

File No. 100/09  
Our Ref: EAJ

11 December 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, 16 December 2009** commencing at **3.30pm**.

Yours faithfully

Jason R Gordon  
**General Manager**

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

# B U S I N E S S

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

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## Our Mission, Our Vision, Our Values

### OUR MISSION

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

### OUR VISION

Enhance transparency and accountability in all decision making processes and outcomes

Gain the trust and confidence of our community by keeping our communities informed and respect their input

Enhance the services and civic and natural assets of the Shire for this and future generations

Promote a live locally, work locally sustainability focus

Support and encourage the Shire's tourism industry and character

### OUR VALUES

Trust and integrity

Respect and responsibility

Communication

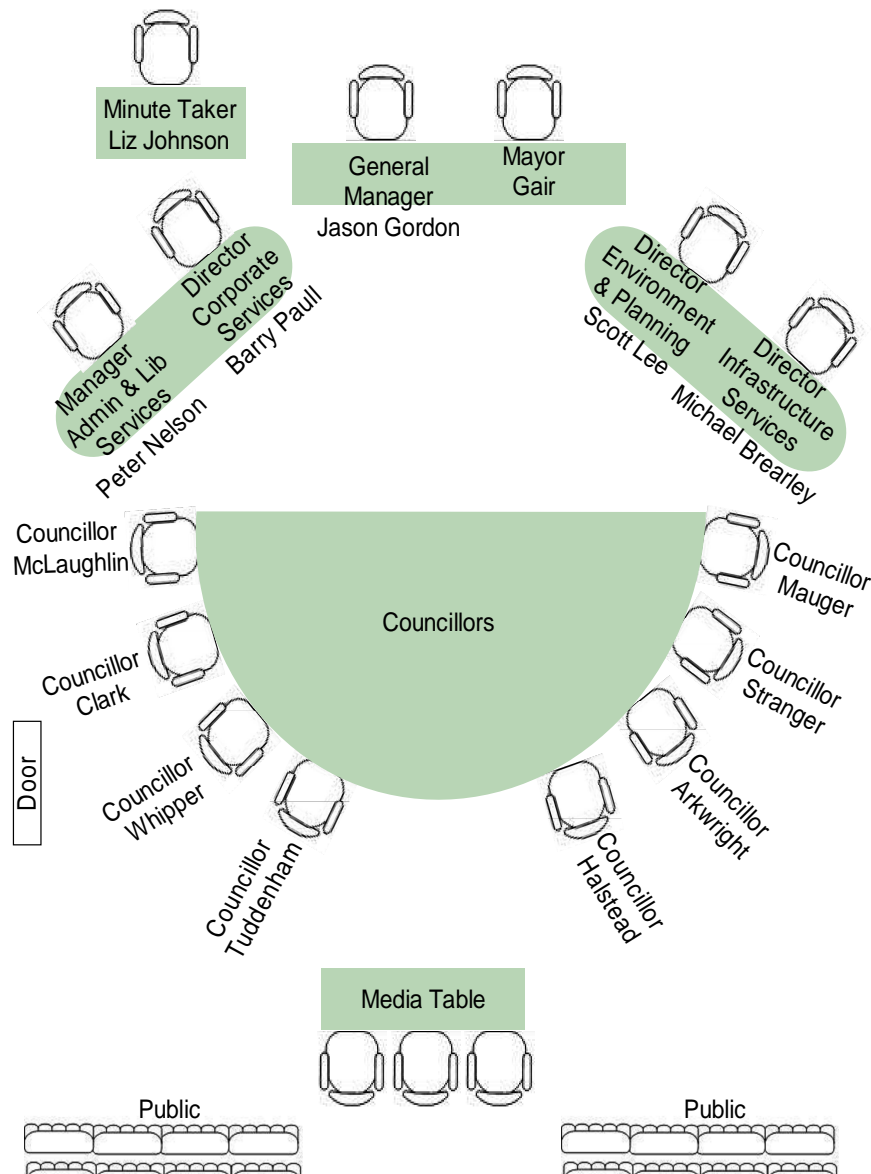
Service quality

## WSC Council Chambers

### Recording of Ordinary Meeting of Council

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

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





**AGENDA FOR THE ORDINARY MEETING OF COUNCIL**  
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 16 December 2009

**DECLARATIONS OF INTEREST**

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**DECLARATION OF INTEREST**

*101/3*

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

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**MAYORAL MINUTE**

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**MAYORAL MINUTE**

**c-MM1 Complaint Handling Procedures – Code of Conduct**

REF: A/DCS

102/5

The Code of Conduct, Section 12, outlines the procedures for managing complaints regarding the code of conduct of Councillors. To enhance the procedure and to ensure that matters are managed in a consistent and fair manner, I propose that matters are referred to an external independent agency prior to determination.

KPMG provides services that are impartial and take into account confidentiality and reputational issues as well as ensuring legal and ethical guidelines are applied.

**RECOMMENDATION**

THAT KPMG be engaged as an external referral agency for complaints relating to the Code of Conduct of Councillors.

