

File No. 100/09
Our Ref: EAJ

7 August 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, 12 August 2009** commencing at **3.30pm**.

Yours faithfully

Michael Brearley
Acting General Manager

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

BUSINESS

1. OPENING OF THE MEETING
2. PRAYER – REVEREND JEREMY TONKS, EXETER ANGLICAN CHURCH
3. PUBLIC FORUM
4. APOLOGIES
5. ADOPTION OF MINUTES OF ORDINARY MEETING HELD ON WEDNESDAY 22 JULY 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;

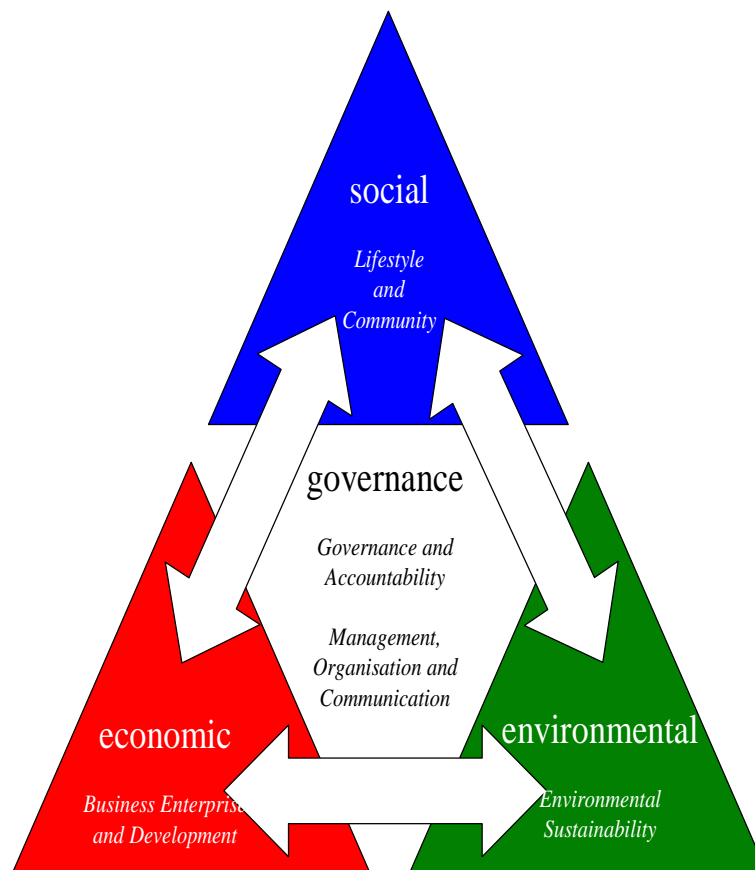
EXCELLENCE in the provision of services;

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, 12 August 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, 12 August 2009

REPORT OF ACTING GENERAL MANAGER

VISITOR ITEMS

REPORT OF ACTING GENERAL MANAGER

v-GM1 Position of WSC on Wind Power for Southern Council Group

REF.	EDO	5480/1, 205, 205/1
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Reporting on the concept study submitted to the Southern Council Group (SCG) for consideration of a wind power project within the SCG region.

REPORT

COMMENT

At its meeting on 20 March 2009 the Southern Councils Group recommended that a newly submitted program, itinerary and budget for further investigation of the merits of community wind farming be endorsed.

The Study Group comprising Councillor Ben van der Winngaart Deputy Mayor of Kiama Council, David Herring representing the community, and Carl Pemberton the Economic Development Officer of Wingecarribee Shire Council investigated the feasibility of a community-based wind power generation capacity in the Southern Councils Group region.

The scope of that Study included the following:

- Preliminary investigation of community-based wind power experiences overseas and in Australia, including, but not necessarily constrained to the Danish and German models and the experiences at Hepburn Springs and Ararat Victoria
- Preliminary identification of the general areas where wind power generation would be feasible within the Southern Councils Group region;
- An assessment of how such a scheme might work across two or more local government areas;
- Consideration of the optimum scale and development strategy for wind power on the South Coast; and
- Investigation of models for community engagement and ownership of such a project.

The study **excluded** seeking any formal expressions of commercial interest.

The Wind Power Concept Study Report was submitted to the Southern Councils Group Business Meeting held on 3 July 2009 at Merimbula. The Concept Study Group was congratulated on its hard work in the preparation of a comprehensive report. Southern Councils Group also resolved that the report be referred via a special meeting of the EDP Committee on the 9 July 2009 to each member Council to enable full consideration with each Council's determination and comments on the report being referred to the Southern Councils Group Executive by the end of July. This would enable the possibility of the report being discussed at the meeting of the Greens Job Illawarra Steering Committee Meeting on 11 August 2009 and inclusion of the Report in a submission to the Premier's Office in late August. There is also potential for the Report to inform an SCG submission to the newly announced Commonwealth Inquiry into wind farming in rural areas.

A copy of the Wind Power Concept Study Report has been circulated to Councillors on a Commercial-In-Confidence basis. The reasons for confidentiality are that this matter deals with commercial information of a confidential nature as per Section 10A(2)(d) of the Local Government Act. The issue to be discussed is the Wind Power Concept Study Report submitted to Southern Councils Group and if disclosed would prejudice Council's commercial position.

The Economic Development Officer Group of SCG has now provided the following assessment of the Report.

REPORT ASSESSMENT

The objective of the South Coast Community-Based Wind Power Concept Study was to conduct a high-level preliminary investigation of community-based wind-power generation on the South Coast. The approach to gathering the necessary input for the Concept Study was to contact a range of government, scientific, industry and community interests in the area of community based and, to a lesser extent, commercial wind power and arrange interviews.

Sufficient information was acquired as part of the Concept Study to:

- Establish a reasonable degree of confidence that there are sufficient high potential sites with feasible grid capacity and locational suitability in the Southern Councils Group region to support further investigation.
- Suggest that the principal environmental considerations associated with wind power development are associated with construction and operations with both considerations controlled by well established guidelines which will soon be developed into a set of national guidelines.
- To establish advantages of community ownership models and community engagement in development of initiatives.
- To suggest there may be many non-financial benefits from community-based wind farming but noting the following paragraph 251 from the Report

“The only rational conclusion that can be reached at this time with the resources available to this Working Group, is that the ‘fluidity’ of current Federal and State Government policy on RETs, the CPRS and Feed-in Tariffs, makes a meaningful financial returns estimate for a wind power project impossible. While unlimited examples of profitable community-based wind farms exist overseas, they have the advantage of enabling legislation that is still being formed in Australia. There is little doubt of the potential for sound return on investments for wind power on the South Coast, but based on the current volatile policy environment this would need to be left for pre-feasibility study to determine.”

- To establish that the three phases of actual development of wind farming developments are commonly regarded to be, Pre-Feasibility, Feasibility/Pre-Construction and Construction with Figure 1 from the Report providing an indicative development timeline with Phase 1 costs estimated to be between \$0.75M - \$1M.
 - To suggest that there are various models for management of development of community wind farms, some of which are examined in the Report.
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REPORT OF ACTING GENERAL MANAGER

The recommendations of the Report were noted but the Economic Development Officers Group proposed that they should be addressed progressively, as funding for a pre-feasibility Study is an essential pre-requisite of any further action.

BUDGET

It is proposed that funding of up to \$1 million be sought by SCG from the NSW Government and other appropriate sources to undertake the pre-feasibility study.

There are no budget implications for WSC.

ATTACHMENTS

There are no attachments to this report.

RECOMMENDATIONS

1. THAT Council receive and note the Wind Power Concept Study (WPCS) Report prepared for SCG and endorse it for public release by SCG with the Commercial-in-Confidence elements excluded.
 2. THAT Council support the progression of the WPCS Report to the State Government and other appropriate sources seeking financial support for a pre-feasibility study.
 3. THAT Council advise the SCG Executive of their support for wind power and other sustainable energy initiatives, providing always that any such initiative within Wingecarribee Shire remains within the control and approval of Council.
 4. THAT Council develop a policy on sustainable energy projects for the Shire.
 5. THAT wind power and other forms of sustainable energy form part of the Community Strategic Plan engagement.
-

Michael Brearley
Acting General Manager

7 August 2009

ENVIRONMENT & PLANNING DIVISION

Environmental Sustainability

v-EP1	Section 82A Review – Proposed Dog Breeding Kennels, 12 Drapers Road, Colo Vale
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REF:	DBSM	LUA08/0280
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The applicant (Darren Hogan on behalf of Mrs Burnley) and a representative of the objectors have been invited to address Council.

A Section 82A request has been submitted seeking a review of Council's earlier refusal on 10 December 2008, which is reproduced below:

REASONS FOR REFUSAL

- 1. Proximity to the residential area of Willow Vale.*
- 2. Noise emanating from the dogs and impacting on neighbouring properties.*

Council visited the site prior to determining the application. The original staff assessment report recommended approval of the application. The original staff report forms **Attachment 1**.

REPORT

SECTION 82A REVIEW

The applicant's request for review is reproduced in **Attachment 2**.

NEIGHBOUR NOTIFICATION

In accordance with the Regulations, the Section 82A review was notified to adjoining owners, with five submissions received, the following being a summary of points raised:

- Distance to Willow Vale residential area.
- Sterilisation of ground at rear of property.
- Removal of trees / under storey vegetation.
- Close proximity to other residents.
- Fence height (boundary) not adequate.
- Fixed sprinklers (approximately 52)
- Devaluation of neighbours' properties.
- Precedent
- Constant barking – 24 hours per day.

The applicant's response to the notification process is contained in **Attachment 3**.

REVIEW OF APPLICATION

As part of the review process the reviewing officer has:

- spoken with the neighbours,
 - sat outside the property listening for noise from dogs (none identified)
-

- walked in the reserve behind the property.
- visited the site.

The owner has two non breeding dogs on site which, like most domestic dogs, have the freedom to roam the property. Other breeding dogs are either inside the home or in kennels.

In walking through the rear bush land it was noted that several properties including the subject site, have domestic dogs who may have run to the fence once they realised a stranger was present. By and large, it has to be noted that barking dogs do not seem to be an issue in the area.

Comments on submissions, in order as per Item 2 of this report:

- i) the subject property is some 410 metres from the commencement of Orient Street (village area of Willow Vale),
- ii) in order to prepare the site for dog runs, the applicant has cleared under growth, had the land sprayed by Mr Bruce Noble, Licensee 20400584, and had the land tilled. This work was undertaken in order to break the soil, allow water infiltration to enable grass growth. Unfortunately, this has left the area barren and subject to raised dust.

An alternative ground preparation method would have been to break the surface, plant with green manure crops, mow when mature, then rotary hoe in to the soil. This would enhance organic material and assist in lawn establishment.

- iii) The area was subject to bush fire in 2002, destroying much of the vegetation. Damaged trees have either been pruned or removed, which is not dissimilar to what adjoining property owners have done since the fires.
- iv) The subdivision pattern has created allotments with 73 metre frontages. This is generous for most residential areas but can be insufficient if any neighbours engage in recreational pursuits that create noise.
- v) Boundary fence height – not adequate.
Plans submitted with the application propose dog runs with fences off set 8 metres from side and rear boundaries. Within this 8 metre offset is proposed a perimeter access track (bush fire purposes) and a Revegetation Plan prepared by Wariapendi Nursery - **Attachment 4**.

The current arrangement allows the 2 pet dogs free run of the rear of the property which is similar to adjoining properties.

- vi) The sprinklers have been installed to water lawns (once established) and gardens. They will also provide protection in the event of another bush fire. Water for the sprinklers is sourced from:
 - dam
 - tanks
 - bore (Licence No. 1OBL601115 stock and domestic)

- vii) Undertaking a valuation on properties is subject to many variables. Therefore, it is difficult to definitely establish that approval of this activity will devalue adjoining properties.
- viii) The Land and Environment Court have constantly ruled that precedent is not a reasonable ground of refusal, as each application has to be dealt with on their merits.
- ix) Various visits to and around the site, barking has not been identified as an issue.

MANAGEMENT PLAN ISSUES OR IMPLICATIONS

N/A

POLICY IMPLICATIONS

N/A

BUDGET IMPLICATIONS

N/A

ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

Addressed in previous reports.

CONCLUSION

The property is situated in a mixed use locality, industrial opposite, rural residential adjacent and motorway audibly evident to the rear.

As noted in the initial report, Council's DCP No.10 Dog Boarding, Breeding, Keeping and Training, provides for a dog density of:

10 dogs per hectare or part thereof

with a site area of 2.022 hectares, this would equate to 20 dogs.

The DCP defines a "dog" as:

"Dog" means any animal (whether desexed or not) of a canine species and includes any dog, mongrel, bitch or puppy, EXCEPT that in determining the maximum number of dogs which may be kennelled on any allotment at any one time a dog shall not include any animal which is part of the litter of a bitch kept on that allotment under the age of:

- (a) 8 weeks for a non-commercial activity,*
- (b) 8 weeks for a dog keeping activity, or*
- (c) 12 weeks for a commercial activity."*

The Noise Assessment which accompanied the application recommended a maximum of 20 dogs.

The Noise Assessment acknowledges that Labradors are a low key, quiet breed and have been developed for their ability to know when making a noise is appropriate.

The applicant has indicated a reduced number of dogs would be acceptable with corresponding reduction of 3 day kennels.

ATTACHMENTS

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

1. Original staff reports submitted to Council Meeting dated 10 December 2008.
2. Applicant's request for review dated 22 June 2009.
3. Applicant's response to the notification process dated 31 July 2009.
4. Plan of Revegetation prepared by Wariapendi Nursery, dated 11/08/08.

RECOMMENDATION

THAT the Section 82A review approve the application subject to standard conditions and the following specific conditions:

- (i) The number of dogs to be kept on the premises shall not exceed 10 adult animals and no more than 2 litters of pups under the age of 12 weeks.
- (ii) The applicant and or operator shall implement the noise control measures set out in the Noise Assessment undertaken by RSA Acoustics Number: 3523 and dated 3423.
- (iii) The activity shall be restricted to the purposes of breeding and does not include the boarding of any animals.
- (iv) The activity shall be restricted to the breeding of Labrador Retrievers and no other breed.
- (v) The internal colorbond walls and roof of the kennels are to be internally insulated with 100mm thick insulation, which is to provide a transmission loss of at least Rw30.
- (vi) Solid wall fences (with no gaps and flush to the ground) between kennels/exercise yards and adjoining properties are to be maintained (as factored in the Noise Assessment).
- (vii) The property is to be under continuous supervision by an experienced canine handler 24 hours per day.
- (viii) Any noise disturbance shall be investigated immediately to eliminate any barking that may occur.
- (ix) Veterinary attendance shall be investigated immediately to eliminate any barking that may occur.
- (x) Distressed or injured animals shall be housed whilst in recovery in the enclosed kennels to eliminate any noise from the animal.
- (xi) All feeding, washing and grooming of dogs is to be carried out in the kennels.
- (xii) Revegetation is to be undertaken in accordance with Plans prepared by Wariapendi Nursery and implemented **prior** to any other work associated with this approval. The landscaping shall be professionally maintained by Wariapendi Nursery for a period of two (2) years from the date of establishment, with quarterly maintenance reports submitted.

(Voting on the Motion)



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on Wednesday, 12 August 2009

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

Scott Lee
Director Environment & Planning

6 August 2009



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 12 August 2009

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

OPEN COUNCIL

ENVIRONMENT & PLANNING DIVISION

Governance and Accountability

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

REF: DBSM 5302

Submitting list of development consents executed under delegated authority of the Director of Environment and Planning between 13/07/09 and 27/07/09.

RECOMMENDATION

THAT the information relating to Development Consent Nos 1-5 under Delegated Authority be received and noted.

**Development Applications (DAs) Determined by way of Approval
13/07/2009 to 27/07/2009**

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

	Date Finalised	Appl/Proc ID	Property Legal Desc	Property Address	Description
1	20/07/09	LUA08/1280	Lots 10 & 11 DP 12552	7 Anzac Parade Bundanoon	New Commercial/Retail & Light Industrial Warehouse Development with on-site Parking
2	27/07/09	LUA09/0472	Lot 10 DP 805345	Port O'Call 228-234 Bong Bong Street Bowral	RTA Safety Rail Installed to the Front of Hotel
3	17/07/09	LUA09/0602	Lot 1 DP 835193	School Kangaloon Road Bowral	Multi-purpose Hall and Associated Building Works
4	21/07/09	LUA09/0298	Lots 176-177/185/187 DP751298 & Lots 71/73-74 DP1073970 & Sp & ring Valley Wildlife Refuge No54 RP's06/97 & 08/37& 08/123	Paddys River Murrimba Road Wingello	Nine Lot Rural Subdivision (for fees refer to LUA07/0843)
5	15/07/09	LUA09/0597	Lot 101 DP 1137926	Ascot Road Bowral	8 Lot Strata Subdivision

Governance and Accountability

o-EP2 List Of Land Use Applications Received By Council

REF: DBSM

5302

Submitting list of development applications which have been received between 13/07/09 and 27/07/09, some of which will be dealt with under delegated authority of the Director of Environment & Planning.

RECOMMENDATION

THAT the information regarding the List of Land Use Applications Nos 1 – 8 received by Council, be received and noted.

Development Applications (DAs) Received
13/07/2009 to 27/07/2009

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

	Date Created	Appl/Proc ID	Property Legal Desc	Property Address	Description	Council	Dele - gation
1	24/07/09	LUA09/0653	Lot 71 DP 13350	Lot 71 Old Jamberoo Road Robertson	Staged Development Application for the Erection of a New Dwelling requiring SEPP1 to minimum allotment size	✓	
2	20/07/09	LUA09/0632	Lot 2 DP 246960	Owls Wood Farm The Illawarra Highway Moss Vale	Construction Of Private Equestrian Arena	✓	
3	17/07/09	LUA09/0629	Lot 1 DP 601372	Carberry Park Tugalong Road Canyonleigh (Youth Off The Streets)	Kit Style Classroom (Removal of 6 class- rooms & replace with 2 classrooms & staffroom)		✓
4	16/07/09	LUA09/0624	Lot 1 DP 787395	32-36 Wingecarribee Street Bowral	Refurbishment of existing premises (new modern facades)		✓
5	20/07/09	LUA09/0631	Lot 21 DP 812725	Douglas Road Moss Vale	6 Lot Subdivision		✓
6	13/07/09	LUA09/0607	Lot 28 DP 255091 & Lots 1 & 2 DP 1139319	The Old Nursery Jensens Lane Exeter	Dwelling (entrance to property from 13 Buskers Lane until dwelling built)		✓
7	14/07/09	LUA09/0616	Lot 8 DP 1128462	591 Argyle Street Moss Vale	Commercial Development (Single storey, offices only)		✓
8	17/07/09	LUA09/0627	Lot 6 DP 1130184	645 Moss Vale Road Burradoo	Business Identification Sign (VET sign, Songline Place)		✓



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

o-EP3	Draft Amendment to Development Control Plan No.12 – Off-street Parking, Loading and Access Code.
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REF:	SPM
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5700/12

The purpose of this report is to advise the outcome of the exhibition of Draft Amendment F to Development Control Plan (DCP) No12 – Off-Street Parking, Loading and Access Code.

REPORT

BACKGROUND

Council resolved, on 8 April 2009, to exhibit an amendment to DCP 12 in accordance with the provisions of the Environmental Planning & Assessment Regulation (the Regulation) 2000, following the highlighting of inadequacies of the current provisions of DCP 12.

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

OUTLINE

Amendment F to DCP 12 was exhibited from the 29 April to 29 May 2009.

A notice was placed on Council's page of the Southern Highlands News on 29 April and 13 May advising of the proposed amendment. The relevant documents were also placed on the 'What's on exhibition' page of Council's website.

As a result of the exhibition no submissions were received.

Council has previously been advised the details of the proposed Amendment F, so this report will not reiterate those details here (the exhibited DCP Amendments are attached). The proposed amendment updated the standards, dimensions and terminology of the following sections of the DCP.

- Section 4.1 Off Street Loading and Unloading Facilities
- Section 4.2 Loading and Manoeuvring
- Section 4.3 Garbage Waste and Resource Recovery Collection

For the purpose of the exhibition, the proposed amendments to the DCP were highlighted in bold font, with the provisions to be removed struck through.

Should Council resolve to adopt the amendment as proposed, the highlighted provisions will revert to their standard font and the struck through provisions will be deleted.



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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

CONCLUSION

These proposed amendments, shown in the attachment, 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.

The updating of the term Garbage to waste and resource management also brings the document in line with current terminology.

It is recommended that Draft Amendment F be adopted and the changes required of the DCP be implemented in accordance with the provisions of the EP&A Regulation.

MANAGEMENT PLAN ISSUES OR IMPLICATIONS

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

POLICY IMPLICATIONS

The Amended DCP No12 will become the primary planning control for Off-Street Loading, Access and Manoeuvring areas within the Shire.

BUDGET IMPLICATIONS

Nil.

ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

(i) Environmental Factors

The controls contained within the Amended DCP 12 will ensure that the character and operational efficiency of vehicular movements will be improved.

(ii) Social Factors

The amended controls within the DCP will ensure development is in keeping with the current Australian Standards and terminology.

(iii) Economic Factors

Nil.

ATTACHMENTS

There is one (1) attachment to this report being Draft Amendment F of DCP No12 Car Parking, Loading, Unloading and Manoeuvring areas, 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, 12 August 2009

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

RECOMMENDATION

1. THAT Council adopt Draft Amendment F of Development Control Plan 12 Car Parking, Loading, Unloading and Manoeuvring Development Control Plan circulated to Councillors under separate cover.
 2. THAT the amended DCP be implemented in accordance with the EPA Regulation 2000.
-

(Voting on the Motion)



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 12 August 2009

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

o-EP4 Robertson Inn – New Shops and Alterations

REF: DEP

LUA07/0958

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

REPORT

BACKGROUND

At its meeting of 22 July, Council considered a report dealing with LUA07/0958.

