

File No. 100/09
Our Ref: EAJ

2 April 2009

Dear Councillor

You are kindly requested to attend an **ORDINARY COUNCIL MEETING** of Wingecarribee Shire Council to be held in the Council Chambers, Elizabeth Street, Moss Vale on **Wednesday, 8 April 2009** commencing at **3.30pm**.

Yours faithfully

Mike Hyde
General Manager

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

BUSINESS

1. OPENING OF THE MEETING
2. PRAYER – REVEREND IAN SALMOND (CHURCH OF CHRIST BOWRAL)
3. PUBLIC FORUM
4. APOLOGIES
5. ADOPTION OF MINUTES OF ORDINARY MEETING HELD ON 25 MARCH 2009
6. BUSINESS ARISING FROM THE MINUTES
7. DECLARATIONS OF INTEREST
8. MAYORAL MINUTE (*if any*)
9. OPEN COUNCIL CHAIRED BY CLR PAUL TUDDENHAM
 - Visitor Matters
 - Environment and Planning
 - Corporate Services
 - Technical Services
10. COUNCIL MATTERS
 - General Manager
 - Corporate Services
11. NOTICES OF MOTION
12. DELEGATES REPORTS
13. PETITIONS
14. QUESTIONS FROM THE PUBLIC
15. CORRESPONDENCE FOR ATTENTION
16. QUESTIONS WITH NOTICE
17. COMMITTEE REPORTS (*Tabled*)
18. COMMITTEE REPORTS (*Attached*)
19. GENERAL BUSINESS
20. CLOSED COUNCIL

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Our Values

EQUITY, JUSTICE and CONSULTATION in our obligations;

PRIDE in our lifestyle and environment;

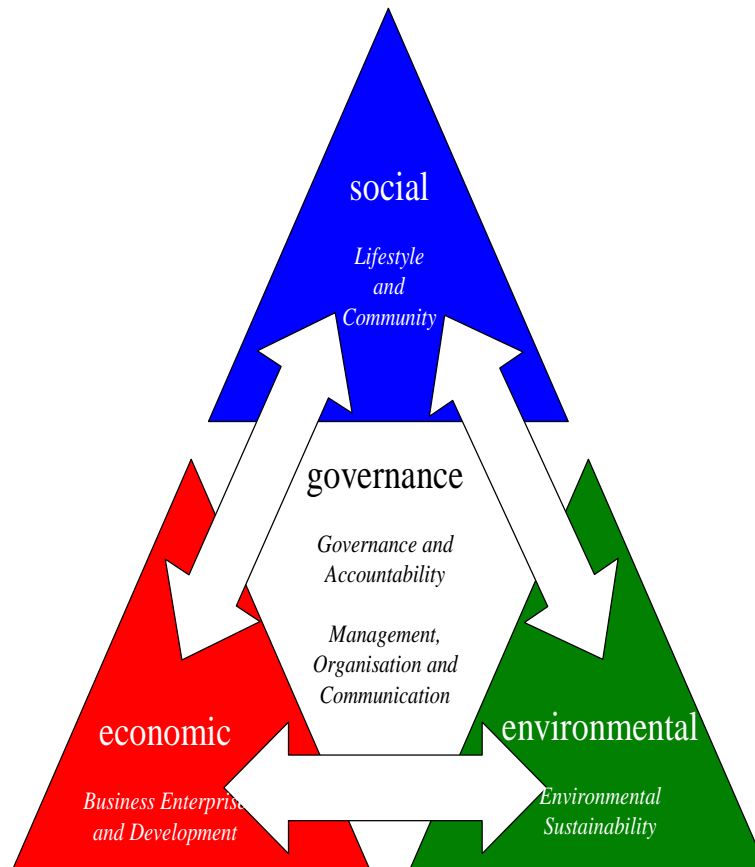
EXCELLENCE in the provision of services;

TEAMWORK, INNOVATION and CO-OPERATION in our business;

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

LEADERSHIP in the growth and prosperity of our community.

COUNCIL'S MANAGEMENT PLAN PROGRAMS



QBL ⇔ Sustainability

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

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

Environmental – Managing our natural and urban surrounds.

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

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



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 8 April 2009

DECLARATIONS OF INTEREST

DECLARATION OF INTEREST

101/3

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



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 8 April 2009

MAYORAL MINUTE

MAYORAL MINUTE

c-MM1 National Good Sports Programme

REF: MAYOR

1806/1 (CC 102/5)

REPORT

Last week I attended a launch at Council of the National Good Sports program, which is aimed breaking the link between alcohol and the traditional operations of community sporting clubs, and in the process guides clubs to a healthier and safer future.

Good Sports is a free community health initiative of the Australian Drug Foundation which is presently being launched in Wingecarribee, Wollondilly and Goulburn-Mulwaree Shires.

Good Sports is a program aimed at community-based sports clubs and was a key recommendation of the 2003 NSW Alcohol Summit. Its development in NSW is supported by the NSW Premier's Department, NSW Sport & Recreation, NSW Police, NSW Health, RTA and the Office for Liquor, Gaming & Racing.

The program has been implemented extensively across most states and is operational in certain regional areas of NSW. In excess of 2,300 clubs presently participate in the program nationally, and with the support of NSW RTA Corporate, the program is now being launched in Wingecarribee.Shire.

The focus of the Good Sports program is about creating happier, healthier, more family friendly and viable community sports clubs. At the heart of the program is working with clubs and their sponsors, local council and community in the responsible service and consumption of alcohol.

It is stressed that the Good Sports program is not about drying clubs up, just about adopting a responsible approach to alcohol management in and outside of the club. It also helps makes the clubs more viable and more attractive places to be for families, reducing such alcohol-related problems as binge and under-age drinking, as well as drink driving. In other words it is all about introducing a socially responsible cultural change in sporting clubs across Australia.

Good Sports will be delivered to clubs via part time project officers under the guidance of Andrew Prentice, who is the Senior Project Officer for the three local government areas (Wingecarribee, Wollondilly and Goulburn-Mulwaree Shires.)

I understand the organisation has just appointed a locally based person, who will work closely with local sports clubs in delivering the program. Whilst the government funds the bulk of this program, it is seeking a contribution from constituent councils, estimated to be around \$2,300 a year for the life of the program, which is anticipated to run for 3-4 years.



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MAYORAL MINUTE

RECOMMENDATION

THAT Wingecarribee Shire Council supports the National Good Sports programme and commits to fund its contribution of approximately \$2,300 to \$2,500 a year for the life of the program.

Duncan Gair
Mayor

2 April 2009



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

VISITOR ITEMS

ENVIRONMENT & PLANNING DIVISION

Environmental Sustainability

v-EP1 Modification of Balcony at 77 Main Street, Mittagong

REF: DCM

LUA09/0053

Reporting on a development application lodged 'To make existing verandah safe' at Lot 2 DP 524097 No. 77 Main Street, Mittagong. The applicant and a representative of the objectors have been invited to address Council.

REPORT

1. BACKGROUND

- On the 8 July 2008 Council received an enquiry from Bureaucracy Busters Town Planning Consultancy as to whether Council would require the replacement of a balcony at the above Heritage Listed property if the existing balcony were to be removed in the interests of public safety. Council's response at the time was that the balcony would be inspected by Council staff to determine if the structure posed a public safety hazard. Being a heritage listed building, the applicant was advised that a sensitive solution would be required;
- On the 17 July 2008 Bureaucracy Busters requested an update on Council's inspection of the site stating that the structure urgently needed to be removed for public safety and again asking whether the balcony would be required by Council to be reinstated. Council's response of the same date was that the balcony had been inspected and could be removed immediately on the proviso that a plan/strategy for the replacement of the balcony followed.
- On 18 July 2008 following a further enquiry from Bureaucracy Busters the Director of Environment and Planning clarified to the applicant that an LUA would be required for replacement of the balcony, however if the structure posed a hazard to public safety it could be removed immediately;
- On 21 July 2008 Bureaucracy Busters contacted Council's Area Town Planner by email informing of the DEP approval granted for the immediate removal of the balcony, however also informing Council's Town Planner that a follow-up LUA would be lodged for a replacement 'should the owner want to'. Council's immediate response was that as the building enjoyed Heritage Listing, the lodgement of an LUA for replacement of the balcony was mandatory and not optional;
- On 29 July 2008 in response to a referral from Council's Building Inspector, the Town Planner advised via internal memo that the balcony, if removed would require a replacement to be designed in consultation with Council's Heritage Advisor, however repair of the balcony should preferably be explored initially (Refer to **Attachment 1** to this report);
- On 8 August 2008 it was brought to the attention of Council staff that works were being carried out at the site to modify the balcony by removal of the existing awning and reducing the width of the balcony. A Council inspection was conducted however the inspection revealed that the builders had vacated the site having substantially completed the modification works. Entry to the building was not possible due to the

presence of hoarding however it was obvious from the street that the balcony had been reduced in width and the awning and support posts removed;

- Subsequent Council correspondence to the owners requesting the lodgement of an LUA elicited no response until the owners of the property were informed of deadline of 9 January 2009 for receipt of an LUA, after which date Council would be obliged to issue penalty notices and/or seek legal recourse in the matter;
- On the 12 January a Mr Keith Johnson met with Council staff acting on behalf of the owners. Mr Johnson was informed by staff that the owners were to be advised that an LUA was to be lodged as a matter of urgency, if they were to avoid legal recourse by Council. The site was booked in for an inspection by Council's consultant Heritage Advisor for 10 February 2009;
- An LUA to 'Make Existing Verandah Safe' was received by Council on 22 January 2009 and is the subject of Council's current assessment (Refer to **Attachment 2** to this report);
- 10 February 2009; The subject balcony and first floor of the building were inspected by Council's Town Planner, in company with Council's consultant Heritage Advisor and the applicant Kathy Barnsley Architects with Mr Keith Johnson representing the owners;
- On the 19 February 2009 Council was advised by Mr Keith Johnson that he would no longer be acting on behalf of the property owners in the matter;
- On 24 March 2009 Council was informed in writing by Kathy Barnsley Architect that she would no longer be acting on behalf of the owners in the matter of the LUA currently before Council. Percy Consulting was nominated as being the new applicant as of 24 March 2009;
- On 26 March 2009 a S12 Request for file access to Council's Town Planner memo of 29 July 2008 was received from Percy Consulting;

2. TOWN PLANNING COMMENTS

- The building enjoys Heritage Listing protection under Schedule 2 of the *WLEP89* and falls within the Mittagong Conservation Area;
- The applicant is seeking approval for works carried out without consent as the balcony at No. 77 was approved to be removed, not modified by reducing its width, provided that an LUA was then lodged for the sensitive reinstatement of a replacement balcony, given the Heritage Listing status of the building;
- The plans submitted with the development application seek approval for the works carried out and do not reflect a design consistent with the balcony that existed prior to removal. The application was referred to Council's consultant Heritage Advisor who has inspected the site and formally responded that the balcony should be reinstated fully with the current modification works described as '*poorly built, structurally unsafe and degrading to the heritage value of the building*' (Refer to **Attachment 3** to this report);
- Following a meeting with Council's town planner shortly after lodgement of the LUA it would appear that the owners of the subject building are firmly of the opinion that the building lacks any heritage significance, as a result of past modifications to the building fabric. The owners further indicated that they lack the financial resources to reinstate the balcony.

3. BUILDING INSPECTOR'S COMMENTS

- Following Council's Town Planner and Heritage Advisor inspection concerns were raised regarding the safety of the balcony railings of the verandah. As a consequence of a follow-up site inspection access to the first floor area (including the balcony) has been removed via locking of an internal access stair, this being the only access point to the first floor.

4. PUBLIC CONSULTATION

- Council is in receipt of seven (7) submissions objecting to the works carried out at the property, including an objection received from the owner of 79 Main St who shares one half ownership of the subject building.

5. CONCLUSION

- It is the recommendation of Council's Town Planner that in the absence of any written response having been received to either of Council's deferral letters issued one month apart (13 February and 13 March 2009 respectively) and the time elapsed from when the works occurred (8 August 2008) to the time when an LUA was eventually submitted (22 January 2009) that the matter should now be referred to Council's Legal Committee, with a view to seeking legal recourse to obtain the full reinstatement of the balcony.

ATTACHMENTS

There are three (3) attachments to this report which have been circulated separately:

1. Internal Memorandum dated 29 July 2009 from Town Planner to Senior Building Inspector;
2. 'Alteration to Existing Verandah' Plan prepared by Kathy Barnsley Job No. 09-319/01A dated Jan 2009;
3. Consultant Heritage Advisor's report dated 10 February 2009;

RECOMMENDATION

THAT Council refer the matter to Council's Legal Committee with a view to pursuing the full reinstatement of the first floor balcony.

