

File No. 100/08
Our Ref: EAJ

16 October 2008

Dear Councillor

You are kindly requested to attend an **ORDINARY COUNCIL MEETING** of Wingecarribee Shire Council to be held in the Council Chambers, Elizabeth Street, Moss Vale on **Wednesday, 22 October 2008** commencing at **3.30pm**.

Yours faithfully

Mike Hyde
General Manager

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

BUSINESS

1. OPENING OF THE MEETING
2. PRAYER – *PASTOR DONNA JENSEN OF THE SOUTHLANDS CHRISTIAN CHURCH*
3. PUBLIC FORUM
4. APOLOGIES
5. ADOPTION OF MINUTES OF ORDINARY MEETING HELD ON *8 OCTOBER 2008*
6. BUSINESS ARISING FROM THE MINUTES
7. DECLARATIONS OF INTEREST
8. MAYORAL MINUTE
9. OPEN COUNCIL CHAIRED BY *CLR T D GAIR*
 - Visitor Matters
 - Environment and Planning
 - Corporate Services
 - Technical Services
11. COUNCIL MATTERS
 - General Manager
 - Corporate Services
12. NOTICES OF MOTION
13. DELEGATES REPORTS
14. PETITIONS
15. QUESTIONS FROM THE PUBLIC
16. CORRESPONDENCE FOR ATTENTION
17. QUESTIONS WITH NOTICE
18. COMMITTEE REPORTS (*Tabled*)
19. COMMITTEE REPORTS (*Attached*)
20. GENERAL BUSINESS
21. CLOSED COUNCIL

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Our Values

EQUITY, JUSTICE and CONSULTATION in our obligations;

PRIDE in our lifestyle and environment;

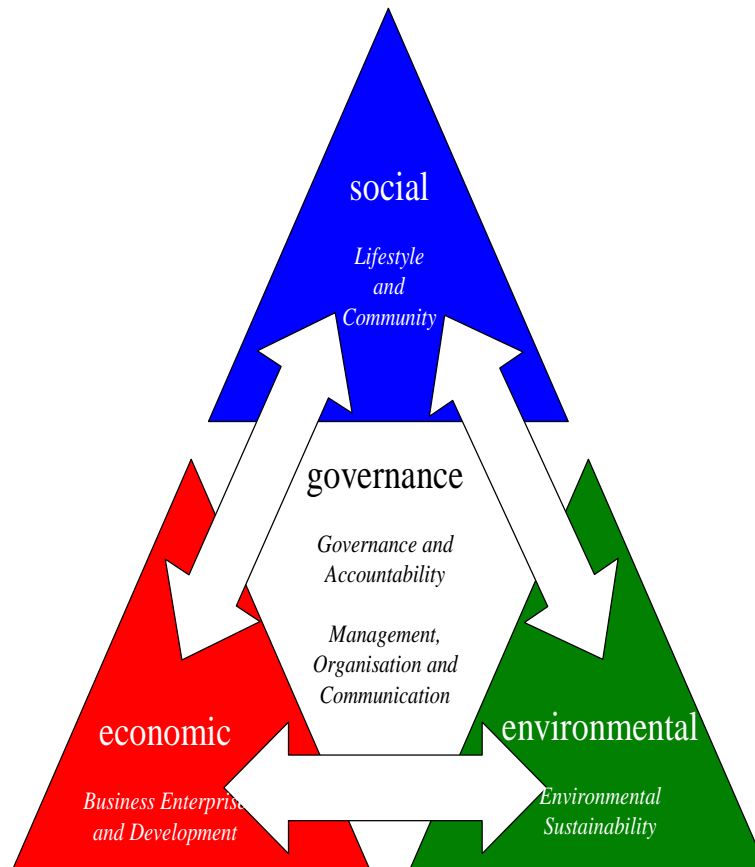
EXCELLENCE in the provision of services;

TEAMWORK, INNOVATION and CO-OPERATION in our business;

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

LEADERSHIP in the growth and prosperity of our community.

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.



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth St,
Moss Vale on Wednesday, 22 October 2008

DECLARATIONS OF INTEREST

DECLARATION OF INTEREST

101/3

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



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 22 October 2008

MAYORAL MINUTE

MAYORAL MINUTE

c-MM1 Election of Delegates and Representatives to Committees, External Committees and Organisations

REF. MAYOR

107 (cc 102/5)

Reporting on the election of delegates and representatives to Committees, external Committees and Organisations.

REPORT

BACKGROUND

Councillors met on Wednesday 8 October 2008 following the Ordinary Council meeting and reviewed the Council committee structure and nominated delegates to the various committees for adoption at tonight's Ordinary Council Meeting.

It was agreed the current Working Group Structure be retained for six (6) months, then reviewed and evaluated. Councillors also changed categories (Access is now a formal Committee with staff support) and included some new committees for formal adoption at this meeting. In some instances it has been decided to advertise, seeking nominations from the community, and in other instances, to adopt the community representatives currently serving on the committee. In most cases the community representatives have served on the committee for the last four (4) years.

To assist Councillors in this matter I have detailed below the Councillors to be appointed to each Committee for the 2008/2009 ensuring year.

COMMITTEES

Environment and Sustainability Committee

Finance and Audit Committee

Legal Committee

Council Inspection Committee

Access



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 22 October 2008

MAYORAL MINUTE

ENVIRONMENT AND SUSTAINABILITY COMMITTEE

File No. 107/25

(Meets six (6) times per year)

To discuss and advise on projects that support sustainability; to discuss and advise Council on proposed works and budgets proposed under the Wingecarribee Our Future Environment (WOFE) program AND to monitor and review progress of the WOFE program; To monitor and review environmental issues relating to road reserves and lineal reserves, and the implementation of Council's Roadside Management Plan

2007/2008	2008/2009
<p>Councillors: Clrs L Whipper and J Clark</p> <p>Community Members: Jane Lemann, Tony Hill, Pam Cooper, Jan Hainke</p> <p>Reps: HNCMA Rep Daniel Anderson; NPWS Rep Pat Hall; SCA Rep Tony Paull; Department of Primary Industry Rep Lori McWhirter</p>	<p>Councillors: (3) Clr LAC Whipper (Chair); Clr J Clark and Clr D Stranger (adopted 29/9/2008)</p> <p>Staff: Environment and Health Manager, Natural Resources Coordinator</p> <p>Community Members: <u>Advertise seeking four (4) community representatives.</u></p> <p>Reps: HNCMA Rep Daniel Anderson; NPWS Rep Pat Hall; SCA Rep Tony Paull; Department of Primary Industry Rep Lori McWhirter</p>

FINANCE AND AUDIT COMMITTEE

File No. 107/34

(Meets four (4) times per year)

Being to monitor and provide feedback to management on internal audit reviews conducted by the independent internal auditor; to provide comment and feedback on the DLG's Promoting Better Practice Review assessment of Council and make recommendations on desired outcomes; to review Council's budget and make recommendations on financial strategy and resulting financial outcomes.

2007/2008	2008/2009
<p>Councillors: Clrs P Tuddenham, G Lewis, M Murray, P Yeo, J Mauger and P George</p> <p>Alternate Delegate: Clr T Gair</p> <p>Com Reps: Jan Edwards, Alistair MacLennan; Alternate: Peter Bray</p> <p>Staff: General Manager, Director Corporate Services</p>	<p>Councillors: (9) All Councillors with Clr J Arkwright (Chair) (adopted 29 September 2008)</p> <p>Com Reps: <u>Advertise seeking five (5) Community Representatives.</u></p> <p>Staff: General Manager, Director Corporate Services</p>

LEGAL COMMITTEE

File No. 107/22

(Meets 2nd Wednesday of the month)

To review and recommend action on appeals relating to development matters, to review and recommend defence of cases, enforcement of orders of non compliance or illegal activities and any other legal issues; To review and make recommendations on Council's solicitors panel; to provide guidance on issues relating to the leasing of Council-owned land and facilities.