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Clr Duncan Gair  
**Mayor**

11 December 2009



**OPEN COUNCIL**

**ENVIRONMENT & PLANNING DIVISION**

**Environmental Sustainability**

**o-EP1 Funding for Land Valuations – Land to be Acquired as Identified in Draft Wingecarribee Local Environmental Plan 2009**

REF: SPM

5702/6

This report discusses funding several land valuations for properties identified in the Draft Wingecarribee Local Environmental Plan 2009. It is intended to raise funds for these particular properties through a future Section 94A (Indirect) Contributions Plan.

**REPORT**

The Draft Wingecarribee Local Environmental Plan 2009 identifies several properties for acquisition by Council. To fund these acquisitions, it is possible to include some properties, namely those located in existing commercial centres, in Council's Draft Section 94A (Indirect) Contributions Plan for consideration. The Draft Section 94A (Indirect) Contributions Plan intends to levy commercial and industrial developments to raise funds for Pedestrian Access and Mobility items located within commercial and industrial zones.

The Plan also has the ability to raise funds for the acquisition of land. As the Plan levies commercial and industrial development, it is reasonable to include properties for acquisition that are located within commercial and industrial areas. The properties to be acquired and the purpose for their acquisition are listed as follows:

<b>Land Parcel Description</b>	<b>Location</b>	<b>Reason for Acquisition</b>
2-metre wide strip off frontage of properties on Lackey Road from Lot 1 DP907366 to Cnr of Garrett Street and Lackey Road.	Moss Vale	Road Widening
Lot 1 and Part of Lot 2 DP773382	Argyle Street, Moss Vale	Property Access from intersection with Argyle Rd and Valetta St.
5-metre wide strip off frontage of properties to Argyle Lane from Lot 7 DP1128120 to Lot 71 DP997464	Bowral	Lane Widening
5-metre wide strip off frontage of properties to Argyle Lane of Lot 1 & 2 DP1091708.	Bowral	Lane Widening
5-metre wide strip off frontage of properties to Argyle Lane from Lot 21 DP1107883 to Lot 5 DP456210.	Bowral	Lane Widening



**REPORT OF DIRECTOR INFRASTRUCTURE SERVICES**

Variable widths strip off frontage of properties to Wattle Lane from Lot 71 DP997464 to Lot 5 DP1128120.	Bowral	Lane Widening
Variable widths strip off frontage of properties to Wattle Lane from Lot 112 DP626378 to Lot 3 DP706754.	Bowral	Lane Widening

To obtain valuations of these properties expressions of interest were forwarded to property valuers to obtain quotes, due to the large number of properties to be valued at once. Council received two quotes for the proposed valuation work.

The most competitive quote obtained was approximately \$18,000 to \$20,000. It is noted that the second quote was in the order of \$76,000. Thus, it is recommended that Council accept the lower quote for this process.

Further it is also recommended that Council fund this valuation process from the Land Rental Reserve, which was originally conceived to assist Council in the funding of Section 94 related projects.

**MANAGEMENT PLAN ISSUES OR IMPLICATIONS**

The acquisition of properties identified in the Draft LEP 2009 by Council is essential to Council's long term growth of the Shire. The valuation of these properties will enable Council to establish a funding model including the use of Section 94A contributions.

**POLICY IMPLICATIONS**

The valuation process will not cause any adverse policy implications.

**BUDGET IMPLICATIONS**

Council's Manager of Finance recommends that the valuations be funded directly from the Land Rental Reserve.

**ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES**

(i) Environmental Factors  
N/A

(ii) Social Factors  
N/A

(iii) Economic Factors  
N/A

**CONCLUSION**

It is recommended that Council accept the lower valuer quote and fund the valuations from the Land Rental Reserve.



**ATTACHMENTS**

There are two (2) attachments to this report which are CONFIDENTIAL and circulated separately as they contain financial matters.

1. W.Mcl.Carpenter & Associates
2. R.E. Child & Associates

**RECOMMENDATION**

THAT an amount up to \$20,000 be allocated from the Land Rental Reserve for carrying out of valuations for the properties listed in the report.

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A handwritten signature in black ink, appearing to read "Scott Lee", is written over a light grey rectangular background.

Scott Lee  
**Director Environment & Planning**

11 December 2009



**CORPORATE SERVICES DIVISION**

**Governance & Management**

**o-CS1 Investments as at 30 November 2009**

REF: FSM 2104

Submitting details of Council's Investments as at 30 November 2009.

**REPORT**

A list of Council's investments as at 30<sup>th</sup> November 2009 has been included on **Attachment 1** for information. All Investments have been made in accordance with the Local Government Act, the Regulations and Council's Investment Policy.

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

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

Unfortunately at the time of compiling this agenda, the ANZ bank has been unable to provide Council with market values as at 30 November. Consequently the market values shown in this report are values as at 31 October.

Interest received from investments totalled \$527,510.48 as at 30<sup>th</sup> November 2009.