The Committee on a Motion moved by Clr K Halstead and seconded by Clr J Mauger, recommended the following:

THAT LUA07/0958 for boundary adjustment, demolition of part of the existing structure and erection of eight (8) new shops (two with flats on first floor) at the Robertson Inn, Lot 2, DP 758882 and Lots 10 and 11 DP 546726 Hoddle Street, Robertson, be approved subject to the conditions being approved by the Director Environment & Planning following a discussion of interested Councillors regarding the conditions of approval”.

Voting on the matter was tied at four (4) all and therefore, in accordance with Council's Code of Meeting Practice the matter was referred to the full Council.

The full Council, on a Motion moved by Clr L A C Whipper and seconded by Clr G McLaughlin passed the following:

THAT LUA07/0958 for boundary adjustment, demolition of part of the existing structure and erection of eight (8) new shops (two with flats on first floor) at the Robertson Inn, Lot 2, DP 758882 and Lots 10 and 11 DP 546726 Hoddle Street, Robertson, be deferred for further consideration to the next Ordinary meeting of Council to be held on Wednesday, 12 August 2009.

ATTACHMENTS

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

1. Report from meeting of 27 May 2009
2. Report from meeting of 22 July 2009
3. Additional information supplied by applicant dated 3 July 2009

RECOMMENDATION

For Council's determination.

(Voting on the Motion)



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 12 August 2009

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

o-EP5 Request for Council Seal - Foldgarth Way, Burradoo

REF: DBSM

LUA04/1127

Reporting on request for Council seal to enable the building envelope to be removed from Lot 2 DP 1102306, Foldgarth Way, Burradoo.

REPORT

The development consent for the subdivision which created Lot 2 DP 1102306 Foldgarth Way required a Building Envelope to be identified on the Deposited Plan accompanied by an 88B instrument restriction. This building envelope and 88B instrument restriction was registered with the Deposited Plan in 2006.

The reason for the Building Envelope on this lot was an additional measure to ensure an appropriate form of development in the vicinity of the cottage on the corner of Foldgarth Way / Sunninghill Avenue, as this cottage was considered to have some heritage value (despite not being listed as an item of heritage under Wingecarribee Local Environmental Plan 1989).

The cottage on the eastern corner has been subsequently replaced with a new dwelling-house and this has removed the need for the Building Envelope on Lot 2 DP 1102306.

The siting of a dwelling-house on Lot 2 DP 1102306 can be effectively controlled by the Residential DCP in concert with the remaining provisions of the 88B instrument which requires a satisfactory building design (including the requirement that dwellings shall be single storey construction only, but roof space may be used as a second habitable level).

The development consent has been modified to remove the need for a Building Envelope on Lot 2 DP 1102306 and in order to complete this process, the 88B instrument needs to be amended by the release of a restriction on the use of Lot 2 DP 1102306 in respect of the Building Envelope, which requires the seal of Council to be affixed.

RECOMMENDATION

THAT the Release of Restriction on the Use of Land in respect of Lot 2 DP 1102306, (Foldgarth Way, Burradoo), be executed under the Common Seal of Council.

(Voting on the Motion)



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 12 August 2009

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

o-EP6 Proposed Retail Nursery, 129 Lackey Road, Moss Vale

REF: DBSM

LUA09/0559

Reporting on proposed retail plant nursery at 129 Lackey Road, Moss Vale.

REPORT

LUA 09/0559 has been received seeking development consent for a retail plant nursery at 129 Lackey Rd, Moss Vale which is located in the industrial area on the western side of Lackey Rd between Farmer's Place and Parkes Rd (see **Attachment 1** :Location Map). The site is 758 square metres in area and contains a dwelling house.

Council at its meeting of 22 July resolved that this application be presented to full Council for determination.

PROPOSED DEVELOPMENT

The proposed development comprises the use of the existing dwelling on site as a nursery retail area, and the use of the front and rear garden areas for the display of plants for sale. A four space carpark area is proposed at the rear of the existing dwelling. Deliveries to the site will be via a small HiAce sized van. The proposed site layout is shown in **Attachment 2** and the Applicants Statement of Environmental Effects is **Attachment 3**.

STATUTORY CONSIDERATIONS

The site is zoned Industrial 4(a) under WLEP 1989. Retail Plant Nurseries are permissible with consent within the 4(a) under WLEP 1989.

The site is proposed to be zoned Industrial IN2 under Draft Wingecarribee LEP 2009, where landscape and garden supplies are also permissible subject to the consent of Council.

Compliance Table

Development Standard	Development Control Plan	Required	Provided	Compliance
Carparking	DCP 12 : Carparking	2 carspaces	4 spaces proposed on submitted plans, however the area identified only accommodates 2 spaces to satisfy DCP 12 width requirements	Yes

INTERNAL REFERRALS

Building Surveyor
Council's Building Surveyor has provided conditions of approval.

Development Engineer

Council's Development Engineer has advised that the proposed 4 carspaces do not comply with the minimum width requirements of DCP12: Carparking, but as the Retail Nursery use generates only 2 car spaces in accordance with DCP 12, a condition of consent can be imposed requiring the provision of 2 spaces only, with the remainder area being available for on site loading area for deliveries.

PUBLIC NOTIFICATION

The proposed retail plant nursery development application was notified to surrounding properties. One submission was received, supporting the proposed development.

ASSESSMENT OF MAJOR ISSUES ARISING

Carparking

The proposed 4 carspaces do not comply with the minimum width requirements of DCP12: Carparking. Therefore, as the Retail Nursery use generates only 2 car spaces in accordance with DCP 12, a condition of consent can be imposed requiring the provision of 2 spaces only, with the remainder area being available for loading area for deliveries to the site.

Scale and Nature of Development

The proposed development is minor in scale and unlikely to lead to any significant impacts. The use of the existing dwelling will minimize any potential impacts upon the streetscape. With limited works to the site required by this application, the proposal could be described as transitional and certainly would not compromise other potential land uses from being established in the future.

CONCLUSION

The proposed Retail Nursery is considered acceptable in terms of s79C of the Environmental Planning and Assessment Act 1979, and is recommended for approval, subject to conditions including a condition requiring 2 carspaces and on site loading area to comply with DCP 12 standards.

ATTACHMENTS

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

1. Site plan.
2. Site layout.
3. Applicants Statement of Environmental Effects

RECOMMENDATION

THAT LUA 09/0559 for a retail plant nursery at 129 Lackey Rd Moss Vale be approved subject to conditions of consent including a condition requiring 2 carspaces and on site loading area to comply with DCP 12 standards.

(Voting on the Motion)



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 12 August 2009

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

o-EP7 Moss Vale Enterprise Corridor DCP Amendment

REF: SPM

5700/60; 5602/11

The purpose of this report is to advise that a request has been received to further amend the current biodiversity constraint map notation contained in Figure 3 of the Moss Vale Enterprise Corridor (MVEC) - Development Control Plan (DCP) No 60 (Amendment 2).

REPORT

BACKGROUND

The MVEC DCP 60 was adopted by Council on the 13 August 2008 after two rounds of consultation with stakeholders and interested parties.

In response to these consultations and submissions received, Council adopted the MVEC DCP 60 including provisions that allowed greater flexibility to be applied when considering development applications on properties covered by the MVEC DCP 60 that may be subject to development constraints.

Following exhibition of a proposed amendment to the MVEC DCP 60, Council supported an amendment on 25 March 2009 to reduce the biodiversity constraint notation of Figure 3 over land in Carribee Road. This amendment resulted in the notation being consistent with Council's Vegetation Community's Mapping notation denoting an area of SHSW (as an Endangered Ecological Community – EEC) over the subject properties.

As a result of further representations to Councillors, one of the property owners lodged a second request to completely remove the biodiversity notations of Figure 3 over their properties at Lot 4 DP 623038 and Lot 12 DP 527683 Carribee Road, Moss Vale.

Both of the subject property owners have previously lodged submissions, including Flora & Fauna Reports (F&F), requesting that the biodiversity constraint be lifted over their holdings. In those submissions, the argument was made that the biodiversity values were dubious and that there was no 'ground truthing' of biodiversity value over their properties.

The current Figure 3 of the MVEC DCP 60 (**Attachment 1**) notates the presence of biodiversity constraint over the subject land.

Council's existing GIS Vegetation Communities Mapping layer notes that the subject properties are affected by Southern Highlands Shale Woodland (SHSW) (**Attachment 2**). This is confined to a smaller 'core' area located in the north western corner of the two (2) properties.

Council's GIS Vegetation Community's Mapping Layer will not be amended as a result of the above request. Council's Natural Resource staff have advised that Phase 2 of Council's Biodiversity Strategy will be commenced shortly with a focus on ground-truthing the extent of vegetation communities within the locality.

DISCUSSION

If Council agrees to proceed to amend the MVEC DCP 60 as requested, the amended biodiversity constraint mapping (**Attachment 3**), along with the balance of the document would be exhibited in accordance with the *Environmental Planning & Assessment Regulation 2000* (EPAR) for a minimum period of twenty-eight (28) days with submissions invited from the public.

The adopted provisions contained in the current version of the MVEC DCP 60 allow Council to apply greater flexibility to all identified site constraints. This reduces the need for continual minor amendments to the document and allows its consistent application. However in this particular case a DCP amendment is considered warranted.

In following the advice to amend the MVEC DCP 60, it is recommended that the proposed amendment be exhibited for a period of 28 days and submissions be invited.

Following the exhibition period a report will then be presented to Council with a summary of any submissions received.

MANAGEMENT PLAN ISSUES OR IMPLICATIONS

There are no implications for Management Plans with the re-exhibition of the MVEC DCP 60.

POLICY IMPLICATIONS

The Amended MVEC DCP 60 will form Council's policy on this matter.

BUDGET IMPLICATIONS

There are no budget implications associated with re-exhibition of the MVEC DCP with the exception of advertising costs.

ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

(i) Environmental Factors

The impact of the reduction in the notation of the biodiversity constraint will have minimal impact on the function of the EEC.

(ii) Social Factors

Council should ensure that the adopted development control plan is consistently applied and decisions reached consistent with Council's objectives for the MVEC.

(iii) Economic Factors

The proposed amendment is aimed at making the area more attractive for future industrial development.

CONCLUSION

The proposed amendment to MVEC DCP 60 is considered an appropriate response to the request lodged.

Given the proposed amendment is a significant change to the biodiversity constraint notation, exhibition of the proposed amendment is required.

Therefore the proposed amendment to MVEC DCP 60 is recommended for exhibition.

ATTACHMENTS

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

1. The current MVEC DCP 60 biodiversity constraint notation over the site.
2. Councils GIS Vegetation Communities Mapping layer applicable to the site.
3. Proposed draft amended to the biodiversity mapping contained in figure 3 of the MVEC DCP 60;

RECOMMENDATION

1. THAT Council resolve to exhibit the proposed amendment to Figure 3 of the Moss Vale Enterprise Corridor DCP 60 as shown in Attachment 3 and place the amended Figure 3 on public exhibition for a period of 28 days in accordance with the *Environmental Planning & Assessment Regulation 2000*.
 2. THAT Council advise the owners that the proposed amendment to the Moss Vale Enterprise Corridor DCP 60 will be placed on public exhibition for comment.
 3. THAT a report be brought back to Council following the closure of the exhibition period to consider any submissions received.
-

(Voting on the Motion)



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 12 August 2009

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

Environmental Sustainability

o-EP8 Joint Regional Planning Panels

REF: DEP

5300

Reporting on the latest progress with the implementation of Joint Regional Planning Panels (JRPP) and recommending that Council commence an Expression of Interest process for local nominees.

REPORT

BACKGROUND

The introduction of the JRPP was part of the State government planning reform package and officially commenced on 1 July 2009. Information about the operation of the JRPP has been released slowly which has made it difficult for Council's to finalise their positions.

Council initially considered the matter of JRPP at its meeting of 13 May 2009 and resolved as follows:

- 1.. *THAT Council nominate for appointment Clr K Halstead and Mr David McGowan as suitably qualified individuals to serve as Council's temporarily appointed members on the Joint Regional Planning Panel to deal with matters within the Wingecarribee Shire Council area for a period of three (3) Months.*
2. *THAT Council approach another suitably qualified person to be appointed by the next meeting of Council after the interim period of three (3) months.*
3. *THAT Council immediately call for Expressions of Interest from suitably experienced and qualified individuals to serve as Council appointed members on the Joint Regional Planning Panel to deal with matters within the Wingecarribee Shire Council area.*
4. *THAT a selection committee consisting of the Mayor, Deputy Mayor, General Manager and Director Environment and Planning be established to consider the Expressions of Interest received and provide recommendations to Council on the preferred appointees no later than the Council meeting of 10 June 2009.*
5. *THAT the Information Session scheduled for Wednesday, 27 May 2009 on planning reforms discuss the option of nominating a Councillor as one of the local panel members.*
6. *THAT Council formulate suitable criteria for applicants to meet for selection.*
7. *THAT Council raise issue in relation to the costing impost of the Joint Regional Planning Panel on Council's budget.*

Council then considered the matter of JRPP at its meeting of 10 June 2009 and resolved as follows:

1. *THAT council suspend all nominations for the Joint Regional Planning Panels (JRPP) in response to recent calls from the Local Government Association.*
2. *THAT Council seek further advice on this matter from the Local Government Association before submitting nominations.*
3. *THAT Council remove Clr K Halstead as a temporary nomination from the JRPP.*

At its meeting of 24 June 2009, Council again considered JRPP and resolved as follows:

1. *THAT Council put forward a second nominee, being Clr D Stranger, to represent it on the Joint Regional Planning Panel for an initial three (3) month period AND THAT the information be forwarded to the Department of Planning.*
2. *THAT Council advise the Department of Planning that it is awaiting the outcome of advice from the Local Government Association AND THAT Council advise the Local Government Association of its support for the Association's position and seek further advice on this matter.*

RECENT INFORMATION RECEIVED

The Local Government Association of NSW and the Shires Association of NSW recently sent a letter to all Council's (**Attachment 1**). Although the Associations are continuing to oppose the introduction of the JRPP, they recommend that individual Councils make their own decisions.

The Minister for Planning has recently written to Council's with further information (**Attachment 2**), including advising of the State appointed panel members. The State appointed members for the Southern Regional Panel are Pam Allen (Chair), Alison McCabe, Allen Grimwood and David McGowan (Alternate). Short biographies of the panel members are at **Attachment 3**.

This letter refers to the following documents that relate to the JRPP:

- Planning Circular and User Guide (**Attachment 4**)
- The Procedures for the Operation of Joint Regional Planning Panels (**Attachment 5**)
- Code of Conduct (**Attachment 6**)

WHAT COUNCIL SHOULD DO NOW

Although there is still some objection to the introduction of the JRPP, they have commenced operation and it would not be in Council's best interest to have a situation where there is no local representation.

Council's initial nominees were for a 3 month period only and it would be preferable to be in a position to have longer term nominees ready when this period expires on 1 October 2009. As previously recommended, an Expression of Interest process is an appropriate way to proceed. As this process will involve advertising, assessment of applications and interviews prior to finalising nominations, it should be commenced as soon as possible.



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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

MANAGEMENT PLAN ISSUES OR IMPLICATIONS

N/A

POLICY IMPLICATIONS

N/A

BUDGET IMPLICATIONS

For the 2009/2010 financial year, the cost of the local panel members can be met from existing budgets. It would be prudent that for the 2010/2011 financial year and beyond, a specific account be created to cover the costs of the JRPP. The nature of the JRPP is such that yearly costs may fluctuate.

ECOLOGICALLY SUSTAINABLE DEVELOPMENT ISSUES

(i) Environmental Factors

N/A

(ii) Social Factors

N/A

(iii) Economic Factors

N/A

ATTACHMENTS

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

1. Letter from Local Government Association dated 16 July 2009
2. Letter from Kristina Keneally (undated, received by Council 28 July 2009)
3. Biographies of State appointed panellists
4. Planning Circular and User Guide
5. The Procedures for the Operation of Joint Regional Planning Panels
6. Code of Conduct



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 12 August 2009

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

RECOMMENDATION

1. THAT Council immediately call for Expressions of Interest from suitably experienced and qualified individuals to serve as Council appointed members on the Joint Regional Planning Panel to deal with matters within the Wingecarribee Shire Council area.
 2. THAT a selection committee consisting of the Mayor, Deputy Mayor, Acting General Manager and Director Environment and Planning be established to consider the Expressions of Interest received and provide recommendations to Council on the preferred appointees no later than the Council meeting of 23 September 2009.
 3. THAT the selection criteria for applicants include sound local knowledge, a demonstrable commitment to the Wingecarribee Shire and qualifications and/or work experience relevant to the task of assessing and determining significant Development Applications.
-

(Voting on the Motion)



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 12 August 2009

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

o-EP9 Location of Bert Flugelman Sculpture

REF: DEP

1650/21

Reporting on consultations with the Bowral Chamber of Commerce in regard to the location of the Bert Flugelman sculpture in Corbett Plaza and submitting a recommendation in regard to the location.

REPORT

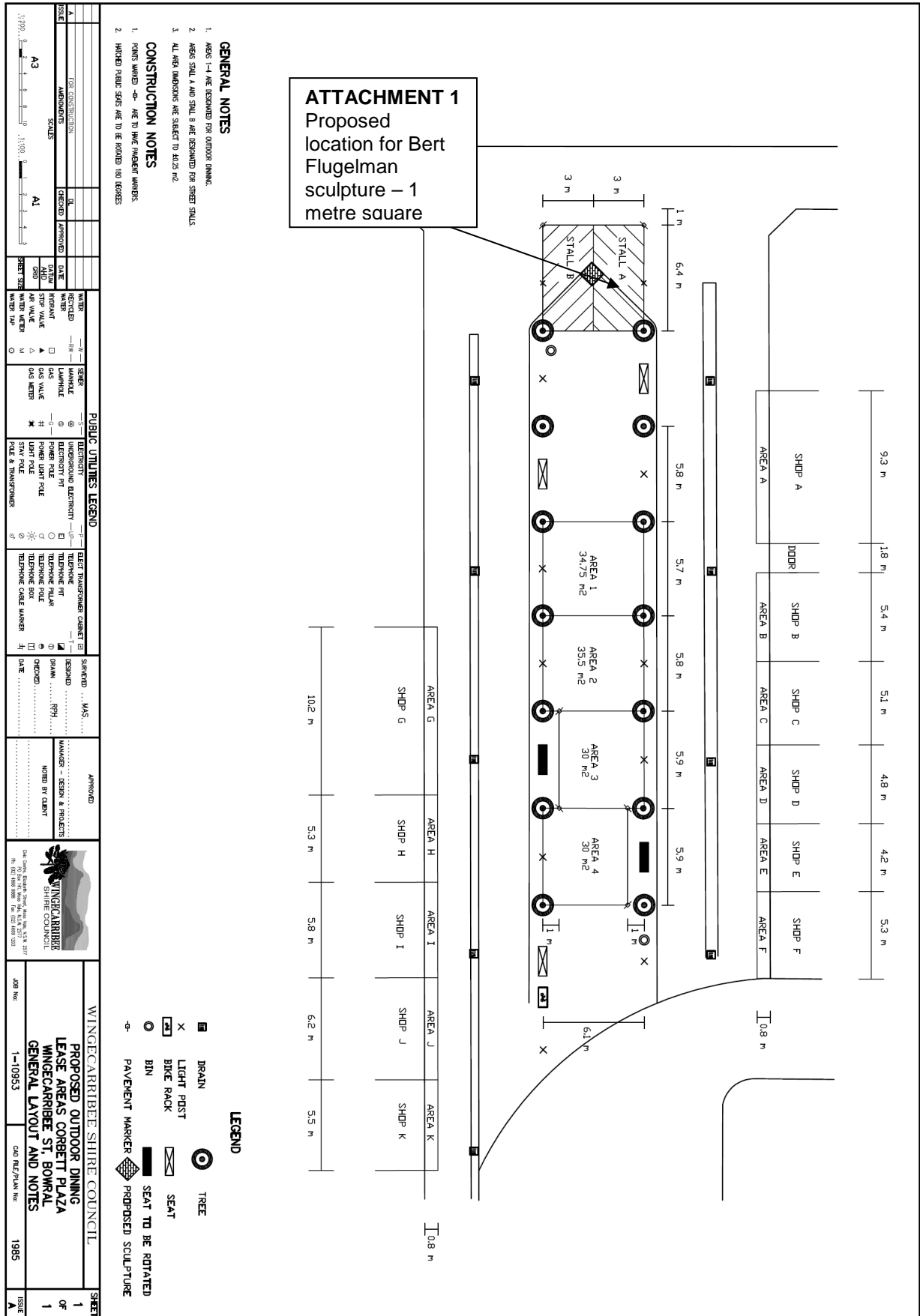
At the meeting of 8 July 2009, Council agreed for the Bert Flugelman sculpture to be located within the Corbett Plaza precinct, in consultation with the Bowral Chamber of Commerce, with Council to make the final determination on the location.

On 15 July, a meeting was held in Corbett Plaza with Mr Tony Springett and Mr Tony Glenn (Bowral Chamber of Commerce), Mr Jim Syros (Corbett Plaza business owner), members of the Arts and Culture Board including Cllr J Arkwright and Cllr G McLaughlin and Mr Flugelman to discuss the location.

At the meeting, Mr Flugelman proposed a revised location which he was recommending following more careful consideration of where the sculpture would fit most effectively within the plaza and have the most impact. The new location places the sculpture in a more prominent location, making it a "gateway" to the Plaza and more easily seen from more locations. It also fits neatly with the existing paving pattern.