2007/2008	2008/2009
<p>Councillors: Clrs M Murray, G Lewis, T Gair, J Mauger, P Tuddenham and P Yeo</p> <p>Staff: General Manager; Director Environment and Planning; Council's Legal Advisor (as required)</p>	<p>Councillors: (9) All Councillors with Clr K Halstead (Chair) (adopted 29 September 2008)</p> <p>Staff: General Manager; Director Environment and Planning; Council's Legal Advisor(s) (as required)</p>

ACCESS COMMITTEE

File No. 1828/3

(Meets as required or by the Councillor Chair of the Committee)

To address disability access in the Shire relevant to Council facilities

To act as an avenue for communication between the Shire's residents with a disability and aged population, disability related service providers and Council regarding the needs, issues, services and events; to provide advice to Council and other community representatives as required on matters concerning issues relevant to citizens within the Shire with a disability or other accessibility restrictions including the review of Council and government policies which affect the Shire's planning responsibilities and provision for services provide best practice accessibility

2007/2008	2008/2009
<p>Councillors: Clrs Gair (Chair), M King</p> <p>Alt Del: Clr Nick Campbell-Jones</p> <p>Staff: Disability Aged Worker</p> <p>Reps: Russell Leith, Bruce Mumford, Alex Trail, Jill Chauncy, Robyn Sercombe, Jennie Fisher, Alistair MacLennan, Rod Irwin and Pam Cormick</p>	<p>Councillors: (1) T D Gair (Chair)</p> <p>Alt Del: Clr D Stranger</p> <p>Staff: Disability Aged Worker</p> <p>Reps: Russell Leith, Bruce Mumford, Alex Trail, Jill Chauncy, Robyn Sercombe, Jennie Fisher, Alistair MacLennan, Rod Irwin and Pam Cormick</p>

COUNCIL INSPECTION COMMITTEE

File No. 107/11

As required

All councillors are appointed onto the Council Inspection Committee to enable them to participate in Inspections of those matters being considered by Council.

Councillors meet with the Director of Environment and Planning at the Civic Centre on the Wednesday prior to the first Ordinary Council Meeting of the month for an 11.30am departure.

2007/2008	2008/2009
<p>Councillors: All Councillors</p> <p>Staff: Director Environment and Planning</p>	<p>Councillors: (9) All Councillors with Mayor of the Day as Chair (Clr D Gair) Alt Chair (<u>To be Advised / Appointed</u>)</p> <p>Staff: Director Environment and Planning</p>

APPOINTMENT OF COUNCILLOR MEMBERS OF INTERNAL COMMITTEES, WORKING GROUPS, ADVISORY, MANAGEMENT AND SUNSET COMMITTEES FOR THE 2008/2009 TERM

Advisory Committees

Traffic Committee

Water and Sewer Advisory Committee

Moss Vale Livestock Selling Centre Board

Wingecarribee Youth Council Committee

Wingecarribee Aboriginal Advisory Committee

Working Groups

Tulip Time Working Group

Companion Animals Working Group

Heritage Working Group

Access Working Group

Community Services Working Group

Arts and Culture Board Working Group

Wingecarribee Housing Strategy Working Group

Wingecarribee Sport and Recreation Working Group

Seniors Working Group

Community Grants Working Group

Tourism/Economic Development Working Group

Leisure Centre Reference Sunset Working Group

LEP Steering Committee Sunset Working Group

Whites Creek Floodplain Risk Management Working Group

ADVISORY COMMITTEES

TRAFFIC COMMITTEE File No. 107/6 (Meets approximately every 6 weeks)	
Provide technical recommendations to Council on traffic matters in the Shire. Established by mutual agreement between Government Departments to enable Councils to meet their responsibilities to the RTA as part of powers delegated to Councils by the RTA; to advise on road safety and traffic management related matters. Provides technical recommendations to Council on traffic matters in the Shire (local Traffic Committees are an advisory body only, having no decision making powers)	
2007/2008	2008/2009
Councillors: Clr Gair Alt Del: Clr N Campbell-Jones Reps: Roads and Traffic Authority; Police Service: Local Member of State Parliament (or nominee) Staff: Traffic Engineer (no voting rights)	Councillors: (1) Clr P B Tuddenham (Chair) Alt Del: Clr K Halstead (adopted 29 September 2008) Reps: Roads and Traffic Authority; Police Service: Local Member of State Parliament (or nominee) Staff: Traffic Engineer (no voting rights)

WATER and SEWER ADVISORY COMMITTEE File No. 7799/2 (Meets every three months at the Civic Centre, Moss Vale)	
To discuss water supply and sewerage schemes with Department of Commerce, Department of Energy, Utilities and Sustainability, Sydney Catchment Authority	
2007/2008	2008/2009
Councillors: Clrs Yeo (Chair), P Tuddenham (Alt chair), Mayor of the Day - G Lewis, S Murray, M Murray Alt Delegate: Clr L A C Whipper Staff: General Manager, Director Technical Services, Sewerage Project Co-Ordinator, Financial Services Manager and Water and Sewer Manager Reps: Department of Commerce, Sydney Catchment Authority, Department of Environment and Conservation, Department of Energy, Utilities and Sustainability	Councillors: Clr J Mauger (Chair), Clr P Tuddenham (Alternate Chair); Clr K Halstead; and Mayor of Day (Clr D Gair) Alt Delegate: Clr G McLaughlin Staff: General Manager, Director Technical Services, Sewerage Project Co-Ordinator, Financial Services Manager and Water and Sewer Manager Reps: Department of Commerce, Sydney Catchment Authority, Department of Environment and Conservation, Department of Energy, Utilities and Sustainability



ORDINARY MEETING OF COUNCIL

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Moss Vale on Wednesday, 22 October 2008

MAYORAL MINUTE

MOSS VALE LIVESTOCK SELLING CENTRE BOARD File No. 7170/01 (As Required)	
To provide guidance to Management on objectives and strategies, policy and performance monitoring	
2007/2008	2008/2009
Clrs: Clrs T D Gair (Chair), N N Campbell-Jones, J Mauger Alt Del: Com Reps: Geoffrey James, Peter Bray and Anthony Guinness	Councillors: Clr T D Gair (Chair) Clr J Mauger (Alternate Chair) and Clr D Stranger Alt Del: Nil Com Reps: Geoffrey James, Peter Bray and Anthony Guinness

WINGECARRIBEE SHIRE YOUTH COUNCIL File No. 107/12 (As required or by the Councillor Chair of the Committee)	
Assist in the planning for Youth week celebrations and other events throughout the year; Assist in the preparation and monitoring of Council's Policies associated with the Shire's Youth; Provide advice on matters referred to the Committee by Council; Participate in other Working Groups as required	
2007/2008	2008/2009
Councillors: Clr P George Reps: (up to 24) Travis Holland; Meghan Barrell (Bowral High); Danielle Curley (Bowral High); Demi Fleeton (Chev); Michael Nielsen; Katrina Muggleton (Bowral High); Jessica Pitt; Natalie Gray; Katelyn Savage (Wollondilly Anglican); Jack Greening (Wollondilly Anglican) Staff: Michelle Williams - WSC Youth Liaison Officer	Councillors: (1) Clr LAC Whipper (Chair) Alt Delegate: Clr P Tuddenham Reps: (up to 24) Travis Holland; Meghan Barrell (Bowral High); Danielle Curley (Bowral High); Demi Fleeton (Chev); Michael Nielsen; Katrina Muggleton (Bowral High); Jessica Pitt; Natalie Gray; Katelyn Savage (Wollondilly Anglican); Jack Greening (Wollondilly Anglican) Staff: Michelle Williams - WSC Youth Liaison Officer Quorum: Six (6) members



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MAYORAL MINUTE

WINGECARRIBEE ABORIGINAL ADVISORY COMMITTEE

File No. 1826/4

(Meets 4 times per year as well as whenever required to do so by Council or by the Councillor Chair of the Committee)