(Voting on the Motion)



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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

Environmental Sustainability

v-EP2 Storage of Fireworks at Lot 5 Carribee Close, Berrima

REF: DCM

LUA09/0050

Reporting on development application for storage of fireworks at Lot 5 DP 816975 Carribee Close, Berrima. Applicant: Illawarra FireWorks. The applicant and a representative of the objectors have been invited to address Council.

REPORT

PROPOSAL

Resulting from changes in standards being developed by WorkCover NSW, Council is in receipt of an application for the storage of fireworks on the subject property.

The applicant's submission is reproduced below:

'I seek local council approval for the storage of fireworks as discussed with yourself and WorkCover NSW to store up to 250kg net of 1.3G fireworks which requires a distance of 60 meters unrounded and 500kg net of 1.4G fireworks which requires a distance of 25 meters unrounded.

*The fireworks are to be stored in standard sized 20 foot and 40 foot shipping containers and will be placed on the ground unrounded to meet with WorkCover NSW requirements for the storage of 1.3G and 1.4G fireworks. The storage site for 1.4G fireworks has an existing standard size 40 foot shipping container (refer to **Attachment 1** – site plan and **Attachment 2** – a typical container)*

The storage will generally not involve other s/ employees as the fireworks are delivered / stored by me. They will generally be delivered using my Toyota van and the hours of operation will be standard business hours of 9am-5pm.

I have enclosed a site map that outlines the proposed storage sites and their distances according to WorkCover NSW requirements for the storage of 1.3G and 1.4G fireworks and the existing buildings and what they are currently used for and the driveway access.

Once I have received Council's consent to proceed, I will prepare and place storage containers according to the stipulated conditions. WorkCover NSW will then carry out a re-inspection of the site to ensure that all of their conditions have been met and following their approval, they will issue me with a licence to store the above quantities and I will be more than happy to forward you a copy of my licence if required.'

Addendum dated 23 February 2009 for additional information submitted with the application:

'Firstly the shipping containers have a maximum storage capacity of 3,500kg 1.4G and 1.3G fireworks and I will only be storing up to 500kg of 1.4G and 1.4S and 200kg of 1.3G fireworks. Fireworks have a classification that determines their safety distances,

storage and how to transport them. 1.4S and 1.4G is the lowest grade of fireworks followed by 1.3G, 1.2G and 1.1G, eg I can only store a maximum of 25kg of 1.2G.

I would like to address some concerns raised regarding electrical storms, heat and bushfires.

The Australian Standards stipulate that the containers must be earth to the ground and the inside of the containers must also be lined with wood with 75mm insulation thus reducing the heat. A water sprinkler system will be placed on top and around the containers which will automatically turn on if the container reaches a certain temperature or I can manually turn it on.

In the event of a bushfire the containers will have a water sprinkler system on top and around the containers to eliminate the possibility of them catching alight. Nevertheless I believe a vehicle petrol tank or a household gas tank would have a greater impact in a fire than the proposed type and quantity of fireworks that I wish to store.'

The operation is managed by the applicant, with fireworks transported by a small van.

The fireworks are stored for supervised displays at events such as shows, Australia Day, etc., and are stored without their igniters attached, to reduce the risk of their being a fire source.

They are NOT stored for private sale.

As a result of recent WorkCover NSW changes, the applicant has to undertake additional mounding around the shipping containers. This does not affect the spatial location of the containers. The applicant is only storing fireworks, and not manufacturing them.

THE SITE

This is a 2 hectare property located within a rural residential locality and backing onto the Hume Expressway. See **Attachment 3** for locality plan.

STATUTORY

The subject site is zoned Rural 1(c) Small Holdings.

The proposal is not listed as prohibited, therefore it is one that can be considered on its merits.

In comparing the proposal with prohibited uses, the closest match would be that of the definition of a warehouse which is defined as –

'a building or place used for the storage of goods, merchandise or materials pending their sale and distribution to persons engaged in the retail trade.'

As no further distribution or on-selling of goods is involved, the proposal would not fit the definition of a 'warehouse.'

VISUAL / AMENITY

The proposal involves the placement of mounded sealed shipping containers on site in accordance with WorkCover NSW requirements.

No other structures are required for the proposal, therefore the proposal will have little impact on the amenity of the locality.

PUBLIC NOTIFICATION

In response to Council's notification, twelve submissions objecting to the proposal were received, and one in support. The following is a summary of issues raised:

- **Bushfire:**
In the event of a bushfire, would the containers ignite / explode and endanger adjoining properties

COMMENT:

The fireworks are in sealed mounded containers and would be secure.

The application has been referred to the NSW Rural Fire Service and their conditions are reproduced in **Attachment 5**.

Attachment 6 contains comments provided by the Berrima Rural Fire Service.

- **Environmental concerns:**
Spillage, toxic fumes escaping, possible contamination into the watercourses.
- **Fire Related Issues**
 - *Adequacy of stored water to contain a fire should an accident occur, as no town water is available.*
 - *During summer months, would heat inside containers lead to self-ignition?*
 - *Reference to recent events in Victoria where means of egress are difficult, in the case of an emergency.*
 - *Reference to accidents at Kellyville and Rossmore which involved the storage of fireworks in containers.*

COMMENT

Refer to addendum at beginning of the report. This partially addresses some of the above concerns.

Council's draft conditions of consent form Attachment 4, and the Rural Fire Service conditions are reproduced in Attachment 5.

- **Insurance**
Who would be responsible for damages if this application were approved, and a fire was started by the activity?

COMMENT

The owner

- **Continual Monitoring**

*Will WorkCover continue a monitoring role if approval is given?
Negative impacts on property values.*

COMMENT

Annual licence from WorkCover is required.

ASSESSMENT

During the assessment of this application, there have been several additions made to the structure of the proposal:-

- Removing Site A from the application;
- Not having the ignition devices attached to the fireworks;
- Mounding the containers;
- Insulating the containers to reduce internal heat;
- Establishment of sprinkler systems.

In addition to these improvements, the requirements of the Rural Fire Service will form part of any consent and these have been reproduced as Attachment 5 to this report.

The combination of these measures will make the activity more secure.

The activity will be subject to annual licensing by WorkCover NSW.

One concern raised in the submissions indicated that the objector was under the misapprehension that fireworks were being sold from the site. This is not permissible in NSW. The fireworks are being stored for supervised use at community events.

MANAGEMENT PLAN ISSUES OR IMPLICATIONS
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N/A

POLICY IMPLICATIONS

Council does not have a current policy in relation to the storage of fireworks

BUDGET IMPLICATIONS

N/A

ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

- (i) Environmental Factors
Addressed in Report. In summary, there will be no environmental issues arising from this proposal. The proposal is for storage only with no manufacture, sale or usage of the fireworks from this site.
- (ii) Social Factors
N/A
- (iii) Economic Factors
Approval would allow a local business to continue.

ATTACHMENTS

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

1. Applicant's layout map.
2. Depicts a typical container.
3. Locality plan.
4. Draft conditions of consent.
5. Rural Fire Service conditions.
6. Comments by Berrima RFS.

RECOMMENDATION

THAT LUA09/0050 for the storage of fireworks at Lot 5 DP 816975 Carribee Close, Berrima, be approved subject to appropriate conditions of consent as set out in Attachment 4, including those of the NSW Rural Fire Service as set out in Attachment 5, to the satisfaction of the Director, Environment & Planning, and a requirement that for the duration of the use a copy of the required annual WorkCover NSW licence be provided to Council.

(Voting on the Motion)



Scott Lee
Director, Environment and Planning

1 April 2009

OPEN COUNCIL

ENVIRONMENT & PLANNING DIVISION

Governance and Accountability

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

REF: DCM 5302

Submitting list of development consents executed under delegated authority of the Director of Environment and Planning between 16/3/09 and 30/3/09.

RECOMMENDATION

THAT the information relating to Development Consent Nos 1-4 under Delegated Authority be received and noted.

**Development Applications (DAs) Determined by way of Approval
16/03/2009 to 30/03/2009**

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

	Date Finalised	Appl/Proc ID	Property Address & Legal Description	Description
1	16/03/09	LUA09/0117	Lot 1 DP 611935 Crushing, Screening Plant Exeter (Werai Road), Werai	Demolition Of Quarry Processing Plant
2	18/03/09	LUA07/0809	Lot 2 DP 818473 16 Gantry Place, Braemar	Industrial Units
3	27/03/09	LUA09/0044	Lot 20 DP 1044299 'Meriba', Riverview Road Bundanoon	Staged Application sec 83A. Concept of Self - Contained Tourism Accommodation
4	26/03/09	LUA08/0904	Lot 11 DP 1129998 Lapwing Place, Moss Vale	16 x Lot Subdivision

Governance and Accountability

o-EP2 List Of Land Use Applications Received By Council

REF: DCM 5302

Submitting list of development applications which have been received between 16/3/09 and 30/3/09, some of which will be dealt with under delegated authority of the Director of Environment & Planning.

RECOMMENDATION

THAT the information regarding the List of Land Use Applications Nos 1-10 received by Council be received and noted.

Development Applications (DAs) Received – 16/03/09 to 30/03/2009

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

	Date Created	Appl/Proc ID	Property Legal Desc	PROPERTY ADDRESS	Description	Council	Delegation
1	24/03/2009	LUA09/0227	Lot 1 DP 531671 Vol 10981 Fol 00147	609 Argyle St Moss Vale	Service station and carwash development		✓
2	16/03/2009	LUA09/0206	Lot 1 DP 730743	Carpark 2 Argyle St Moss Vale	Internal Alterations (fees waived)		✓
3	24/03/2009	LUA09/0232	Lot 11 Sec 6 DP 1289	21 Bowral Rd Mittagong	Additions to existing cottage		✓
4	27/03/2009	LUA09/0240	Lots 1 & 2 Sec 5 DP 1289	Chamber 114-116 Main St, Mittagong	POPE Licence for 175 Patrons for Mittagong Memorial Hall		✓
5	26/03/2009	LUA09/0238	Lot 22 DP 792646	Kangaloon Rd Glenquarry	Pope For Wyeera Pavilion		✓
6	16/03/2009	LUA09/0207	Lot 3 DP 882137	Ivy St Bowral	Alterations & Additions to existing residence demolition of garage rebuild garage & loft new pool & pavilion retain existing pool for water storage. Removal of tree.		✓
7	26/03/2009	LUA09/0237	Lot 12 DP 748370	Chevalier College Moss Vale Rd Burradoo	Replacement & Realignment Of Lower Part Of Sports Hall Roof		✓
8	25/03/2009	LUA09/0233	Lot 30 Sec 4 DP 1289	53 Regent St Mittagong	Demolition of Existing Dwelling		✓
9	17/03/2009	LUA09/0209	Lot 1 S/P 41585	Lots 1 – 6 /310-318 Bong Bong St Bowral	4 Lot Strata Subdivision on each Lot		✓
10	24/03/2009	LUA09/0229	Lot 5 DP 1131771	Bong Bong Rd Mittagong (Renwick)	Subdivision 67 Lots (64 Residential 1x Open Space 2x Residential)		✓



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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

Lifestyle and Community

o-EP3 Draft DCP for Burrawang Village

REF: SPM

5700/64

The purpose of this report is to present to Council a Draft Development Control Plan for Burrawang Village and that it be placed on Public exhibition for comment.

REPORT

BACKGROUND

Under the provisions of the Environmental Planning and Assessment Act 1979, only one development control plan made by the same relevant planning authority may apply in respect of the same land. In other words ALL planning controls and regulations, other than those in the LEP, applicable to a parcel of land must be contained in a single document. The interpretation of this provision could mean a single DCP for the whole of the Shire or a suite of DCPs applying to individual or a group of Towns, Villages, particular zoned land, precincts or specific sites.

At present Council has in excess of 60 separate development control plans. These current DCPs have a variety of applications including village areas eg Exeter, control based eg Parking controls, or land use based eg Residential Development.

Due to the variety in the Shire's Towns and Villages, it is considered desirable to have a suite of DCPs relating to either individual towns and villages or a group thereof which have similar characteristics.

DRAFT BURRAWANG VILLAGE DCP

The Draft Burrawang Village DCP (**Attached**) includes all relevant controls for development within the Village boundaries relating to both the residential and commercial zoned land. Areas outside the village boundary and still within the Locality of Burrawang will be contained within the Rural lands DCP to be considered at a later date.