This location was strongly supported by the Bowral Chamber of Commerce representatives at the time and at the Chamber meeting the following week *"it was agreed that the Bert Flugelman statue should take the position west of the trees towards Bong Bong Street where it can be in the best visual position for all to see"*.

The proposed location is shown on **Attachment 1** - see next page.



The following issues have been considered in regard to the revised location –

- **Status of DA for Touch Screen Information Kiosk** – DA06/1268 was approved on 14th November 2007 with the location of the kiosk to be directly attached to the eastern side of the taxi button/light post with the length of the kiosk running in an east west direction. It would not be affected by the proposed location of the Flugelman sculpture.
- **Effect on operation of street stalls** – the area is booked by community groups for fundraising activities, information tables and sausage sizzles – a consideration Mr Flugelman took into account when recommending the new location. The diagram indicates the footprint of the sculpture and the area that would be available for the continued operation of street stalls. Mr Flugelman's view was that the more activity that happens close to the sculpture, the better it performs its role reflecting life in Bowral. Regular users are the Lions Club of Bowral, Bowral-Mittagong Rotary Club and Bowral Church of Christ. These groups have been notified of the proposed location. Concerns have been raised by the Lions Club that the placement of the sculpture would not leave enough space for their fundraising activities.

Correspondence received from the Lions Club states that they would:

"like to have considered the moving of the plinth back to be positioned between the first four trees. We believe such positioning would add a certain ambience to it by having the surrounding four trees, the seat on which people could sit and admire it plus a plaza light which would ensure its illumination at night. This would allow visibility from the street, visibility whilst a fund raising event is conducted in front and not impede the placement of chairs / tables for people to enjoy the plaza establishments that commence after the next set of trees".

The position amongst the trees has been considered inappropriate as it would obscure the view of the sculpture.

- **Glare for traffic** – Mr Flugelman advises that the angles of the sculpture are such that it reflects upwards. Traffic on Wingecarribee Street heads away from the sculpture. Traffic on Bong Bong Street is at right angles to the sculpture. The location is 4.2 metres back from the footpath area.
- **CCTV** – the location would not interfere with CCTV cameras.
- **Christmas tree** – the Chamber of Commerce have advised that the manhole in front of the proposed location is no longer used for a Christmas tree. The new arrangement is that the Christmas tree hangs down from the two cables between the Commonwealth Bank and Syros Corner. It is not fastened in any way to the ground.
- **Location of underground services** – A Dial Before You Dig Underground Search Report has been completed – the location is not over any services.

The revised location would therefore be recommended on the basis that it provides the most prominent location for the enjoyment and appreciation of the sculpture by the wider community.

MANAGEMENT PLAN ISSUES OR IMPLICATIONS

N/A

POLICY IMPLICATIONS

N/A

BUDGET IMPLICATIONS

Previously considered

ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

(i) Environmental Factors

N/A

(ii) Social Factors

Community groups will need to be provided with advice and assistance in locating fundraising activities around the sculpture.

(iii) Economic Factors

N/A

ATTACHMENTS

There is one (1) attachment to this report (page 32).

RECOMMENDATION

THAT the Bert Flugelman sculpture be located west of the trees at the Bong Bong Street end of Corbett Plaza in the position shown on the diagram in this report.

(Voting on the Motion)



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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

Environmental Sustainability

o-EP10 Rural Dwelling, Gibraltar Road, Bowral

REF: DBSM

LUA09/0429

Reporting on application for a rural dwelling at Lot 9 DP 631955, Gibraltar Road, Bowral, variation to DCP 16 minimum lot size.

REPORT

BACKGROUND TO THE APPLICATION

- a) Lot 9 DP 6331955 was created by way of a redefinition from an old system title in 1985 and has an area of 2.77 hectares.
- b) Prior to WLEP 1989, the subject site was zoned Rural 1(b) pursuant to Bowral Local Environmental Plan No. 1 Gazetted 31/10/1980 under that zoning minimum subdivision standards were 4 hectares.
- c) July 1989 Council refused an application for a Rural dwelling on the subject land for the following reasons:

"1 *The allotment does not contain an area in conformity with Clause 17 (3)(a) of Bowral Local Environmental Plan No. 1. Clause 17 (3)(a) specifies a minimum allotment size of 4 hectares.*

1. *The land does not constitute an allotment referred to in either Clauses 17 (3) (c) or 17 (3) (d) of Bowral Local Environmental Plan No. 1.*
2. *The land is likely to be susceptible to slip or slope instability, a matter listed for consideration under Clause 90(1) of the E P & A Act 1979. The land, particularly the dwelling site, is identified within the Mt Gibraltar Urban Capability Study as having a severe degree of site limitation. The submitted geotechnical report prepared by Golder & Associates makes clear reference to previous slope movement."*

Council Reference D4506D2

- d) A subsequent application was lodged accompanied by a SEPP No.1 objection seeking a variation to points 1 and 2 in the above earlier refusal.
- e) Again the application was not supported, however, after the Department of Planning granted concurrence, a consent was ultimately granted with requirements for the upgrading of unmade Gibraltar Road.

REPORT

Application has been lodged for a dwelling and detached garage. The application was accompanied by a Geotechnical Report prepared by Southern Geotechnics.

The Geotechnical Report classifies the site as Class P in accordance with AS2870-1996.



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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

The report makes certain recommendations with respect to foundation design and construction.

The location of the dwelling and shed does not raise any issues in respect of DCP53 which provides controls for the siting of rural dwellings.

CONSIDERATION OF APPLICANT'S REQUEST TO VARY DCP16

In part, the applicant argues:

- *The proposal has been designed to achieve the desired future character objectives of the area and matches the bulk and scale of the adjoining residential properties.*
- *The erection of a dwelling on the land will not result in any significant adverse effects on amenity or overshadowing to the neighbouring properties.*
- *The proposed dwelling has been designed to sit a significant distance away from the boundaries of the site thus reducing any concerns for privacy to neighbouring properties.*
- *The land has access to water, electricity, sewerage and vehicular access, similar to the surrounding allotments which currently have dwellings situated within them."*

COMMENT

An earlier approval was granted through a similar process, but was not acted on.

As illustrated in **Attachment 1** adjoining blocks are all developed. The subject lot is isolated ownership and the only vacant parcel in the vicinity. **Attachment 2** is a site plan showing the location of the proposed dwelling.

A search of Council's ownership records since 1986 indicates that the land has been held as a single allotment not in conjunction with adjoining or adjacent land.

CONCLUSION

Approval of this application on its merits would not create a precedent. The property has been held in an isolated ownership for many years, with all adjoining land developed for Rural Residential purposes.

Approval of this isolated application is, therefore recommended, subject to conditions including those contained in **Attachment 3**.

ATTACHMENTS

There three (3) attachments to this report:

1. Locality Plan.
2. Site Plan.
3. Conditions of consent.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

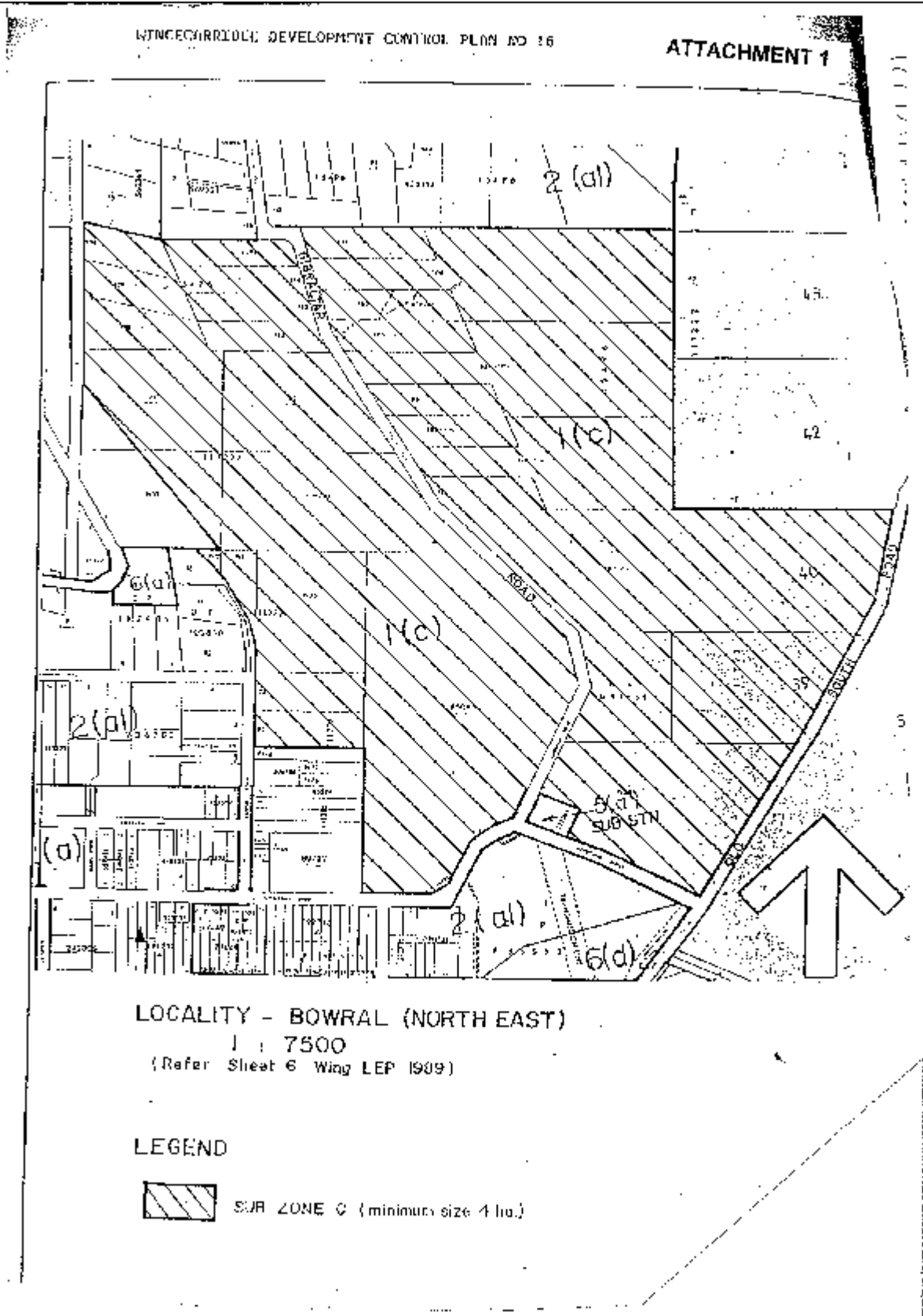
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REPORT OF DIRECTOR ENVIRONMENT & PLANNING

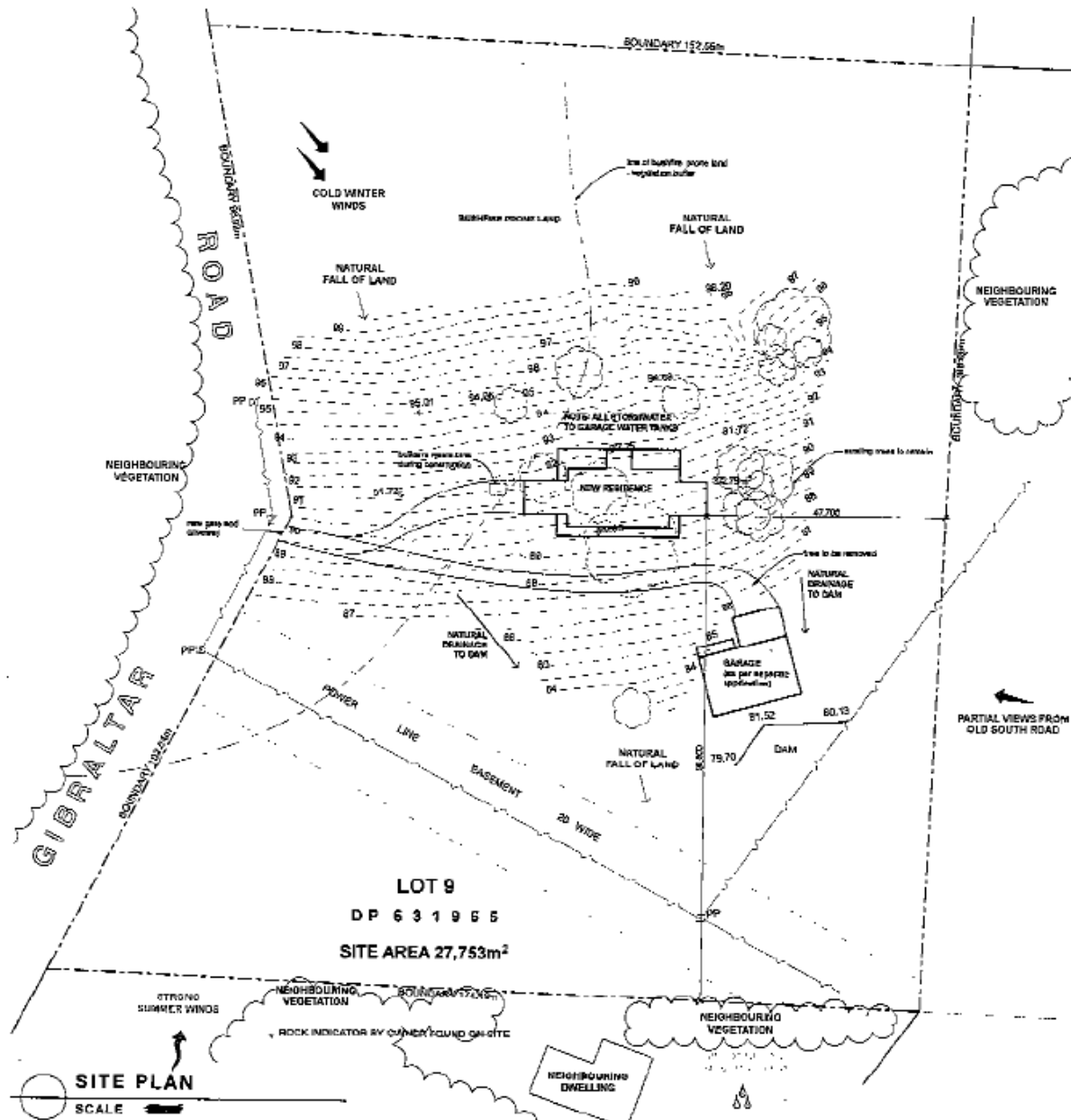
RECOMMENDATION

THAT approval be granted for a dwelling and shed on Lot 9 DP 631955 Gibraltar Road, Bowral with conditions to reflect the recommendations of the Southern Geotechnics Report and the specific conditions for the upgrading of Gibraltar Road as contained in Attachment 3.

(Voting on the Motion)



ATTACHMENT 2



ATTACHMENT 3

CONDITIONS OF CONSENT

1. Road Construction
Construction of road pavement surfaced with two coat bitumen seal in Gibraltar Road, road reserve. Access road design to extend from Merrigang Street to the property entry gate and to include intersection construction at Merrigang Street. Access road to be constructed a minimum of 4.5 metres wide on a minimum 250 mm thick compacted pavement, to include lined table drains and shall be generally located in the centre of the road reserve. All design and construction shall be in accordance with the requirements of Development Control Plan No. 41.
 2. Traffic Control Plan
A minimum of seven (7) days prior to the commencement of work, the developer shall submit to Council a Certified Traffic Management Plan for each activity of work in accordance with the current version of Roads and Traffic Authority document "*Traffic Control at Work Sites*". This plan must include each construction activity that involves works on or adjacent to public land. If the work site alters, further plans are to be submitted to Council. A copy of the plan(s) is to be kept on site at all times.
 3. Approval Required for Work Within Road Reserve – Section 138 Roads Act 1993
Where works are proposed within the road reserve, the applicant must obtain approval from Council (as the Roads Authority and / or as required under Section 138 of the *Roads Act 1993*) before any works are undertaken. Works within the road reserve may include activities such as erect a structure, dig up or disturb the surface of a public road, remove or interfere with a structure, or any other activities as defined within the Roads Act 1993.
 4. The following details must be submitted to Council in order to obtain the Section 138 approval:
 - (i) A copy of approved design plans related to the development proposed works to be undertaken.
 - (ii) Traffic Control Plan (TCP) to provide for those within and adjacent to the work site, including the travelling and pedestrian public. The TCP must comply with the Roads and Traffic Authority's manual "*Traffic Control at Work Sites*". Warning and protective devices shall comply with the provisions of AS1742.3 – 2002 *Traffic Control Devices for Works on Roads*. The plan must be prepared and certified by a person holding the appropriate Roads and Traffic Authority accreditation, a copy of which is to be submitted with the plan.
 - (iii) Insurance details – Public Liability Insurance to an amount of \$10 million, to be held by applicant / contractor undertaking the works.
-



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 12 August 2009

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

o-EP11 Storage of Fireworks at Carribee Close, Berrima

REF: DBSM

LUA09/0050

Reporting on development application for storage of fireworks at Lot 5 DP 816975 Carribee Close, Berrima.

REPORT

BACKGROUND

Council previously dealt with this matter at the meeting of 27 May 2009. The assessment report presented to that meeting is **Attachment 1**. This report recommended approval and suggested that the use could be defined as a *home occupation* which is a permissible use in the zone.

The resolution from that meeting was that a legal opinion should be sought on the definition of *home occupation*.

LEGAL OPINION

Council's Solicitor has provided an opinion as requested, which has been circulated under separate cover – **Attachment 2**.

In summary, the advice concludes that the LUA09/0050 cannot be considered as a *home occupation*, that it should be considered as *commercial premises* and as such is prohibited on the subject site.

CONCLUSION

Having requested and received the legal advice, there are no reasons why Council should not accept that advice, necessitating a refusal of the application. If the applicant was to provide an alternative argument on the appropriate land use definition for his proposal, a s82A review may be possible.

ATTACHMENTS

There are two (2) attachments to this report, which have been circulated separately:

1. Assessment report from Council meeting of 27 May 2009.
2. Advice from Bilinsky and Co dated 12 June 2009.

RECOMMENDATION

THAT LUA09/0050 for the storage of fireworks at Lot 5 DP 816975, Carribee Close, Berrima, be refused as it constitutes prohibited development within the Rural 1c zone of the Wingecarribee Local Environmental Plan 1989.

(Voting on the Motion)



Scott Lee
Director Environment & Planning

6 August 2009



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 12 August 2009

REPORT OF DIRECTOR CORPORATE SERVICES

CORPORATE SERVICES DIVISION

Governance and Accountability

o-CS1	Purchasing Practices of Council and Consideration of Local Preference Policy
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REF:	DCS	107/21
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Reporting on purchasing practices of Council and consideration of a Local Preference Policy.

REPORT

BACKGROUND

The matter of giving preferences to local firms during the assessment of tenders and quotations has been raised by a member of the community in 'Questions from the Public'. A direction was subsequently conveyed to the General Manager by Council for this matter to be formally considered by Council with a report from Council Officers.

INTRODUCTION

A number of documents from various agencies has been considered and referenced in this report, including the Independent Commission Against Corruption (ICAC), the NSW Department of Local Government (DLG), the Australian Competition and Consumer Commission (ACCC) and Municipal Association of Victoria (MAV).

In considering this matter it is relevant to place the discussion regarding a local preference policy in context as a potential factor in future budgets. Council's 2008 Financial Statements indicate that Council's procurement of "Materials and Contracts" totalled \$17.5 million in the 2007/08 financial year. It is apparent therefore that any decision to alter Council's procurement processes that move Council away from 'value for money' or 'best value' assessments as the guiding principle for all procurement decisions, will potentially have significant implications for Council's budget.

COUNCIL'S PURCHASING – LOCAL PREFERENCE

It is apparent that money spent within the Shire will strengthen the local economy and may assist to facilitate business growth and jobs. Council may also potentially benefit from improved local services and better prices from local suppliers as a result of increased scale of operations and consistency of sales for local business.

It is highlighted that Council already purchases significant quantities of goods and services from local suppliers and Council undertakes the following strategies to assist and encourage open access for firms (including local) to obtain business with Council:

- i) All purchases involving expenditure greater than \$150,000 (tenders) are advertised in the local and Sydney press, as well as on Council's website.
- ii) Council provides a pre-qualified contractor system for key works and services required on an ongoing basis (particularly trade services in construction and

maintenance). This system enables contractors to be placed on a list from which they are asked to provide quotes on selected works on a competitive basis. Council actively encourages local suppliers to participate in the pre-qualified contractor system and Council has recently organised workshops (facilitated by WorkCover) to assist local contractors to improve their OH&S systems to comply with Council requirements, these workshops were at minimal cost with a rebate to all participants of most of the costs.

- iii) Council purchasing decisions are governed by an overall emphasis on 'best value' decisions, however selection criteria where appropriate include a weighting for the likely benefits to be gained from a supplier because of location. Local firms may receive higher weighting for improved response times, after sales services, reduced freight costs and local knowledge of conditions and sites.

The inclusion of this type of clause permits the application of assessment points based on actual benefits to be gained by Council for a particular contract or purchasing decision. It is not an across-the-board preference based purely on the supplier's location, but rather the contract benefits to be gained because of that local location. Local firms can be given additional assessment points because they are able to offer improved communication, response times and after sales service. That is they (and Council) benefit because of their locality.

It is suggested therefore that this is the most appropriate approach to implementing a "local preference" in purchasing decisions, as it will maintain a "best value" approach, whilst acknowledging the potential mutual benefit from purchasing from local suppliers.

GUIDELINES, REGULATIONS AND BEST PRACTICE

In any policy decision of Council it is important that the objectives of the policy are clear and the process of reaching a position is transparent and defensible.

Therefore, in considering this matter it is important that relevant legislation, guidelines and industry practice are considered in Council's deliberations on this issue.