**ATTACHMENTS**

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

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**AGENDA FOR THE ORDINARY MEETING OF COUNCIL**  
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 16 December 2009

**REPORT OF DIRECTOR CORPORATE SERVICES**

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.....*Cont'd*

<b>RECOMMENDATION</b>
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THAT the information on Council's Investments as at 30 November 2009 be received and noted.

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Janice Cruickshank  
**Acting Director Corporate Services**

11 December 2009



**AGENDA FOR THE ORDINARY MEETING OF COUNCIL**  
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**REPORT OF DIRECTOR CORPORATE SERVICES**

**ATTACHMENT 1**

<b>INVESTMENT RECONCILIATION AS AT 30 November 2009</b>				
<b>Bank</b>	<b>Arranger</b>	<b>Face Value</b>	<b>Market Value</b>	<b>Total</b>
<b><u>Floating Rate Notes</u></b>				
Adelaide Bank FR Sub Debt		3,500,000.00	3,190,172.48	
Bank of Qld Sub Debt		7,000,000.00	6,941,624.53	
Elders Rural Bank Sub Debt		500,000.00	477,326.58	
Elders Rural Bank Sub Debt		1,000,000.00	949,252.05	
Elders Rural Bank Sub Debt		500,000.00	468,926.92	
HSBC FRN		6,500,000.00	6,253,168.77	
Royal Bank Scotland		2,000,000.00	1,469,630.14	
Elders Rural Bank		1,000,000.00	858,261.78	
Westpac		500,000.00	498,159.31	
St George		1,000,000.00	973,109.01	
<b><u>Property Note</u></b>				
Lehman		560,000.00	-	
<b><u>Floating Rate &amp; Property Notes</u></b>		<b>24,060,000.00</b>	<b>22,079,631.57</b>	
<b><u>CDO's</u></b>				
Aphex Glenelg (NR)	Nomura International Pl	2,250,000.00	306,955.40	
Corsair Kakadu (NR)	JP Morgan Aust Ltd	1,500,000.00	393,277.40	
Corsair Torquay (CCC-)	JP Morgan Aust Ltd	2,500,000.00	170,993.15	
Helium Esperance (CCC-)	Merrill Lynch Int	2,000,000.00	428,304.11	
Helium Scarborough (CCC-)	Merrill Lynch Int	2,700,000.00	143,312.30	
Magnolia Flinders (NR)	Credit Suisse	5,100,000.00	3,966,437.67	
Omega Henley (NR)	BNP Paribas	2,000,000.00	1,048,525.96	
Starts Blue Gum (NR)	HSBC Bank	1,050,000.00	16,279.28	
Cypress Tree Lawson (A-)	Calyon	1,000,000.00	913,113.42	
MAS6-7 Parkes (NR)	Morgan Stanley	2,000,000.00	167,671.23	
Bishopgate Wentworth (AA)	Calyon	500,000.00	458,141.64	
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	-	
<b><u>Total CDO's</u></b>		<b>29,240,000.00</b>	<b>8,013,011.56</b>	
<b><u>Total Securities Face Value</u></b>				<b>53,300,000.00</b>
NAB Term Deposit		2,000,000.00		2,000,000.00
Macquarie Cash Management Trust		62,647.09		62,647.09
<b><u>Short Term</u></b>				
NAB		9,700,000.00		9,700,000.00
				<b>65,062,647.09</b>



## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 16 December 2009

### REPORT OF DIRECTOR INFRASTRUCTURE SERVICES

## INFRASTRUCTURE SERVICES DIVISION

### Governance and Accountability

<b>o-IS1</b>	<b>Southern Regional Livestock Exchange</b>
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REF:	PPM	7170
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The purpose of the report is to submit the Southern Regional Livestock Exchange 2008/09 Annual Report to Council.

<b>REPORT</b>
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#### 1. HISTORY

In 2003, Council resolved to operate the Southern Regional Livestock Exchange (formerly Moss Vale Livestock Selling Centre) as a business unit of Council. As at the financial year 2008/09, the Southern Regional Livestock Exchange has operated under the guidance of the Southern Regional Livestock Exchange Advisory Board. The Board reports the status of the Southern Regional Livestock Exchange on an annual basis.

#### 2. CURRENT STATUS

The strong vealer/local trade market lead the way with consistently good prices for quality cattle throughout the year.

Ring/Fat Sales	Throughput	47,932 head
Store Sales	Throughput	10,332 head
Private	Throughput	<u>346 head</u>

**TOTAL** **58,610 head**

Throughput was 11,610 above budget. Increased Throughput resulted in increased expenditure and operational needs. This included the employment of an additional staff member. All costs were met by additional income and were constantly monitored.

Hay and silage production is proving very beneficial for both the sale yard operation and Council's General Fund. The increased income from hay sales is providing revenue for works projects at the centre whilst reducing mowing costs of public open space. A business plan for hay production is now under development to further enhance this area of operation to facilitate a percentage of the income to go into asset improvements. Hay sales came to \$111,000 for 2008/09 and expenditure of \$64,000 resulting in a \$47,000 return for hay production.

Significant improvement with O H & S was also achieved with the new induction program developed. The program received the Excellence Award in O H & S for State Cover at this years Risk Conference.



## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

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### REPORT OF DIRECTOR INFRASTRUCTURE SERVICES

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#### 3. CONCLUSION

Expenditure was carefully monitored to ensure the Southern Regional Livestock Exchange was financially viable. The continued growth of operations will present new challenges to ensure that the Southern Regional Livestock Exchange remains the preferred selling centre in the district.

The Southern Regional Livestock Exchange has made a return of \$100,000 to Council's General Fund and completed Capital works to the value of \$139,014 in addition to making a small profit of \$23,817.

The key issues for 2009/2010 will be ongoing O H & S improvements and development of the roof covering of the centre.

#### 4. BUDGET IMPLICATIONS

The Southern Regional Livestock Exchange is a self funding unit of Council which endeavours to make a return to Council on its \$4 million assets. The Centre is subject to market forces beyond its control that impacts on the number of livestock sold and the associated return to Council. These forces include weather conditions and the impact of overseas exports.

#### ATTACHMENTS

1. Southern Regional Livestock Exchange Annual Report for 2008/09 (**attachment under separate cover**).

#### RECOMMENDATIONS

1. THAT Council notes the contents of the Southern Regional Livestock Exchange Annual Report.
  2. THAT Council thanks the members of the Southern Regional Livestock Exchange Advisory Board for their contribution in 2008/09.
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M J Brearley  
**Director Infrastructure Services**

11 December 2009

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## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 16 December 2009

### REPORT OF THE GENERAL MANAGER

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#### NOTICES OF MOTION

**o-NM1 19/2009 – Notice of Motion – Acquisition of Lot 5 DP 867717 Oxley Drive, Bowral**

REF.	MALS	100/5
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Clr Larry Whipper has given notice that it his intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday 16 December 2009:

1. THAT Council give consideration to the acquisition of Lot 5 DP 867717 Oxley Drive, Bowral and the feasibility of adding this allotment to the Mt Gibraltar Reserve.
2. THAT Council meet with members of the Mt Gibraltar Reserve Committee early in 2010 to discuss the matter further.

#### DCS comment

There are a number of issues that Council will need to consider in more detail if Council confirms its support in principle for this proposal. A detailed report will need to be brought back to Council outlining the issues and the proposal will also need to be considered for funding within the 2010/11 budget.

#### RECOMMENDATION

SUBMITTED FOR DETERMINATION

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## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 16 December 2009

### COMMITTEE REPORTS

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#### COMMITTEE REPORTS

#### COMMITTEE REPORTS TABLED

#### c-CR1 Management and Advisory Committee Reports

REF: DCS

1828/3

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

#### REPORT

1. Bong Bong Common Management Committee Annual General Meeting held Tuesday 25 August 2009
2. Bong Bong Common Management Committee held Tuesday 25 August 2009
3. Loseby Park 355 Management Committee Annual General Meeting held Thursday 27 August 2009
4. Penrose Hall and Recreation Reserve Committee held on Monday 19 October 2009
5. Robertson Community Centre Committee held Wednesday 12 August 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 Annual General Meeting held Tuesday 25 August 2009.
  2. Bong Bong Common Management Committee held Tuesday 25 August 2009.
  3. Loseby Park 355 Management Committee Annual General Meeting held Thursday 27 August 2009.
  4. Penrose Hall and Recreation Reserve Committee held on Monday 19 October 2009.
  5. Robertson Community Centre Committee held Wednesday 12 August 2009.
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## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 16 December 2009

### COMMITTEE REPORTS

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#### COMMITTEE REPORTS ATTACHED

<b>c-CR2</b>	<b>Minutes of the Access Committee</b> ( <i>Refer Minutes page 18</i> )
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REF.	CWAD	1828/3
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Submitting minutes of the Access Committee held Monday, 12 October 2009.

<b>RECOMMENDATION</b>
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THAT the recommendations and actions as detailed in the minutes of the Access Committee held Monday, 12 October 2009 be adopted.

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<b>c-CR2</b>	<b>Minutes of the Resource Recovery Centre Strategic Advisory Board</b> ( <i>Refer Minutes page 23</i> )
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REF.
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Submitting minutes of the Resource Recovery Centre Strategic Advisory Board held Monday, 7 December 2009.

<b>RECOMMENDATION</b>
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THAT the recommendations as detailed in the minutes of the Resource Recovery Centre Strategic Advisory Board held Monday, 7 December 2009 be adopted.

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**MINUTES OF THE ACCESS COMMITTEE MEETING**  
**Held on Monday 12 October, 2009 in Council's Gibraltar Room**  
**Commencing at 10.15 am**

1828/3

1. PRESENT:

Clr Duncan Gair (Chairperson), Jill Chauncy, Pamela Cormick, Dympna Irwin, Russell Leith, Bruce Mumford and Alex Traill. AlexTraill left the meeting at 11.35 am.

APOLOGIES:

Ann Crumpton, Paul Hartley and Peg Ludwig.