Summary of the draft DCP

Main features of the draft DCP include:

- the plan will apply to all land located within the Burrawang Village Boundary which includes land zoned both R2 Residential and B1 Local Neighbourhood Centre.
- Part A of the Plan applies to all land and includes provisions relating the statutory provisions of the DCP, Heritage Principles, Landscaping, Ecologically Sustainable development, Flood Liabile.
- Part B of the plan covers controls relating to development within the B1Neighbourhood Centre zone
- Part C of the Plan covers controls relating to development within the R2 Residential zone



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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

CONCLUSION

The Draft Burrawang Village DCP will provide all the necessary controls for development within the Village with due consideration to the character of the area.

The exhibition of the Draft DCP will be notified in writing to all land owners by letter as well as the local Association.

MANAGEMENT PLAN ISSUES OR IMPLICATIONS

The preparation of new Development Control Plans is consistent with the Council's Management Plan.

POLICY IMPLICATIONS

The Development Control Plan once adopted will, in association with Wingecarribee LEP 2009, become the primary planning controls for development within Burrawang Village.

BUDGET IMPLICATIONS

The Development Control Plan has been prepared by Council's Strategic Planning Branch. The only expenses associated with the preparation of the DCP will be in relation to the public consultation process.

ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

(i) Environmental Factors

The controls contained within the Burrawang Village DCP will ensure that the character of the village will be retained whilst at the same time ensuring that new development embraces the principles of sustainable development.

(ii) Social Factors

The controls within the Burrawang Village DCP will provide continued opportunities for residential development which is in keeping with the character of the Village. The business zoned area will also provide opportunities for employment from within the Village itself as well as from within the Shire

(iii) Economic Factors

The commercial area of the Village has been recognised and zoned to ensure an appropriate clustering of business thus contributing to the ongoing viability of the Village for residents as well as visitors.

ATTACHMENTS

There is one attachment to this report being Draft DCP Burrawang Village, which has been circulated separately.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 8 April 2009

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

RECOMMENDATION

THAT the draft Development Control Plan for Burrawang Village attached to this report, be endorsed for the purpose of public exhibition and THAT the required public exhibition be undertaken in accordance with the EPA Regulations.

(Voting on the Motion)



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 8 April 2009

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

Lifestyle and Community

o-EP4 Draft DCP for the Villages of Penrose and Wingello

REF: SPM

5700/65

The purpose of this report is to present to Council a Draft Development Control Plan for the Villages of Penrose and Wingello and that it be placed on Public exhibition for comment.

REPORT

BACKGROUND

Under the provisions of the Environmental Planning and Assessment Act 1979, only one development control plan made by the same relevant planning authority may apply in respect of the same land. In other words ALL planning controls and regulations, other than the LEP, applicable to a parcel of land must be contained in a single document. The interpretation of this provision could mean a single DCP for the whole of the Shire or a suite of DCPs applying to individual or a group of Towns, Villages, particular zoned land, precincts or specific sites.

At present Council has in excess of 60 separate development control plans. These current DCPs have a variety of applications including village areas eg Exeter, control based eg Parking controls, or land use based eg Residential Development.

Due to the variety in the Shire's Towns and Villages, it is considered desirable to have a suite of DCPs relating to either individual towns and villages or a group thereof which have similar characteristics.

DRAFT DCP FOR THE VILLAGES OF PENROSE AND WINGELLO

The Draft DCP for the Villages of Penrose and Wingello (**Attached**) includes all relevant controls for development within the Village boundaries relating to both the residential and commercial zoned land. Areas outside the village boundaries and still within the Localities of Penrose or Wingello, will be contained within the Rural lands DCP to be considered at a later date.

Summary of the draft DCP

Main features of the draft DCP include:

- the plan will apply to all land located within the Village Boundaries of Penrose and Wingello which includes land zoned both R2 Residential and B1 Local Neighbourhood Centre.
- Part A of the Plan applies to all land and includes provisions relating the statutory provisions of the DCP, Landscaping, Bushfire Protection, Ecologically Sustainable development, Flood Liable Land.
- Part B of the plan covers controls relating to development within the B1Neighbourhood Centre zone
- Part C of the Plan covers controls relating to development within the R2 Residential zone



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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

CONCLUSION

The Draft DCP for the Villages of Penrose and Wingello will provide all the necessary controls for development within those Villages with due consideration to the character of the areas.

The exhibition of the Draft DCP will be notified in writing to all land owners by letter.

MANAGEMENT PLAN ISSUES OR IMPLICATIONS

The preparation of new Development Control Plans is consistent with the Council's Management Plan.

POLICY IMPLICATIONS

The Development Control Plan once adopted will in association with Wingecarribee LEP 2009 become the primary planning controls for development within the Villages of Penrose and Wingello.

BUDGET IMPLICATIONS

The Development Control Plan has been prepared by Council's Strategic Planning Branch. The only expenses associated with the preparation of the DCP will be in relation to the public consultation process.

ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

- (i) Environmental Factors
The controls contained within the DCP for the Villages of Penrose and Wingello will ensure that the character of the villages will be retained whilst at the same time ensuring that new development embraces the principles of sustainable development.
- (ii) Social Factors
The controls within the DCP for the Villages of Penrose and Wingello will provide continued opportunities for residential development which is in keeping with the character of the Villages.
- (iii) Economic Factors
Nil.

ATTACHMENTS

There is one attachment to this report being Draft DCP for the Villages of Penrose and Wingello which has been circulated separately.



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held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 8 April 2009

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

RECOMMENDATION

THAT the draft Development Control Plan for the Villages of Penrose and Wingello attached to this report, be endorsed for the purpose of public exhibition and THAT the required public exhibition be undertaken in accordance with the EPA Regulations.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 8 April 2009

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

Lifestyle and Community

o-EP5 Draft Amendments to DCP 12 – Off-Street Car Parking, Loading Facilities and Vehicular Access

REF: SPM

5700/12

The purpose of this report is to present to Council proposed amendments to DCP 12 regarding Off-Street Car Parking, Loading Facilities and Vehicular Access.

REPORT

BACKGROUND

Recent applications before Council for commercial developments have highlighted the inadequacies of the current provisions within DCP 12 for off street loading and unloading facilities and waste and resource recovery collection vehicles.

The proposed amendments provide for higher design criteria which more accurately reflect the size and nature of vehicles now servicing such developments. In amending the DCP, the opportunity has also been taken to replace the word 'garbage' with the term 'waste and resource recovery'.

If these proposed amendments are adopted they will be incorporated into the new Town DCPs currently being prepared.

PROPOSED CHANGES

The proposed changes to this DCP are indicated below. Words to be deleted are shown struck through and in bold and new words to be inserted are in bold.

3.3 USE OF AUTOTURN AND OTHER COMPUTER TURNING PROGRAMS

Council ~~prefers~~ **requires** the use of AUSTRoads Design Vehicles and Turning Templates for all vehicle movements on, or onto public roads, and the turning templates, found in AS 2890.1 and AS 2890.2 for on site manoeuvring, **including reversing manoeuvres and vertical clearance requirements.**

4.1 OFF STREET LOADING AND UNLOADING FACILITIES

Adequate provision of loading and unloading facilities shall be provided for all businesses, commercial, industrial, office, retail and storage uses and any other use where comparatively regular delivery of goods are made to or from the site and as may be required by Council. Full details of anticipated vehicle sizes, volumes and frequency of deliveries shall be supplied with the development application.

Retail developments with a gross leaseable floor area of less than 1,000 square metres and not a supermarket, discount department store or other high volume delivery usages, must either provide a loading facility on site to accommodate a ~~medium rigid vehicle as defined by AS 2890.2:2004 Heavy Rigid Vehicle (12.5 metre) as defined by Australian Standard AS 2890.2 or Single Unit Truck (12.5 metre) as defined by Austroads 2008~~ as the minimum standard or may be permitted to utilise a loading zone if it is within 100 metres as measured along the travel path. **Consideration of servicing of the development by vehicles equal to or not smaller than a Medium Rigid Vehicle (8.8 metre) as defined by Australian Standard AS 2890.2, or Service Vehicle (8.8 metre) as defined by Austroads 2008 may be deemed as the appropriate design vehicle subject to the approval of supporting evidence by Council's Director Environment and Planning.** No use of the loading zone will be permitted where deliveries will require the use of fork lifts, or other mechanically assisted lifting devices on the footpath **or crossing a public road or footpath.** Council will require a positive covenant to be placed on the title of the land giving Council the power to release, vary or modify the restriction to enforce the requirements of this clause.

Retail developments with a gross leaseable floor area of 1,000 square metres or greater or developments such as supermarkets, discount department stores or other high volumes delivery usages, shall provide a loading facility to accommodate a ~~heavy rigid vehicle as defined by AS 2890.2:2004 an Articulated Rigid Vehicle (19.0 metre) as defined by Australian Standard AS 2890.2 or Single Articulated Vehicle (19.0 metre) as defined by Austroads 2008~~ as the minimum standard. No use of the development will be permitted where deliveries of a vehicle larger than that of what the development was designed for will be permitted. Council will require a positive covenant to be placed on the title of the land giving Council the power to release, vary or modify the restriction to enforce the requirements of this clause.

Industrial developments with a gross leaseable floor area of less than 1,000 square metres must be designed for the manoeuvring of a ~~medium rigid vehicle as defined by AS 2890.2:2004 Heavy Rigid Vehicle (12.5 metre) as defined by Australian Standard AS 2890.2 or Single Unit Truck (12.5 metre) as defined by Austroads 2008~~ and developments with a gross leaseable floor area of 1,000 square metres or greater must be designed for a large rigid vehicle as defined as AS 2890.2:2004 **an Articulated Rigid Vehicle (19.0 metre) as defined by Australian Standard AS 2890.2 or Single Articulated Vehicle (19 metre) as defined by Austroads 2008.**

4.2 LOADING BAY MANOEUVRING

Council will generally require the provision of adequate on site turning facilities of commercial vehicles.

Under no circumstances will Council permit the reversing of vehicles onto a main or arterial road or future by-pass route.

Council will not approve the location of loading docks which involve the reversing of vehicles either to or from a public road.

Should a small development site off a carpark or local access lane be unsuitable to turn around service vehicles due to site constraints, then the applicant must be able to demonstrate that the safety of other road users will not be compromised by allowing reversing manoeuvres onto the site, to the satisfaction of Council.

For the design of off street commercial vehicle facilities refer to AS 2890.2 : **2004 2002** for guidelines.

Loading bays are not to be used for the storage of goods or waste storage other than during the unloading / loading process.

4.3 GARBAGE WASTE AND RESOURCE RECOVERY COLLECTION

All developments must make adequate provision for **garbage waste and resource recovery** collection, storage and **garbage waste and resource recovery** collection vehicle manoeuvring. **Garbage Waste and resource collection** vehicles that need to enter private properties must undertake the manoeuvres in accordance with 4.1 and 4.2. **The waste and resource recovery collection vehicle is equivalent to a Medium Rigid Vehicle (8.8 metre) as defined by Australian Standard AS 2890.2 or Service Vehicle (8.8 metre) as defined by Austroads 2008.**

Garbage Waste and resource recovery material storage should be enclosed or screened from the road in a dedicated facility.

Garbage collection should be from the loading facility if one is provided with the development. If no loading facility is provided then collection of garbage and waste must be from a central garbage collection area by private contractor. The garbage must be picked up outside of business hours to ensure disruption to the public is minimised.



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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

CONCLUSION

These proposed amendments will provide higher design standards for loading facilities for use by delivery and waste collection vehicles. These higher standards seek to address traffic disruption and potential vehicular and pedestrian safety issues associated with business service vehicles.

MANAGEMENT PLAN ISSUES OR IMPLICATIONS

Amendments to this DCP are consistent with the Council's Management Plan.

POLICY IMPLICATIONS

The amended Development Control Plan once adopted will, in association with the current Wingecarribee LEP 1989 and other associated DCPs, become the primary planning controls for commercial development within the Shire.

BUDGET IMPLICATIONS

The proposed amendments have been prepared by Council staff. The only expenses associated with the draft amendments will be in relation to the public consultation process.

ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

- (i) Environmental Factors
The draft amendments will ensure that future commercial development does not adversely impact on surrounding traffic and pedestrian safety.
- (ii) Social Factors
The draft amendments will ensure that future commercial development does not adversely impact on surrounding traffic and pedestrian amenity.
- (iii) Economic Factors
The draft amendments will ensure that future commercial development is located and designed to ensure efficient servicing.

ATTACHMENTS

There are no attachments to this report.