Local Government Act 1993 and Local Government (General) Regulation 2005

The Local Government Act 1993 requires Council to go to tender for purchases in excess of \$150,000 (Section 55) although a range of exceptions are made via Section 55(3). The Act and the Local Government (General) Regulation 2005 Clause 170(1)(b) requires that Council "specify the criteria on which the assessment of tenders will be based".

If Council were to implement some form of local preference element for tenders, this would need to be clearly articulated in tender documents as a selection criteria and made transparent to all parties submitting a tender.

Department of Local Government (NSW)

The DLG produced "Tendering Guidelines for NSW Local Government" in 2006, which was circulated for consultation.

"The Guidelines aim to assist council's in applying clear policies, consistent procedures and effective risk management strategies in accordance with the

*Local Government Act 1993, Local Government (General Regulations) 2005
and other relevant legislation.”*

Confirmation of the Guidelines was put on the backburner by the DLG, but recent advice received indicates that the Guidelines are shortly to be finalised and issued by the Department.

The Guidelines emphasise that the ‘Evaluation Criteria’ for tenders should focus on ‘value for money’.

“The evaluation criteria should be consistent with the proposed contract requirements and aim to identify the tenderer offering the best value for money. ‘Value for money’ is determined by considering all the factors that are relevant to a particular purpose. For example experience, quality, reliability, timeliness, service, and initial and ongoing costs are all factors that can make a significant impact on benefits and costs. Value for money does not automatically mean the ‘lowest price’. It is important to be clear, and document, how value for money will be determined in any particular set of circumstances prior to assessing tenders.”

Having noted this clear directive regarding assessment criteria being able to demonstrate value for money, the Draft Guidelines then provide direction in relation to proposed ‘local preference policies’ as follows:

“The implementation of local preference policies is not necessarily inconsistent with the principles of National Competition Policy. However, the use of local preference in the evaluation of tenders and awarding contracts possesses inherent risks in terms of anti-competitiveness and the maintenance of defensibility, accountability and probity.

Where a council wants to consider local preference as a factor in the supply of goods and services or the disposal of property, it should develop and adopt a local preference policy. This policy should be based on sound reasoning and outline the circumstances in which the council would bring this policy into effect. For example, where an additional cost would be incurred by the council in implementing its local preference policy, the maximum amount or percentage of that additional cost should be specified and the particular circumstances in which the amount should also be acceptable to the local community.

The policy should be explained, including the basis for its use, to any potential tenderers prior to their decision to submit a tender. Such a policy should be included in the tender documents and identified in the evaluation criteria.

When reporting the result of a tender evaluation process, the application of the policy should be clearly referred to and details provided regarding any additional costs to be incurred by the council if it accepts a tender, other than the lowest tender, as a result of the implementation of the policy.

Councils should also consider seeking legal opinion regarding their proposed local preference policy to ensure the policy does not breach either the Trade Practices Act or various international trade agreements.”

Wingecarribee Shire Council – Code of Conduct

Council's Code of Conduct as amended 9 July 2008, endorses eight (8) Key Principles that underpin and guide the standards articulated in the Code, including 4.4 Impartiality:

"You should make decisions on merit and in accordance with your statutory obligations when carrying out public business. This includes the making of appointments, awarding of contracts or recommending individuals for rewards or benefits. This mean fairness to all; impartial assessment; merit selection in recruitment and in purchase and sale of council's resources; considering only relevant matters"

ICAC Guidelines

The ICAC has issued a number of guidelines and reviews which deal with aspects of purchasing including local preference:

"Probity & Pitfalls (ICAC – July 1993) states that local supplier preference may be an assessment criterion for contractor selection but advised that caution should be exercised in the way it is used. Local supplier preference policies may not always achieve their objective of boosting the local economy. Using local rather than out-of-town suppliers may add very little to the local economy if most of the revenue goes elsewhere. Alternative ways to boost the local economy should also be considered.

A local supplier preference policy, if poorly designed and implemented, can lead to allegations of partiality or other corruption. It can discourage other suppliers from bidding, and thus reduce competition. It can also encourage local suppliers to pad their bids in expectation of a local preference "cushion".

Managing Risk: Reducing Corruption Risks in Local Government (ICAC – September 2001). This document states that local preference policies represent a moderate to high corruption risk. However, should Council determine to consider such a policy, sound advice is provided by the following guidelines:-

Many Councils have local preference policies for a variety of reasons. On the other hand, many Councils also recognise problems with local preference policies and do not advocate their use. Local preference policies present a moderate to high corruption risk in our opinion. This is because they can be anti-competitive in application, create circumstances for conflicts of interest to arise and may result in the Council being captured into using the same service provider. Some Councils have 'informal' local preference practices that are not captured in their procurement policies and for which there are not established protocols.

Having assessed the corruption risks of having a local preference policy, if a council determines it should keep such a policy, the following guidelines are suggested:-

1. *The decision to have a local preference policy should be taken in open Council and communicated to the community.*

2. *Councils should determine how local preference is to be applied in the procurement/tender process. For example, is local preference to be applied only after all factors have been considered and the proponents are otherwise equal, or is it to be a separately weighted item against which all proponents are scored, either by adding the appropriate weighting from the local supplier or subtracting the weighting from non-local suppliers?*
3. *The term 'local' should also be defined. For example, is a business which is located outside the Council boundary, but whose employees live inside the Council boundary, entitled to the benefits of the policy?*
4. *Each proponent in a procurement process in which local preference is to be applied, whether under the tender threshold or not, should be advised that local preference will be applied and how it will be applied.*
5. *If local preference is applied in a procurement process, the community should be notified accordingly, together with advice about the cost to the community of applying the policy.*
6. *Tender processes where local preference is to apply should preferably include a non-local independent on the tender panel.*
7. *Procurement resulting in local preference should be capable of identification and verification through the Council's audit or internal control mechanism.*
8. *Councils should report annually on their uses of local preference procurement, including who the beneficiary of the decision was, the number of instances local preference was applied, and the measure taken by council to measure the cost and effectiveness of such a policy.*

Council may make a determination as to what is 'local' but may find that it is challenged as tenders and quotes are called and other scenarios develop, and in addition it may not be able to validate some claims.

With regard to 6 above, there would be a cost involved in including a non-local independent on the tender panel.

Taking the Con out of contracting (ICAC – May 2001) includes the following:-

Local Purchasing

Some Councils favour giving a preference to local contractors. Local preference is a term used to describe the practice of giving Council work to business and contractors who are located in the council area, often on the basis that this directly helps develop and promote local businesses and industry and, indirectly, creates healthier social infrastructure.

However, such practices conflict with competitive tendering requirements and raise doubts about whether best value for money solutions are achieved by local preference arrangements. Additionally, such arrangements can create negative perception about the probity of council practices and conflicts of

interest for council employees and Councillors. In some circumstances, local preference practices have created situations where corruption has flourished.

Wingecarribee Shire Council – Statement of Business Ethics

Council's own Statement of Business Ethics (adopted 25 March 2009) articulates a clear message in relation to "what you can expect from Council" in business transactions as follows:

"Council will ensure that all policies, procedures and practices related to approvals, tendering, contracting and the purchase of goods and services are consistent with best practice and the highest standards of ethical conduct"

"Councillors and members of staff must adhere to Council's Code of Conduct. As a result they are expected to:

- *Promote fair and open competition while seeking best value for money;*
- *Avoid actual, potential or perceived conflicts of interest"*

It is suggested that a 'local preference' policy is unlikely to be considered best practice and according to ICAC – *"local preference policies present a moderate to high corruption risk... because they can be anti-competitive in application, create circumstances for conflicts of interest to arise and may result in the council being captured into using the same service provider"*.

General Manager Practice Note 7 – Purchasing and Procurement

The General Manager's Practice Note 7 is currently under review with provisions relating to best value as a key objective to be included via the following provisions:

"To set standards for the procurement of goods and services that ensure that council obtains best value for money in all purchasing decisions. The concept of value for money incorporates the following factors:

- *Price*
- *Available and delivery time*
- *Compliance with necessary Australian Standards, Occupational Health and Safety Standards and adopted safe work practices*
- *After sales service, product support and availability of product information*
- *Efficient and effective means of procurement including direction delivery, web site quality, on-line catalogues and quotation/orders via email.*
- *Waste minimisation"*

The GM Practice Note 7 can be further amended to reflect provisions relating to "Local Purchasing Preference" contained in the Draft Policy attached to this report.

It is suggested that factors such as availability, delivery time, after sales service and product support are areas where local suppliers should feature strongly in the relevant assessment criteria, and if other factors are equal, the local suppliers may have an advantage, whilst complying with the best value ethos.

WHAT ARE THE OPTIONS – SUPPORT OF LOCAL BUSINESS

If Council is committed to moving forward with a policy to support local business via its procurement decisions, it is suggested that the statements articulated in the “Model Procurement Policy – Municipal Association of Victoria (MAV) June 2009, provide an alternative consistent with best practice including ‘best value for money’ but also providing a emphasis on supporting local business, as follows:-

- *Council is committed to buying from local business where such purchases may be justified on value for money grounds.*
- *Open and effective competition is important to obtaining the best possible outcomes from dealings with suppliers.*
- *Competition implies pursuit of best value for money, the opportunities for potential suppliers to do business with council, absence of bias or favouritism, accountability for results and transparency of process. The extent to which competition may be available and appropriate will vary from case to case, depending upon such things as the number of potential suppliers and the costs and benefits of promoting competition*
- *All other factors being equal, council may give preference to local economic benefit when sourcing products. When this criteria is nominated the benefit must be identifiable and reasonable.*

If Council proposes a more ‘overt’ policy position with a specified level of local advantage to local suppliers, there are a number of issues to be considered, including the following:-

- i) How is ‘local’ to be defined. Does it mean a supplier that has a physical presence in the area, or someone who employs local staff? Does a business that is located outside the Shire but employs the majority of its staff locally, qualify as a local business? Does a business that operates locally but is part of a major ‘chain’ or ‘franchise’, qualify as local?

It is inevitable that if an advantage is provided to ‘local suppliers’ on major contracts or tenders, Council’s interpretation of ‘local supplier’ is likely to be challenged or tested.

Council policy would therefore need to clearly articulate the definition of ‘local’ and provide a clear process for determining how any disputes would be handled.

The aforementioned local preference policy would also affect Council’s budget, with the outputs of Council reduced by the local advantage component. There would also be additional costs associated with managing the process of procurement including a non-local independent on a tender assessment panel and administering the policy to comply with the ICAC eight (8) point implementation guidelines. The financial impact would become more significant if such a policy was applied to all quotations and purchases under \$150,000.

CONCLUSION

The positive benefits of Council purchasing goods and services within the local region is acknowledged and supported. Any action to promote and encourage the local economy whilst ensuring a best value for money approach will provide a ‘win-win’ outcome.

The recommended approach therefore is to endorse a policy that confirms Council's commitment to buy local based on a best value approach, acknowledging that there are potentially measurable advantages in sourcing goods and services locally, which can legitimately be included in the selection criteria under a best value approach.

This type of approach would be consistent with Council's Code of Conduct, Statement of Business Ethics and industry best practice and would send a clear message to local suppliers that if their price is competitive and their product and service comparable with their competitors, Council's preference is to buy local.

ATTACHMENTS

There is one (1) attachment to this report being the Draft Local Purchasing Preference Policy.

RECOMMENDATION

THAT Council endorse the Draft Local Purchasing Preference Policy that confirms Council's support and preference to source goods and services locally whilst maintaining a best value for money approach, giving full consideration to:

- (i) The advantages of dealing with local businesses;
 - (ii) Local content;
 - (iii) The purchase or contract whole-of-life costs;
 - (iv) Compliance with specifications, guidelines and requirements;
 - (v) Supplier capability to fulfil the specified requirements, legal, financial, experience etc;
 - (vi) The supplier's commitment to supporting other local businesses through their subcontracting and supplier arrangements;
 - (vii) Net benefits to the Council including the benefits of maintaining an ongoing, innovative and competitive local business environment;
 - (viii) Environmental management, supply of recycled/recyclable products and waste reduction; and
 - (ix) Job creation potential.
-

LOCAL PURCHASING PREFERENCE POLICY

1. TITLE

This Policy may be cited as Wingecarribee Shire Council's Local Purchasing Preference Policy.

2. POLICY OBJECTIVES

The objective of this policy is to outline a framework that ensures that Wingecarribee Shire Council procurement procedures give due consideration to the actual and potential benefits to the local economy of sourcing goods and services locally where possible, whilst maintaining a value for money approach.

3. DEFINITIONS

The following definitions are used in this policy unless inappropriate to the particular context:

Goods

"Goods" include tangible, quantifiable material requirements usually capable of being moved or transported that are purchased, rented, leased or hired by a public authority. Only goods directly acquired by government agencies are included in this definition. Goods acquired by any service contractor are not directly acquired and therefore are excluded, except where the goods are acquired by a private sector provider for a government agency.

Services or Provision of Services

"Services" or "provision of services" means any task, consultancy, work or advice to be performed or provided that is procured by a government agency. Included are services such as management consultancies, outsourcing, maintenance contracts and agreements, cleaning, waste removal, equipment repairs, external auditors, utilities and services acquired by a private sector for a government agency. Excluded are payments made directly to employees, superannuation and pension payments, statutory or involuntary payments, grants, subsidies and transfer payments.

Construction (including works)

For the purpose of this policy a work (construction) is defined as: includes the construction of buildings, housing and other public infrastructure, as well as related services such as architectural, surveying, facilities management and general maintenance.

Local Contractor/Supplier

Has had a permanent office and permanent staff in the Wingecarribee Shire Council area for a period of six (6) months prior to bids being sought, and be either registered or licensed in New South Wales.

Local Purchase

A local purchase is determined to have taken place if purchased from a supplier that meets the above criteria.

Local Content

Local content is defined as the proportion of the contract that is undertaken locally in the Wingecarribee Shire Council area i.e. the majority of the contract outcomes must be managed, supplied and/or delivered from within the area. Local content includes the source of goods, materials and services offered and the degree which local suppliers and subcontractors are used in the delivery of purchases or outcomes.

4. POLICY

Wingecarribee Shire Council recognises it has a role in the economic development of the community and is committed to assisting local industry to do business with Council.

In order to assist local industry to do business with Council, the Council will:

- Ensure a 'buy local' culture within the Council.
- Advertise all tenders, contracts and expressions of interest in local newspapers and by other means as deemed appropriate.
- Where possible, make all tenders, contracts and expressions of interest available to access and download through the Council's website.
- Disseminate contract and tender information to local industry, in a manner deemed appropriate.
- Package requirements in appropriately sized contracts to suit market capacity and encourage competition.
- Place a prominent newspaper advertisement and conduct adequate local publicity of public tenders to enable local businesses to develop competitive bids, either as direct contractors, through consortiums or subcontracting arrangements, and to meet any pre-qualification requirements.
- Ensure that buying practices, procedures and specifications do not disadvantage local suppliers and ensure transparency in quotation, tendering and contract management practices.
- Encourage local businesses to promote their goods and services to Council.
- Encourage the use of local distributors within the delivery chain whenever goods, materials or services have to be sourced from outside the Shire.

Value for Money Considerations

Value for money is a key policy objective. It ensures that Council achieves the best possible outcome for the amount of money spent. This does not necessarily mean selecting the bid that offers the lowest initial price.

Purchasing decisions will be assessed on a value for money basis whilst giving full consideration to:

- The advantages of dealing with local businesses;
 - Local content;
 - The purchase or contract whole-of-life costs;
 - Compliance with specifications, guidelines and requirements;
 - Supplier capability to fulfil the specified requirements, legal, financial, experience etc;
-

- The supplier's commitment to supporting other local businesses through their subcontracting and supplier arrangements;
- Net benefits to Council including the benefits of maintaining an ongoing, innovative and competitive local business environment;
- Environmental management, supply of recycled/recyclable products and waste reduction;
- Job creation potential.

Overall, the value for money assessment must deliver quality outcomes at competitive prices, while recognising the impact of procurement decisions by Council on local industry and economic development.

Local Content Preference

The above preferences may also apply to suppliers based outside Wingecarribee Shire Council area as follows:

- Who use goods, materials or services of a significant amount in local contracts that are sourced within Wingecarribee Shire Council area, the preference applies to the value of the goods, materials or services sourced and used.
- Who can demonstrate that they are suppliers of materials made from recycled products or materials that could be recycled if the recycled products or materials are not available locally.
- A preference will be given to local suppliers who can demonstrate the use of locally sourced products and services as opposed to using products and services from outside of Wingecarribee Shire Council area.

Grievances

If a supplier has concerns with the application of this Policy it should be taken up, in writing, with the General Manager.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 12 August 2009

REPORT OF DIRECTOR CORPORATE SERVICES

o-CS2 Tourism NSW India Trade Mission

REF: ETM

1900

The purpose of this report is to seek approval for the Executive Tourism Manager to participate in the forthcoming Tourism NSW India Trade Mission (ITM) in mid September 2009.

REPORT

INTRODUCTION

The India Trade Mission (ITM) 2009 will be held from 13 – 19 September 2009 in Delhi, Ahmedabad, Mumbai India.

ITM provides a superb opportunity for representatives from the NSW tourism industry to develop and establish business relationships with key qualified travel agencies and tour operators from all over India, including the main cities of Mumbai and Delhi and other key secondary cities.

EVENT OVERVIEW

The 2009 ITM has been designed to showcase Sydney and NSW products to key trade and travel media, and to educate and increase the knowledge of agents about destinations, experiences and individual products in NSW via trade workshops and networking. Frontline staff training workshops, networking functions, agents office meetings and sales calls will be held in each city as per the planned itinerary.

EVENT OBJECTIVE

The objectives for ITM are as follows:

- To further educate the Indian and Australian travel trade about our market, products and business practices;
- To provide a practical means for the Indian travel industry to brochure Australian travel and tourism products, in particular the Southern Highlands;
- To maximise the relationships established and presentations undertaken by Executive Tourism Manager on last years Tourism Australia Trade Mission to Chennai India in September 2008;
- To introduce new products suitable for the Indian market;
- To increase awareness levels and enhance the image of the Southern Highlands in India;
- To provide a platform for the Indian and Australian travel industry to develop close business relationships; and
- To further leverage the work that Tourism Southern Highlands (TSH) has initiated with the Indian tourism market to date and to compliment TSH International Marketing Strategy.



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TIMING OF THE EVENT

13-19 September 2009.

WHO WILL ATTEND

A target of 80 key travel agency staff and 50 industry and wholesale representatives from key market centres of Delhi Mumbai and Ahmedabad, will be invited to attend the workshop and information events. Almost all of these buyers will be from agencies that have already invested in training their staff under the Aussie Specialist Program.

A target of 15-20 NSW tourism companies and regional tourism bodies have been invited to showcase their products and regions.

EVENT FORMAT

The 15-20 NSW tourism companies and regions participating in the 2009 Tourism NSW ITM will undertake 'face-to-face' appointments with key Indian travel agencies in a business forum. Appointments will be conducted using a trade fair style booth with sellers undertaking 10-15 minute appointments. These booth style presentations will be conducted in Delhi, Mumbai and Ahmedabad. In addition to booth style presentations, sales visits will be made to key travel agencies and wholesale companies in the above cities.

Networking opportunities for sellers to interact with buyers have also been scheduled following the daily workshops in the above cities.

(See attached itinerary for details of program)

MARKET OVERVIEW

- India is currently Australia's eleventh largest inbound market. In 2008, there were 109,018 visitors from India over 15 years of age. There were 116,001 visitors from India including visitors under 15 years of age.
- The average length of stay for visitors from India was 60 nights; almost double the national average for all visitors to Australia of 32 nights.
- Visitors from India accounted for 4% of total international visitor nights.
- In 2008, visitors from India spent \$707 million on trips to Australia, spending on average \$6,483 per trip.
- Visitors from India spent only 17% of nights outside of the major gateways of Sydney, Melbourne, Brisbane and Perth.

For the latest forecasts for this market released by the Tourism Forecasting Committee, go to www.tra.australia.com

VISITOR ARRIVALS

There was a 22% increase in the number of visitors from India in 2008. This was driven by strong growth across all market segments.

For more information on India go to www.tourism.australia.com/india and additionally refer to the attached Tourism NSW India Market Overview.

MANAGEMENT PLAN ISSUES OR IMPLICATIONS

This fits well with the 2009/10 Business Enterprise and Economic Development Program being *“Strengthen the economic base of the Shire and provide sustainable employment opportunities through promotion of the Southern Highlands as the preferred tourist destination...”*

POLICY IMPLICATIONS

Seeking Council approval to attend Tourism NSW India Trade Mission.

BUDGET IMPLICATIONS

Funding for the India Trade Mission has been allocated within the 2009/10 Tourism budget and will be reimbursed and sponsored through the Grand Pacific Drive Project therefore reducing cost to Tourism Southern Highlands to participate in this Trade Mission.

ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

(i) Environmental Factors
Nil

(ii) Social Factors
Nil

(iii) Economic Factors
Nil

CONCLUSION

The Tourism Southern Highlands Marketing Plan has identified key markets and high yield consumers that best match the Southern Highlands destination image, experiences, activities, infrastructure and have a high propensity to visit our region. The India travel market has been identified as one of the Southern Highlands key international markets, as it is closely aligned to our major products and experiences such as cricket (Bradman), nature (National Parks, Illawarra Fly, Fitzroy Falls) and gardens.

The India market is currently showing strong growth for Australia, NSW and the Southern Highlands. Details of this growth can be found on the attached supporting market overview document. Over the past 18 months TSH has been working closely with the Bradman Museum, Tourism Wollongong (via the Grand Pacific Drive project), Tourism NSW & Australia to position our destination in selected international markets. For the Southern Highlands to capitalise and grow the work already done by these entities on our behalf it is necessary that participation in such trade events is undertaken in an effort that TSH can build on these relationships with the aim of having Southern Highlands content included in key retail, wholesale, incentive and inbound tour programs.