Role: Assist in the planning for the annual NAIDOC week celebrations; Assist in the preparation and monitoring of Council's Policies as they relate to residents who are Aboriginal or Torres Strait Islander; Provide advice on matters referred to the Committee by Council; Participate in other Working Groups as required

Objectives: To act as an avenue for communication between the Shire's Aboriginal and Torres Strait Islander residents, the wider community, service providers and Council regarding the concerns, issues and culturally appropriate services which the Aboriginal and Torres Strait Islander Community of Wingecarribee Shire require; to provide advice to Council as required on matters concerning the Aboriginal and Torres Strait Islander community including the preparation and review of Council and government policies and cultural protocols which affect the Shire's Aboriginal and Torres Strait Islander community

2007/2008	2008/2009
<p>Councillors: Clr Whipper</p> <p>Alt: Clr J Mauger</p> <p>Reps: (1) Representative of each Local Aboriginal Community association being Mirri Mirri Bunderra Aboriginal Corporation and Yamanda</p> <p>(3) Independent community representative who are Aboriginal or Torres Strait islander with one being a traditional owner (David Haugh, Alana Moffett, Julie Hoffmannbeck, Colleen Bourke and Max Miller)</p> <p>(1) Representative from Department of Health</p> <p>(1) Representative from Department of Aboriginal Affairs,</p> <p>(1) Representative of the Queanbeyan Indigenous Co-ordination Centre</p> <p>Other service providers (As Required)</p>	<p>Councillors: (1) Clr LAC Whipper and Clr J Mauger (Alternate Chair as agreed)</p> <p>Alt: Nil</p> <p>Reps: (1) <u>Representative of each Local Aboriginal Community Association</u>, being Mirri Mirri Bunderra Aboriginal Corporation and Yamanda</p> <p>(3) <u>Independent community representatives who are Aboriginal or Torres Strait Islander with one being a traditional owner (to be advertised)</u></p> <p>(1) Representative from Department of Health</p> <p>(1) Representative of Department of Aboriginal Affairs</p> <p>(1) Representative of the Queanbeyan Indigenous Co-ordination Centre</p> <p>Other service providers (As Required)</p>

WORKING GROUPS

TULIP TIME WORKING GROUP File No. 1671/8 (Meets as required or by the Councillor Chair of the Committee) To promote a successful Tulip Time Festival that engages the community and showcases our region	
2007/2008	2008/2009
<p>Councillors: Cllr M King (Chair)</p> <p>Reps: One rep from each group: Terry Oakes-Ash (Southern Highlands Business Chamber), Peter Fleming (Lions Club of Bowral), Denise Layton, JP (Highlands Garden Society), Tony Glenn (Bowral/Mittagong Rotary Club)</p> <p>Staff: Executive Manager Tourism</p>	<p>Councillors: Cllr K Halstead (Chair) and Cllr G McLaughlin</p> <p>Reps: <u>One rep from each group: To be advertised and increase the membership from four (4) to five (5) Community Representatives.</u></p> <p>Staff: Executive Manager Tourism</p>

COMPANION ANIMALS WORKING GROUP File No. 5500/4.4 (Meets as determined by Council) Legislation for Council to comply with the Companion Animals Act and to advise Council on policy for the care, protection and welfare of companion animals. Role: Meet per Council determination to discuss specific matters (as determined by Council) relating to companion animal management as they arise, and to provide advice as to the effective and efficient resolution of these issues	
2007/2008	2008/2009
<p>Councillors: Cllrs L Whipper, M King</p> <p>Reps: Megan Kain, Tania Skinner, Diana Fenton, Keith Edwards, Trevor Fenton, Grant Poolman, Candy Raymond, Michael Fenton-Jones, Sara Hennessy</p> <p>Staff: Head ranger and staff as required (non voting)</p>	<p>Councillors: (2) Cllr L Whipper and Cllr D Stranger</p> <p>Reps: Megan Kain, Tania Skinner, Diana Fenton, Keith Edwards, Trevor Fenton, Grant Poolman, Candy Raymond, Michael Fenton-Jones, Sara Hennessy</p> <p>Staff: Head Ranger and staff as required (non voting)</p>



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MAYORAL MINUTE

HERITAGE WORKING GROUP File No. 107/16 (Meets Bi-Monthly during the day at the Civic Centre)	
Assist in the planning for the annual heritage week celebrations; Assist in the judging of the biannual heritage awards; Assist in the preparation and monitoring of heritage policies; contribute to the review of Heritage Listings as required; may be tasked by the Director Environment and Planning to comment on development applications which involve significant heritage issues	
2007/2008	2008/2009
Councillors: Clrs M King (Chair), N N Campbell-Jones and J Clark Reps: The Berrima District Historical and Family History Society (Linda Emery) National Trust of Australia (NSW) Berrima District Branch (Linda Emery); Community Reps (Terry Brooks, Dennis Brown OAM and Charlotte Webb) Staff: Strategic Planning Manager	Councillors: (3) Clr J Clark (Chair); Clr J Arkwright and Clr G McLaughlin Reps: The Berrima District Historical and Family History Society (Linda Emery) National Trust of Australia (NSW) Berrima District Branch (Eric Savage) Community Reps (Terry Brooks, Dennis Brown OAM and Charlotte Webb) Staff: Strategic Planning Manager

ARTS AND CULTURE BOARD WORKING GROUP File No. 1660/1 (Meets 4 times per year as well as whenever required to do so by Council or the Chairperson)	
To act as an avenue for communication between the community, residents, community associations and Council regarding arts and cultural development needs, issues and activities within the community; to provide advice to Council as required on matters concerning arts and cultural activities and community cultural development within the Shire including the review of Council and government policies which affect the Shire's arts and cultural resources and facilities and applications for Community Assistance Scheme	
2007/2008	2008/2009
Councillors: Clrs M King (Chair), P Yeo and P George. Reps: Representative from Southern Tablelands Regional Arts (STARTS) – Elizabeth Brown; Community reps from Arts and Cultural Associations Lyn Hall, Josina Metcalf, May Howlett, Harlan Hall and Jennifer Denny. Staff: Community and Cultural Development Officer	Councillors: (2) Clr J Arkwright (Chair); and Clr G McLaughlin Reps: Representative from Southern Tablelands Regional Arts (STARTS) – Elizabeth Brown; <u>Advertise for Community Representatives.</u> Staff: Community and Cultural Development Officer

COMMUNITY SERVICES WORKING GROUP

(355 Committee)

File No. 1800/17

(Working Group will meet as required or by the Councillor Chair of the Committee)

To advise Council and the community on social issues.

To act as an avenue for communication between the community, residents, community service providers and Council regarding community needs, issues and services; to provide advice to Council and other community representatives as required on matters concerning social or community issues within the Shire including the review of council and government policies which affect the Shire's social planning responsibilities

2007/2008	2008/2009
<p>Councillors: Clrs Yeo (Chair), J Clark and P George</p> <p>Reps: Members of the Highlands Community Centre; Representative of Argyle Housing; Service provider representative for each of the following target groups: (Children, Youth, Families, Elderly people, People with a Disability, Aboriginal); Independent community members; Representative from each of the following Working Groups: (Access, Seniors, Youth and Aboriginal).</p> <p>Staff: Strategic Planning Manager and Social Planner</p>	<p>Councillors: (3) Clr J Clark (Chair); Clr J Mauger and Clr G McLaughlin</p> <p>Reps: Service provider representative for each of the following target groups: (Children, Youth, Families, Elderly People, People with a Disability, Aboriginal); Independent Community Members; Representative from each of the following Working Groups (Access, Seniors, Youth and Aboriginal); Noel Andrews, Travis Holland, Frank Sotheran, Jenny MacLennan Anglicare Rep Matt Harden Argyle Housing Rep Lesley Oatley Illawarra Children's Services Rep Sandra Kolednik Highlands Community Centre Rep Nikkie McAdoo and Michelle Coates Wingecarribee Family Support Services Rep Donna Crawford. Access Committee Rep Bruce Mumford.</p> <p>Staff: Strategic Planning Manager and Social Planner</p>