RECOMMENDATION

THAT the draft amendments to Wingecarribee Development Control Plan No. 12 be endorsed for the purpose of public exhibition AND THAT the required public exhibition be undertaken in accordance with the EPA Regulations.

(Voting on the Motion)



Scott Lee
Director Environment and Planning

1 April 2009



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday 8 April 2009

REPORT OF DIRECTOR CORPORATE SERVICES

CORPORATE SERVICES DIVISION

Governance and Accountability

o-CS1	Proposed Road Closure of Part Trig Station Lane, Kangaloon, Adjacent Lot 12 Deposited Plan 706411
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REF:	PO	PN1507100; RD2810
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Reporting on an application for the closure of part of Trig Station Lane, Kangaloon, adjacent to Lot 12 Deposited Plan 706411

REPORT

BACKGROUND

Council received application from Mr and Mrs Thompson, the owners of 12 Trig Station Lane, Kangaloon (being Lot 12 in DP706411) for the closure of a section of Trig Station Lane on the Western side, adjoining number 12 which is marked as "Road Widening" in Deposited Plan 706411.

Following their acquisition of 12 Trig Station Lane, Kangaloon the owners discovered a discrepancy between the physical boundary of the property and the actual boundary according to the Deposited Plan. Application was made to Council for closure of part of Trig Station Lane to enable the owners to increase the distance from the road boundary to the house.

The road is a Council Road.

Application has been made under Section 34 of the *Roads Act 1993*.

Due to the nature of Trig Station Lane, and the modification of the width of the road reserve through this area, the initial application has taken some time to process. Based on the original plans submitted there was not enough information to make an accurate assessment.

A further plan was requested and submitted by the owners of the adjacent property. Promptly upon receipt of that revised plan the matter was reviewed by Council's Roads and Traffic Manager. The application for the road closure is supported in principle, subject to the following terms and conditions:

1. all costs relating to the acquisition including valuation fees, surveying fees and registration fees, in addition to Department of Lands processing fees, be borne by the applicant.
2. any services within the road reserve that need to be relocated are relocated with all responsibility and costs to be borne by the applicant;
3. the portion of road to be closed would need to be consolidated with the applicant's property to form one (1) Lot.



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REPORT OF DIRECTOR CORPORATE SERVICES

CONCLUSION

As the road closure of Trig Station Lane, Kangaloon adjacent Lot 12 DP706411 will effectively remedy the discrepancy between the physical lane boundary and the actual lane adjacent to Lot 12 DP706411, it is recommended that council approve the application to close part of Trig Station Lane, Kangaloon.

ATTACHMENTS

There is one attachment being the Locality Map.

RECOMMENDATION

1. THAT Council raises no objection to the proposed closure and sale of the road reserve adjacent to Lot 12 DP706411 and sale to the owner of that property.
 2. THAT the purchase price for the closure of the road reserve be determined by valuation, carried out by a registered valuer, at the cost of the applicant.
 3. THAT Council lodge an application with the Department of Lands pursuant to the *Roads Act 1993* to close the public road AND THAT all costs relating to the closure and sale be met by the applicant.
 4. THAT should the closure be successful, the allotment created be consolidated with Lot 12 DP706411 as a condition of this sale.
 5. THAT the Transfer Form and any Deed of Agreement be executed under the Common Seal of the Council.
-



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

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on Wednesday 8 April 2009

REPORT OF DIRECTOR CORPORATE SERVICES

o-CS2	Easement To Drain Water – Lot 22 Being Part Of Unformed Ivy Street, Bowral
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REF:	PO	PN937102, RD1564 1493/1
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Reporting on a request from Lean & Hayward Pty Limited, Surveyors, on behalf of Department of Lands (Goulburn) seeking Council's concurrence with the terms of the Easement to Drain Water over Lot 22 Part Ivy Street, Bowral.

REPORT

BACKGROUND

On Wednesday 5 July 2006, Council's Works & Planning Committee resolved as follows:

- 1 *THAT Council raises no objection to the proposed closure and sale of the part Ivy Street at Bowral adjoining Lot 3 Deposited Plan 882137 to the owners of that land C & E Knowles.*
- 2 *THAT subject to (1) all Council's costs be paid by the applicants.*
- 3 *THAT the matter of road closure be referred to the Legal Committee for consideration and advice.*
- 4 *THAT following the road closure the section of closed road be formally consolidated with the applicants existing holding Lot 3 Deposited Plan 882137.*
- 5 *THAT Council enters into a Deed of Agreement with the applicants detailing the conditions of sale before forwarding the Road Closure application to the Department of Lands.*
- 6 *THAT the Deed of Agreement be executed under the Common Seal of Council.*

In accordance with the above resolution, Council made application to the Department of Lands (Goulburn) for the closure and later sale of the unformed part of Ivy Street being adjacent to Lot 3 DP882137.

There were issues by Telstra, Integral Energy and another adjoining neighbour initially relating to relocation of Telstra infrastructure on the site, overhead power lines, and concerns with some trees.

Following resolution of the issues that had arisen, approval was granted on 21 October 2008 by Department of Lands for the road closure to proceed. As the unconstructed Council road vests in the Crown for disposal, the Department of Lands deal with the applicant with regard to the sale of the land.

Lean & Hayward Pty Limited have drawn the plan to create the new lot over which an easement to drain water will be created. Council's consent to the easement to drain water is required to enable the plan to be registered and the matter finalised. Council is the authority empowered to release, vary or modify the easement.



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REPORT OF DIRECTOR CORPORATE SERVICES

CONCLUSION

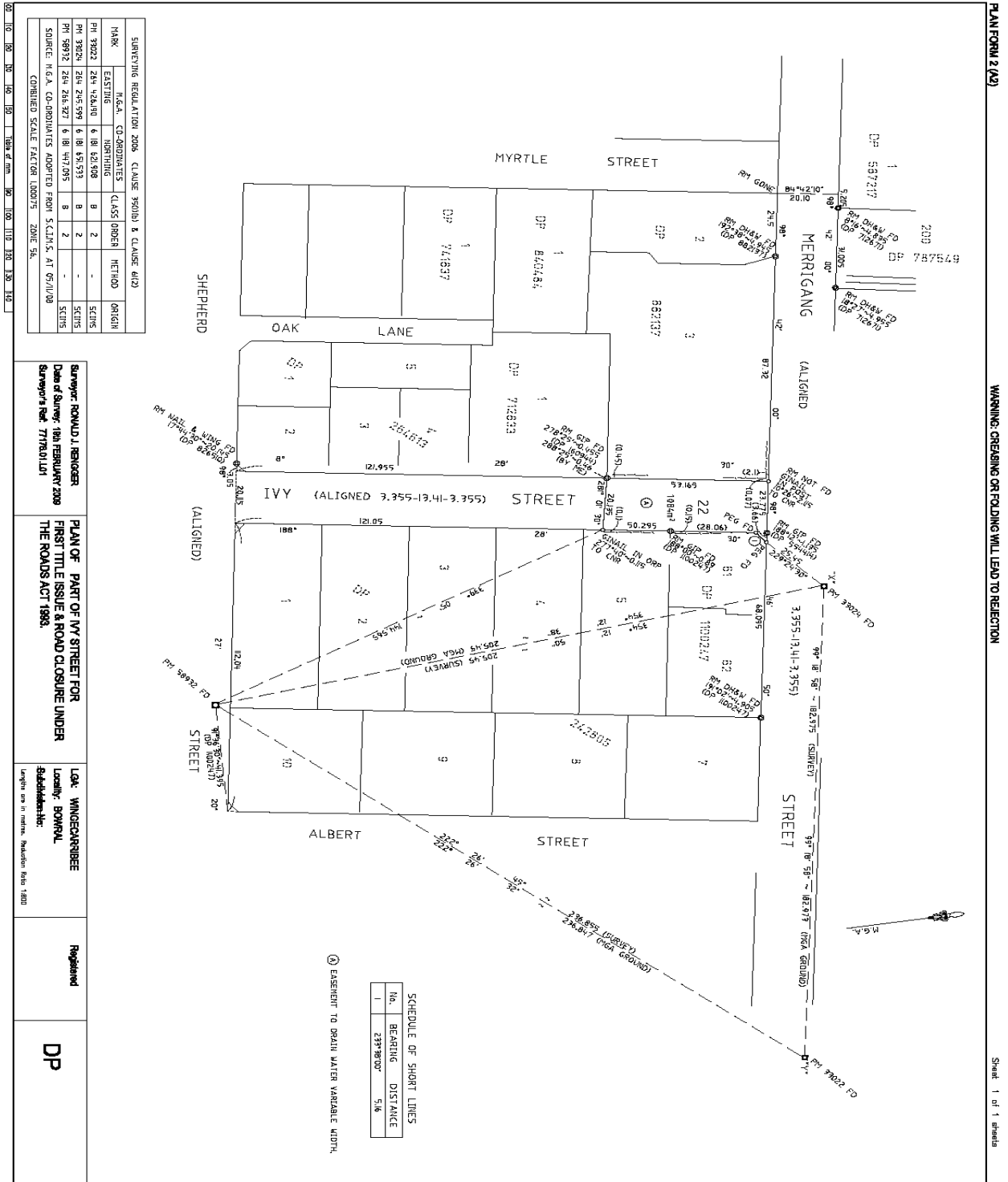
It is recommended that Council endorse consent to the creation of the easement to drain water over Lot 22 part Ivy Street, Bowral.

ATTACHMENTS

There is one attachment being Plan of Lot 22 showing easement to drain water over entire site.

RECOMMENDATION

THAT the General Manager be delegated authority to execute the Section 88B Instrument prepared by Lean & Hayward Pty Limited with respect to the easement to drain water over Lot 22 part unformed Ivy Street, Bowral.





AGENDA FOR THE ORDINARY MEETING OF COUNCIL

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REPORT OF DIRECTOR CORPORATE SERVICES

o-CS3 Application For Closure of Unformed Public Road – Part Charlotte and Florence Streets, Bundanoon

REF: PO

PN: 1704120, 7810/13

Reporting on an application by Mr Philip Walmsley for the closure of the unformed parts of Charlotte and Florence Streets, Bundanoon which adjoin his property.

REPORT

BACKGROUND

An Application has been made for the closure of sections of the unformed Charlotte and Florence Streets, Bundanoon which are bordered on one side by Penrose Road and on the other by the Great Southern Railway.

The sections of both unmade roads (being Lot 1 in Deposited Plan 714440) have been a part of the land since the original grant.

The area of land is approximately 1,920m² and is wholly enclosed by the applicant's adjoining land.

STAFF COMMENTS

Sharon Hauptberger, Property Officer – According to Councils' records Lot 1 DP714440, being the unformed sections of Charlotte Street and Florence Street, Bundanoon form part of the land owned by Mr Walmsley.

The parcel of land shown in the attached plan as Lot 1 DP714440 forms part of Certificate of Title Volume 6626 Folio 201.

It appears that ownership of the entire property comprised in the title has passed from owner to owner without any predecessor in title having been advised that Lot 1 DP714440 was, in fact, unformed public road.

Mark Roebuck – Roads and Traffic Manager –there is no cause for objection to the proposed road closures.

CONCLUSION

It is recommended that Council approve the application for closure of the unformed public road being part Charlotte and Florence Streets, Bundanoon comprised in Lot 1 DP714440.

ATTACHMENTS

There is one attachment to the report being the Locality Map.



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REPORT OF DIRECTOR CORPORATE SERVICES

RECOMMENDATION

THAT Council advise the applicant that its supports the closure of the unformed sections of Charlotte and Florence Streets, Bundanoon being Lot 1 DP714440.



o-CS4	Committee Appointments and Resignations
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REF: MAS

PN7219/1

Reporting on Management Committee Appointments and Resignations.

REPORT

Robertson Community Centre Management Committee

The Robertson Community Centre Management Committee at its meeting on 11 February 2009 received the nomination of Mr Allen Mauger to the Committee.

Committee Recommendation

THAT Council appoints Allen Mauger to the Robertson Community Centre Management Committee and that Mr Mauger be notified of Council's determination.

RECOMMENDATION

1. THAT Council appoints Mr Allen Mauger to the Robertson Community Centre Management Committee and that Mr Mauger be notified of Council's determination.
 2. THAT the Robertson Community Centre Management Committee be notified of Council's determination.
-



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

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REPORT OF DIRECTOR CORPORATE SERVICES

o-CS5 Proposed Changes to Generic Management Committee Constitutions

REF: DCS

107/1

Reporting on proposed changes to Council's generic Management Committee Constitution. Council's generic constitution has been reviewed to reflect changes to the Local Government Act, Council's Code of Conduct (adopted on 23 February 2005 and amended 9 July 2008), Council's Privacy Management Plan (adopted 10 December 2008) and changes to the 355 Volunteer Manual (February 2007).