The rewards of international market development are generally not felt immediately, as it normally takes two to three years before the impact of such activities is seen in our market. With this in mind it is necessary that we become more active and personally drive our



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international agenda as against relying solely on others to correctly position the Southern Highlands on our behalf.

The cost to participate in the mission has been sponsored from the Grand Pacific Drive Project to include exhibition space, face to face appointments with key industry buyers, accommodation, meals and return airfares.

Should approval be granted for participation in this trade mission, TSH will seek both financial and product support from selected local operators such as Bradman Foundation to deflect some costs and to represent their experiences.

Approval is required by no later than 13 August 2009, to meet Tourism NSW participation and Visa deadlines and to secure a guaranteed place on the India Trade Mission.

ATTACHMENTS

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

1. Preliminary Itinerary
2. Tourism NSW - India Market Profile Year ended December 2008.
3. Tourism NSW - International Visitor Profile

RECOMMENDATION

THAT Council grant approval for the Executive Manager Tourism to undertake the India Trade Mission in September 2009.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 12 August 2009

REPORT OF DIRECTOR CORPORATE SERVICES

o-CS3 Committee Appointments and Resignations

REF: MAS

7224/1

Reporting on Management Committee Appointments and Resignations.

REPORT

1. Yerrinbool Hall Management Committee

The Yerrinbool Hall Management Committee held its Annual General Meeting on Monday, 29 June 2009 and received the nominations of Yvette Cotter, Fergus Scott, Cheryl Sharp, Frances Ryall and Peter Hellyer to the Committee.

Committee Recommendation

THAT Council appoints Yvette Cotter, Peter Hellyer, Frances Ryall, Fergus Scott and Cheryl Sharp to the Yerrinbool Hall Management Committee and that Yvette Cotter, Peter Hellyer, Frances Ryall, Fergus Scott and Cheryl Sharp are notified of Council's determination.

MANAGEMENT PLAN ISSUES OR IMPLICATIONS

N/A

POLICY IMPLICATIONS

N/A

BUDGET IMPLICATIONS

Nil

ATTACHMENTS

There are no attachments to this report.

RECOMMENDATION

1. THAT Yvette Cotter, Peter Hellyer, Frances Ryall, Fergus Scott and Cheryl Sharp be appointed to the Yerrinbool Hall Management Committee AND THAT they be notified of Council's determination.
2. THAT the Yerrinbool Hall 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-CS4 Investments as at 30 June 2009

REF:	FSM	2104
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Submitting details of Council's Investments as at 30 June 2009.

REPORT

A list of Council's investments as at 30 June 2009 has been included on **Attachment 1** for information. It should be noted that the investments have been listed at their face value and also an estimated market value. This market value has been provided to Council by the ANZ bank as Council's Safe Custody nominee. The ANZ have advised that these values are based on a forecast model and information from a number of market providers and participants. As stated these figures are only estimates which may not necessarily reflect the potential "realisable value" or the actual value if the CDO's were sold in the current market conditions.

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

Interest received from investments totalled \$3,085,880.12 as at 30 June 2009. This is a preliminary estimate with end of year adjustments to be finalised. Council's income from interest on investments at this point is estimated to realise a small surplus for 2008/09.

ATTACHMENTS

There is one (1) attachment to the report being the list of cash and investments held by Council as at 30 June 2009.

RECOMMENDATION

THAT the information on Council's Investments as at 30 June 2009 be received and noted.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

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REPORT OF DIRECTOR CORPORATE SERVICES

Attachment 1

<u>INVESTMENT RECONCILIATION AS AT 30 June 2009</u>				
Bank	Arranger	Face Value	Market Value	Total
<u>Floating Rate Notes</u>				
Adelaide Bank FR Sub Debt		3,500,000.00	3,114,053.02	
Bank of Qld Sub Debt		7,000,000.00	6,856,006.35	
Elders Rural Bank Sub Debt		500,000.00	469,703.90	
Elders Rural Bank Sub Debt		1,000,000.00	924,467.67	
Elders Rural Bank Sub Debt		500,000.00	461,323.42	
HSBC FRN		6,500,000.00	5,372,378.35	
Macquarie Bank Sub Debt		500,000.00	485,003.87	
Royal Bank Scotland		2,000,000.00	1,467,987.40	
Elders Rural Bank		1,000,000.00	835,046.97	
Westpac		500,000.00	496,453.28	
St George		1,000,000.00	960,153.98	
<u>Property Note</u>				
Lehman		560,000.00	-	
<u>Floating Rate & Property Notes</u>		24,560,000.00	21,442,578.21	
<u>CDO's</u>				
Aphex Glenelg (NR)	Nomura International Plc	2,250,000.00	227,217.72	
Corsair Kakadu (NR)	JP Morgan Aust Ltd	1,500,000.00	373,698.35	
Corsair Torquay (CCC-)	JP Morgan Aust Ltd	2,500,000.00	297,084.25	
Helium Esperance (B-)	Merrill Lynch Int	2,000,000.00	363,771.31	
Helium Scarborough (CCC-)	Merrill Lynch Int	2,700,000.00	29,607.16	
Magnolia Flinders (NR)	Credit Suisse	5,100,000.00	3,570,213.28	
Omega Henley (NR)	BNP Paribas	2,000,000.00	630,976.79	
Starts Blue Gum (NR)	HSBC Bank	1,050,000.00	1,175.90	
Cypress Tree Lawson (A-)	Calyon	1,000,000.00	759,000.00	
MAS6-7 Parkes (NR)	Morgan Stanley	2,000,000.00	97,324.73	
Bishopgate Wentworth (NR)	Calyon	500,000.00	435,100.00	
Zircon Coolangatta (NR)	Lehman Bros	2,000,000.00	-	
Saphir Endeavour (NR)	Lehman Bros	140,000.00	-	
Beryl (NR)	Lehman Bros	4,000,000.00	-	
Zircon Merimbula (NR)	Lehman Bros	500,000.00	-	
<u>Total CDO's</u>		29,240,000.00	6,785,169.49	
<u>Total Securities Face Value</u>				53,800,000.00
Macquarie Cash Management Trust		18,136.61		18,136.61
<u>Short Term</u>				
NAB		12,200,000.00		12,200,000.00
				66,018,136.61



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 12 August 2009

REPORT OF DIRECTOR CORPORATE SERVICES

o-CS5	Consideration of Motion to Local Government Association Annual Conference 2009
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REF: MAS	203/4, 1107/18
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Reporting on consideration of Motion for the Local Government Association Annual Conference 2009.

REPORT

BACKGROUND

Council at its meeting held on Wednesday 22 July 2009 considered a question from the public as follows:-

“Urban and Rural Hedge Heights

Mrs Jan Hainke asked that in view of the fact that the New South Wales Department of Planning has been unsympathetic to Council’s lack of powers to control urban and rural hedge heights, will Council take this issue again to the Local Government Association Conference?

The Acting Mayor Clr K Halstead advised that this matter will be taken on notice.”

REPORT

Council at its meeting held on Wednesday 13 September 2006 considered a report in relation to Motions for the Local Government Association Conference of NSW and resolved in part the following Motion:-

- B. i) *THAT the Department be called upon to recognise that “vegetative screen plantings” can be defined as a type of development to be included in the land use tables of a Local Environmental Plan and that in some circumstances it is appropriate to require the lodgement and assessment of a Development Application.*
- ii) *THAT the Local Government Association be requested to work with the Department of Planning to formulate a planning control which allows Councils to control the height of all hedge planting (irrespective of species) in their respective Local Government urban and rural areas. (OC 209/06)*

The Notice of Motion (Late) that was submitted to the Local Government Association of NSW 2006 stated as follows:-

“From Wingecarribee Shire Council

Motion text:

1. *THAT the Association request the Department of Local Government to recognise that “vegetative screen plantings” can be defined as a type of development to be included in the land use tables of the Local Environmental*

Plan and that in some circumstances it is appropriate to require the lodgement and assessment of a Development Application.

2. *THAT the Association be requested to work with the NSW Department of Planning to formulate a planning control which allows Councils to control the height of all hedge planting (irrespective of species) in their respective Local Government urban and rural areas.*

Note from Council: Council has attempted to address the emerging problem of inappropriate vegetative screen plantings through the inclusion of a provision within the Local Environmental Plan. To date there has been no support for such a move from either the DoP or the Minister for Planning. At Wingecarribee Shire, the predominant problem is one of loss of scenic rural views and vistas and this would be shared by other rural councils such as Kiama. However, the problem can also emerge in urban areas”.

RESPONSE FROM THE LGA CONFERENCE

The motion was passed and the Current Status/Comment was:

“Representations were made on 14 December 2006 to the Hon Frank Sartor MP, Minister for Planning”.

MOTION SUBMITTED TO LOCAL GOVERNMENT ASSOCIATION OF NSW CONFERENCE IN 2007

Council again submitted the above motion to the 2007 Local Government Association Conference via the Southern Councils Group.

The Executive Note in the Conference papers stated:

“Executive Note: Representations have been previously made on this issue and a response is awaited.”

CONTACT WITH THE LOCAL GOVERNMENT ASSOCIATION REGARDING THE MOTION SUBMITTED AT THE 2006 AND 2007 CONFERENCE

The Association was contacted in relation to this matter and it was advised that Council could consider submitting the Motion again. However, it was noted that as the Motion has been considered and an action undertaken that the Motion could be classified as a “Category 2” Motion and would not be submitted to the Conference for debate.

MANAGEMENT PLAN ISSUES OR IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

(i) Environmental Factors

There would be no effect unless the Planning Legislation was amended to incorporate Council's Motion and this will not happen unless the State Government will take up Council's request.

(ii) Social Factors

Should the State Government take up Council's suggested Motion and amend its Planning Legislation then the benefits to the local community and visitors to the Shire would be beneficial in that there would be no loss of scenic rural views and vistas in the Shire.

(iii) Economic Factors

There may be greater economic benefits to the Shire if the scenic rural views and vistas were retained for visitors as they would generate more income for the Shire if rural views and vistas were retained.

CONCLUSION

As the matter has previously been to the Local Government Association of NSW Annual Conference in 2006 and 2007 and that the matter if submitted again could be listed as a Category 2 Motion (Motions previously considered) it is suggested that Council not submit the Motion relating to "Vegetative Screen Plantings" to the 2009 Annual Conference.

Council has also made representation to the Local Member Matt Brown MP.

Also the Strategic Planning Manager advised that at this stage Council has been unsuccessful in incorporating the relevant provisions in its LEP. The matter will be discussed with Councillors at an LEP Steering Committee in September.

As the matter pertains to a change in State Government Planning Legislation and that the Minister for Planning has now changed that Council make representation to the Minister drawing her attention to Council's Motions submitted to the Association in 2006 and 2007.

ATTACHMENTS

There are no attachments to this report.

RECOMMENDATION

1. THAT Council not submit a Motion to the Local Government Association of NSW Annual Conference in 2009 in relation to "Vegetative Screen Plantings".
 2. THAT Council make representations to the Hon Kristina Kerscher Kenneally, MP, Minister for Planning advising her of Council's Motions to the Local Government Association of NSW Annual Conference in 2006 and 2007 in respect of "Vegetative Screen Plantings".
-
-



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 12 August 2009

REPORT OF DIRECTOR CORPORATE SERVICES

o-CS6 General Business Questions

REF: MAS

100/1, 5509/2

Reporting on General Business Question raised at Council meeting on Wednesday 22 July 2009 by Councillor Mauger.

REPORT

BACKGROUND

Council at its meeting held on Wednesday 22 July 2009 considered a question from Councillor Mauger in relation to the correct interpretation of the Ordinary Council minutes; in particular his question raised in General Business relating to abandoned vehicles.

The outcome of his question was that the full transcript of his question was included in the minutes and that a resolution of Council was as follows:-

“THAT the issue relating to the recording of General Business items be referred to the Acting General Manager for consideration at the next Ordinary Meeting of Council on Wednesday, 12 August 2009” (MN309/09)

REPORT

Councillors would be aware that General Business Questions are listed in the Code of Meeting Practice as item 10.10 on page 46 which states:-

“Councillors may ask up to a maximum of three (3) general business questions at the council meeting.” (WSC)

This is an item that is included by Councillors and is not detailed in the General Meeting Regulations. It is also an issue raised by the Department of Local Government that Councillors should not be raising issues at Ordinary Council meetings that are not listed on the Agenda. However, as it is included in the Code of Meeting Practice it has been a long term practice to allow councillors to ask up to three (3) questions.

In this regard it has been protocol of Council that the question is written by the Councillor, read out by him/her and handed up to Administration to assist in the recording of the Council minutes. Staff provide Councillors with General Business Question booklets to assist in this process.

The recording of the minutes will detail the question in the minutes. However, if a Councillor continues to discuss the question in depth and obtain answers from the Mayor and or Staff then the discussion is put in as a précis in the minutes as the recording of the Ordinary minutes is not to take a transcript of what is said in detail but to record the minutes of that meeting.

REQUEST FOR DEFINED PROTOCOL REGARDING GENERAL BUSINESS QUESTIONS

It is suggested that having regard to the issue of what was a correct recording of the minutes and what was not, it is important that Councillors have a clear protocol on what is required when submitting General Business Questions at Ordinary Council meetings.

In this regard the following protocol is suggested to be included in Council's Code of Meeting Practice relating to item 10.10 General Business Questions from Councillors.

1. Councillors be permitted to ask up to a maximum of three (3) general business questions at the Council meeting.
2. That appropriate paper be provided for Councillors to record their question.
3. The question be read out at the meeting by the Councillor raising the question.
4. The question be handed up to the General Manager for inclusion in the Ordinary Minutes of Council. (Council staff will précis the question if it is not clear).

It is important that Councillors and staff are clear on the protocol for General Business Questions so that the recording of the minutes can be effectively and efficiently completed.

MANAGEMENT PLAN ISSUES OR IMPLICATIONS

Nil

POLICY IMPLICATIONS

Amend Council Code of Meeting Practice

BUDGET IMPLICATIONS

Nil

ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

(i) Environmental Factors

Nil

(ii) Social Factors

Nil

(iii) Economic Factors

Nil

CONCLUSION

It is requested that Councillors consider amending its procedure for item 10.10 General Business Questions from Councillors.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 12 August 2009

REPORT OF DIRECTOR CORPORATE SERVICES

ATTACHMENTS

There are no attachments to this report.

RECOMMENDATION

THAT council amends its Code of Meeting Practice regarding item 10.10 General Business Questions as follows:

- (i) Councillors may ask up to a maximum of three (3) general business questions at the council meeting.
 - (ii) Appropriate paper be provided for Councillors to record their question.
 - (iii) The question be read out at the meeting.
 - (iv) The question be handed up to the General Manager for inclusion in the Ordinary Minutes of Council. (It being noted that Council staff will précis the question if it is not clear).
-



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 12 August 2009

REPORT OF DIRECTOR CORPORATE SERVICES

o-CS7 Mount Gibraltar Landcare and Bushcare – Request for Assistance

REF: DCS

6527/15.1

Reporting on request for assistance from Mount Gibraltar Landcare and Bushcare for an interest free loan and assistance with management of funds by Council.

REPORT

BACKGROUND

Council has received correspondence from Ms Jane Lemann on behalf of the Mount Gibraltar Landcare and Bushcare Group (see attached letter) seeking Council's assistance with the continuation of the "Mount Gibraltar Book Project."

The Mount Gibraltar Landcare and Bushcare Group have advised that they have an offer of \$15,000 funding from the Hawkesbury Nepean Catchment Management Authority to reprint 1,000 copies of the *Mount Gibraltar Book*.

ASSISTANCE SOUGHT FROM COUNCIL

To enable this project to proceed the Mount Gibraltar Landcare and Bushcare Group seek the following assistance from Council to facilitate the project to go forward:

- i) Provision of an interest free short term loan of \$4,500.00
- ii) Council to act as the grant recipient and to be responsible for the administering of the funds in accordance with the terms of the grant.
- iii) Council to provide account for receipt of funds and payment of expenses, with a reconciliation to be completed on a quarterly basis.

CONCLUSION

The Mount Gibraltar Landcare and Bushcare Group have established their credentials to produce and market the *Mount Gibraltar Book* with the original print run almost completely sold. It is also noted that all funds raised after costs are met, are returned to the community via works at Mount Gibraltar Reserve.

There are administrative costs incurred in managing a project such as this and there will be a small loss of revenue from forgone interest on invested funds. Therefore, to minimise staff resources required and limit costs, finance staff will reconcile accounts and provide a financial summary on a quarterly basis only. It is further noted that to partially offset Council's costs that no interest will be attributed to funds held in trust by Council on behalf of the Mount Gibraltar Landcare and Bushcare Group.

It is suggested therefore that given the track record of this project in the past, that there is a high probability of the new project meeting its objectives to pay all costs (including repayment of the loan) and to make a profit, with the funds to be returned to the community via works at Mount Gibraltar Reserve.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 12 August 2009

REPORT OF DIRECTOR CORPORATE SERVICES

ATTACHMENTS

There is one (1) attachment to this report being letter from Mount Gibraltar Landcare and Bushcare Group dated 27 July 2009.

RECOMMENDATION

1. THAT Council provide an interest free loan of \$4500 for a period of up to twelve (12) months to the Mount Gibraltar Landcare and Bushcare Group to assist with the reprinting of the *Mount Gibraltar Book*.
 2. THAT Council act as the grant recipient for funds to be allocated by the Hawkesbury Nepean Catchment Management Authority.
 3. THAT Council provide limited administrative support for the project including receipt and expenditure of funds, and by providing quarterly reconciliations of the trust account.
 4. THAT no interest be accrued for any funds held in trust on behalf of the Mount Gibraltar Landcare and Bushcare Group.
-



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 12 August 2009

REPORT OF DIRECTOR CORPORATE SERVICES

Attachment 1

**MOUNT GIBRALTAR LANDCARE AND BUSHCARE
PO BOX 981 BOWRAL NSW 2576
Mount Gibraltar Story Group**

The General Manager
Wingecarribee Shire Council
PO Box 141 MOSS VALE NSW 2576
27 July 2009

Dear Sir, re: Reprint of Book: The Gib: Mount Gibraltar Southern Highlands

Background: The above group assists the Council in the management of the Mount Gibraltar Reserve and operates under the auspices of the Wingecarribee Shire Council through the Bushcare Program.

In 2007 this group produced 1000 copies of the above book about Mount Gibraltar for the benefit of the Mount Gibraltar Reserve and the community. Proceeds from this project of \$30,758 are held in a specific account by the Council pending results of grant applications to obtain matching outside funds.

Proposal: The group has received an offer from the Hawkesbury Nepean Catchment Management Authority of \$15,000 towards reprinting the book. The group would like to take advantage of this offer and execute the project in time for sale in the Christmas market. As it takes approx three months for printing and delivery of the books the order should be placed by September at the latest.

In order to execute the funding process the group would like to re-activate the book account Mount Gibraltar Book Project A/C Number 1 -09245-8304 under the Council's incorporation and ABN number. This account would then receive the grant, make payments and receive funds from the sale of books.

As there will be a short fall of \$4500 the group requests a short term interest free loan to cover any gap until sales are made. This would be secured by the funds already held in the account which are committed to obtaining matching funds and cannot be used at present. Alternatively the Council may prefer repayment in kind i.e. 142 books.

Draft Budget: Incl GST

<u>Income</u>	
HNCMA	15,000
WSC	4,500
Estimated Book Sales	16,000
Total estimated income	35,500

<u>Expenses</u>	
Reprint and deliver 1000 copies of The Gib	16,824 (quote attached)
Revise cover and imprint page, supervise	
Production	235
Insurance	300
Promotion	1,000
Working funds	500
Contingencies 3%	641
Repayment of loan	4,500
Total estimated expenses	24,000

Net Proceeds for Mount Gibraltar Restoration Project. 11,500

(Proposed Price Structure: Single Book Cost = \$19 Wholesale = \$35 Retail = \$55)

Yours sincerely

Jane Lemann Project Co-ordinator: 4887 1294 lemanna@acenet.com.au



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 12 August 2009

REPORT OF DIRECTOR CORPORATE SERVICES

o-CS8 LGSA Request for Assistance with Legal Costs

REF: DCS

203/4

Reporting on correspondence received from the Local Government and Shires Association of NSW regarding a request on behalf of Berrigan Shire Council for assistance under the Legal Assistance Policy in the matter of *Berrigan Shire Council v Iramoo Flyer Pty Limited*.

REPORT

Correspondence has been received from the Local Government and Shires Association of NSW requesting assistance with Legal Costs for a matter involving Berrigan Shire Council.

In essence the facts of the case are as follows:

1. Berrigan Shire Council had refused a Development application by Iramoo Flyer Pty Limited that sought to subdivide two existing rural lots to create two alternative lots. The subdivision would have resulted in two individual lots separated by approximately 8.5 kilometres.
2. A Class 1 application was filed in the Land and Environment court by the owner of the property, Iramoo Flyer Pty Limited, seeking to review the merits of council's refusal of the development application and council elected to defend the appeal.
3. Council has consistently maintained that defending this application was paramount to ensuring the avoidance of the land owners along the Murray River seeking to consolidate small parcels of land adjacent to the river with non contiguous allotments for the purpose of creating dwelling entitlements.
4. In other words, if this development application was approved it would have opened the floodgates on similar applications which would arguably result in detrimental impact on the riverine environment.
5. Council argue that this has significant implications for all councils because if the appeal were to be successful it would have created a range of uncertainty for councils such as:
 - i) Where non-contiguous lots cross boundaries, which council determines the application?
 - ii) How would performance based standards, such as minimum area requirements be managed?
 - iii) Do non-contiguous lots have any limitations?
6. Council further argue that the matter was of so great a significance to the Department of Planning that the Department has now introduced a Rural Lands SEPP that goes some way to addressing the issues raised by this matter.
7. Although council was successful in the matter, the Court ordered that each party pay their own costs.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 12 August 2009

REPORT OF DIRECTOR CORPORATE SERVICES

8. The Joint Committee of the Associations have considered that the significance of this decision and it was decided that it was sufficiently important to all councils to warrant the giving of support.
9. The Council incurred the sum of \$66,848.62 in defending its position. Wingecarribee Shire Council's proportional amount is \$532.04 based on its share of the Association's total membership subscriptions.