ORDINARY MEETING OF COUNCIL

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MAYORAL MINUTE

WINGECARRIBEE HOUSING STRATEGY WORKING GROUP

File No. 5600/8

(Meets (4) times per year as well as whenever required to do so by Council or by the Councillor Chair of the Committee)

To act as an avenue for communication between relevant agencies and Council in relation to affordable and social housing options in Wingecarribee Shire

2007/2008	2008/2009
<p>Councillors: Clrs J Clark and J Mauger</p> <p>Reps: Brian Murnane and Lesley Oatley (Argyle Housing); Michael Oelofse (Centre for Affordable Housing); Donald Proctor (Greater Western Sydney NSW Housing)</p> <p>Alt Del: Rod Aistrope (Board Member, Argyle Housing)</p> <p>Staff: Economic Development Officer; Manager Strategic Planning; Social Planner</p>	<p>Councillors: No appointment of Councillors, Representatives or Staff and that the Committee be deleted.</p>

WINGECARRIBEE SPORT and RECREATION WORKING GROUP

File No. 107/30

(Meets as required by the Councillor Chair of the Committee)

To provide a point of contact for sporting clubs, associations and users to have an input into the direction and strategies Council pursues for the use of sporting facilities.

2007/2008	2008/2009
<p>Councillors: Clrs N N Campbell-Jones, P Tuddenham, P George</p> <p>Reps: Keith Williams, Greg Burke, Gordon Munro, Ian Campbell, Ken Adcock (from each Sporting field)</p> <p>Staff: Parks and Property Manager</p>	<p>Councillors:(4) Clr P Tuddenham (Chair), Mayor of the day (Clr D Gair); Clr J Mauger and Clr D Stranger.</p> <p>Reps: <u>Advertise seeking five (5) Community Members.(From different Sports in the Shire)</u></p> <p>Staff: Parks and Property Manager</p>

SENIORS WORKING GROUP

File No. 1860

(Meeting 4 times per year as well as whenever required to do so by Council or by the Councillor Chair of the Committee)

To act as avenue for communication between the Shire's senior citizens, aged related service providers and Council regarding the needs, issues, services and events; To provide advice to Council and other community representatives as required on matters concerning issues relevant to senior citizens within the Shire including the review of Council and government policies which affect the Shire's planning responsibilities and provision for services for seniors

2007/2008	2008/2009
<p>Councillors: Clrs G Lewis (Chair), N Campbell-Jones</p> <p>Reps: <u>Community:</u> Jim Tuddenham, <u>Local Aged Related Service Providers:</u> Alistair MacLennan (Bowral Probus Club, Access Working Group and Transport Forum), Zelda Williams (Red Cross), Kate Partington (Community Health) Bill Bransom (Moss Vale Combined Probus), Marie Hodgson (Wingecarribee Probus Club), (Uniting Church), Ron Schofield (Nattai Probus Club), Joan Compagnoni (Robertson Senior Citizens), (Warrigal Care/Linkside Nursing Home), Paul Broekhuizen (Probus Southern Highlands/Neighbour Aid/Men's Shed/Community Transport), (Henley Brae)</p> <p>Staff: Disability Aged Worker</p>	<p>Councillors: (2) Clr J Mauger (Chair) and (TBA)</p> <p>Alt Delegate: Mayor of the Day (Clr D Gair)</p> <p>Reps: <u>Community:</u> Jim Tuddenham, <u>Local Aged Related Service Providers:</u> Alistair MacLennan (Bowral Probus Club, Access Working Group and Transport Forum), Zelda Williams (Red Cross), Kate Partington (Community Health), Bill Bransom (Moss Vale Combined Probus), Marie Hodgson (Wingecarribee Probus Club), TBA (Uniting Church), Ron Schofield (Nattai Probus Club), Joan Compagnoni (Robertson Senior Citizens), TBA (Warrigal Care/Linkside Nursing Home), Paul Broekhuizen (Probus Southern Highlands/Neighbour Aid/Men's Shed/Community Transport), TBA (Henley Brae)</p> <p>Staff: Disability Aged Worker</p>

COMMUNITY ASSISTANCE WORKING GROUP

File Nos. 107/5, 1870

(Meets twice (once before Scheme opens in January and once to consider recommendations from Working Groups) or by the Councillor Chair of the Committee)

To evaluate applications received by Council for Community Assistance Grants and make recommendations to Council on funding; to receive recommendations from other Council Working Groups/Committees for allocation of grants and donations

2007/2008	2008/2009
<p>Councillors: Clrs G Lewis and T D Gair (Independent), Clr P Yeo (as Chair of Community Services Working Group), Clr M King (as Chair of Arts and Culture Board), Clr N Campbell-Jones (as Chair of the Sport and Recreation Working Group)</p> <p>Staff: Community and Cultural Development Officer</p>	<p>Councillors: Mayor of the day (Clr D Gair) and (1) Councillor representative from each of the following committees:</p> <p>Arts and Culture Board - Clr J Arkwright Community Services Working Group - Clr J Clark Wingecarribee Sport and Recreation Council - Clr P Tuddenham</p> <p>Staff: Community and Cultural Development Officer</p>



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 22 October 2008

MAYORAL MINUTE

TOURISM/ECONOMIC DEVELOPMENT WORKING GROUP

File No. 1901/4

(Meets a minimum of 4 times per year or by the Councillor Chair of the Committee)

To advance the sustainable development of Wingecarribee by: Fostering development of an internal business culture in the Shire which in turn creates investment and growth, encourages enterprise, innovation and excellence; supporting local business growth, investment and entrepreneurship; facilitating new investment both domestic and foreign; providing leadership within Council and the community on tourism, business and economic development issues; increasing the capacity of individuals, enterprises and communities to contribute to the Wingecarribee economy

2007/2008	2008/2009
<p>Councillors: Clrs M Murray (Chair), P Tuddenham and M King Alt Del: Clr T D Gair Reps: Industry: to be drawn from tourism, manufacturing, development and local business. Staff: General Manager, Economic Development Officer, Executive Manager Tourism</p>	<p>Councillors: (3)Clr P Tuddenham (Chair); Clr J Arkwright and Clr G McLaughlin Alt Del: Clr D Stranger Reps: Industry: to be drawn from tourism, manufacturing, development and local business Staff: General Manager, Economic Development Officer, Executive Manager Tourism</p>

SUNSET COMMITTEES

LEISURE CENTRE REFERENCE SUNSET WORKING GROUP

File No. 7180/4

(Meet as required)

To determine the definition of a Leisure Centre; to determine the appropriate location for a Leisure Centre; to ascertain when a Leisure Centre could be built in terms of practical construction and finance including all funding options and addressing capital and operational costs; to determine what existing facilities should remain together with likely patronage and costs; to determine how users and the general public can be involved in the decision making process

NOTE - Working Group to be further considered after report to Ordinary Council meeting to be held on Wednesday 12 November 2008

2007/2008	2008/2009
<p>Councillors: Clrs N Campbell-Jones (Chair), P George, P Tuddenham and P Yeo Reps: Cliff Roberts, Nicole Bye, Stephen Dunn, James Allman (Community Reps); Lance Toovey, Miles Lochhead, Andrew Bell, David Chandler (Panel Members)</p>	<p>Councillors: (9) All Councillors (Chair – TBA) Reps: Cliff Roberts, Nicole Bye, Stephen Dunn, James Allman (Community Reps); Lance Toovey, Miles Lochhead, Andrew Bell, David Chandler (Panel Members)</p>



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 22 October 2008

MAYORAL MINUTE

LEP STEERING COMMITTEE SUNSET WORKING GROUP

File No. 5900/1
(Meet Monthly)

To steer the progress of the Local Environment Plan (LEP) over the next two (2) years from the current position through to gazettal; to take an active role in the various phases of consultation with community and government; be the primary forum for presentations from individuals or groups in relation to particular sites or planning issues