ALSO IN ATTENDANCE:

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

**Action: That the previous minutes circulated for 17 August be amended to show the correct date of 10 August 2009.**

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2. ADOPTION OF PREVIOUS MINUTES OF MEETING HELD MONDAY 10 AUGUST 2009:

RECOMMENDATION:

**THAT the minutes of the meeting held on Monday 10 August 2009 be accepted as a true and accurate record.**

**Moved: Clr Gair**  
**Seconded: Pamela Cormick**  
**Carried**

3. BUSINESS ARISING FROM PREVIOUS MINUTES:

3.1 RTA Mittagong Seating

Ms Nicola Robson has received advice from the RTA that the seating complies with Australian Standards 1428.1 and 1428.2 – Design for Access and Mobility and was independently audited to ensure compliance. Nicola contacted Trevor Howse & Assoc., the auditor, to request further information. No response has been received. It was suggested that people ask for assistance if they can't manage the seating.

**Action: A letter is sent to the Mittagong RTA making staff aware that people with disabilities may experience difficulty with seating. A sign be displayed for people to ask for assistance if they are experiencing difficulty with seating.**

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3.2 Southern Highlands Community Transport of Oxygen Cylinders

Ms Nicola Robson mentioned this is an ongoing issue and referred to a newspaper article in SHN on 21.9.09. The major concerns are the OHS issues in relation to the oxygen cylinder becoming a projectile and the use of oxygen in an enclosed space.

**Action: Received a copy of a Safe Work Practice Statement developed by Mercy Community Services on transporting clients with oxygen cylinders. This has been provided to Southern Highlands Community Transport for comment. Clr Gair recommended we wait for correspondence back from Community Transport as they need to acknowledge it.**

3.3 Companion Card Affiliation – adopted by Council from 1 September 2009

Clr Gair enquired how successful the Companion Card had been. Ms Nicola Robson mentioned there was nothing in place at Tulip Time to collect data. No process has been implemented at the pools to record the number of Companion Card entries. Nicola has spoken to Parks and Property about some way of assessing how many people are using the Companion Card. The Companion Card logo needs to be displayed at each of the pools and the swimming pool casual staff will be informed about the card at their induction day.

Application information and forms are available on the Companion Card website.

**Action: Contact Mr Geoff Goodfellow about more advertising to encourage local business to support the program.**

3.4 IDPWD – Thursday 3 December 2009 – Wingecarribee Accessible Transport Expo: Showcasing local transport services for people with a disability and mobility needs.

The NSW Department of Transport and Infrastructure has provided funding for The Disability Trust in Mittagong to hold the Expo.

A working group of representatives from Dept. of Transport, The Disability Trust and local transport providers who are coordinating the event have selected the Council Civic Centre in Moss Vale as the location for the event.

Accessible vehicles are to be parked in Donkin Street and the Council Theatre is to be used for information sessions and displays. A report has been prepared for the traffic committee outlining the requirements for Donkin Street.

Committee members discussed concerns about marketing and visibility of the event. Also discussed was the lack of consultation with people with disabilities into the event planning.

**Action: Focus on profile, advertising and marketing for the Expo. The committee needs to liaise with Expo Working Group.**

### 3.5 MBA Awards

Excellence in Housing Awards are held by the NSW Master Builders Association at both regional and state level. There is currently no award category for Universal Housing Design at either the Regional or State Awards.

From the last meeting it was decided to write to the MBA to suggest that a Universal Housing Design category be included in next years awards.

**Action: Follow up recommendation to write to MBA from 10 August 2009 minutes**

### 3.6 Follow up action requests from 10.9.09

Access concerns with Station Street, Bowral (opposite Rivers) development

Line marking in the Elizabeth Street Carpark has been completed. The accessible space has been widened to 3200m and sign posted. The template used for the accessible space identification is not in accordance with the standard as the blue around the accessible symbol should be smaller and placed further into the car parking space.

Clr Gair attended the Wingecarribee Community Services Expo and noted that there were over 30 different service providers in the Southern Highlands providing a range of services for people who need assistance.

**Action: Ms Nicola Robson to follow up further with council's Development and Building Services on the Station Street Development (opposite Rivers).**

**Request accessible car parking spaces are marked in the designated colours, the correct width and length and sign posted as required.**

**Request the line marking crew identify accessible car parking spaces in accordance with AS 1428.1. when maintaining identifying symbols.**



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### COMMITTEE REPORTS

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#### 4. CORRESPONDENCE:

##### 4.1 Article on Package for Stimulus for ACT Housing

An article about the ACT Government boosting funding for affordable housing in the ACT by 102 million. The houses have a six star energy rating and close to transport for people with disabilities. Discussion followed about the need to pursue affordable and accessible housing in the shire.

#### 5. GENERAL BUSINESS:

##### 5.1 Accessible Transport Expo

A staff member from The Disability Trust will be coordinating the Expo and responsible for the \$4,000.00 funding provided by Department of Transport and Infrastructure. Nicola has attended the Working Group's meeting. Cllr Gair recommended the committee has a meeting with the Working Group. It was suggested that we put the committee's ideas forward to the meeting and establish how the committee can assist on the day.