REPORT

BACKGROUND

Council's current Management Committee Constitution was adopted on 12 November 2003. Since that time sections of the Local Government Act were amended and reflected in Council's Code of Conduct amended on 9 July 2008 and Council's Policies and Procedures updated and or implemented after 12 November 2003.

A copy of the draft constitution is attached and items that are marked with a *strikethrough* are to be deleted and items in *italics* are new or updated information to be included in the constitution.

REVIEW PROCESS

The revision process involved consultation with Council's Manager Administration Services, Risk Management Co-ordinator and Committee Co-ordinator.

THE MAJOR CHANGES TO THE CONSTITUTION ARE AS FOLLOWS:

(i) Section 3.1 items (d) & (e) updating

A function of council may, subject to this Chapter, be exercised
Amended to include Voluntary Regional Organisations of Councils.

(ii) Section 3.3.1 Committee Membership

Council has developed a recommended membership for each committee to consider in its review of its individual constitution.

(iii) Section 3.3.7 Nomination to a Committee

Revised to reflect the procedures set out in Council's 355 Volunteer Committee Manual 2007, "that each prospective nominee must complete a Nomination for Appointment to a Committee" rather than just supplying their name and address.

(iv) Section 3.3.13 Duties of the Executive

Included under the duties of Secretary, Treasurer and Booking Officer an item for compliance with Council's Privacy Management Plan "to store all committee information & records appropriately to ensure the protection and privacy of personal information".



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REPORT OF DIRECTOR CORPORATE SERVICES

(v) 3.4 Disclosure of Interest

Chapter Fourteen Sections 451, 453, 454, 455, 456 of the Local Government Act amended in line with Council's Code of Conduct.

(vi) Section 7.7.1 Duties of the Committee

Additional Clause for Committee Members to adhere to Council's Code of Conduct and Privacy Management Plan.

CONCLUSION

That Council adopts the revised Generic Management Committee Constitution so that the constitution is in line with the Local Government Act and Council's Policies and Procedures. Each Committee will then be forwarded a copy of the generic constitution and asked to revise its individual objectives, membership and quorum.

MANAGEMENT PLAN ISSUES OR IMPLICATIONS

N/A

POLICY IMPLICATIONS

Council adopted the revised 355 Volunteer Committee Manual as Council policy on the 27 November 2002. The 355 Volunteer Committee Manual was revised in February 2007. The proposed changes to the constitution are to bring the constitution in line with the Local Government Act and Council's Policy and Procedures.

BUDGET IMPLICATIONS

N/A

ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

(i) Environmental Factors
N/A

(ii) Social Factors
N/A

(iii) Economic Factors
N/A

(iv) Governance
The proposed changes to the constitution are to bring the constitution in line with the Local Government Act and Council's Policy and Procedures.



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REPORT OF DIRECTOR CORPORATE SERVICES

ATTACHMENTS

Attachments to this report have been distributed under separate cover.

RECOMMENDATION

1. THAT Council adopts the generic form of the 355 Management Committee Constitutions.
 2. THAT each 355 Management Committee be forwarded a copy of the generic constitution and undertake a revision of its objectives, membership and quorum.
-

Barry Paul
Director Corporate Services

2 April 2009

TECHNICAL SERVICES DIVISION

Governance and Accountability

o-TS1 Draft Determination Review of Prices for Sydney Catchment Authority

REF: WSM

7799

IPART have released their draft determination for setting of the bulk water price paid by Wingecarribee Shire Council (pricing of water services for Sydney Catchment Authority).

REPORT

INTRODUCTION

IPART released their draft determination for setting of the bulk water price paid by Wingecarribee Shire Council on 20 March 2009. A copy of the determination can be downloaded from the IPART web site at 'www.ipart.nsw.gov.au/latest_reports.asp'. The sections relevant to Wingecarribee Shire Council (sections 8.3 on pages 76 to 79 and Section 9.1.2 on pages 87 and 88) are re-printed as Attachment 1 to this report.

The timetable for the review is:

IPART issue paper	July 2008
Sydney Catchment Authority submission	September 2008
Submission – interested parties	October 2008
Draft determination	March 2009
Submission interested parties	10 April 2009 (closing date)
Final determination	June 2009

Council currently purchases an average of 4100 megalitres per annum from Sydney Catchment Authority.

Council will recall that Councillors Halstead, Arkwright, Mauger and the Director Technical Services attended the IPART public hearing on 19 November 2008 and made a presentation that addressed the following issues:

- Current charges should be reduced;
- Demand can be met from local catchment;
- Shoalhaven transfer costs are irrelevant;
- Only a small fraction of Sydney Catchment Authority's costs relate to Wingecarribee Shire Council's supply;
- Wingecarribee Shire Council is responsible for funding Sewerage Treatment Plant upgrades and operating them;
- Significant increase in Sydney Catchment Authority's charges since 2003/04, when the charge was \$93.90 per megalitre.

CHARGES PROPOSED BY IPART

The draft determination proposes the following charges (plus CPI):

	08/09	09/10	10/11	11/12	Total Increase
Price (in 08/09) \$/ML	210.05	224.48	232.04	239.87	29.82
Price Increase (%)		6.9	3.4	3.4	14.2

SYDNEY CATCHMENT AUTHORITY'S SUBMISSION

The charges proposed by IPART are higher than those proposed by the Sydney Catchment Authority in their submission (plus CPI).

	08/09	09/10	10/11	11/12
Price (in 08/09) \$/ML	210.05	210.05	210.05	210.05
Forecasted increase in operating cost in 2009/10 was 11.8%				

IPART'S JUSTIFICATION FOR THE HIGHER PRICE (REFER PAGE 77 & 78 OF DRAFT DETERMINATION)

- In their 2005 determination, IPART stated that *“water usage charges for Wingecarribee Shire Council and Shoalhaven City Council should be increased in an orderly manner so that their water usage charges reach a similar level to Sydney Water's charges in the next determination period.”*
- Council benefits from the dispersed, yet integrated nature of Sydney Catchment Authority's supply system (security and reliability of supply);
- Sydney Catchment Authority's operating costs during the 09/10 to 11/12 period do not include Shoalhaven pumping costs;
- No fixed charges for councils (\$6M/month for Sydney Water);
- Sydney Catchment Authority's charge to Council is well below its average cost of supplying water (approximately \$415/ML).

IMPLICATIONS FOR WINGECARRIBEE SHIRE COUNCIL AS ASSESSED BY IPART (REFER PAGE 87 OF DRAFT DETERMINATION)

	08/09	09/10	10/11	11/12
Annual raw water bill (\$, based on 4100 ML/annum)	861,000	920,000	951,000	983,000
Increase (\$)		59,000	31,000	32,000
Typical household bill (assuming raw water increase only)	380	383	385	387
Increase relation to 08/09 (%)		0.9	1.3	1.8



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REPORT OF DIRECTOR TECHNICAL SERVICES

CONCLUSION

The draft determination is disappointing and proposes a higher price than Council was expecting. The increased purchase price of bulk water is one of many factors impacting on the average residential bill. Noting the impacts on water fund of the financial crisis, increases in electricity, superannuation and the reduced ability to undertake capital works, the real increase to customers is significantly higher than the above figures.

As the deadline for submissions closes 10 April 2009, a draft submission is being prepared and will be circulated to Councillors at the meeting.

ATTACHMENTS

1. Extracts from the 'Draft Determination' relevant to Wingecarribee Shire Council.

RECOMMENDATION

THAT Council lodge a submission to IPART prior to the deadline of 10 April in response to the draft determination.

M J Brearley
Director Technical Services

2 April 2009

ATTACHMENT 1

8 Pricing decisions for SCA's water services

- ▼ signal to water consumers the scarcity value of water (meaning that they may have an incentive to reduce discretionary consumption when dam levels are low) – if this price is ultimately passed through to these consumers by Sydney Water.

However, IPART has decided not to implement scarcity pricing as part of this determination. This is because IPART sees merit in examining this pricing option as part of a concurrent review of SCA's and Sydney Water's prices. Such a review could examine the merits and form of a workable scarcity pricing model suitable to the Sydney context, including consideration of its role and objectives, whether it should be applied to retail as well as wholesale prices, and the potential effects of this form of pricing.

IPART has also decided not to implement a form of scarcity pricing at this time because development and implementation of this option should be informed by reviews that are due to be completed during the 2009 determination period, including review of the current restriction regime (a new regime is scheduled to be introduced in 2010¹¹⁵), release of the updated Metropolitan Water Plan (due 2010), and release of the operating rules for the desalination plant (due 2010).

IPART's preliminary views on the characteristics of a potential scarcity pricing model are outlined in Appendix F. IPART seeks stakeholder comments on this pricing option.

8.3 Pricing decisions for charges to Local Councils

SCA currently levies Local Councils (Shoalhaven City Council and Wingecarribee Shire Council) a volumetric charge only.

Over the 2005 determination period, SCA's price to Local Councils has been increasing towards the level of SCA's volumetric charge to Sydney Water. The 2005 determination set SCA's prices to Local Councils at \$126.88 per ML in 2005/06 (\$2005/06), to transition up to \$192.27 per ML by 2008/09, which equates to a real price increase of 51.6 per cent. This compares to SCA's volumetric charges to Sydney Water of \$155.34 per ML and \$203.27 per ML (\$2005/06) in 2005/06 and 2008/09, respectively, which resulted in a real price increase of 30.9 per cent over the 2005 determination period. In its final report on the 2005 determination, IPART noted that this increase to Local Council prices over the determination period reflected its decision that:

¹¹⁵ According to the 2007 Progress Report on the NSW Government's Metropolitan Water Plan (p 10), "As part of the update of the Metropolitan Water Plan, an improved drought restrictions regime for the next drought will be developed to take account of the experiences and community responses from this drought and new developments such as the desalination plant."

...water usage charges for Wingecarribee Shire Council and Shoalhaven City Council should be increased in an orderly manner so that their water usage charges reach a similar level to Sydney Water's charges in the next determination period.¹¹⁶

8.3.1 SCA's submission

SCA proposed that its volumetric charge to the Wingecarribee Shire Council and Shoalhaven City Council increase by the change in the CPI only. It also proposed its charge to Goulburn Mulwaree Council be the same as the other Councils, once the SCA commences supply to Goulburn.¹¹⁷ SCA's proposed prices to Local Councils are listed in Table 8.4 below.

Table 8.4 SCA's proposed prices to Local Councils (\$, real 2008/09)

	2008/09	2009/10	2010/11	2011/12
Volumetric price (\$/ML)	210.1	210.1	210.1	210.1

Source: SCA submission, September 2008, pp 42-43.

8.3.2 Stakeholder comments

Shoalhaven City Council submitted that SCA's proposal to increase its price to the Local Councils by the change in the CPI is reasonable.¹¹⁸

Goulburn Mulwaree Council stated that it would be concerned if prices increased by more than the change in the CPI. It would also oppose the introduction of a fixed charge – as there will be long periods when it is not required to purchase water from the SCA (because it will only need to do so to supplement its supply during times of drought).¹¹⁹

Wingecarribee Shire Council submitted that SCA's current charge to it should be reduced. It argued that, as its demand can be met from water collected from the Wingecarribee River Catchment, the transfer system from the Shoalhaven River to Metropolitan Sydney and the rest of Sydney's bulk water supply are not relevant for supplying the Wingecarribee Shire. Therefore it considered that only a 'small fraction' of the SCA's total operating costs and infrastructure relate to the supply of water to Wingecarribee Shire Council's treatment plant.

¹¹⁶ IPART, *Sydney Water Corporation, Hunter Water Corporation, Sydney Catchment Authority – Prices of Water Supply, Wastewater and Stormwater Services, Final Determination and Report*, September 2005, p 102.

¹¹⁷ A pipeline that will supply water from Wingecarribee Dam to Goulburn Mulwaree Council is due for completion in 2010/11.

¹¹⁸ Shoalhaven City Council submission, October 2008.

¹¹⁹ Goulburn Mulwaree Council submission, October 2008.

8 Pricing decisions for SCA's water services

Wingecarribee Shire Council also noted that it is at least partly responsible for funding major sewage plant upgrades and sewerage works, which impose a significant cost on the Council and its residents (via higher sewerage charges), but which benefit Sydney as a whole by helping to protect the drinking water catchment.