BUDGET IMPLICATIONS

Council should consider allocating the requested funds from the 2009/10 Contingency Vote.

ATTACHMENTS

There are no attachments to this report.

RECOMMENDATION

1. THAT the request for contributions from the Local Government Shires Association of NSW towards legal costs incurred by Berrigan Shire Council in the sum of \$532.04 be approved.
 2. THAT funding in relation to (1) above be allocated from Council's contingency vote.
-



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 12 August 2009

REPORT OF DIRECTOR CORPORATE SERVICES

o-CS9 Pensioner Rate Rebate - Write Off and Claim

REF: FSM

2211/2007

Submitting a report on the details of amounts abandoned for pensioner rates rebates granted on general rates, garbage accounts, water and sewerage accounts from 1 September 2008 to 30 June 2009.

REPORT

The amount of rebate granted to an individual property is stipulated in Sections 575 of the Local Government Act 1993 as being:-

General Rates	50% of levy up to a maximum of \$250
Water Rates	\$ 87.50
Sewer Rates	\$ 87.50

Following the granting of a rebate Council is able to claim fifty five (55) per cent of all rebates granted from the State Government. A recent change by the Department of Local Government now requires Council's to lodge only one return per financial year for Pensioner Concession Subsidy Claims.

In October 2008 a claim for \$554,616.58 was lodged (Claim No.139/08-09) with the Department of Local Government for Pensioner Rebates abandoned from 1 May 2008 to 31 August 2008 being \$1,008,393.77.

From 1 September 2008 to the 30 June 2009 a further amount of \$371,110.03 has been abandoned for Pensioner Rebates. As a result a claim for \$204,110.52 will need to be lodged with the Department of Local Government prior to 1 October 2009.

Details are as follows:

Particulars	Abandoned	Claim
Claim No. 139/08-09	\$1,008,393.77	\$554,616.58
Rates	\$28,445.85	\$15,645.22
Domestic Waste Charges	\$9,815.55	\$5,398.55
Water	\$179,270.05	\$98,598.53
Sewerage	<u>\$153,578.58</u>	<u>\$84,468.22</u>
Claim to 30/6/09	\$371,110.03	\$204,110.52
Totals	\$1,379,503.80	\$758,727.10



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 12 August 2009

REPORT OF DIRECTOR CORPORATE SERVICES

ATTACHMENTS

There are no attachments to this report.

RECOMMENDATION

1. THAT Council authorise the abandonment and write off of \$371,110.03 for Pensioner Rebates granted from 1 September 2008 to 30 June 2009.
 2. THAT \$204,110.52 be claimed from the State Government as part of Claim No 140 due to be lodged by 1 October 2009.
-

Barry Paull
Director Corporate Services

7 August 2009



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 12 August 2009

REPORT OF DIRECTOR INFRASTRUCTURE SERVICES

INFRASTRUCTURE SERVICES DIVISION

Lifestyle and Community

o-IS1 Construction of Robertson Shared Path, Stage 1

REF: DPM

6690/15, 7830

Reporting on the planning and design for Stage 1 of the shared path along Illawarra Highway, Robertson.

REPORT

Detailed design plans for Stage 1 of the 2.5m wide shared path along the Illawarra Highway, Robertson have been submitted to the Roads & Traffic Authority (RTA) for final approval. Stage 1 includes the section from Fountaindale Road and extending in a westerly direction for a distance of 325 metres. This shared path is proposed for the southern side of the Illawarra Highway and will front four properties. Construction has commenced.

When considering a report on the Pedestrian Access Mobility Plan Study (PAMPS), Council at its meeting held on the 26th March 2008 resolved in part:

THAT Illawarra Highway, Robertson be identified as the highest priority among the No1 priorities AND THAT Council makes representations to the Hon. Matt Brown MP in relation to funding for this particular project and any other projects detailed in the report.

Representation to the Hon. Matt Brown MP and RTA have been successful and recently culminated on a 50% grant offer from the RTA for a total of \$241,000. A condition of this grant is that Council matches this grant offer.

Council is required to acknowledge acceptance by 3 August 2009. As there was no Council meeting between notification of the grant and 3 August, the Acting General Manager has authorised this acceptance in anticipation of a Council resolution.

An earlier cost estimate in May 2008 for Stage 1 of the shared path was approximately \$500,000. However since that date, the Design & Projects branch had negotiated with the RTA to construct 150m of kerb & gutter as part of the pavement asphalt overlay treatment along the Illawarra Highway, completed by the RTA in April 2009. The estimated cost of Stage 1 is now \$482,000

On 17 December 2008, when considering a report regarding a federal grant of \$752,000 under the Regional & Local Community Infrastructure Program resolved to allocate \$135,000 towards the Robertson shared path. The \$135,000 will partly meet Council's obligation to match the \$241,000, however, \$106,000 in funding still needs to be identified.

On 25 March 2009 Council adopted the revised Policy – Paving of Footpaths. This allows Council to charge up to \$2,000 per property. Allowing for a contribution from four properties will provide \$8,000 of funding for the project.

Proposed Project Budget (2X \$241,000)	\$482,000
Available Funding	
RTA	\$241,000
Federal	\$135,000
Footpath Contribution (from 4 residents)	\$8,000
Total available funding	\$384,000
Budget shortfall	\$98,000

Council needs to confirm a source of funding the budget shortfall of \$98,000. One option is fund the shortfall from the Infrastructure Recovery Strategy. A proposal to do this is detailed below.

Comment by Roads & Traffic Manager re funding from IRS

Roads and Traffic Branch have achieved savings of approximately \$177,000 in Seal of Approval and \$57,000 in Town Streets Sealing (TSS) programs. These savings were achieved through use of reclaimed road materials, where appropriate. For example, Council was able to save \$40,000 at Currockbilly Street, Welby, through reclaiming road base from the old section of Medway Road when the Taylor Avenue Roundabout was constructed. In other projects, savings were realised through programming works to take advantage of scale of economies, for example reducing establishment costs and cheaper sealing rates by programming several projects to run concurrently.

Typically savings in these programs are used to accelerate other jobs as per the appropriate Priority List, a copy of which was provided to Councillors during the budget deliberations. The \$177,000 savings in Seal of Approval (SoA) would have allowed work to be carried out on Beresford St, Balaclava (\$42,900); Wilson Drive Service Road off Telopea Road, Hill Top (\$52,800); and Alcorn Lane, Robertson (\$96,000). It is appropriate in this case that the work in Alcorn Lane, the lowest in priority of these, be deferred until 2010/11 to allow these funds to be used to match the RTA Grant.

The \$57,000 saving in Town Street Sealing will be used to complete work on Ranelagh Road Burradoo, part funding of which was transferred to East St Moss Vale.

The \$225,000 carryover in Bridges is due to delays associated with property acquisition at Johnson's Creek at Robertson. This delay could be in the order of 12 months. As a result, Roads and Traffic have reprioritised the works program and will replace the timber bridge on Woodlands Road, Welby during 2009/10, with the work at Johnson's Creek being reprogrammed for 2010/11.

ATTACHMENTS

1. Letter from Roads & Traffic Authority
2. Concept Plan – Stage 1 Shared Path



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 12 August 2009

REPORT OF DIRECTOR INFRASTRUCTURE SERVICES

RECOMMENDATION

1. THAT Council confirm the action of the Acting General Manager to accept the grant offer of \$241,000 for Stage 1 of the Robertson shared path.
 2. THAT Council writes to the Hon. Matt Brown MP to thank him for supporting this project.
 3. THAT Council allocate \$98,000 from the carry-over of the IRS Seal of Approval (SOA) program to match the RTA funding and that it be noted that the sealing of Alcorn Lane Robertson be delayed until 2010/11.
-

ATTACHMENT 1

Our Ref: 495TS261 Part 2
Enquiries: Nicole Stevenson - (02) 4221 2421
Your Reference:



SCANNED

The General Manager
Wingecarribee Shire Council
PO Box 141
MOSS VALE NSW 2577

WINGECARRIBEE	
Classification:	MP/PLW
Doc. No.	
File No.	6690/15 1406319
	21 JUL 2009
	17 JUL 2009
	T Grant ✓

COPY SENT

**WINGECARRIBEE SHIRE COUNCIL - 2009/10 CYCLEWAYS,
PROJECT FUNDING OFFER**

Dear Sir,

I refer to your proposal dated 26 November 2008 requesting funding contributions for the following project:

Shared Path - HW25, Illawarra Highway, Robertson Stage 1

The Roads and Traffic Authority (RTA) is pleased to advise of a 50% funding contribution to a maximum of \$241,000 (not including GST) for this project. No further funding will be made available towards this project. It should be noted that funds are allocated to this specific project and are not transferable at Councils discretion.

Please note that this funding is conditional upon Council agreeing and complying with the following requirements:

1. Council will formally acknowledge acceptance of the RTA's offer before 3 August 2009. If Council does not accept the funding offer by this date the funding will be re-distributed to the next project on the RTA's unfunded works list. The next project may not necessarily be in your Council area.
2. Whilst it is noted that final designs have been submitted for this project, it is mandatory that they are approved by the RTA prior to the commencement of any construction activity, please liaise with Ms Jayd Houguet on 42212561 with regard to the approval of designs. Funding provided to Council will be reduced accordingly should design review iterations by the RTA exceed two (2) instances. All designs submitted are to be signed off by Council's Design Manager, advising that the design meets the RTA Design Guide and relevant Technical Directions.
3. A monthly progress report must be submitted by the first working day of the following month to the RTA Project Manager (see point 2) detailing project activities undertaken by that date.
4. For analysis projects and studies, an electronic copy of the report is to be forwarded with Councils Claim for Payment.
5. The project must be completed and a Claim for Payment submitted to the RTA by 31 December 2009.

Roads and Traffic Authority ABN 64 480 155 255

Level 4, 90 Crown St Wollongong NSW 2500
PO Box 477 Wollongong NSW 2520 DX 5178 Wollongong
www.rta.nsw.gov.au | 13 17 82

G:\Client Services\RST\MPAU\PAAM\GeneralAdmin\correspondence\0910\FUNDING_LETTERS_internal to councils.doc

Invoices associated with the cost of this project should include the following information:

- Project Name: Shared Path HW25, Illawarra Highway, Robertson Stage 1
- Project Number: T/04002
- File Number: 495TS261 Part 2
- Reference to this letter
- The original project cost and invoice amount
- Confirmation the project is completed and/or completed to the amount being invoiced.
Electronic copies of the final report must be provided with the final claim for payment.

Should Council decide that they do not wish to accept this funding contribution offer, could you please formally advise Nicole Stevenson as soon as possible so that funding can be re-allocated.

If you have any further queries, please do not hesitate to contact Nicole Stevenson on 4221 2421

Yours faithfully



Trish McClure
Manager, Road Safety & Traffic Management
Southern Operations & Client Services



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 12 August 2009

REPORT OF DIRECTOR INFRASTRUCTURE SERVICES

Lifestyle and Community

o-IS2 Construction of Shared Recreational Path – Illawarra Highway, Robertson – Agreement with Landowner

REF: DPM, PO

PN1348900

Reporting on agreement negotiated with Councillor Jim Mauger, Director of Wongabell Pty Ltd, the registered proprietor of Lot 334 Deposited Plan 734696, Illawarra Highway Robertson.

REPORT

Council Design and Project Manager, Dominic Lucas, and Design and Projects Officer, Trevor Grant, have held discussions with Councillor Jim Mauger regarding the proposal to construct a shared recreational path along the Illawarra Highway, Robertson, which requires a compacted earth batter to be constructed within Councillor Mauger's property being Lot 334 Deposited Plan 734696 at Illawarra Highway, Robertson.

Subject to written agreement, it is proposed that Council will:

- a) Replace the existing barbed wire fence with a 6 strand 10 gauge high tensile wire fence (1.2m high) on the correct boundary line for the entire length of the northern frontage of DP 734696;
- b) Remove most of the existing trees on the frontage to the property, to allow the construction of a 2.5 metre wide shared pathway immediately adjacent to the northern fence;
- c) Fill the area in the vicinity of the western gate and replace this gate with a new standard farm pipe gate;
- d) Construct a compacted earth batter (1 in 5 slope) within the property extending from behind the proposed shared path for the entire length of the property fronting the Illawarra Highway. The batter will be grassed;
- e) Construct stormwater drainage pipe work;
- f) Offer \$2,000 in compensation recognising the loss of use of the subject area for several months while works is being undertaken and grass is re-established.

Comments by Design & Projects Manager

A separate report is presented to Council regarding the funding and planning for Stage 1 of the Illawarra Highway shared path. Design plans have been completed and construction has commenced.

The proposed 2.5m wide concrete shared path will be constructed within Councils road reserve. However, to avoid the expense of re-locating four power poles (two in Stage 1 and two in Stage 2) along the frontage of Lot 334, it is proposed to construct the shared path tightly between the power poles and the front boundary line and fence of Lot 334.

The existing fence is a rural barbed wire fence and as such will likely be a potential source of personal injury to any user of the shared path. To alleviate this risk, it is proposed to replace the barbed wire fence with a plain strand fence. This is of benefit to Council and little benefit to property owner.

The existing gate along the fence is located in an old depression previously used for access / loading. To improve the grades of the shared path it will be required to smooth out this dip and hence requires the raising and replacement of the gate and support posts. This is of benefit to Council and little benefit to the property owner.

The road verge adjacent to the Illawarra Highway, on the frontage to Lot 334 and east of the main driveway, drops down and away from the Illawarra Highway making the platform for the shared path unsuitable. As such, the road verge needs to be raised and filled and then battered off into Lot 334. The batter is proposed to be constructed at a 1 in 5 slope and in the worst case, and will be up to 20 metres wide. The area affected is approximately 3000m². This will restrict the use of the land until the vegetation on the batters is re-established. This could take at least 12 months to fully re-established. Wongabell has NOT insisted that Councils acquires the land (and hence pay compensate to the value of the land). The proposed solution has negated the need to formally acquire land and hence reduces compensation and overall cost of the project. Property valuation reports and legal work have all been unnecessary as result of the property owner indicating their support of the proposal.

In addition, Council will be allowed to store earthmoving equipment, machinery and work shed on Lot 334 during the works.

This approach is consistent with Section 92 of the Roads Act which requires:

92 Roads authority may alter landform of land adjoining public road without acquiring land

- (1) A roads authority may alter the landform of land adjoining a public road so as to ensure the stability of the road.*
- (2) The roads authority must pay compensation to the owner of the land for any loss or damage arising from the alteration.*

Compensation of \$2,000 is proposed to Wongabell Pty Ltd. In summary, the compensation of \$2,000 proposed to be offered to Wongabell P/L is considered to be good value for Council.

ATTACHMENTS

1. Plan of proposed work on frontage to Lot 334 DP734696.
 2. Details of proposed batter along northern boundary.
-

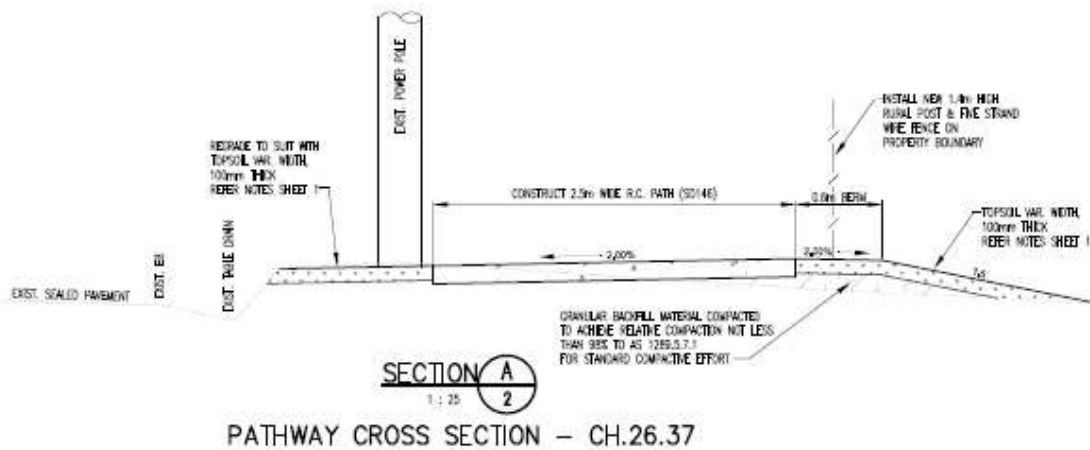
RECOMMENDATION

THAT a deed of agreement be executed under the common seal of Council between Council and Wongabell Pty Limited, being the registered proprietor of lot 334 deposited plan 734696 Illawarra Highway, Robertson outlining the terms and conditions as follows:

- a) That Council replace the existing barbed wire fence with a 6 strand 10 gauge high tensile wire fence (1.2m high) on the correct boundary line for the entire length of the northern frontage of DP 734696;
 - b) That Council remove most of the existing trees on the frontage to the property, to allow the construction of a 2.5 metre wide shared pathway immediately adjacent to the northern fence;
 - c) That Council fill the area in the vicinity of the western gate and replace this gate with a new standard farm pipe gate;
 - d) That Council construct a compacted earth batter (1 in 5 slope) within the property extending from behind the proposed shared path for the entire length of the property fronting the Illawarra Highway and the batter be grassed.
 - e) That Council construct stormwater drainage pipework.
 - f) That Council compensate Wongabell Pty Ltd the amount of \$2,000.
-

ATTACHMENT 2

DETAILS OF PROPOSED BATTER ALONG THE NORTHERN BOUNDARY





AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 12 August 2009

REPORT OF DIRECTOR INFRASTRUCTURE SERVICES

Lifestyle and Community

o-IS3	Draft Plan of Management for Hammock Hill Reserve, Bowral
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REF:	PPM	6500/23, 6535/1
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Submitting the draft Plan of Management for Hammock Hill Reserve, in East Bowral for adoption by Council.

REPORT

BACKGROUND

The Plan of Management has been prepared in accordance with the provisions of the Local Government Act 1993. The Act requires Councils to prepare Plans of Management for all land under Council ownership or control classified as community land.

The Plan of Management identifies the responsibilities of Council and stakeholders in the use of the site on a day to day basis, as well as establishes a framework for consistent planning over an extended period.

A copy of this document has been placed in the Councillors room.

THE DRAFT PLAN OF MANAGEMENT FOR HAMMOCK HILL RESERVE, BOWRAL

Plans of Management are public documents, and as such require stakeholders to be involved in their formation.

A number of workshops with key stakeholders were conducted which enabled stakeholders to have an active involvement in the development of the Plan of Management.

A community workshop was held after public advertising in the local press and distributing leaflets to the local area. Participants were encouraged to complete questionnaires outlining their values issues and thoughts regarding the Reserve and 55 questionnaires were completed and returned to Council.

Issues which were raised during the community consultation process included the need to provide appropriate and sustainable pedestrian access to the reserve while preventing vehicular access, the need to improve biodiversity and ecosystem function of the reserve by re-establishing native vegetation in degraded area and eliminating weeds and introduced species, maintaining community involvement in the recovery of the Reserve, the need to manage domestic and feral animals in the Reserve, the need to manage increased stormwater and erosion from further development in the vicinity of the Reserve, fire management, illegal dumping of rubbish and maintaining the safety of Reserve users.

The draft Plan of Management for Hammock Hill Reserve, Bowral was placed on exhibition, between 23 July 2008 and 19 August 2008. No submissions were received in response to the public exhibition of the draft document.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 12 August 2009

REPORT OF DIRECTOR INFRASTRUCTURE SERVICES

The final draft of the Plan of Management was prepared taking into account the issues raised during the consultation period.

CONCLUSION

During the development of the draft Plan of Management a number of issues were identified and addressed to the satisfaction of key stakeholders.

The plan reflects the diverse needs of the stakeholders and is presented as the best outcome for the Hammock Hill Reserve.

ATTACHMENTS

There are no attachments to this report.

RECOMMENDATION

THAT the draft Plan of Management for Hammock Hill Reserve, be adopted AND THAT this document be known as the Plan of Management Hammock Hill Reserve.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 12 August 2009

REPORT OF DIRECTOR INFRASTRUCTURE SERVICES

Lifestyle and Community

o-IS4 Draft Plan of Management for Mansfield Reserve, Bowral

REF: PPM

6500/23, 6532/2

Submitting the draft Plan of Management for Mansfield Reserve, Bowral for adoption by Council.

REPORT

BACKGROUND

The Plan of Management has been prepared in accordance with the provisions of the Local Government Act 1993. The Act requires Councils to prepare Plans of Management for all land under Council ownership or control classified as community land.

The Plan of Management identifies the responsibilities of Council and stakeholders in the use of the site on a day to day basis, as well as establish a framework for consistent planning over an extended period.

A copy of this document has been placed in the Councillor's room.

THE DRAFT PLAN OF MANAGEMENT FOR MANSFIELD RESERVE, BOWRAL

Plans of Management are public documents, and as such require stakeholders to be involved in their formation.

A number of workshops with key stakeholders were conducted which enabled stakeholders to have an active involvement in the development of the Plan of Management.

A community workshop was held after public advertising in the local press and distributing leaflets to the local area. Participants were encouraged to complete questionnaires outlining their values issues and thoughts regarding the Reserve.