Suggestions include

- a. Community Transport
- b. Southern Highland Taxis
- c. Disability Trust – they have a bus
- d. Similar events held at Kiama, Wollondilly. Ideas about what happens there. There were forums at both expos. There is mandatory training down the coast for scooters at Kiama, Wollongong and Shellharbour which are well attended. Training could be done in the second car park.
- e. A representative from State Rail.
- f. DVD wheelchair access on buses. Taxis are different.
- g. Send an email to the Department of Ageing, Disability and Home Care
- h. Demonstration on wheelchairs range of options available. Contact wheelchair providers about this demonstration.
- i. The Access Committee could run a stall with information on accessible parking. The stall could be manned by the Access Committee for people with access issues.

**Action:** Promotion for the Expo to be done through Mr Geoff Goodfellow. Publish an article on the front page of the newspaper so everyone in the shire sees it.

**Promote the Expo on the corner of Clarence and Kirkham Streets.**

**Make sure WIN TV is invited to cover the Expo.**

**Advertise through 2ST radio.**

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## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

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### COMMITTEE REPORTS

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**Invite suppliers of accessible equipment to the Expo.**

**Invite police to be present and give out information on a licence to operate a scooter.**

**Have Ms Charmaine Cooper running a workshop on how to operate a scooter.**

**Use second car park scooter training (workshop). Ms Nicola Robson mentioned Ms Charmaine Cooper thought she wouldn't have the time to run a workshop on the day of the EXPO but was thinking of a registration and interactive days.**

**Clr Gair suggested a banner be bought from the Council funds for IDPWD. Nicola to find out the price of a banner.**

#### 5.2 Notification of Minutes and Agenda

The committee discussed the methods of receiving the minutes and agenda. It was suggested Ms Amanda McMillan could post the minutes and agenda a week prior to each meeting. Nicola requested general business items for meetings be advised two weeks before each meeting.

**Action: Ms Amanda McMillan will post the minutes and agenda in the mail a week prior to each meeting.**

#### 5.3 Action Request – Access to the new Port-a-Call Hotel in Bowral

There was concern there was no access for people with a disability. There are two sets of stairs at the front of the building. Ramp access is off the driveway off the balcony. Nicola will confirm where the ramp is located.

#### 5.4 MLAK Keys

**Action: Confirm that MLAK keys are available from Tourist Information Office and that keys, signage and policy is available**

#### NEXT MEETING:

The next Access Committee meeting is scheduled for 30 November 2009 to commence at 10.00am

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#### MEETING CLOSURE:

The meeting was declared closed at 11.50 am

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## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 16 December 2009

### COMMITTEE REPORTS

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## MINUTES OF THE RESOURCE RECOVERY CENTRE STRATEGIC ADVISORY BOARD

Monday – 7 December 2009

Nattai Room, Civic Centre, Moss Vale  
Commenced at 2:30 pm

File 7503/34

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Attendees Mr Jason R Gordon – General Manager  
Clr Duncan Gair (Chairperson)  
Clr Jim Clark  
Clr Jim Mauger  
Clr Paul Tuddenham  
Mr Miles Lochhead – Manager Resource Recovery  
Mr Tony Schaefer – Resource Recovery Centre  
Mr Barry Paull – Director Corporate Services  
Mr Geoff Byrne (Community Representative)  
Mr Carl Peterson (Community Representative)  
Mr Peter Reynolds (Community Representative)  
Ms Tracey Greenacre (Minute taker)

Apologies: Mr Michael Brearley – Director Infrastructure Services

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1. Minutes of Previous Meeting

There being no business arising from the meeting held on 19 October 2009, the minutes were adopted as a true and correct record.

2. Action Sheet & Report Summary – Update from Previous Meeting

<b>Actions:</b>	<b>Officer</b>	<b>Status</b>
Council to write to NSW University thanking them for their assistance to date and explain the current economic situation of the Resource Recovery Centre, stressing the urgency to advance the finalisation of the Australian Standards approval.	DIS/MRR	Complete
DCS and MRR to investigate and report back to the next meeting an approximate cost saving as a result of ceasing the back end process of material.	DCS & MRR	Information tabled at 7 December meeting

Directors to liaise with their Managers advising that the RRC Strategic Board has asked that the Resource Recovery Centre be considered when Council is purchasing materials/products. To be listed for discussion at a Directors meeting.	DIS	Memorandum of Understanding (MOU) Implemented refer attachment 3
Investigate the possibility of suitable site to undertake a trial of the Nutripost product available at the RRC and report back to a future meeting.	MRR	Currently under investigation
DCS and MRR - Next meeting – investigate any possible saving measures and report back to the next meeting.	DCS and MRR	Options to be discussed at 7 December meeting
MRR to report back to the next meeting, a full costing of the schedule of replacement plant and equipment in priority order.	MRR	Draft report completed – refer attachment 2
MRR to prepare a discussion paper on Garden Organics options and forward the documentation to members prior to the next meeting.	MRR	Report tabled – refer attachment 4

3. Draft Plant Strategy

Report on the draft Plant Strategy was distributed prior to the meeting.