2007/2008	2008/2009
<p>Councillors: Clrs N Campbell-Jones (Chair), P Yeo (Deputy Chair); Quorum – 4 Councillors</p> <p>Staff: Director Environment and Planning, Strategic Planning Manager</p>	<p>Councillors: (9) (All Councillors) Chair: Mayor of the Day (Clr D Gair) Deputy Chair: Deputy Mayor of the Day (Clr K Halstead) Quorum: Six (6) Councillors:</p> <p>Staff: Director Environment and Planning, Strategic Planning Manager</p>

WHITES CREEK FLOODPLAIN RISK MANAGEMENT WORKING GROUP

File No. 8100/6
(Meets as required)

To undertake a flood study as the first step in the Floodplain Management Process, which will define the extent of the flood problem along Whites Creek

2007/2008	2008/2009
<p>Councillors: Clrs T Gair (Chair), P Tuddenham and J Mauger Reps: R Upreti (Dept of Natural Resources); L Ritchie (SES Wingecarribee Unit); K Pogson (Moss Vale Landcare Group); M Eagles (Moss Vale Golf Club) Staff: Director Technical Services; Design and Projects Manager; Design and Construction Engineer</p>	<p>Councillors: <u>Delete the Sunset Working Group as considered that the matter is now completed</u></p>



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 22 October 2008

MAYORAL MINUTE

RECOMMENDATION

1. THAT the Council Delegates, Representatives and Staff members as detailed in the above report relating to Committees, Advisory Committees, Working Groups and Sunset Committees be adopted.
2. THAT in relation to the Environment and Sustainability Committee, Council advertise seeking nominations for five (5) Community representatives to serve on the Committee.
3. THAT in relation to the Finance and Audit Committee, Council advertise seeking nominations four (4) Community representatives to serve on the committee.
4. THAT in relation to the Wingecarribee Aboriginal Advisory Committee, Council advertise seeking three (3) nominations from the Community Representatives who are Aboriginal or Torres Strait Islander with one being a traditional owner.
5. THAT the Working Groups appointed by Council at this meeting be reviewed after a six (6) month term to evaluate the effectiveness of those Working Groups.
6. THAT the Access Working Group be adopted as a "Peak" Committee of Council AND THAT this committee receive administration support from Council staff AND FURTHER THAT the Committee minutes be forwarded to Council for determination and consideration of any recommendations.
7. THAT in relation to the Arts and Culture Board (Working Group), Council advertised seeking five (5) Community Representatives to serve on the Board.
8. THAT in relation to the Tourism / Economic Development Working Group a report be submitted from the Chairperson Clr P Tuddenham after three (3) months, evaluating whether the Working Group should continue in its current form or be split into an Economic Development Working Group and a Tourism Working Group.
9. THAT in relation to the Tulip Time Working Group, Council advertise seeking five (5) Community Representatives AND THAT such representation may be drawn from the following groups: (Southern Highlands Business Chamber, Lions Club of Bowral, Highlands Garden Society and Bowral / Mittagong Rotary Club) and / or local community members.
10. THAT in relation to the Wingecarribee Housing Strategy Working Group, Council delete this Working Group from its list of committees and thank each of its former members for their past contribution.
11. THAT in relation to the Wingecarribee Sport and Recreation Working Group, Council advertised seeking five (5) Community Representatives AND THAT the Community Representatives be represented from different sporting groups within the Shire.



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 22 October 2008

MAYORAL MINUTE

12. THAT in relation to the LEP Steering Committee Sunset Working Group the General Manager be requested to arrange a full briefing (information session) for all Councillors during the exhibition period of the LEP.
 13. THAT in relation to Whites Creek Floodplain Risk Management Working Group Council delete the Working Group as the matter has now been completed AND THAT the Community Representatives be thanked for their past contribution.
 14. THAT in relation to the Resource Recovery Centre (RRC) the General Manager be requested to arrange an Information Session for the purpose of establishing a Council Business Unit for the Resource Recovery Centre (RRC).
 15. THAT Council retain the Moss Vale Master Plan Committee as a Working Group of Council AND THAT Councillor D Gair (Chair) and Councillor D Stranger be appointed as Council Delegates on the Working Group.
 16. THAT Council approve the Mayor of the Day (Clr D Gair) and Clr J Mauger authority to attend the Local Emergency Management Committee meetings as observers.
-

Duncan Gair
Mayor

16 October 2008



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 22 October 2008

VISITOR

VISITOR ITEMS

ENVIRONMENT & PLANNING DIVISION

Environment & Sustainability

v-EP1 Proposed Covered Entertaining Area – Wattle Street, Colo Vale

REF: DCM

LUA08/0683

Reporting on proposed covered entertaining area at Lot 19 DP 2933 Wattle Street, Colo Vale. Applicant: Mr A Christodoulou has been invited to address Council.

REPORT

Council is in receipt of an application pursuant to the provisions of Section 82A of the Environmental Planning and Assessment Act 1979 (the Act) seeking a review of a refusal to construct a covered entertaining area.

On 15 September 2008 Council received an application seeking development consent to construct a covered entertaining area in the front yard of the subject premises. The application was assessed pursuant to Section 79C of the Act and Council's *Wingecarribee Development Control Plan Residential Development* and it was considered that the application be deferred seeking relocation of the structure to behind the primary building setback. The applicant was not willing to consider changes to the proposal and consequently the application was refused for reasons that it is inconsistent with Council's front setback and streetscape requirements, and that it would create an undesirable precedent, thereby not being in the public interest.

The current Section 82A request is supported by a statement from the applicant's solicitor. The statement has not shown any consideration to change the proposal and is inaccurate in some of the information, particularly regarding what is and is not a primary building setback. The submission also failed to recognise that there is sufficient room to locate the structure behind the building line in the north eastern corner of the property.

Consequently it is considered that Council should not support approval of the 82A request and should reconfirm the earlier decision to refuse the application.

THE PROPOSAL

The subject application seeks Council's review of a determination for the refusal of a proposal to construct a covered entertaining area at the subject premises. The structure, measuring 4.840 metres wide, 7.280 metres long and 3 metres high, comprises 8 posts and a pitched timber trussed roof, clad with corrugated polycarbonate sheeting. The area is to be used for entertaining.

The proposed siting of the structure is one metre from the front boundary of the property facing Pine Street, which is considered the primary building alignment on the site due to the prominent front elevation of the existing dwelling.

STATUTORY PROVISIONS

1. Existing Zoning – WLEP 1989 (as amended)

The land is in Zone No. 2C, and the proposed development is permissible subject to consent and compliance with development standards.

2. Other LEP Provisions

Nil

3. Development Control Plans

The following DCP has been considered:

Wingecarribee Development Control Plan Residential Development sets out the requirements for the siting of residential developments, with particular regard to front setbacks in Section 3.04. This section requires a minimum setback of 8 metres for Lots up to 2000m². The proposed development does not meet this development standard and would require a variation of 7 metres or 88%, which is considered to be an excessive variation to the DCP.

In assessing the development it was considered that the position of the proposed awning would have an undesirable impact on the streetscape.

4. Matters for consideration (EP and A Act)

The matters in Section 79C have been considered.

APPLICANT'S SUBMISSION

In support of the application the applicant has lodged a submission that includes the following matters for Council's consideration (abbreviated).

- The proposed awning being located on a secondary building alignment.
- The design of the structure will improve the amenity of the property.
- The structure being located behind an existing 1.5 metre high fence.
- The structure having a height of 2.1 metres.
- There being limited space behind the required building setback.
- That there will be little or no impact on the streetscape as it is adjacent a carport on adjoining premises.
- That council has already created undesirable precedents by approving two nearby structures that are within the required secondary building setback of 4 metres.

With regard to the matters expressed in the submission and summarised as above the following assessment is provided.

