfy the Council's requirements for eradication of noxious weeds on land prior to release of the linen plan for subdivisions.

Moved by Jane Lemann Seconded by Clr Larry Whipper

Mansfield & Hammock Hill Plans Of Management on public exhibition

The draft Plans of Management for Mansfield Reserve and Hammock Hill are currently on public exhibition and available for viewing and comment.

Riparian Systems

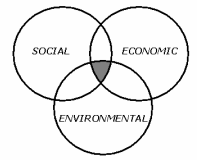
The Sydney Catchment Authority have added a number of catchments in the Shire to the riparian systems including the Upper Nepean, Kelly's Creek and Fitzroy Falls.

Kangaloon Bore Field Update

The Sydney Catchment Authority are preparing a report on the submissions for the proposed Kangaloon bore field. Tony Paull reported that the CMA are obligated to go through the approval process and have a procedure in place for if/when the Government decides to initiate the project.

Signage in the Shire

Jane Lemann expressed concern at the amount and size of signage being erected in the Shire as it is unattractive and blocks the view of various open space. The NRC reported that there was an Australian Standard for signage and Council are complying with this Standard.



Concern was also expressed at the positioning of signage and asked if it could not be placed in a less visible location on site. The NRC advised that signage must be in a prominent location in order for it to be effective.

Feral cats

It was requested that the issue of feral cat control be placed on the agenda for the next Environment and Sustainability Committee meeting for an update on progress since the last meeting.

Proposed Power Station

Community representatives requested further information on the proposed power station in the Shire.

Clr Whipper thanked all representatives and the associated agencies for their participation on the Environment and Sustainability Committee and looks forward to the return of the Committee.

Meeting closed at 2:20pm

CORPORATE SERVICES DIVISION

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

REPORT

BACKGROUND

The following confidential report has been distributed separately:

c-CS1 BRIEFING ON CURRENT STATUS OF LEGAL MATTER WSC V LEHMAN
BROTHERS AUSTRALIA 107/9, 2104

2. STATUTORY

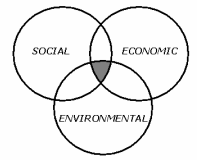
Section 10A of the Local Government Act 1993, empowers Council and Committees of which all the members are Councillors to close a part of a meeting in certain circumstances in accordance with the requirements of the Act, and relevant Regulations and Guidelines.

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

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

Section 10B

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

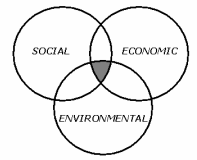


- (2) *[Qualification of 10A(2)(g)] A meeting is not to be closed during the receipt and consideration of information or advice referred to in section 10A(2)(g) unless the advice concerns legal matters that:*
- (a) *are substantial issues relating to a matter in which the council or committee is involved,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

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

3. DIRECTOR GENERAL'S GUIDELINES

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



RECOMMENDATION

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

c-CS1 BRIEFING ON CURRENT STATUS OF LEGAL MATTER WSC V LEHMAN
BROTHERS AUSTRALIA 107/9, 2104

Relevant Legal Provisions

This report is placed in Closed Committee under Clause 10A2(g) of the Local Government Act, as it contains information that references advice that may be subject of legal professional privilege.

Brief Description

Considering an update on the current status of legal matters. WSC V Lehman Brothers Australia.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains information that may be subject of legal professional privilege.

2. THAT the minutes of the Closed Council part of the meeting (being the Council's resolution) be made public.
-

Barry W Paull
Director Corporate Services

4 September 2008