Comments from board members:-

- Utilisation rates need to be included in the report
- Investigate possible resource sharing
- Financial modelling to be included

Noted: At the Council Meeting on 25 November (Item F-CS1) Council passed a recommendation that the General Manager be requested to implement urgent strategies in consultation with the Resource Recovery Centre Advisory Board to ensure the Waste Budget is balanced by 30 June 2010.

**Recommendation:**

- a) ***That the Draft Plant Strategy Report be developed further to include financial modelling and utilisation detail and brought back to the next board meeting in 2010.***



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#### 4. MOU – Supply of Materials to Council

A Memorandum of Understanding (MOU) has been developed between the Resource Recovery Centre and Infrastructure Services Roads & Traffic, Water & Sewer and Parks & Property branches for provision of mulches and top soil for Council projects.

**Recommendation:**

- a) ***That a report be prepared on the variance between the Resource Recovery Centre and the preferred suppliers and presented to each future board meeting. This report is to include what the alternative costs would be if the Resource Recovery Centre wasn't able to dispose of the material.***

#### 5. Garden Organics – Collection Service

Draft report was tabled and discussed at the meeting. To date trials have proved to be popular.

**Recommendation:**

- a) ***That the current user-pays fortnightly collections continue for 2009/10;***  
b) ***That the charges be reviewed in conjunction with the 2010/11 Fees & Charges;***  
c) ***That an updated report be provided to the next meeting with a review on the current subsidy and include what the charges to the customers would need to be to break even.***

#### 6. Staffing Review

A review is currently underway and a summary was tabled at the meeting. The DCS will be working with the Resource Recovery Centre on the review of staffing, which will incorporate the issues regarding permanent -V- casual and the rostering difficulties.

DSC and Resource Recovery Centre will continue to work further with the aim of identifying the need for the current staffing levels tabled in the draft review.

**Recommendation:**

- a) ***That the review continue with an internal audit of operations to be undertaken and a further report be presented at the next Board meeting.***  
b) ***The review is to incorporate the overall operation of the Resource Recovery Centre with the intention that the results of this audit will then lead to a review of individual areas of the Resource Recovery Centre operation.***

#### 7. Budget Review

Deferred for discussion to the next board meeting after the conclusion of the December quarterly review.

8. Organics Review

**Options**

- Continue under current market conditions, processing at Welby and only selling to the market;
- Continue as above, but increase the sale of more product to Welby rehabilitation;
- Continue producing but switch processing to Moss Vale;
- The above scenarios but with agreed interim Grits and Screenings rates until November 2010;
- The above scenarios with new rates (ie; long term contract) and increased throughput;
- Discontinue Grits and Screenings and substitute with bio-solids from Wingecarribee Shire Council Sewerage Treatment Plants and food waste from local collections
- Discontinue operation of VCU.

**Recommendation:**

- a) All options be costed and included in the final review and reported to next Board Meeting.***

9. Fees & Charges

The MRR suggested an increase in Domestic Garden Organics weight charge and new charges for e-waste (as below). The consensus was to hold off on any changes until a full review of Fees & Charges is undertaken along with the December quarterly Budget Review. A table of suggested charges is to be presented at the February meeting.

- Garden Organics – currently \$42/tonne (suggest \$60/tonne ~ 43% increase (in wt charge only)
- E-Waste – (electronic equipment - monitors, TV's etc)

It needs to be taken into consideration that materials are more likely to be dumped if costs become too high.

**General Business**

10. Southern Councils Group

MRR and the Mayor met with the Minister for Environment and Climate Change regarding various PoEO Act Section 88 Levy issues. The meeting appeared to be successful and will be followed up by the Southern Councils Group.

Next Meeting:

- **Monday 2.30pm – 4.30pm on 22nd of February 2009 - Civic Centre – Nattai Room**



## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 16 December 2009

### COMMITTEE REPORTS

<b>Actions:</b>	<b>Officer/s</b>
That the Draft Plant Strategy Report be revised further and brought back to the next board meeting in 2010	MRR
MOU - That a report be prepared on the variance between the Resource Recovery Centre and the preferred suppliers and presented to each board meeting. This report is to include what the alternative costs would be if the Resource Recovery Centre was unable to sell material	MRR
Garden Organics a) That the current user-pays fortnightly collections continue for 2009/10; b) That the charges be reviewed in conjunction with the 2010/11 Fees & Charges; c) That an updated report be provided to the next meeting with a review on the subsidies and include what the charges to the customers would need to be to break even.	MRR
Staffing Review a) That the review continue with an internal audit of operations to be undertaken and a further report be presented at the next Board meeting. b) The review is to incorporate the overall operation of the Resource Recovery Centre with the intention that the results of this audit will then lead to a review of individual areas of the Resource Recovery Centre operation.	DCS & MRR
Budget Review - Deferred for discussion to the next board meeting after the conclusion of the December quarterly review	To be listed on next agenda
Organics Review - All options to be costed and included in the review and reported to next Board Meeting.	MRR
Fees & Charges – deferred to next meeting	To be listed on next agenda



## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 16 December 2009

### CLOSED COUNCIL

#### CLOSED COUNCIL

#### CORPORATE SERVICES DIVISION

#### c-CS1 Closed Council

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

#### REPORT

The following confidential report has been distributed separately:

c-GM1	<u>REQUEST FOR ACQUISITION OF LAND – PART LOT 21 DP11372, 3 SOMA AVENUE, BOWRAL</u>	PN 1346400 & LUA03/0725
c-GM2	<u>TENDER FOR THE SUPPLY &amp; DELIVERY OF 3 TABLE TOP TRUCKS</u>	6330/09.12
c-GM3	<u>TENDER FOR ASPHALTIC CONCRETE (06/10)</u>	6330/10.3
c-GM4	<u>TENDER FOR FOOTPATH, KERB AND GUTTER AND ASSOCIATED WORKS (05/10)</u>	6330/10.2
c-GM5	<u>TENDER FOR PAVEMENT MARKING (11/10)</u>	6330/09.11
c-GM6	<u>TENDER FOR ROAD MATERIALS (08/10)</u>	6330/10.5
c-GM7	<u>TENDER FOR TRAFFIC CONTROL MANAGEMENT (07/10)</u>	6330/10.4

#### **STATUTORY**

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

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

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

#### Section 10B

1. *[Time spent closed to be minimised] A meeting is not to remain closed during the discussion of anything referred to in section 10A(2):*
  - a. *Except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and*
  - b. *If the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or*



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### CLOSED COUNCIL

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*ratepayer or a trade secret-unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.*

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

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

### **DIRECTOR GENERAL'S GUIDELINES**

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

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## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 16 December 2009

### CLOSED COUNCIL

.....Cont'd

#### RECOMMENDATION

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

**c-GM1 REQUEST FOR ACQUISITION OF LAND – PART LOT 21 DP11372, 3 SOMA AVENUE, BOWRAL PN 1346400 & LUA03/0725**

Relevant Legal Provision

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

Brief Description

Requesting consideration of acquisition of land by registered proprietor of Lot 21 Deposited Plan 11372 at 3 Soma Avenue, Bowral

Public Interest

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

**c-GM2 TENDER FOR THE SUPPLY & DELIVERY OF 3 TABLE TOP TRUCKS 6330/09.12**

Relevant Legal Provision

This matter is referred to closed committee under Clause 10A(2) (c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is (or proposes to conduct) business.

Brief Description

Reporting on the matter of tenders for trade-in and purchase of trucks for use in the Roads and Traffic Branch and Water Services area.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains information of a commercial nature.

.....Cont'd



## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

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

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.....Cont'd

**c-GM3 TENDER FOR ASPHALTIC CONCRETE (06/10) 6330/10.3**

Relevant Legal Provision

This report is placed in Closed Committee as it contains commercial information of a confidential nature, under Clause 10A(2)(d) of the Local Government Act.

Brief Description

Reporting on the tenders for Asphaltic Concrete paving services.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains commercial information of a confidential nature.

**c-GM4 TENDER FOR FOOTPATH, KERB AND GUTTER AND ASSOCIATED WORKS (05/10) 6330/10.2**

Relevant Legal Provision

This report is placed in Closed Committee as it contains commercial information of a confidential nature, under Clause 10A(2)(d) of the Local Government Act.

Brief Description

Reporting on the tenders for the provision of Footpath, Kerb and Gutter and Associated Works.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains commercial information of a confidential nature.

**c-GM5 TENDER FOR PAVEMENT MARKING (11/10) 6330/09.11**

Relevant Legal Provision

This report is placed in Closed Committee as it contains commercial information of a confidential nature, under Clause 10A(2)(d) of the Local Government Act.

Brief Description

Reporting on the tenders for Pavement Marking services.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains commercial information of a confidential nature.

.....Cont'd



## AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale  
on Wednesday, 16 December 2009

### CLOSED COUNCIL

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.....Cont'd

#### **c-GM6 TENDER FOR ROAD MATERIALS (08/10)**

**6330/10.5**

##### Relevant Legal Provision

This report is placed in Closed Committee as it contains commercial information of a confidential nature, under Clause 10A(2)(d) of the Local Government Act.

##### Brief Description

Reporting on the tenders for the supply and delivery of the following Road Materials:

- Base and sub-base materials
- Aggregates
- Pre-mixed concrete
- Bitumen Emulsion
- Gabion Rock
- Cold mix asphalt
- Flexible Guide posts
- Unspecified road materials

##### Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains commercial information of a confidential nature.

#### **c-GM7 TENDER FOR TRAFFIC CONTROL MANAGEMENT (07/10) 6330/10.4**

##### Relevant Legal Provision

This report is placed in Closed Committee as it contains commercial information of a confidential nature, under Clause 10A(2)(d) of the Local Government Act.

##### Brief Description

Reporting on the tenders for Traffic Control Management.

##### Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains commercial information of a confidential nature.

2. THAT the minutes of the Closed Council part of the meeting (being the Council's resolution) be made public.
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Jason R Gordon  
**General Manager**

11 December 2009

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