In addition, Wingecarribee Shire Council pointed out that SCA's price has risen significantly since 2003/04, and that has had a 'marked' impact on the Council's charges to its customers, which it claims are already significantly higher than the state average.¹²⁰

8.3.3 IPART's analysis

IPART's draft decision is to increase all SCA's charges by equal proportion, using a p-nought and then glide path approach to recover SCA's costs. This means that from their current level in 2008/09 to the final year of the 2009 determination period (2011/12), SCA's prices to Local Councils would increase by approximately 14.2 per cent. These prices are shown in Table 8.5 below.

Table 8.5 Draft decision on SCA's prices to Local Councils (\$, real 2008/09)

	2008/09	2009/10	2010/11	2011/12
Volumetric price (\$/ML)	210.05	224.48	232.04	239.87

This approach increases prices to Local Councils, in line with SCA's increasing costs and revenue requirement, but it still maintains a relatively small price differential between SCA's volumetric prices to Local Councils and to Sydney Water (about 5.8 per cent per annum throughout the determination period).

IPART notes that due to the integrated nature of SCA's system and because most of its costs are fixed, SCA has advised that it is difficult or almost impossible to separate out its costs of supplying each Council with any reasonable degree of accuracy.¹²¹

However, in response to the Councils' concerns about the level of SCA's prices, including the points raised in Wingecarribee Shire Council's submission, IPART notes the following:

- ▼ as with Sydney Water, Local Councils benefit from the dispersed yet integrated nature of SCA's supply system, through enhanced security and reliability of supply
- ▼ SCA's operating costs over 2009/10 to 2011/12 do not include provision for the cost of pumping water from the Shoalhaven to Sydney

¹²⁰ Wingecarribee Shire Council submission, October 2008, pp 1-12.

¹²¹ This is shown by the broad cost range (\$150 per ML to \$1,000 ML) quoted in SCA's supplementary submission, December 2008, p 3.

- ▼ unlike Sydney Water, Local Councils are not faced with a fixed charge from SCA, and their volumetric charge remains below that of Sydney Water's usage price for SCA water
- ▼ SCA's charge to Local Councils also remains well below estimates of SCA's overall average cost of water supply - which, taking into account SCA's forecast costs and total water sales over 2009/10 to 2011/12, is estimated to be between about \$400 and \$430 per ML (2008/09).

8.4 Pricing decisions for charges to unfiltered and raw water customers

SCA supplies water to about 65 retail customers, which account for approximately 0.04 per cent of its water sales. Currently, the water supplied to retail customers is classified into two categories:

- ▼ raw water - ie, water that has not been managed in any way
- ▼ unfiltered water - ie, water that has been managed for quality, whether by chemical treatment or otherwise (eg, source selection), but not treated at a water filtration plant.

These retail customers have direct off-takes from SCA's pipelines, canals and storages. Raw water customers draw directly from SCA's storages. Unfiltered water customers draw from SCA's supply conduits, prior to the water reaching a filtration plant. SCA currently has approximately 58 unfiltered water and 7 raw water customers.

Under IPART's 2005 determination:

- ▼ Raw water customers only pay a volumetric charge. This was set at \$0.45 per kL in 2005/06 (\$2005/06), to be maintained in real terms throughout the determination period. This charge is \$0.49 in 2008/09.¹²²
- ▼ Unfiltered water customers currently pay:
 - A volumetric charge set at \$0.77 per kL in 2005/06 (\$2005/06), which was maintained in real terms throughout the determination period. This charge is \$0.84 per kL in 2008/09.¹²³
 - A fixed service availability charge based on meter size. For each meter size, the fixed charge was held constant throughout the determination period.¹²⁴ For example, the charge for a 20mm meter was \$75.00 in 2005/06 and is still \$75.00 in 2008/09.¹²⁵

IPART notes that SCA's charges to unfiltered and raw water customers have remained essentially unchanged since 2000.

¹²² SCA submission, September 2008, p 43.

¹²³ Ibid.

¹²⁴ The 2005 Determination provided that only 75 per cent of this charge was to be levied in the first year of the determination period (2005/06).

¹²⁵ Ibid.

For other potentially vulnerable customers, Sydney Water's current social program includes several measures to mitigate the impact of prices, including:

- ▼ extended payment arrangements - Sydney Water offers customers flexible extended payment terms and a range of payment options to help them manage their bills
- ▼ No Interest Loan Scheme - Sydney Water supports this scheme, which involves a number of accredited community agencies providing loans to help customers purchase water efficient appliances
- ▼ Payment Assistance Scheme - under this scheme, participating welfare agencies assess the financial position of customers and provide payment vouchers to customers in financial difficulty.¹³⁵

9.1.2 Implications for Local Councils and their customers

IPART's draft determination will increase prices to Local Councils by approximately 14.2 per cent from 2008/09 (current prices) to 2011/12 (the end of the 2009 determination period).

Wingecarribee Shire Council, the largest of SCA's Council customers, has advised that the current average household water bill for its customers is approximately \$380 per annum, and that the proportion of this bill attributable to bulk water costs is about \$47.50 (12.5 per cent).¹³⁶ Using these figures, Table 9.4 shows that the draft determination would increase a typical household water bill from \$380 in 2008/09 to approximately \$387 in 2011/12, a rise of about 1.8 per cent. This is equivalent to an increase of around 0.7 per cent for a typical household's combined water and sewerage bill.

IPART expects that impact of the draft determination on Shoalhaven City Council's water customers should be significantly less than this, as Shoalhaven is expected to purchase a much lower proportion of its water from SCA. Data from the Water Services Association of Australia (WSAA) indicates that Wingecarribee Shire Council purchased approximately 70 to 80 per cent of its bulk water from SCA over 2005/06 and 2006/07, while Shoalhaven City Council purchased about 0.5 per cent of its water from SCA over the same period.¹³⁷

¹³⁵www.sydneywater.com.au/CustomerServices/CommunityAssistance/FinancialAssistance/#FactSheets, accessed 17 February 2009.

¹³⁶ Email from Michael Brearley, Director Technical Services, Wingecarribee Shire Council, 5 December 2008.

¹³⁷ Water Services Association of Australia, *National Performance Report 2006-2007, urban water utilities*, p 139 and 156.

9 Implications of draft pricing decisions

The impact of the draft determination on Goulburn Mulwaree Council's water customers is likely to be similar to the impact on Wingecarribee Shire Council's customers. SCA is forecast to supply Goulburn Mulwaree Council with approximately 1,800 ML of water per year from 2010/11, which equates to about 55 to 75 per cent of its annual supply, depending on water restriction levels.¹³⁸

IPART also notes that, with State Government support, Local Councils offer pensioner rebates and other social programs designed to protect vulnerable customers.

Table 9.4 Impact of draft determination on Wingecarribee Shire Council water bills (\$, real 2008/09)

	2008/09	2009/10	2010/11	2011/12
Typical household water bill	380 ^a	383	385	387
Increase relative to 2008/09		0.9%	1.3%	1.8%
Typical household water and sewerage bill	920 ^b	923	925	927
Increase relative to 2008/09		0.4%	0.5%	0.7%

^a Email, Wingecarribee Shire Council to IPART, 5 December 2008.

^b This figure is from Water Services Association of Australia, *National Performance Report 2006-2007, urban water utilities*, p 158, indexed up to \$2008/09.

9.1.3 Implications for unfiltered and raw water customers

As noted in section 8.4, SCA supplies water to about 65 retail customers, comprising 58 unfiltered water customers and 7 raw water customers. Around a third of the SCA's retail customers consume more than 1,000kL a year and are typically industrial customers.¹³⁹ However, SCA also provides raw and unfiltered water to government departments and agencies; religious orders, schools and scouting bodies; agricultural producers; and domestic users.¹⁴⁰

Table 9.5 shows the usage distribution of SCA's raw and unfiltered water customers for 2007/08.¹⁴¹

¹³⁸ Unrestricted demand for water in Goulburn would be 3,340 ML per annum in 2008 (or 9.15 ML per day) for a year of average rainfall (source: Goulburn Mulwaree Council's 2009 *Goulburn Water Supply Strategy Review*, p 3). However, Goulburn's daily average water consumption in February 2009 was about 6.85 ML per day (source: <http://goulburn.local-e.nsw.gov.au/files/8644/File/9Feb09-15Feb09.pdf>, accessed 17 February, 2009).

¹³⁹ SCA supplementary submission, December 2008, p 4.

¹⁴⁰ IPART, 2003, *Sydney Catchment Authority Prices of Water Supply Services – Mid Term review of price path from 1 October 2000 to 30 June 2005*, p 38.

¹⁴¹ SCA's 2008 Information Return to IPART reports that it had a total of 58 retail customers in 2007/08 (comprised of 3 raw water customers and 55 unfiltered water customers). This Information Return forecasts 7 raw water customers over the 2009 determination period, and recent information provided by SCA suggests it now services 58 unfiltered water customers (email from SCA to IPART, 22 January, 2009).



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 8 April 2009

REPORT OF THE GENERAL MANAGER

COUNCIL MATTERS

GENERAL MANAGER'S REPORTS

c-GM1 Weekly Circulars

REF: GM

100/8, 203/2009

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 11/09 and 12/09 and Council Weekly Circulars Nos 11/09 and 12/09 be noted.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 8 April 2009

REPORT OF THE GENERAL MANAGER

c-GM2 2009 National General Assembly – Canberra – 21-24 June 2009

REF: GM

203/1.1

Reporting on the 2009 National General Assembly to be held from 21 to 24 June 2009 in Canberra.

REPORT

The 2009 National General Assembly is to be held in Canberra from 21-24 June 2009.

Council at its meeting on 28 January 2009 resolved that *“The Mayor of the day and one other Councillor and the General Manager (as an observer) attend future national General Assemblies”*.

Registration will need to be done shortly, so a determination is required on who will be attending the Assembly.

ATTACHMENTS

There are no attachments to this report

RECOMMENDATION

THAT Council confirm its attendance at the 2009 Local Government National General Assembly to be held from 21-24 June 2009 in Canberra as follows:

Mayor Duncan Gair
Councillor.....
General Manager or nominee

Mike Hyde
General Manager

2 April 2009



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 8 April 2009

NOTICES OF MOTION

NOTICE OF MOTION

c-NM1	03/2009 – Notice of Motion – Federal Government Extension of First Home Buyers Scheme
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Clr David Stranger has given notice that it is his intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday 8 April 2009:

“THAT Wingecarribee Shire Council write the Prime Minister of Australia, Mr Kevin Rudd, requesting the Federal Government extend the first home buyers scheme that is due to end on June 30 2009.”

RECOMMENDATION

SUBMITTED FOR DETERMINATION.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 8 April 2009

NOTICES OF MOTION

c-NM2	04/2009 – Notice of Motion – Correspondence to Minister for Planning, the Department of Planning and the Department of Sport
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Clr Jim Clark has given notice that it is his intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday 8 April 2009:

1. *THAT Wingecarribee Shire Council write to the Minister for Planning, the Department of Planning and the Department of Sport:*
 - a. *Reaffirming its objection to the proposed Southern Highlands Regional Shooting Complex at the site in Hill Top and the approval issued on 25 February 2009.*
 - b. *Advising that Council is not prepared to agree for the use of ratepayers funds for the proposed Southern Highlands Regional Shooting Complex to cater largely for the needs of shooters from outside the Wingecarribee Local Government Area.*
 - c. *Advising that any funding agreement with the State Government for upgrading and maintenance of access routes should be completed prior to commencement of “works” not “prior to commencement of use” as required by the approval.*
 - d. *Requesting urgent discussions on the implementation of road safety improvements in accordance with the consent documents and independent studies, including the requirement to seal the dirt section of Wattle Ridge Road.*
 - e. *Requesting all traffic studies and road safety audits of access routes to the Southern Highlands Regional Shooting Complex, including access from the Hume Highway to Colo Vale and along Wilson Drive, including comprehensive studies of maintenance requirements and schedules, for the life of the Complex, be carried out prior to commencement of any works and in consultation with Council.*
2. *Request that the Minister for Planning require the Department of Sport to receive input from Council into the conditions of approval relating to the Ecological Management Plan (B2), Operational and Environmental Management Plan (D2), Construction Plan (B1) and the Soil and Water Contamination Management Plan (B3), prior to approval by DECC and/or DOP prior to commencement of “works”.*
3. *Request the Department of Planning to include as conditions of consent:*
 - a. *Council representation on the Management Committee of the Southern Highlands Regional Shooting Complex*
 - b. *That Council and the public be given at least one months exhibition period for submission in relation to any applications for modification of any conditions of the Southern Highlands Regional Shooting Complex approval and/or Firearms Licence applications for the Complex, prior to their determination.*

RECOMMENDATION

SUBMITTED FOR DETERMINATION



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 8 April 2009

COMMITTEE REPORTS

COMMITTEE REPORTS TABLED

c-CR1	Management and Advisory Committee Reports
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REF.	DCS	107/1
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Submitting minutes of eleven (11) Committee meetings that will be tabled for information.