Issues which were raised during the community consultation process included the need to provide appropriate and sustainable access to the reserve while preventing vehicular damage, the need to improve biodiversity and ecosystem function of the reserve by re-establishing native vegetation in degraded area, maintaining community involvement in the recovery of the Reserve, the need to manage domestic and feral animals in the Reserve, the need to manage increased stormwater and erosion from further development upstream of the Reserve, fire management, managing illegal dumping of rubbish, maintaining the safety of Reserve users and eliminating weeds.

The draft Plan of Management for Mansfield Reserve, Bowral was placed on exhibition, for a six week period between 23rd July 2008 and 19th August 2008. No submissions were received in response to the public exhibition of the draft document.

The final draft of the Plan of Management was prepared taking into account the issues raised during the consultation period.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 12 August 2009

REPORT OF DIRECTOR INFRASTRUCTURE SERVICES

CONCLUSION

During the development of the draft Plan of Management a number of issues were identified and addressed to the satisfaction of key stakeholders.

The plan reflects the diverse needs of the stakeholders and is presented as the best outcome for the Mansfield Reserve.

ATTACHMENTS

There are no attachments to this report.

RECOMMENDATION

THAT the draft Plan of Management for Mansfield Reserve, Bowral be adopted AND THAT this document be known as the Plan of Management for Mansfield Reserve.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 12 August 2009

REPORT OF DIRECTOR INFRASTRUCTURE SERVICES

Lifestyle and Community

o-IS5 Wingecarribee Our Future Environment Levy

REF: PPM

5465/29.1, 107/25

The purpose of the report is for Council to consider obtaining community feedback on the need to extend the Wingecarribee Our Future Environment (WOFE) program.

REPORT

HISTORY

The existing environment levy expires in 2013. At the Councillor Strategic Planning Workshop in November last year the issue of an in perpetuity environment levy was discussed and an action arising out of the meeting was that “*Staff (are) to produce a project plan to incorporate WOFE as rate in perpetuity so that a permanent environmental rate can continue...*”

Prior to Council considering whether an application should be made to the Department of Local Government it is important that the community have an opportunity to comment.

CURRENT STATUS – OPTIONS FOR PUBLIC CONSULTATION

Option 1 Community Consultation in 2009 specifically for WOFE, by way of Community Forums.

A draft project plan has been prepared which includes:

- Community consultation in 2009 by way of a series of community forums to be held across the Shire over a two month period, advertising in the local press, articles in Wingecarribee Today and an explanatory story on the Council website;
- Consultation with local Parliamentary members to keep them informed; and
- The process that is required to lodge an application in 2010 should it be approved by Council.

This option is preferred by the Environment & Sustainability Committee.

Option 2 Community Consultation in 2010 in conjunction with the Community Engagement Project as part of the Community Strategic Plan

Alternatively, as part of the development of the Community Strategic Plan a community engagement process is required and the consultation regarding extending the Wingecarribee Our Future Environment (WOFE) programme in perpetuity could be incorporated in this process, which is expected to occur in 2010. As a consequence of undertaking the consultation in 2010 any application to the Department of Local Government to extend the environment levy could not be undertaken before 2011.

This option is preferred by the Executive because it is preferable to have one combined Community Consultation project, of which environmental outcomes are included, and the WOFE is the primary means of financing environmental outcomes for Council.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 12 August 2009

REPORT OF DIRECTOR INFRASTRUCTURE SERVICES

MANAGEMENT PLAN IMPLICATIONS

Should Council decide to apply for WOFE to be extended in perpetuity it would be included in future Management Plans.

BUDGET IMPLICATIONS

The 2009 community consultation is proposed to be implemented with in-house resources with only minor additional costs for venue hire in some locations and display materials, which could be covered from the existing budget of the WOFE program.

Equally, if the community consultation is incorporated into 2010 Community Strategic Plan consultation, those same resources could be used in 2010.

ECOLOGICAL SUSTAINABLE DEVELOPMENT

Environmental factors – extending the WOFE program has the potential to make a significant difference to the sustainable environmental management of the Shire.

Social factors – community consultation is a vital component of any future proposal for extending the WOFE program.

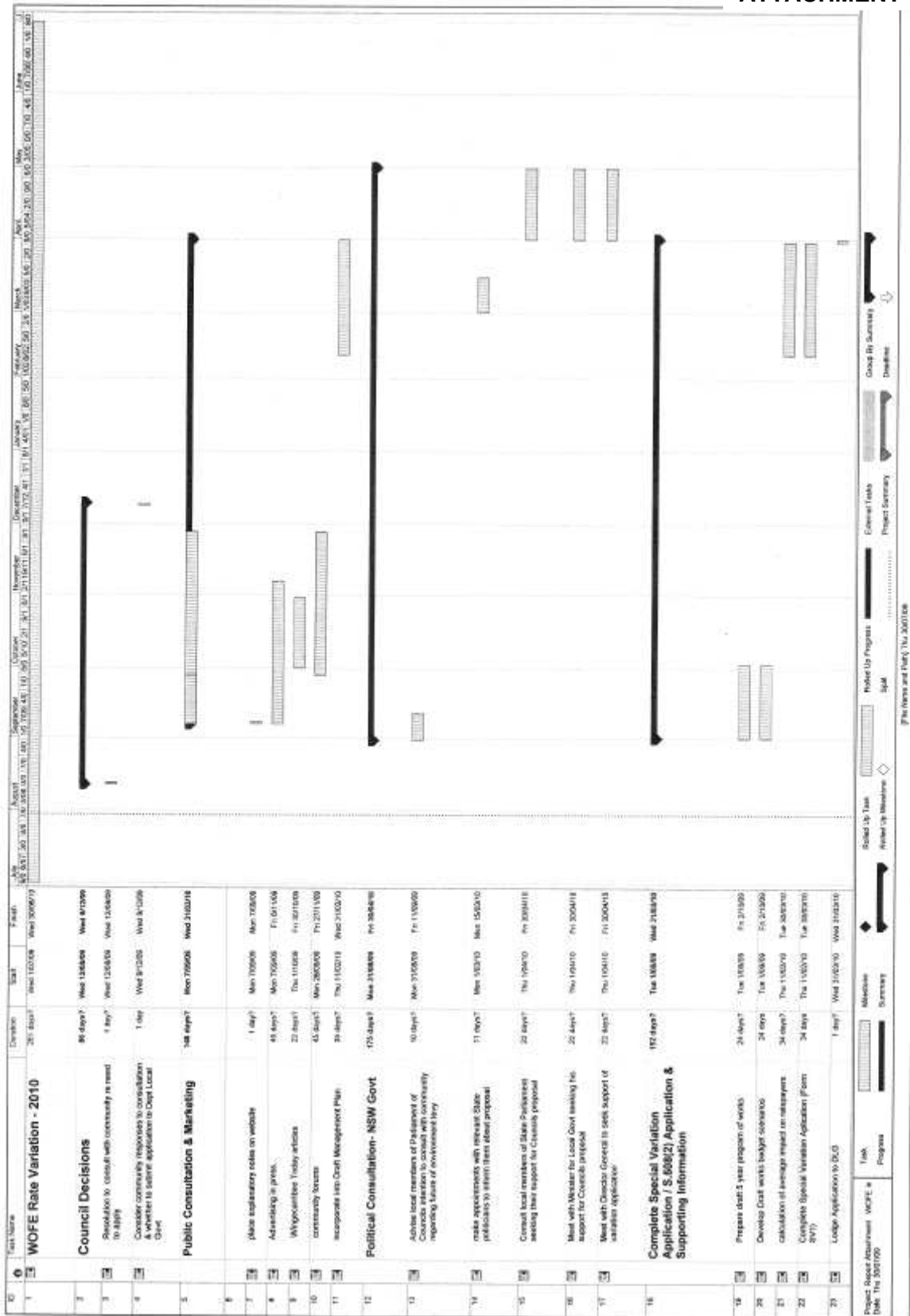
Economic factors – extending the environment levy takes pressure off the core budget of Council to fulfil its statutory obligations for sustainable land management.

ATTACHMENT

1. WOFE extension timeline for Option 1.

RECOMMENDATION

THAT Council determine the timing of community consultation on the need to extend the Wingecarribee Our Future Environment program beyond 2013.





AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 12 August 2009

REPORT OF DIRECTOR INFRASTRUCTURE SERVICES

Governance and Accountability

o-IS6 Rural Fire Service Control Centre Extensions

REF: DIS 6450

Report on the quotation process for alterations and additions for the Rural Fire Service (RFS) Control Centre at Mittagong and the need to waive the required tender process due to extenuating circumstances.

REPORT

The Rural Fire Service (RFS) Control Centre is a Council asset. The current works are initially funded by Council and then will be reimbursed by the Rural Fire Service.

The RFS has engaged a local design/project manager who is overseeing the design, documentation and liaison during construction of the project.

At a project start up meeting between the RFS, the Consultant and Council Officers the consultant was informed that the project would be required to comply with Council's purchasing procedures and was supplied with a copy of General Manager's Internal Practice Note No. 7 – Purchasing and Procurement Procedures.

The project has progressed through a number of processes as part of Development Application and Construction Certificate for the works as well as undertaking tree removal, civil/stormwater and erosion control design and purchase and erection of a steel building. All these processes have been carried out in accordance with Council purchasing procedures generally involving the receipt of three written quotes from suppliers.

The most recent element of the works involve alterations to the existing administration office, construction of a new operations centre and fit out of the vehicle servicing building. Again the Consultant undertook to obtain three written quotations for the works.

Competitive quotations were received from AJ Roberts Carpentry, Allscope Project Services and Elmwood Homes and all quotations exceeded the tender cut off value of \$150,000.

General Manager's Internal Practice Note No. 7 provides the following recommendations:

"10.5 Purchasing in Excess of \$150,000

- a. *Except where Government Contracts are involved, the purchase of goods and services above \$150,000 must be by tender and in accordance with Section 55 of the Local Government Act and the Local Government Tendering Regulations.*

Council procedures as set out in "Council's General Contract & Tendering Conditions" apply for contracts of greater than \$150,000. Reference should also be made to relevant Australian Standards and statutory authority requirements.

B It should be noted that employees must not, at any time, accept quotes/tenders that exceed their delegated limit.”

The Consultant was aware of these conditions but an oversight on their part has resulted in the tender process not being carried out for these elements of the works as is required. The current construction program proposed commencing work on Wednesday 5 August 2009 with only final cleaning remaining in the program by the start of October.

To now undertake a full open tender process at this time would require a specified closing date that is a minimum of 21 days after the date of publication or first date of publication of the advertisement, in accordance with Part 167 of the Local Government (General) Regulation 2005. In addition, the preparation of the documentation, advertisement, assessment of tenders and award of contract would take a minimum of an additional two weeks.

The problem for the Wingecarribee RFS now is that the works need to be completed prior to the beginning of the Bushfire Danger Period on 1st October 2009. The oversight by the Consultant means that there is now insufficient time to undertake a full tender process in accordance with the relevant requirements and undertake construction and meet the project deadline.

Due to the existing extent of work undertaken on the site to date, the centre probably has insufficient capacity to oversee an emergency situation in its current configuration. Under Part 3 of Section 55 of the Local Government Act 1993 the requirements for tendering does not apply to the following contracts:

“a contract where, because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers, a council decides by resolution (which states the reasons for the decision) that a satisfactory result would not be achieved by inviting tenders”

In this situation it is recommended to Council that there are extenuating circumstances in relation to calling tenders for the proposed works due to the limited time for completion of the project remaining before the Bushfire Danger Period, and the fact that competitive quotations have already been obtained.

POLICY IMPLICATIONS

Under the General Manager's Internal Practice Note No. 7 the purchase of goods and services above \$150,000 must be by tender and in accordance with Section 55 of the Local Government Act and the Local Government Tendering Regulations.

It is possible under Part 3 of Section 55 for Council to decide by resolution that because of extenuating circumstances a satisfactory result would not be achieved by inviting tenders in this case.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 12 August 2009

REPORT OF DIRECTOR INFRASTRUCTURE SERVICES

BUDGET IMPLICATIONS

The Rural Fire Service has committed a sum of \$600,000 to Wingecarribee Shire Council for the upgrade works at the Wingecarribee RFS Control Centre. Therefore all expenditure in relation to the project will be reimbursed to Council, of which Wingecarribee Shire Council contributes 11.7% - \$70,000.

ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

(i) Social Factors

The value of services and protection afforded to the local community during emergency situations by the RFS Control Centre is substantial.

(ii) Economic Factors

Significant additional costs would be necessary to provide these services in alternative accommodation for the start of the Bushfire Danger Period while the works were completed following the undertaking of a full tender process and construction.

CONCLUSION

The Consultant has undertaken the quotations for the works to date in an open process in accordance the Council's purchasing requirements.

The latest quotation process was undertaken in a similar methodology in that three written quotations were received in relation to the works in accordance with Council's procedures for projects valued under \$150,000.

Now that the issue relating to the value of the latest project and the tendering requirements has been highlighted to the RFS and the Consultant it is obvious that this very important public protection facility needs to be completed as a matter of high importance to the community.

As there is now insufficient time to undertake a full tender process and complete construction of the upgraded facility in time for the commencement of the Bushfire Danger Period on 1 October 2009 it is recommended that Council resolve that extenuating circumstances exist in accordance with Part 3 of Section 55 of the Local Government Act 1993 in relation to the project and that Council accepts the quotation from Elmwood Homes of Woonona.

ATTACHMENTS

1. Letter from District Manager Wingecarribee Rural Fire Service.

RECOMMENDATION

1. THAT Council notes there are extenuating circumstances in accordance with Part 3 of Section 55 of the Local Government Act 1993 in relation to proposed works for the alterations to the existing administration office, construction of new operations centre and fit out of the vehicle servicing building at the RFS Control Centre Mittagong.

 2. THAT Council resolve not to call tenders for the proposed alterations to the existing administration office, construction of a new operations centre and fit out of the vehicle servicing building at the RFS Control Centre Mittagong, due to the extenuating circumstances of having to complete the project prior to the commencement of the 2009/10 bushfire danger period to ensure adequate fire service protection to the community during this period AND THAT it is noted that competitive quotations have been obtained that demonstrate that the quotation of Elmwood Homes provides a best value outcome for Council and that a satisfactory result would not be obtained by inviting tenders, given the potential impact on RFS operations.

 3. THAT Council confirm acceptance of the quotation of Elmwood Homes for the alterations to the existing administration office, construction of a new operations centre and fit out of the vehicle servicing building at the RFS Control Centre at Mittagong.
-

M J Brearley
Director Infrastructure Services

7 August 2009

AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 12 August 2009

REPORT OF DIRECTOR INFRASTRUCTURE SERVICES

All communications to be addressed to:

NSW Rural Fire Service
Wingecarribee District
P.O. Box 337
Mittagong NSW 2575

Telephone: (02) 48712666
e-mail: ashley.frank@rfs.nsw.gov.au

NSW Rural Fire Service
Wingecarribee District
Crn. Priestly & Etheridge St
Mittagong NSW 2575

Facsimile: (02) 48713756



Michael Brearley
Acting General Manager
Wingecarribee Shire Council

Your Ref:
Our Ref:

5th August 2009

Michael,

I write to you in relation to the developments that have occurred with the refurbishment of the Rural Fire Service, Fire Control Centre, Priestley St Mittagong.

As you are aware the Rural Fire Service has committed a sum of \$600,000 to Wingecarribee Shire Council for the construction of a new maintenance facility on the current site, freeing up the exiting workshop area, for the construction of a dedicated emergency operations centre for the management of major incidents such as bushfires and other emergencies that face our community.

Council has engaged the services of a consultant to oversee the planning, development approval's and construction of this project.

The project to date has been progressing well with the new servicing facility at lockup stage and the old workshop that abuts the current operations area has had the roller doors removed ready for the internal construction of the operations centre.

I believe that the Consultant has obtained a number of quotes for the construction of the internal operations centre fit out that exceed the amount required for quotations of the General Managers practice notes.

I believe that the quotations received for this scope of works has been an open and transparent process to obtain the best value for money for Council and the Rural Fire Service. The consultant has been given a large scope of works required to be completed with a relatively tight budget and timeframe and I am satisfied with the work carried out to date.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 12 August 2009

REPORT OF DIRECTOR INFRASTRUCTURE SERVICES

As the Rural Fire Service Manager responsible for the expenditure of the Rural Firefighting Fund to Wingecarribee Shire Council, I support the recommendation that this scope of construction works that exceed the amount identified in the General Managers practice notes, be referred to a meeting of the Councillors of the Wingecarribee Shire, to seek endorsement of the construction at its next meeting thus allowing the project to continue.

The Fire Control Centre refurbishment is required to be completed by the beginning of the bush fire danger period being the 1st October. With parts of the Fire Control Centre now a construction site I need to express my concerns that if this target date is not met, then the ability for the Rural Fire Service and other agencies to combat bush fires and other emergencies will be drastically reduced, putting our firefighters and community in a more than vulnerable position.

I look forward to assisting where possible, for this issue to be resolved as a matter of urgency.

Regards,

Superintendent
Ashley Frank JP
District Manager
Wingecarribee



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 12 August 2009

NOTICE OF MOTION

COUNCIL MATTERS

NOTICE OF MOTION

c-NM1 15/2009 – Notice of Motion – Master Plan Committees

Clr Larry Whipper has given notice that it is his intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday 12 August 2009:

1. THAT Council consider re-instating the Master Plan Committees within the Shire.
2. THAT a meeting be convened with Councillors and previous members of these committees to discuss an appropriate model and terms of reference for the Committee/s.

RECOMMENDATION

SUBMITTED FOR DETERMINATION

QUESTIONS WITH NOTICE

c-QWN1 QWN 02/09 – Abandoned Vehicles

REF: AGM

101/2

To: Acting General Manager
From: Clr Jim Mauger
Received: 4 August 2009

Subject: Abandoned Vehicles

Question:

1. As a result of discussions with senior ranger Mark Rich, I am lead to believe that a document/memorandum of understanding exists which contains procedures to be adopted to log and record all impoundments, be they abandoned vehicles or whatever. Will you supply me with a copy of this document complete with all signatories names and the names of all persons who have been made aware of the contents and date of signing?

Acting GM Comment

The Rangers operate within the requirements of the Impounding Act 1993. The senior ranger will shortly finalise the drafting of an internal procedure that reflects the provisions of the Impounding Act 1993 and will be used as a reference by all rangers when dealing with the impoundment of articles. There is no Memorandum of Understanding as suggested in the question.

I trust that although brief, this is sufficient. By next Wednesday, 19 August 2009, the drafting of the procedure may be finalised.

2. In a reply to me, then General Manager, Mike Hyde, said he had advised former Mayor Gordon Lewis in detail about abandoned vehicles. From records when did this take place and what details were conveyed?

Acting GM Comment

The Mayor Councillor Gair has advised that he has discussed this matter with the former Mayor, Mr Gordon Lewis, who has confirmed that he was advised by the former General Manager, Mr Mike Hyde, of this matter, the fact that it had been referred to ICAC and that there was an investigation being conducted. There does not appear to be any file notes regarding this advice.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 12 August 2009

QUESTIONS WITH NOTICE

3. A final report done in-house dated 22 June 2007 by staff was apparently conveyed to Wollondilly Shire Council, will you please advise if this is true and if so supply a copy of all correspondence between Wingecarribee and Wollondilly Shire Councils?

Acting GM Comment

The internal review and report in relation to this matter contains information that has been provided in accordance with General Managers Practice Note 16 Protected Disclosures Act – Procedures for Internal Reporting and Investigation. As such the review of this matter and the information received and the information referred to another public authority, and their subsequent review are protected disclosures under the Act. It is noted that the aforementioned information has also been referred to ICAC for review.

RECOMMENDATION

THAT the information be received and noted.

c-QWN2 QWN 03/09 – General Manager Salary Increase

REF. GM

101/2

To: Acting General Manager
From: Clr Jim Mauger
Received: 4 August 2008

Subject: General Manager Salary Increase

Question:

1. Can the Mayor provide explanation of the statements he made on radio 2ST on 28 July 2009, in relation to the salary increase for former General Manager, Mike Hyde, in particular his statement that the increase was somehow approved by former Mayor, Gordon Lewis?

Mayor, Clr Gair Comment

The decision made by Council on Wednesday, 22 July 2009, to approve a 3.9% increase in the former General Manager's remuneration package as of 31 January 2009, is a decision of the current Council and was made after considering all relevant information.

RECOMMENDATION

THAT the information be received and noted.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 12 August 2009

COMMITTEE REPORTS

COMMITTEE REPORTS TABLED

c-CR1 Management and Advisory Committee Reports

REF: DCS

107/1

Submitting minutes of three (3) Committee meetings that will be tabled for information.

REPORT

1. Bong Bong Common Management Committee held on Tuesday 23 June 2009.
2. East Bowral Community Centre Management Committee held on Tuesday 29 July 2009.
3. Loseby Park 355 Management Committee held on Thursday 9 July 2009.

ATTACHMENTS

There are no attachments to this report.

RECOMMENDATION

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

1. Bong Bong Common Management Committee held on Tuesday 23 June 2009.
 2. East Bowral Community Centre Management Committee held on Tuesday 29 July 2009.
 3. Loseby Park 355 Management Committee held on Thursday 9 July 2009.
-



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 12 August 2009

COMMITTEE REPORTS

COMMITTEE REPORTS ATTACHED

c-CR2 Minutes of the Environment and Sustainability Committee (Refer Minutes page 103)

REF: NRC 5465/29.01

Submitting minutes of the Environment and Sustainability Committee held Wednesday, 15 July 2009.

RECOMMENDATION

THAT recommendations Numbers 1 to 15 as detailed in the minutes of the Environment and Sustainability Committee held Wednesday, 15 July 2009 be adopted.

c-CR3 Minutes of the Southern Regional Livestock Exchange Strategic Advisory Board (Refer Minutes page 111)

REF: PPM 7170/01

Submitting minutes of the Southern Regional Livestock Exchange Strategic Advisory Board held Friday, 19 June 2009.