- The proposed awning is located on a primary building alignment that requires an 8m setback and not a secondary alignment as suggested in the submission. Therefore a variation of 7 metres to a required setback would be considered excessive in relation to varying the DCP.
- It is agreed that the design of the structure and its function will improve the amenity on the premises, however the structure is not sited in a location within the primary building setback. It is considered that the amenity of the dwelling could also be improved by locating the structure behind the primary setback adjacent the existing garage that is attached to the dwelling.
- It is considered that the existing wall will not adequately obscure the structure from the street as the structure would have an overall height of 3 metres, 1.5 metres above the fence height, the bulk of it being the roof structure.
- The applicant has claimed a maximum height of 2.1 metres for the structure whereas the plans show the structure to be 3 metres high. It is considered that the structure will be quite noticeable from the street, in particular the roof.
- The attached photos show that there is considerable space behind the primary building line to accommodate the proposed structure.
- The carport on the adjoining premises is on a secondary building setback and has an existing detrimental effect on the streetscape as does the works opposite the subject site. It is considered that the proposed position of the awning will further adversely affect the streetscape.
- As stated previously the two approved structures within the secondary setback to Pine Street adversely affect the streetscape. It is considered that the existence of these two structures should not provide sufficient reason to approve the proposed structure.

OPTIONS

The options to Council are to:

1. Approve the S82A application;
2. Defer determination of the development application as Councillors may consider a site inspection necessary prior to determination; or
3. Refuse the S82A application and reconfirm the earlier refusal.

Option 3 is recommended.

MANAGEMENT PLAN ISSUES OR IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET IMPLICATIONS

Nil

ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES
--

- (i) Environmental Factors
N/A
- (ii) Social Factors
N/A
- (iii) Economic Factors
N/A

SUMMARY

The development application was assessed pursuant to Section 79 of the Act and Council's *Development Control Plan, Residential Development* and it was originally considered that the application be deferred seeking relocation of the structure to behind the primary building setback. The applicant was not willing to consider changes to the proposal regardless of the area available in the north eastern corner of the property, and consequently the application was refused for reasons that it is inconsistent with Council's front setback and streetscape requirements, and that it would create an undesirable precedent thereby not being in the public interest.

The Section 82A application for a review of this refusal has not shown any consideration to change the proposal and is inaccurate in some of the information regarding what is, and is not a primary building setback at the subject premises and at the adjoining and neighbouring premises.

It is therefore considered that the refusal of the development application should be confirmed.

ATTACHMENTS

There are five (5) Attachments to this report as follows:

1. Location plan
2. Plan of proposed structure
3. Photograph 1
4. Photograph 2
5. Aerial photograph

These attachments have been circulated separately.

RECOMMENDATION

1. THAT Council reconfirm the following reasons for refusal of the development application LUA08/0683 for a covered entertainment area at Lot 19 DP 2944, Wattle Street, Colo Vale.

Pursuant to provisions of Section 79C (1) (a) (iii) of the *Environmental Planning and Assessment Act 1979*, it is considered that the proposed development is inconsistent with Wingecarribee Development Control Plan *Residential Development* with respect to front building line setback.

- Pursuant to provisions of Section 79C (1) (a) (iii) of the *Environmental Planning and Assessment Act 1979*, it is considered that the proposed development is inconsistent with the objectives of Wingecarribee Development Control Plan *Residential Development* with respect to streetscape and property amenity.
 - Pursuant to provisions of Section 79C (1) (e) of the *Environmental Planning and Assessment Act 1979*, it is considered that in the circumstances of the case, approval of the development would set an undesirable precedent for similar inappropriate development and is therefore not in the public interest.
-



Scott Lee
Director, Environment & Planning

16 October 2008



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 22 October 2008

VISITOR

REPORT OF CORPORATE SERVICES DIVISION

v-CS1 2007/08 Financial Year Results

REF: FSM 2105/08,501/2008, 2120/2008

Submitting a report on the audit of the 2007/08 Financial Year Results.

REPORT

The 2007/08 Financial year Reports have been completed and audited with a copy of the Operating Statement, Statement of Financial Position on **Attachments 1, 2** and the Summary of Results to be advertised included on **Attachment 3**).

The purpose of this report is:

1. To provide Council with the audited financial reports for the 2007/08 Financial Year;
2. To provide the Statement of Opinion (**Attachment 4**) on the Financial Reports and confirm signing by the Mayor, Deputy Mayor and General Manager;
3. To seek resolutions required to:
 - Adopt the Financial Statements.
 - Advertise and receive submissions from the community; and,
 - Set a meeting date to present the reports to the public.

It is proposed that the following timetable be followed:

27 October 2008	Advertise in local newspapers
3 October 2008	Close of submissions from the community
26 November 2008	Audited Financial Statements be presented to Council.

NOTE:

In regards to comments by the community on the financial reports, Section 420(2) of the Local Government Act states that all submissions to Council must be in writing and submitted within 7 days after the reports were presented to the public. Submissions received from the public are to be considered by Council at its meeting on 26 November 2008.

A further report will also be submitted to Council's Finance Committee on the budget results for the year. This report will include an overview of the various activities within Council's management plan and their budget performance for the 2007/08 year



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 22 October 2008

VISITOR

	ORIGINAL BUDGET RESULT	ACTUAL RESULT 30/6/08	WORKING FUNDS 30/6/07	WORKING FUNDS 30/6/08
General Fund	Balanced	-969,194.58	3,463,796.47	2,494,601.89
Water Fund	Balanced	-922,155.73	2,854,124.36	1,931,968.63
Sewer Fund	Balanced	-600,059.03	2,423,003.51	1,822,944.48

ATTACHMENTS

There are 4 attachments to this report
Operating Statement and Statement of Financial Position (**Attachments 1, 2**)
Summary of Results to be advertised (**Attachment 3**)
Statement of Opinion (**Attachment 4**)

RECOMMENDATION

1. THAT Council adopt the 2007/08 Financial Reports.
2. THAT the Annual Financial Reports be put on public exhibition.
3. THAT the Annual Financial Reports be presented to the public at the Council meeting on 26 November 2008.
4. THAT Council's auditor be invited to a meeting of the Finance & Internal Audit Committee on 26 November 2008 to discuss the 2007/08 Financial Reports.

Barry W Paull
Director Corporate Services
16 October 2008

Wingecarribee Shire Council				
INCOME STATEMENT				
for the year ended 30th June 2008				
Original Budget ⁽¹⁾ 2008		Notes	Actual 2008	Actual 2007
	INCOME FROM CONTINUING OPERATIONS			
	<i>Revenue:</i>			
35,377,819.00	Rates & Annual Charges	3a	32,442,494.72	31,455,391.68
17,064,310.00	User Charges & Fees	3b	14,110,124.68	14,904,385.00
2,080,534.00	Interest and Investment Revenue	3c	3,702,336.76	3,943,805.90
14,663,987.00	Grants & Contributions - Operating	3e,f	9,210,939.66	8,616,387.87
6,502,295.00	Grants & Contributions - Capital	3e,f	5,911,174.21	5,818,107.92
855,493.00	Other Revenues	3d	1,597,928.10	1,577,243.13
	<i>Other Income:</i>			
	Net gain from the disposal of assets	5	-	-
	Share of interests in joint ventures	19	-	-
76,544,438.00	Total Income from Continuing Operations		66,974,998.13	66,315,321.50
	EXPENSES FROM CONTINUING OPERATIONS			
21,136,759.00	Employee Benefits and on-costs	4a	19,836,194.20	18,247,956.77
1,060,040.00	Borrowing Costs	4b	1,204,137.44	1,177,398.29
32,340,579.00	Materials & Contracts	4c	17,593,327.61	15,583,683.15
12,684,308.00	Depreciation & Amortisation	4d	12,933,284.41	13,084,330.41
	Impairment	4d		
21,440,508.00	Other Expenses	4e	10,784,147.03	9,429,943.41
	Interest and Investment losses	3c		
	Net Loss from Disposal of Assets	5	2,670,553.28	227,893.14
	Share of interests in joint ventures	19	-	-
88,662,194.00	Total Expenses from Continuing Operations		65,021,643.97	57,751,205.17
(12,117,756.00)	OPERATING RESULT FROM CONTINUING OPERATIONS		1,953,354.16	8,564,116.33
	Operating Result from Discontinued Operations	24		
(12,117,756.00)	SURPLUS(DEFICIT) FROM ORDINARY OPERATIONS AFTER CAPITAL AMOUNTS		1,953,354.16	8,564,116.33
	Correction of Fundamental Error			
(12,117,756.00)	SURPLUS(DEFICIT) FROM ORDINARY ACTIVITIES		1,953,354.16	8,564,116.33
	Extraordinary Items			
	Loss on Restructure of Council	24	-	-
(12,117,756.00)	NET SURPLUS(DEFICIT) FOR YEAR		1,953,354.16	8,564,116.33
	Share attributable to Minority Interests	19		
(12,117,756.00)	NET OPERATING RESULT FOR YEAR		\$ 1,953,354.16	\$ 8,564,116.33
	Attributable to:			
(12,117,756.00)	- Council		1,953,354.16	8,564,116.33
	- Minority Interests			
(18,620,051.00)	Net operating result for the year before grants and contributions provided for capital purposes		(3,957,820.05)	2,746,008.41
	Note:			
	This Statement is to be read in conjunction with the attached Notes.			