REPORT

1. Hill Top Community Centres Management Committee held on Thursday 20 November 2008
2. Hill Top Community Centres Management Committee held on Thursday 18 December 2008
3. Hill Top Community Centres Management Committee held on Thursday 19 February 2009
4. Hill Top Community Centres Management Committee held on Thursday 19 March 2009
5. Lake Alexandra Reserve Management Committee held on Tuesday 2 December 2008
6. Hampden Park Management Committee held on Wednesday 4 February 2009
7. Hampden Park Management Committee held on Wednesday 25 February 2009
8. Mittagong Memorial Hall Management Committee held on Thursday 5 March 2009
9. Mittagong Community Centre held on Thursday 12 March 2009
10. Moss Vale Senior Citizens and Community Centre Management Committee held on Monday 23 March 2009
11. East Bowral Community Centre Management Committee held on Tuesday 24 March 2009
12. Water & Sewer Advisory Committee held on Friday 6 March 2009

ATTACHMENTS

There are no attachments to this report.

RECOMMENDATION

THAT the information contained in the Committee Report be noted.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 8 April 2009

COMMITTEE REPORTS

COMMITTEE REPORTS ATTACHED

c-CR2	Minutes of the Environment and Sustainability Committee (<i>Refer Minutes page 63</i>)
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REF:	NRC	5465/29.01
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Submitting minutes of the Environment and Sustainability Committee held on Wednesday, 18 March 2009.

RECOMMENDATION

THAT the recommendations as detailed in the minutes of the Environment and Sustainability Committee held on Wednesday, 18 March 2009 be adopted.

c-CR3	Minutes of the Moss Vale Livestock Selling Centre Strategic Advisory Board (<i>Refer Minutes page 68</i>)
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REF:	PPM	7170/01
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Submitting minutes of the Moss Vale Livestock Selling Centre Strategic Advisory Board held on Friday, 27 March 2009.

RECOMMENDATION

THAT the recommendations as detailed in the minutes of the Moss Vale Livestock Selling Centre Strategic Advisory Board held on Friday, 27 March 2009 be adopted.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 8 April 2009

COMMITTEE REPORTS

c-CR4	Finance Sub Committee (Council's Investments) <i>(Refer Minutes page 72)</i>
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REF:	DCS
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107/22

Submitting minutes of the Finance Sub Committee (Council's Investments) meeting held on Friday, 27 March 2009.

RECOMMENDATION

THAT the minutes of the Finance Sub Committee meeting held on Friday, 27 March 2009 be adopted.

c-CR5	Finance Sub Committee (Council's Investments) <i>(Refer Minutes page 73)</i>
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REF	DCS
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107/22

Submitting minutes of the Finance Sub Committee (Council's Investments) meeting held on Wednesday, 1 April 2009.

RECOMMENDATION

THAT the minutes of the Finance Sub Committee meeting held on Wednesday, 1 April 2009 be adopted.

MINUTES OF THE ENVIRONMENT AND SUSTAINABILITY COMMITTEE MEETING
Held on the 18 March 2009 in the Nattai Room

File No: 5465/29.01

PRESENT: Clr Larry Whipper (Chair)
Clr Jim Clark
Clr David Stranger
Maree Byrne – Community Representative
Jane Lemann – Community Representative
Jan Hainke – Community Representative
Margaret Krahenbuhl – Community Representative
Geoff O'Connor – HNCMA
Daniel Anderson – HNCMA
Lori McWhirter – DPI

IN ATTENDANCE: Katrina Skellern – Business Treading Lightly (part)
Selva Selvaratnam – Water and Sewer Manager (part)
Scott Lee – Director Environment and Planning
Eddie Anderson – Natural Resources Co-ordinator (NRC)
Deborah Petkovic – Environment and Health Manager (EHM)
Belinda Rowe – Bushland Project Officer (part)
Miles Lochhead – RRC Manager (part)
Bennett Kennedy – Strategic Planner
Tannia Andrews – Administration Officer

APOLOGIES: Tony Hill – Community Representative
Tony Paull – Sydney Catchment Authority

The meeting commenced at 9:30am

Clr Whipper opened the meeting and introductions were made around the table for the new committee.

VISITOR ITEMS:

Caravan effluent disposal (dump) point – Selva Selvaratnam

The Camping and Motorhomes Association of Australia have made a request to Council to install waste dumping points in the Shire. The Water and Sewer Manager has investigated the request and looked into possible sites for the disposal points.

The association have offered to supply a unit free of charge; the true cost however needs to include providing the sewer and water connections which involves cutting the junction, extending the sewer line and providing vehicle access. The cost to Council could be around \$22,000.

There are currently two camping grounds in the Shire which already have dump points, located at Mittagong and Moss Vale.

Issues involved in providing an outlet are:

- Misuse, dumping of chemicals
- Blockages
- Could interfere with treatment processes as the sites would not be monitored.

The Water and Sewer branch investigated the possibility of installing dump sites at local petrol stations however, the petrol stations were not interested in this proposal. Another possibility for a dump site is the Visitor Information Centre.

There are currently no Council owned, free camping sites in the Shire. The Water and Sewer Manager advised that Council must first provide camping areas prior to installing as there is little guarantee that members of the Association would stay in the Shire and contribute to the economy if they were only passing through.

Selva Selvaratnam left the meeting.

Business Treading Lightly update – Katrina Skellern

Katrina Skellern was in attendance to give the Committee an update on the Business Treading Lightly (BTL) campaign. The campaign is a partnership between all seven Southern Group of Councils to support business in the development and implementation of sustainability action plans that will facilitate sustainable systemic changes. Ms Skellern ran through a brief presentation outlining the stages and current status of the campaign.

The 'Greening through the Grapevine' project was discussed which focuses on increasing sustainable and environmental performance of Council and winemakers/growers in the Shire.

BTL is working with Council to assist in the development of an Action Plan for WSC linked to our QBL strategies.

It was requested that BTL become a regular agenda item for progress reports and ideas for promotion of the campaign and partnership.

MATTERS ARISING FROM PREVIOUS MINUTES

1. Land for Wildlife Agreement finalization

Council has become a partner with the Land for Wildlife campaign. This voluntary program allows anyone with over ½ ha of bushland to enter into a conservation agreement. The agreement with Land for Wildlife is not legally binding or added to the land title of the property.

Community land and Council reserves can enter into the Land for Wildlife agreement. The official launch of the campaign will be on the 8 August 2009. Further details will follow.

Daniel Anderson reported that any agreements signed with HNCMA over the last few years will have an opportunity to enter into the program.

2. Landcare Community Support Officer MOU finalisation

The NRC advised that Council has now completed a Memorandum of Understanding to support the Landcare Community Officer.

3. Vegetation Futures Conference Report

Last year two Natural Resource staff attended the Vegetation Futures Conference in QLD. Report of the conference was tabled and will be made available electronically to Committee members.

FEEDBACK FROM COUNCIL MEETING

Discussions were held in Council regarding the format of the Committee. The Chairman suggested that the Committee be extended an additional 30 minutes each two months as the agenda warrants additional time. This proposal will be discussed with the Mayor and GM and further details provided to the Committee.

Southern Rivers Catchment Management Authority gave a presentation to Council last week regarding Natural Resource Management programs. The presentation was to provide an opportunity to discuss the value of the relationship between Councils and the SRCMA and how this partnership can be recognised under the new Australian Governments Caring for our Country (C4C) program.

NEW PROJECTS

1. *Regional Illegal Dumping (RID) Squad extension funding*

There was a request for continuation of funding and support to 30 June 2010 from the Environment Levy in order to continue the RID Squad.

Recommendation 1:

THAT the Environment Levy fund the RID squad to a maximum of \$15,000 per annum until the 30 June 2010.

Moved by Jane Lemann

Seconded by Jan Hainke

Miles Lochhead left the meeting

2. *Paddy's River wetland rehabilitation maintenance*

A project proposal was tabled requesting funding of \$15,000 over three years to maintain works completed to date on the Paddy's River wetland rehabilitation project.

Recommendation 2:

THAT the project proposal for \$15,000 over three years from the Environment Levy for ongoing maintenance to the Paddy's River Wetland Rehabilitation project be approved.

Moved by Jane Lemann

Seconded by Clr Stranger

3. *Wingecarribee Schools Environment Day Support*

A project proposal was tabled requesting funding of \$2,926 for the Wingecarribee Schools Environment Day 2009.

Recommendation 3:

THAT the project proposal for \$2,926 from the Environment Levy to contribute to the Wingecarribee Schools Environment Day 2009 be approved.

Moved by Jane Lemann

Seconded by Margaret Krahenbuhl

4. Asbestos dump clean up

A project proposal was tabled requesting funding of \$2,500 to appropriately remove and dispose of three asbestos dump sites, two in Mount Murray Road and one in Inkerman Road, Mittagong. Questions were raised over whether project proposals of this nature should be funded from the Environment Levy. The NRC advised that both the current and previous Environment Levy budgets included funding for litter reduction.

Recommendation 4:

THAT the project proposal for \$2,500 from the Environment Levy to remove three asbestos dump sites in the Shire be approved.

Moved by Jim Clark

Seconded by Lori McWhirter

Opposed by Jane Lemann

MONTHLY ACTIVITY REPORT

The activity report for January and February 2009 were distributed, discussed and noted.

MONTHLY EXPENDITURE REPORT

The expenditure report to the end of February 2009 was distributed, discussed and noted.

GENERAL BUSINESS

1. Sustainability issues for the Committee

Clr Whipper raised concerns regarding amalgamating the issues of environment and sustainability into the one Committee meeting and suggested the formation of a Sustainability Working Group.

The Director of Environment and Planning and the Environment and Health Manager suggested that sustainability should be the main focus of the Committee, with working groups branching from the issue of sustainability. This suggestion was not agreed upon by members of the Committee.

Recommendation 5:

THAT a Sustainability Working Group be formed and chaired by Clr Clark, meeting on the off months of the Environment and Sustainability Committee and report back to this Committee regarding sustainability issues.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 8 April 2009

COMMITTEE REPORTS

Moved by Clr Whipper

Seconded by Clr Stranger

Volunteers for the Sustainability Working Group:

Jan Hainke

Maree Byrne

Jane Lemann

Eddie Anderson (as needed)

Deborah Petkovic

Miles Lochhead

Date and attendees for the Sustainability Working Group to be discussed and details forwarded to members.

2. Oxley Hill Road bushland reserve and the DLEP

A map of Oxley Hill Road was distributed to members. The NRC advised that the Draft LEP proposed to zone the area rural small holdings however, the area has excellent biodiversity values and would make an excellent conservation area.

Recommendation 6:

THAT a submission is made on the DLEP from the Committee to request rezoning the area on Oxley Hill Road comprising Lot 10 DP 701530 and Lot 1 DP 583992 to Environmental Conservation and that the area is made into a bushland reserve.

Moved by Jan Hainke

Seconded by Jane Lemann

3. Robertson Bowling Club

Clr Whipper requested support for the Robertson Bowling Club to submit a grant application to conserve water on site and replace the grass on the bowling green with synthetic turf. The club is formerly applying for a grant through the DECC and are requesting endorsement through the Environment and Sustainability Committee for the project.

Daniel Anderson advised that there are alternate options for the club to conserve water and still retain the natural grass on the green. He will contact the club with further information and alternate methods.

Recommendation 7:

THAT the Committee supports any sustainable initiatives by the Robertson Bowling Club to conserve water.

Moved by Clr Stranger

Seconded by Margaret Krahenbuhl

Next meeting to be held 20 May 2009 and outstanding agenda items to be brought back to this meeting.

Meeting closed at 11.25am



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 8 April 2009

COMMITTEE REPORTS

MOSS VALE LIVESTOCK SELLING CENTRE STRATEGIC ADVISORY BOARD

Report of meeting held Friday 27 March 2009

File: 7170/01

COMMENCED: 10:05am

PRESENT: Clr Duncan Gair (Chairman)
Clr Jim Mauger
Clr David Stranger (part)
Geoffrey James
Anthony Guinness
Peter Bray

ALSO PRESENT: Peter Bowmer – Parks & Property Manager
Andrew Murdoch – Saleyard Manager
Tannia Andrews – Administration Officer
Jim Hindmarsh – Jim Hindmarsh & Co (part)

APOLOGIES: Mike Hyde – General Manager

Clr Gair opened the meeting at 10:05am

MINUTES OF THE PREVIOUS MEETING

Recommendation 1:

THAT the minutes of the previous meeting held on the 13 February 2009 be accepted as a true and accurate record.