RECOMMENDATION

THAT recommendations Numbers 1 to 3 as detailed in the minutes of the Southern Regional Livestock Exchange Strategic Advisory Board held Friday, 19 June 2009 be adopted.

c-CR4 Minutes of the Community Services Consultative Advisory Committee (Refer Minutes page 114)

REF: SPL 1800/17

Submitting minutes of the Community Services Consultative Advisory Committee held Tuesday, 21 July 2009.

RECOMMENDATION

THAT the recommendations as detailed in the minutes of the Community Services Consultative Committee held Tuesday, 21 July 2009 be adopted.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 12 August 2009

COMMITTEE REPORTS

MINUTES OF THE ENVIRONMENT AND SUSTAINABILITY COMMITTEE MEETING Held on Wednesday 15 July 2009 in the Nattai Room

File No: 5465/29.01

PRESENT:

Clr Larry Whipper (Chair)
Clr David Stranger
Clr Jim Mauger (part)
Maree Byrne – Community Representative
Jane Lemann – Community Representative
Jan Hainke – Community Representative
Geoff O'Connor – HNCMA
Lori McWhirter – DPI

IN ATTENDANCE:

Deny Christian – Sustainable Housing (part)
Eddie Anderson – Natural Resources Co-ordinator (NRC)
Scott Lee – Director Environment & Planning (DEP)
Deborah Petkovic – Environment & Health Manager (EHM)
Tracey Poulter – Environment Protection Officer (EPO)
Belinda Rowe – Bushland Project Officer (BPO) (part)
Kimberley Elliot – Environment & Health Project Officer (EHPO) (part)
Bennett Kennedy – Strategic Planner (part)
Greg Bray – Natural Resources Supervisor (NRS) (part)
Tannia Andrews – Administration Officer

APOLOGIES:

Clr Jim Clark
Margaret Krahenbuhl – Community Representative

The meeting commenced at 9:30am

Clr Whipper opened the meeting and welcomed all present.

MINUTES OF THE PREVIOUS MEETING HELD ON THE 20 MAY 2009

It was requested that Recommendation 16 from the previous minutes be altered to “Bottled Water Free Town” rather than “Bottle Free Town”.

Recommendation 1:

THAT with the above alteration the Minutes of the Environment & Sustainability Committee meeting held on the 20 May 2009 be accepted as a true and accurate record.

Moved by Maree Byrne

Seconded by Geoff O'Connor

MATTERS ARISING FROM PREVIOUS MINUTES

1. Four seasons Sustainable Housing Forum presentation by Deny Christian

Deny Christian from Four Seasons Sustainable Housing was in attendance to give a brief presentation and answer any questions regarding a project proposal for funding from the Environment Levy to hold Sustainable Housing forums in the Shire in 2010.

Ms Christian gave a brief overview of the forums which aim to inform and educate on essential elements of sustainable living. Forums are endorsed by the Australian Conservation Foundation and include lectures that are free to the public with invitations extended to local schools, hands on exhibitions of all major sustainable building products and product exhibitions with working models. The aim of the forums is to teach energy and water saving at home, growing your own food, green jobs for the future and educating children in sustainability.

Lecture topics will include peak oil, passive solar house design and renewable energy. The aim is to expose sustainable living to over 20,000 people on the South Coast and Southern Highlands within the next 12 months.

Clr Jim Mauger joined the meeting at 9:50am

Council is being requested to contribute facilities for the forums, advertising posters, presentation equipment and \$15,000 sponsorship for the forums. In return, Council will receive exhibition space and a lecture position at the forum, the Council logo on advertising, media coverage and enhanced sustainability credentials. Council will also receive attendance figures and completed questionnaires from the public following the forums.

The DECC are currently considering a funding request of \$15,000 for the forums and, while the ultimate goal is to have the forums fully funded by the State Government, at the initial stages funding is required from local governments and businesses to raise awareness of the issue.

Deny Christian left the meeting at 10:00am

2. Oxley Hill Drive bushland reserve categorisation status

The NRC gave the Committee a brief update on the categorisation of the Oxley Hill Drive bushland reserve. A Plan of Management is currently being developed for the reserve and will propose that the area be categorised as bushland with a small area categorised to allow for the Communications Tower.

3. Environmental dates and events calendar proposal

A calendar of environmental events was distributed to members of the Committee and the EPO briefly ran through the proposed events. The matter is to be further discussed as a project proposal.

The DEP advised that the South Coast branch of the Planning Institute are hosting EcoTowns on 30 October 2009 in Wingecarribee Shire with CANWin participating in the event. The DEP will circulate further information closer to the date.

4. Land for Wildlife launch at Penrose on 8th August

The BPO advised that Wingecarribee Shire Council will be holding the launch of this region's *Land for Wildlife* campaign on the 8 August 2009 at Penrose Public School. Information brochures available to all interested Committee members.

5. Protection of Council owned/managed bushland reserves

As per a report previously circulated to Committee members, the BPO discussed the options for Council to obtain another level of protection for reserves in the form of either Wildlife Refuges or Conservation Agreement status. The option of Biobanking was also briefly discussed.

Greg Bray joined the meeting at 10:15am.

The BPO to bring further information on the above options, including a list of targeted reserves and a suggested recommendation, to the next meeting to allow the Committee to make an informed recommendation to Council.

FEEDBACK FROM SUSTAINABILITY SUB-COMMITTEE

The EHM gave the Committee an update on the Sustainability Sub-Committee meeting held on the 15 June 2009 (minutes attached).

- The General Manager and Council's Management Teams have given their support to undertake the BTL Energy Audit.
 - The Terms of Reference for the Sub-Committee were reviewed.
 - Discussions were held regarding Council's Sustainability Indicators. Council's Corporate Planner will be conducting a review of all Sustainability Indicators and attaching owners to each indicator.
 - Water Sensitive Urban Design guidelines were discussed and will be an agenda item for the next meeting.
-

FEEDBACK FROM COUNCIL MEETING

Community Representatives Policy

The Chairman advised that Council have decided that community representatives on all Council Committees must meet certain criteria. The NRC to distribute criteria to Community Representatives.

MONTHLY ACTIVITY REPORT

The activity report for May/June 2009 was distributed, discussed and noted.

Recommendation 2:

THAT the activity report for May/June 2009 be noted.

Moved by Lori McWhirter Seconded by Geoff O'Connor

Kimberley Elliott left the meeting at 10:35am

Bennett Kennedy joined the meeting at 10:35am

COMMITTEE REPORTS

BTL Update

The EHM distributed a progress report from BTL to Committee members and advised that managers have agreed to commence Action Plan reviews. The BTL Energy Audit will commence on the 31 August 2009 and focus on the Civic Centre.

Once the Action Plan is in place and Council begins utilising the DECC recommended tool, Council will be in a good position to apply for grants available.

Jane Lemann requested that Council insist on the 6 star green building rating as the BASIX criteria sets the standards too low.

Recommendation 3:

THAT Wingecarribee Shire Council prepares a recommendation for the Local Government Conference this year seeking support from other Councils to raise the BASIX rating and THAT the recommendation suggest using the 6 star green building rating.

Moved by Jane Lemann Seconded by Maree Byrne

Indian Myna Project Update

The EPO gave an update to the Committee on Indian Myna control in the Shire. She advised that Council have purchased four myna traps with trap building workshops conducted by Pee Gee and a euthanasia station established at the RRC. There have been media releases in the Southern Highlands News and Wingecarribee Today and a broadcast on Today FM. There has been strong response from the community with people beginning to see a return of native birds to the area.

MONTHLY EXPENDITURE REPORT

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

Recommendation 4:

THAT the expenditure report to the end of May 2009 be noted.

Moved by Geoff O'Connor Seconded by Jan Hainke

NEW PROJECTS

1. *Four Seasons Sustainable Housing Forum*

There was a request for funding of \$15,000 to run two one-day community forums and three one-night lectures in 2010 to provide the community with access to expertise in the sustainability housing industry with the intention of increasing the local community's knowledge of sustainable building practices. The forums will be held to improve engagement and accessibility for the community and will be supported by the Environment and Health Project Officer.

Recommendation 5:

THAT Council commit \$15,000 from the Environment Levy to conduct Four Seasons Sustainable Housing Forums in 2010.

Moved by Jan Hainke Seconded by Geoff O'Connor

Deborah Petkovic left the meeting at 12:00pm.

2. *Endangered Ecological Community Vegetation Conservation – Robertson Tall Open Forest*

A project proposal was tabled requesting funding of \$4,326 to conserve and enhance 1ha of Robertson Tall Open Forest on Lot 14, DP 977031, Narellan Rd, Moss Vale.

Recommendation 6:

THAT Council commit to a three-year Vegetation Conservation Management Agreement over Lot 14, DP 977031, Narellan Rd, Moss Vale to the value of \$4,326 from the Environment Levy Vegetation Conservation Incentive program.

Moved by Geoff O'Connor Seconded by Maree Byrne

3. *Vegetation Conservation – Shale Woodland*

A project proposal was tabled requesting funding of \$1,269 to conserve and enhance 1ha of Shale Woodland on Lot 32, DP 631142, Glenquarry.

Recommendation 7:

THAT Council commit to a five-year Vegetation Conservation Management Agreement over Lot 32, DP 631142, Glenquarry, to the value of \$1,269 from the Environment Levy Vegetation Conservation Incentive program.

Moved by Jane Lemann Seconded by Maree Byrne

4. *Endangered Ecological Community Vegetation Conservation – Robertson Basalt Tall Open Forest*

A project proposal was tabled requesting funding of \$625.00 to conserve and enhance 1.2ha of Robertson Basalt Tall Open Forest on Lot 1, DP 548335 in Moss Vale.

Recommendation 8:

THAT Council commit to a five year extension of a Vegetation Conservation Management Agreement over Lot 1, DP 548335 in Moss Vale to the value of \$625.00 from the Environment Levy Vegetation Conservation Incentive program.

Moved by Geoff O'Connor Seconded by Jan Hainke

5. *Feral Animal Control Program*

There was a request for funding of \$11,300 for the Feral Animal Control program in bushland reserves. Baiting programs are currently being run in Mansfield Reserve and Hammock Hill Reserve. Jane Lemann asked whether feral cats were targeted as part of

the Feral Animal Control Program. The NRS advised that cats are a difficult animal to bait however, feral cats are included in this program where appropriate.

Recommendation 9:

THAT Council commit \$11,300 from the Environment Levy to continue the Feral Animal Control program.

Moved by Maree Byrne

Seconded by Jane Lemann

6. *Calendar of Environmental Events in the Shire*

A calendar of proposed dates for Environmental Days was distributed to members of the Committee. There was a request for additional funding of \$3,000 to hold three additional Environment Days (World Environment Day, Sustainable House Day and World Food Day), further to the \$3,000 already allocated for School Environment Day. The Chairman suggested alternate days including World Wetland Day, National Tree Day, Threatened Species Day and Water Day. It was agreed to defer the item until the next Environment and Sustainability Committee in order to review the matter further and allocate more time to the discussion.

7. *Ivy Control Strategy*

The Wingecarribee Ivy Control strategy was distributed with the agenda and there was a request for funding of \$12,500 for the first stage of an Ivy Control Program. The first stage of the roadside program will be targeting ivy in roadside trees throughout the Shire.

Recommendation 10:

THAT Council commit \$12,500 from the Environment Levy for the first stage of the Roadside Ivy Control Program which will target ivy in roadside trees throughout the Shire.

Moved by Jane Lemann

Seconded by Maree Byrne

PUBLICITY

Recommendation 11:

THAT \$800 be allocated from the Environment Levy to advertise and promote the Roadside Ivy Control Program.

Moved by Cllr Larry Whipper

Seconded by Jane Lemann

GENERAL BUSINESS

1. *Resignation of community member of Committee*

The Chairman reported that a letter of resignation has been received from Community Representative, Tony Hill.

Recommendation 12:

THAT a letter of appreciation be sent to Tony Hill on behalf of the Environment and Sustainability Committee acknowledging his contribution to the Committee over the past few years.

Moved by Cllr Larry Whipper

Seconded by Jane Lemann

Recommendation 13:

THAT Council advertise to fill the vacant Community Representative position on the Environment & Sustainability Committee.

Moved by Maree Byrne

Seconded by Jan Hainke

2. WOFE in perpetuity public consultation

The DEP advised that Executive has suggested that the WOFE in perpetuity proposal be completed with the Community Strategic Plan which will be delivered to the Minister in March 2011. This suggestion was put forward by Executive with a view to give the proposal for WOFE in perpetuity the best opportunity for approval.

The Chairman advised that he believed WOFE should not be confused with other Council projects or models and would prefer to see the WOFE proposal sold on its own merits and not associated with the Community Strategic Plan. Further to this, he advised against delaying the proposal until 2011 and believes that WOFE has enough community and political support to be approved next year.

The NRC advised that a Project Plan was being developed for the WOFE in perpetuity proposal with the first step to be the Public Consultation Program. The importance of demonstrating that the community is in support of the program in the application to the Minister was acknowledged. The NRC advised that the Public Consultation Program proposed will consist of public forums throughout the Shire advising the community of the achievements of the WOFE program, the future goals and requesting their feedback on its extension in perpetuity.

Cllr Stranger thanked the DEP for bringing the matter to the committee and continuing the channels of communication between the executive, committees and Councillors.

Recommendation 14:

THAT Council consider a report to commence community consultation on the WOFE in perpetuity proposal in 2009.

Moved by Cllr Larry Whipper

Seconded by Jane Lemann

Scott Lee left the meeting at 11:45am

3. Subdivision proposals for Jumping Rock Road, Bundanoon & Murrimba Road, Wingello (refer reports attached)

Reports were circulated to Committee members regarding sub-division proposals for Jumping Rock Road, Bundanoon and Murrimba Road, Wingello.

Noted.

4. New State Govt department. "Office of the Hawkesbury Nepean"

The NRC and Geoff O'Connor informed the committee that a new State Government Department had been formed, the Office of the Hawkesbury Nepean.

5. Biodiversity Strategy Stage 2

The NRC informed the Committee that Council is almost ready to commence procurement for completion of the Biodiversity Strategy Stage 2 which will involve updating the vegetation mapping. A further update was requested for the next meeting.

Action - To be listed as an agenda item for the next Committee meeting.

6. Oxeye Daisy

Clr Mauger requested information on Oxeye Daisy control in the Shire. The NRC reported that Oxeye Daisy control has been rolled into the Noxious Weeds program and there was uncertainty regarding the success of controlling this weed on roadsides.

Action - To be listed as an agenda item for the next Committee meeting.

The NRC also reported that Council has begun issuing weed notices for fireweed under the Noxious Weeds Act.

7. Bundanoon Bottled Water Free Town

Recommendation 15:

THAT Council assist with installing two bubblers in Bundanoon provided by the Bundy on Tap Committee by committing \$2,000 from the Environment Levy to assist with installation to support the sustainability initiative of a bottled water free town.

Moved by Maree Byrne Seconded by Geoff O'Connor

Next meeting to be held 16 September 2009 at 9:30am.

Meeting closed at 12.40pm



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 12 August 2009

COMMITTEE REPORTS

SOUTHERN REGIONAL LIVESTOCK EXCHANGE STRATEGIC ADVISORY BOARD REPORT OF MEETING HELD FRIDAY 19 JUNE 2009 FILE: 7170/01

COMMENCED: 10:40am

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

ALSO PRESENT: Peter Bowmer – Parks & Property Manager
Tannia Andrews – Administration Officer

APOLOGIES: Mike Hyde – General Manager
Andrew Murdoch – Saleyard Coordinator

Clr Gair opened the meeting at 10:40am

MINUTES OF THE PREVIOUS MEETING

Recommendation 1:

THAT the minutes of the previous meeting held on the 29 May 2009 be accepted as a true and accurate record.

BUSINESS ARISING

Correspondence Received

- The Parks & Property Manager received a phone call from the MLA to advise that the letter Council had sent regarding the NLRS had been received, however, their issue is finding someone to carry out reporting. It was suggested that the option of advertising to hire someone to carry out the reporting be investigated.

Recommendation 2:

THAT the PPM contact a suggested member of the public, as put forward by the Board, to see if they are interested in carrying out NLRS reporting at the SRLE subject to MLA approval. Furthermore, should it be required, advertise for alternative interested parties.

Correspondence Outgoing

- Nil

Barry Paull joined the meeting at 10:50am

GRANTS

The Director of Corporate Services (DCS) was in attendance to discuss grants for Council's in response to a query from the Board regarding an interest free loan available to Council's

which could be used to cover the SRLE. He explained that the particular grant that the Board was enquiring about would not be available to the SRLE and it is anticipated that it will be used for Council's to begin S94 projects.

The DCS advised that there is federal funding available for infrastructure projects but is unsure if the SRLE plans would fit the requirements.

Barry Paull left the meeting at 10:55am.

Recommendation 3:

THAT the PPM investigate options for grant funding to cover the Southern Regional Livestock Exchange and THAT the PPM write to local MPs for their support in covering the Centre.

COVERING THE YARDS

Discussions were held regarding support for covering the yards. The PPM reported that he was meeting with the Saleyard Coordinator the following week to prepare a preliminary brief for an EOI for covering the yards.

It was requested that members of the board forward details of possible design engineers to the PPM. Design engineers could then be approached and, based on the prepared brief detailing what is required and the desired outcomes, request a concept design and subsequent costs for the SRLE.

It was requested that a project plan, preliminary costs and concept design to cover the Southern Regional Livestock Exchange be brought to the next meeting for further discussion.

OTHER BUSINESS ARISING

Bong Bong Common

In the minutes of the MVLSCSAB meeting held on the 27 March 2009, the PPM was given permission to aerate Bong Bong Common. Comments have come back from the community that the area is being desecrated and the work carried out was not in accordance with the Plan of Management for the Common. It was noted that the Bong Bong Common Management Committee should have been contacted prior to work being carried out on the area.

The PPM will be attending the Bong Bong Common Management Committee meeting next week to supply the members with further information on the aerating that was carried out at the Common. It was also suggested that the SRLE fund interpretive signage and markers around the bottle dump area on the Common. It was also agreed that we will follow recommendations in the POM that were adopted by Council.

Board members who wish to inspect the site can do so with the PPM following the meeting today.



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 12 August 2009

COMMITTEE REPORTS

Maintenance Issues

The Chairman requested that the tracks on the self closing gates be kept clean at the Centre and that potholes in the drive and parking area be filled.

Compliments were given by Board members on the way the Centre was presented this morning at the promotional breakfast.

Meeting Closed at 11:50am.

Next meeting to be held Friday 31 July 2009.

<i>Staff</i>	<i>Time</i>	<i>Function</i>
Parks & Property Manager	30 hrs	Attended Meeting, preparation material, correspondence
Administration Officer – Parks & Property	4 hrs	Attended Meeting, preparation, typing of minutes, correspondence

STATUS TABLE

Item	Date	Comment	Status	Actioned
Country Hour	3 Aug 2007	Investigate options for people to carry out reporting for the MLA from the SRLE.		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
Covering the SRLE	29 May 2009	Investigate options for covering the yards.	Design brief to be prepared and brought to the July meeting.	Parks & Property Manager and Saleyard Coordinator
Grants	19 June 2009	PPM to investigate possible grants to assist with covering the SRLE.		Parks & Property Manager

**MINUTES OF THE
COMMUNITY SERVICES CONSULTATIVE ADVISORY COMMITTEE MEETING
Held on Tuesday 21 July, 2009 in Council's Gibraltar Room
File 1800/17**

The meeting commenced at 5:40pm

1. ATTENDANCE:

Cr Jim Clark (Chairperson), Cr Jim Mauger, Bruce Mumford, Noel Andrews, Donna Crawford (arrived 5:45pm), Travis Holland, Susan Sainsbury, Matt Harden and Jacqui Page.

ALSO PRESENT:

Margo McClelland (Social Planner) and Amanda de Somer (Administration Assistant)

APOLOGIES:

Frank Sotheran and Lesley Oatley.

4. CORRESPONDENCE:

4.1 Resignation of Travis Holland, Nikki McAdoo and Sandra Kolednik

RECOMMENDATION:

THAT Council accept the resignations of Travis Holland, Nikki McAdoo and Sandra Kolednik and that the Social Planner write to the resigning committee members thanking them for their contribution and commitment to the Community Services Consultative Advisory Committee.

CORPORATE SERVICES DIVISION

c-CS1	Closed Council
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REF:	DCS
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107/9

To consider moving into Closed Council.

REPORT

BACKGROUND

The following confidential report has been distributed separately:

c-GM1 RECRUITMENT OF GENERAL MANAGER 503/60

c-GM2 BUNDANOON SEWERAGE AUGMENTATION INSTALLATION
OF IRRIGATION EQUIPMENT - TENDER ASSESSMENT 7614

STATUTORY

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

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

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

Section 10B

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



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 12 August 2009

CLOSED COUNCIL

- (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 RECRUITMENT OF GENERAL MANAGER

503/60

Relevant Legal Provisions

This matter has been placed in Closed Council as it deals with commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it.

Brief Description

This report deals with the appointment of the recruitment consultant for the appointment of a new General Manager.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it may prejudice the commercial position of the person who supplied it.

**c-GM2 BUNDANOON SEWERAGE AUGMENTATION INSTALLATION
OF IRRIGATION EQUIPMENT - TENDER ASSESSMENT**

7614

Relevant Legal Provision

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

Brief Description

Presenting details of tenders for the supply and installation of irrigation equipment associated with the Bundanoon Sewerage Augmentation.

Public Interest

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

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

Michael Brearley
Acting General Manager

7 August 2009