Wingecarribee Shire Council			
BALANCE SHEET			
for the year ended 30th June 2008			
	Notes	Actual 2008	Actual 2007
CURRENT ASSETS			
Cash and Cash Equivalents	6a	5,468,896.49	5,876,907.26
Investments	6b	28,381,923.79	27,909,068.50
Receivables	7	4,657,102.00	4,003,395.37
Inventories	8	572,755.74	449,330.95
Other	8	774,759.02	711,719.29
Non-current Assets Classified as Held for Sale	22	-	94,238.51
TOTAL CURRENT ASSETS		39,855,437.04	39,044,659.88
NON-CURRENT ASSETS			
Cash Assets	6	29,240,000.00	30,140,000.00
Investments	6b	392,004.14	446,796.08
Receivables	7	-	-
Inventories	8	-	-
Other	8	785,104,216.42	691,316,488.06
Infrastructure, Property, Plant & Equipment	9		
Investment Property	14		
Intangible assets	25	-	-
Investments accounted for using the equity method	19	-	-
TOTAL NON-CURRENT ASSETS		814,736,220.56	721,903,284.14
TOTAL ASSETS		854,591,657.60	760,947,944.02
CURRENT LIABILITIES			
Payables	10	5,915,882.70	5,523,815.45
Interest Bearing Liabilities	10	1,891,450.32	1,223,430.37
Provisions	10	4,920,414.20	4,642,000.48
TOTAL CURRENT LIABILITIES		12,727,747.22	11,389,246.30
NON-CURRENT LIABILITIES			
Payables	10	-	-
Borrowings	10	18,232,889.46	17,388,333.14
Provisions	10	189,502.00	197,656.00
- Payable after 12 months	10		
TOTAL NON CURRENT LIABILITIES		18,422,391.46	17,585,989.14
TOTAL LIABILITIES		31,150,138.68	28,975,235.44
NET ASSETS		\$ 823,441,518.92	731,972,708.58
EQUITY			
Retained Earnings	20	513,127,287.58	504,981,933.42
Revaluation Reserves	20	310,314,231.34	226,990,775.16
Council Equity Interest		823,441,518.92	731,972,708.58
Minority Equity Interest	19	-	-
TOTAL EQUITY		\$ 823,441,518.92	731,972,708.58
This Statement is to be read in conjunction with the attached Notes		-	



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 22 October 2008

VISITOR

Attachment 3

WINGACARRIBEE SHIRE COUNCIL		
Summary of Financial Results for the Year Ended 30 June 2008		
	2008	2007
	\$'000	\$'000
Income statement		
Total income from continuing operations	66,975	66,315
Total expenses from continuing operations	65,022	57,751
Operating result from continuing operations	1,953	8,564
Net operating result for the year	1,953	8,564
Net operating result before grants and contributions provided for capital purposes	(3,958)	2,746
Balance sheet		
Total current assets	39,855	69,184
Total current liabilities	12,727	11,389
Total non-current assets	814,736	691,763
Total non-current liabilities	18,422	17,586
Total equity	823,442	731,972
Other Financial Information		
Current Ratio (ratio)	5.83	5.83
Unrestricted Current Ratio (ratio)	1.09	2.53
Debt Service Ratio (%)	4.03%	4.20%
Rate Coverage Ratio (%)	48.44%	47.43%
Rates & Annual Charges Outstanding Percentage (%)	5.63%	6.63%



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 22 October 2008

VISITOR

Attachment 4

WINGECARRIBEE SHIRE COUNCIL

GENERAL PURPOSE FINANCIAL REPORTS

**STATEMENT BY COUNCILLORS AND MANAGEMENT
MADE PURSUANT TO S413(2)(C) OF THE LOCAL GOVERNMENT ACT
FOR THE YEAR ENDED 30 JUNE 2008**

The Council and Management of the Wingecarribee Shire hereby declares that:

- ◆ Council's Financial Reports have been drawn up in accordance with the Local Government Act 1993 and associated Regulations, the Statements of Accounting Concepts, the Local Government Code of Accounting Practice and Financial Reporting and the Australian Accounting Standards;

To the best of our knowledge and belief these reports

- ◆ Present fairly the Council's financial position and operating results for the year, and
- ◆ Accord with the Council's accounting and other records; and
- ◆ The signatories to this statement know of nothing that would make those reports false or misleading in any way.

Subscribed and declared this 22nd day of October 2008 at Civic the Centre Elizabeth Street,
Moss Vale.

Clr D Gair
MAYOR

Clr K. Halstead
DEPUTY MAYOR

Mike Hyde
GENERAL MANAGER

D Neville
PRINCIPAL ACCOUNTING OFFICER

ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 22 October 2008

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

OPEN COUNCIL

ENVIRONMENT & PLANNING DIVISION

Governance and Accountability

o-EP1 Development Consents Under Delegated Authority

DCM

5302

Submitting list of development consents executed under delegated authority of the Director of Environment and Planning between 26 September 2008 and 14 October 2008.

RECOMMENDATION

THAT the information relating to Development Consent Nos 1 to 8 under Delegated Authority be received and noted.

**Development Applications (DAs) Determined –26/09/2008 to 14/10/2008
(Excluding Small Lot Subdivisions and Domestic Applications)**

	Date Finalised	Appl/Proc ID	Property Legal Desc	Property Address	Description
1	2/10/2008	LUA08/0065	Lot 1 DP 775152	SCHOOL 463 Argyle St MOSS VALE	Student Accommodation Building and Garage (St Paul's Int College)
2	30/09/2008	LUA07/0592	Lot A DP 375370	95 Kangaloon Rd BOWRAL	Demolition of Existing Dwelling (Two Existing Dwellings unoccupied)
3	29/09/2008	LUA08/0023	Lot 150 DP 1022425	Parsley Cottage 14 Oxley St BERRIMA	Conservatory & Deck & Pergola
4	8/10/2008	LUA08/0502	Lot 122 DP 876917	Buskers End 14 St Clair Street BOWRAL	Dual Occupancy (40m ² storage space and Accom for Live-in Gardener)
5	29/09/2008	LUA08/0689	Lot 2 DP 706941	Wingecarribee St BOWRAL (Springett's Arcade)	Change of Use from Clothing Retail Outlet to a Café
6	30/09/2008	LUA08/0816	Lot 251 DP 1030254	13 Lyell St MITTAGONG	Industrial Units (9 Units in 3 separate buildings)
7	9/10/2008	LUA07/1454	Lot 12 DP 1040206	Sally's Corner Rd EXETER	Construction of a Building for the Purpose of a Home Industry (Landscape and Garden Supplies)
8	7/10/2008	LUA08/0779	Lot 11 DP 1091676	197 Old Hume H'way MITTAGONG (Mittagong Marketplace)	CDC - Shop Fitout for Rockmans



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 22 October 2008

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

o-EP2 List Of Land Use Applications Received By Council

DCM

5302

Submitting list of development applications which have been received between 26/9/08 and 14/10/08, 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 1-13 received by Council be received and noted.