BUSINESS ARISING

Correspondence Received

- Letter to MLA querying their reporting fee. No response to date however the Saleyard Coordinator advised that it's a standard fee that other Centres are also paying. The Board agreed to pay the fee and use the MLA reporting service. The Saleyard Coordinator to organise.

Correspondence Outgoing

- Nil

STATUS REPORT

Throughput Update

The Parks & Property Manager advised that throughput figures to date are 14,575 for the March quarter against a budget of 12,000 for the quarter.

Financials

It was noted that there was a variation in the previous financial reports where Council have charged an additional \$74,000 from the MVLSC due to a Council resolution in 2008 relating to the 2008/09 budget. This will be rectified at the end of the financial year.

The variation in the financials was noted by the Committee and further information to be brought back to the next board meeting following a meeting between the Parks & Property Manager and the Financial Services Manager regarding the variation.

Works Update

The following was discussed and noted:

- The branding race behind ramp two has been completed.
- The computer system for the scale house has been repaired and is ready for use.
- Bong Bong Common is to be cut again and requires aerating.
- Manual gates are currently operating on the weigh bridge. Hydraulic gates will be considered at a later date.
- The MVLSC website is up and running. It was requested that a flyer be produced regarding the website and its features to be distributed to agents and their clients.
- It was requested that the Saleyard Coordinator ensure that any upgrades/works undertaken at the MVLSC be put on the public noticeboard to inform users of the Centre.
- The Parks & Property Manager advised that a training DVD will be produced for stakeholders to finalise the Saleyard Induction in the next couple of weeks. It will be sent out to all stakeholders and put on the website.
- The Council land on Old South Road, leased for haycutting, is on track and the first cut is scheduled for spring.

2009/10 BUDGET PREPARATION

The Parks & Property Manager distributed the proposed 2009/10 Budget Preparation sheets and ran through the various line items.

It was noted that the proposed budget was still a working document and further work required on the sheets prior to public exhibition.

REGIONAL SELLING CENTRE PRESENTATION

Peter Bowmer and Cllr Stranger gave an overview of the meeting held in Goulburn in February 2009 regarding a Regional Livestock Selling Centre and a copy of the presentation given at the meeting was distributed to members of the Board.

While the MVLSC gave a strong presentation at the meeting with a view to making the MVLSC the Regional Selling Centre it was noted that the Board must be proactive in pursuing the matter. The Parks & Property Manager reported that the Goulburn Selling Centre seems to believe that they will be able to maintain the current fees and charges after spending approximately \$15 million on a new facility.

The Board agreed that a business plan is required for the Centre, which could include covering the yards. It was suggested that the Parks & Property Manager contact Forbes Shire Council who are currently undertaking their own business plan for the Forbes Saleyards.

Jim Hindmarsh joined the meeting (11:00am)

The Chairman welcomed Jim Hindmarsh to the meeting.

Mr Hindmarsh's input into outside selling was sought. It was pointed out to Mr Hindmarsh that the Board spent approximately \$20,000 on infrastructure to establish overhead selling on the request of the Agents. Since these upgrades have taken place, the Agents are no longer interested in overhead selling. Mr Hindmarsh advised that he was unaware that this subject was to be raised with him at this Board meeting and he had not discussed the matter with the other Agents. The Chairman acknowledged this but pointed out that it had been Mr Hindmarsh who had approached the Board initially requesting the infrastructure to conduct outside selling and his input on the matter would be appreciated.

Mr Hindmarsh advised that he believed all the Agents are in favour of outside selling but only if all the infrastructure is in place, including covered laneways. He advised that during the recent trial period for overhead selling conducted at the MVLSC there was a downpour and this caused malcontent with both sellers and buyers. In addition the producers expressed concerns that cattle were weighed too late, and staff moving cattle commented that there weren't enough yards. Mr Hindmarsh also suggested post weighing the cattle rather than pre weighing.

It was noted that the MVLSC will not get the big buyers coming to Moss Vale as long as cattle continue to be sold in lots of one and two head. In order to attract big buyers, cattle must be sold in large lots, even if this means weighing individually but selling larger lots from multiple vendors.

Mr Hindmarsh stressed the importance of having raised, covered laneways for vendors and buyers alongside cattle yards. He also commented on the concrete yards which are causing footsore in the cattle when the mulch is wet. It was noted that it is important not to overcapitalise to the extent where prices must be raised too high in order to meet costs.

Clr Stranger left the meeting (11:35am).

ADDITIONAL SELLING DAY

Mr Hindmarsh requested the Boards approval to move the sale day for Jim Hindmarsh & Co to a Monday. He advised that at this stage, it was simply an idea but he didn't want to investigate the possibility further without the Board's endorsement. He advised that Monday was chosen as there were very few sales currently held on a Monday around the area with Tuesday not available as Goulburn and Camden sales are held on Tuesdays. Mr Hindmarsh believed that holding a second sale on a Monday would spread cattle out and give all the Agents more room and time.

The Board advised Mr Hindmarsh that his request would be discussed and he would be advised of an outcome directly.

Jim Hindmarsh left the meeting at 11:50am.

Recommendation

THAT Mr Hindmarsh's request for an additional sale day on a Monday be denied but kept under review for the future.

REGIONAL SELLING CENTRE PRESENTATION (CONT)

The Board agreed that it was imperative to market the business appropriately, starting with a business plan. It was decided to hold a workshop to focus on developing a business plan for

the Centre. The workshop is to be held on the afternoon of 17 April 2009. The Parks & Property Manager to organise an independent facilitator for the workshop.

CHANGE OF NAME

Discussions were held regarding changing the name of the Moss Vale Livestock Selling Centre. It was noted that the current name is not a registered business name and in order to change the name it would simply require a recommendation by the Board, adopted by Council.

Recommendation

THAT the centre's name be changed from the *Moss Vale Livestock Selling Centre* to the *Southern Regional Livestock Exchange*.

The Parks & Property Manager to register the new name with the Department of Fair Trading.

Meeting Closed at 1:00pm.

Next meeting to be held Friday 17 April 2009 at 1pm.

<i>Staff</i>	<i>Time</i>	<i>Function</i>
Parks & Property Manager	20 hrs	Attended Meeting, preparation material, correspondence
Administration Officer – Parks & Property	8 hrs	Attended Meeting, preparation, typing of minutes, correspondence

STATUS TABLE

Item	Date	Comment	Status	Actioned
Country Hour	3 Aug 2007	Board agreed to pay the fee and use the MLA reporting service.	Saleyard Coordinator to organise.	Saleyard Coordinator
Advertising	7 Dec 2007	Advertise to promote improvements and higher prices obtained at Moss Vale.	Investigate hiring a Marketing consultant. Saleyard Co-ordinator to organise store sale advertising in the Land.	Parks & Property Manager and Anthony Guinness
Change of Sale Day Operations	31 Oct 2008	Upgrade of weighbridge complete.	Meeting to be organised with stakeholders to discuss a trial for outside selling.	Saleyard Coordinator
Hay Cutting	12 Dec 2008	Agricultural report on East Bowral and Skin Shed Site to be undertaken to determine viability of fertilisation program.		Parks & Property Manager and Saleyard Coordinator

**MINUTES OF THE
FINANCE SUB COMMITTEE
(COUNCIL'S INVESTMENTS)**

held on Friday, 27 March 2009

PRESENT: Via telephone conference - Clr Gair (Mayor), Clr Arkwright (Chair Finance and Internal Audit Committee), General Manager and Director Corporate Services

ISSUE DISCUSSED

Councillor Gair and Councillor Arkwright were briefed on matters discussed and the consensus reached by Councils in attendance at a meeting convened at Rockdale Council on Friday 27 March 2009.

The significant issues were as follows:

- (i) The draft DOCA and action proposed if it was passed in its current form, at a meeting of creditors
- (ii) Proposal from HBSS for multi-plaintiff action on behalf of Council's in the USA.

AGREED ACTION

1. THAT Wingecarribee Shire Council endorse the action for a proposal to be put to all Council's, seeking a retainer to support the legal action as suggested by Piper Alderman, if the current draft DOCA is passed at a meeting of creditors.
 2. THAT Council further consider its position once the details of the proposed retainer are received and the allocation of costs to individual councils is confirmed.
 3. THAT Council support in principle the proposal from HBSS for a multi-plaintiff action in the USA.
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**MINUTES OF THE
FINANCE SUB COMMITTEE
(COUNCIL'S INVESTMENTS)**

held on Wednesday, 1 April 2009

PRESENT: Clr Gair (Mayor), Clr Arkwright (Chair Finance and Internal Audit Committee),
General Manager and Director Corporate Services

ISSUE DISCUSSED

- Further retainers – Piper Alderman
 - (i) Chapter 11 Bankruptcy – Lehman Brothers Holdings Inc
 - (ii) Lehman Brothers Australia Ltd (In Administration)
- Meeting of Creditors – Lehman Brothers Australia – Proposed DOCA
- Status of Lehman structured CDO's

AGREED ACTION

1. THAT the retainers from Piper Alderman for ongoing advice on:
 - (i) Chapter 11 Bankruptcy – Lehman Brothers Holdings Inc - \$5,000; and
 - (ii) Lehman Brothers Australia (In Administration) - \$2,000be approved.
2. THAT Wingecarribee Shire Council seek confirmation of continuing support for a \$1million fund to be provided in any DOCA agreement proposed by the Administrators to offset legal costs of Council's involved in litigation against Lehman Brothers Australia.
3. THAT Council note that "notice to terminate the swaps" on a number of Lehman structured CDO's have been approved by the note holders and it is anticipated that Council will receive some return on capital from the following CDO's being unwound:

CDO	Capital Invested
(i) Saphir Endeavour	\$140,000
(ii) Beryl Property Note	\$4,000,000
(iii) Zircon Merrimbula	\$500,000
(iv) Zircon Coolangatta	\$2,000,000

4. THAT Council endorse action proposed by the Mayor to contact the Mayor's of all NSW Council's affected by the likely losses of capital on CDO's, seeking their support to raise issues of concern with the State Government, including:
 - (i) The Ministerial Investment Order of July 2005 pertaining to Council Investments; and
 - (ii) The lack of warning to NSW Council's from State Treasury regarding the credit worthiness of CDO's despite apparent directions to government agencies not to hold CDO investments.



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on Wednesday, 8 April 2009

COMMITTEE REPORTS

5. THAT Council confirm an additional budget of \$50,000 (inclusive of funds approved at Council's Ordinary Meeting on 11 March 2009) to meet the ongoing costs of legal action in this matter, with the funds to be managed in accordance with the delegations approved by Council to the Finance Sub Committee (Council Investments) at the Ordinary Meeting of Council on Wednesday, January 28 2009.
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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 reports have been distributed separately:

c-GM1	<u>STAFF MATTER</u>	Pers
c-CS1	<u>UPDATE ON LEHMAN BROTHERS AUSTRALIA</u>	107/9, 2104
c-CS2	<u>SALE OF LAND FOR OVERDUE RATES – SECTION 713 LOCAL GOVERNMENT ACT, 1993.</u>	2220/2009

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:*

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
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CLOSED COUNCIL

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

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

DIRECTOR GENERAL'S GUIDELINES

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

RECOMMENDATION

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

c-GM1 STAFF MATTER

Pers

Relevant Legal Provisions

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

Brief Description

This report deals with the General Manager's Contract.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because of personnel matters concerning particular individuals (other than Councillors).

c-CS1 UPDATE ON 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 matter 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.

c-CS2 SALE OF LAND FOR OVERDUE RATES – SECTION 713 LOCAL
GOVERNMENT ACT, 1993.

2220/2009

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

Report to appraise Council of the current situation in relation to the sales of land for overdue rates (Section 713) to be held on 17 April 2009.



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CLOSED COUNCIL

Public Interest

It would on balance be contrary to the public interest to consider this information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

2. THAT the minutes of the Closed Council part of the meeting (being the Council's resolution) be made public.
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A handwritten signature in black ink that reads "Mike Hyde". The signature is written in a cursive style with a long horizontal stroke at the end.

Mike Hyde
General Manager

2 April 2009