Development Applications (DAs) Received – 26/09/2008 to 14/10/2008 (Excluding Small Lot Subdivisions and Domestic Applications)

	Date Created	LUA No	Property Address	Description	Council	Delegation
1	10/10/08	LUA08/1034	Lot 1 DP 19361 217 ARGYLE ST, MOSS VALE (near corner Hawkins St)	Change of Use Residence to Medical Consulting Room		✓
2	10/10/08	LUA08/1032	Lot 12 DP 1009492 366 ARGYLE ST, MOSS VALE (south side MV Court house)	New Shopfront, new windows & Rear Screens to Existing & Render Front Façade		✓
3	7/10/08	LUA08/1016	Lot 100 DP 1102159 205 OLD HUME HWAY, MITTAGONG (Highland Homemakrs)	First Occupation Fitout & Signage for Bulky Goods Tenants		✓
4	3/10/08	LUA08/1011	Lot A DP 152824 199 LACKEY ROAD, MOSS VALE	Demolition of Existing Buildings & Erection of Supermarket & Car Parking	✓	
5	10/10/08	LUA08/1033	Part Lot 1 DP 10658 THREE CORNER THE ILLAWARRA HWY, MOSS VALE	POPE – SH Winery Food Festival Easter April 2009 + 5 yr approval		✓
6	3/10/08	LUA08/1010	Lots 12-16/22-23 Sec 26 DP 1262 & Lot 1 DP 119965, 2 VIVIENNE ST, HILL TOP	3 brm, 2 bathrm + strata subdivn Cluster Housing Development		✓
7	2/10/08	LUA08/1005	Lot 4 DP 778603 CRAIG-Y-NOS, WILKINSON STREET, BERRIMA	Alterations & Additions to Dwelling & Barn & Upgrade Existing Septic System – 2 brms, 2 ensuites & family room		✓

**Development Applications (DAs) Received – 26/09/2008 to 14/10/2008
(Excluding Small Lot Subdivisions and Domestic Applications)
(Continued)**

8	2/10/08	LUA08/0994	Lot 307 DP 1040419 MILTON PARK HORDERNS RD, BOWRAL	2 x Lot Subdivision		✓
9	2/10/08	LUA08/0995	Lot 307 DP 1040419 MILTON PARK HORDERNS RD, BOWRAL	2 x Lot Subdivision		✓
10	8/10/08	LUA08/1026	Lot 1 DP 995642, Lot 1 DP 130301 BUNYA HILL GOLDEN VALE ROAD SUTTON FOREST	Demolish Existing Garage Construct Gymnasium Triple Garage & Entertaining Area & Jetty	✓	
11	3/10/08	LUA08/1013	Lot 3 S/P 75970 3/4 VERA STREET, HILL TOP	First Occupation Mini Supermarket		✓
12	14/10/08	LUA08/1038	Lot 17 DP 1102306 10 FOLDGARTH WAY BURRADOO	Dwelling & Attached Granny Flat		✓
13	2/10/08	LUA08/1007	Lot 3 DP 1114582 STATION ST, BOWRAL (Milk Factory Gallery)	New Timber Deck & Change of Use from Gallery Café to Bar	✓	



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 22 October 2008

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

o-EP3 Land Use Applications Determined

DCM

5302

Submitting list of Land Use applications determined under delegated authority of the Director of Environment & Planning for the month of September 2008.

RECOMMENDATION

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

LAND USE APPLICATIONS								
(Includes DA's, Const. Cert., BA's Local Gov. Act, Sandwich Boards, St App)								
Month	Total Applications Received		Cumulative		Dwellings DA's Only		No of Flats/ Units / Dual Occ /ClusterHousing SEPP SL	
	2007	2008	2007	2008	2007	2008	2007	2008
January	105(*20)	89(*16)	105	89	12	10		2(4)
February	116(*11)	125(*24)	221	214	15	17		3(12)
March	115(*13)	96(*19)	336	310	25	21		
April	96(*8)	105(*18)	432	415	15	10	1(4)	2(4)
May	121(*19)	128(*15)	553	543	25	20	3(8)	4(204)
June	131(*18)	111(*15)	684	654	19	9	1(4)	2(64)
July	119(*18)	114(*25)	803	768	29	16		2(140)
August	129(*18)	113(*12)	932	881	19	26	3(7)	1(3)
September	122(*24)	111(*20)	1054	992	9	12		
October	154(*25)		1208		12		1(3)	
November	142(*13)		1350		27		1(5)	
December	113(*12)		1463		19			

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

NOTE # Includes Seniors Living (SEPP 5)

Environment & Sustainability

o-EP4 Consolidation of 3 Existing Lots and Subdivision into 2 Lots – Grevillea Place and Colo Road, Colo Vale.

REF: DCM	LUA08/0564
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Reporting on the consolidation of 3 existing lots and re-subdivision into 2 separate allotments, of Lot 3 DP790559, Lot 1 DP45830 and Lot 112 DP657645, Grevillea Place and Colo Road, Colo Vale.

Proposal involves a SEPP 1 Objection and if supported will need to be referred to Department of Planning as the proposed variation exceeds Councils delegation.

REPORT

1. The land is currently comprised of 3 lots as follows:

- Lot 3, DP790559, with an area of 12 ha;
- Lot 112, DP657645, with an area of 15.68ha; and
- Lot 1, DP45843, with an area of 5,050m²

It is proposed to undertake a consolidation and then subdivision which will result in 2 lots.

Attachment 1 illustrates the current lot layout, and **Attachment 2** illustrates the proposed lot layout.

Proposed Lot 1 will have an area of 15ha, and will consist of all the land on the northern side of Colo Road.

It will contain all of the land currently in Zone 1(c) where a minimum lot size of 10ha applies. An existing dwelling-house, outbuildings and dams (all currently on Lot 3) will be located within proposed Lot 1. Primary vehicular access to this lot from Grevillea Place will remain in its current location.

While an unformed road will sever this lot, the management of the land as a whole will be far easier than the existing situation where Colo Road severs one of the existing lots.

Proposed Lot 2 will have an area of 13.4ha, and will consist of all the land on the south side of Colo Road.

It will contain the existing dwelling-house, and the existing vehicular access from the Colo Road will be maintained.

This lot will contain all the land in Zone 1(a) where a minimum lot size of 40ha applies.

There will be no physical changes to the existing properties, either directly or indirectly, as a result of the proposed subdivision.

Both lots contain a dwelling, and no new dwelling entitlement will be created.

The purpose of the proposal is to tidy up the small road section (adjacent to the eastern boundary of existing Lot 112). Furthermore, it is intended that the boundaries be realigned to remove the inconvenience and safety concerns of having Colo Road bisecting an allotment.

Attachment 3 contains an extract from DLEP2007, as exhibited, and this shows that existing Lots 1 and 112 are proposed to be in the RU2 zone (40ha) while Lot 3 is proposed to be in the RU4 zone (10ha).

If this current proposal is ultimately approved, this would create an anomaly in zoning because it would result in a small residue area within the RU2 zone isolated from the bulk of the land holding within the RU4 zone.

It would therefore be appropriate for the zone boundaries to be adjusted so that the whole of each lot is within 1 zone only.

2. Government Agencies

The Sydney Catchment Authority has given its concurrence to the proposal.

The Rural Fire Service issues were dealt with during the assessment of respective building applications for the existing dwellings.

3. Issues Arising

The only planning issue is that proposed lot 2 does not comply with the 40ha development standard.

Accordingly, the development application has been accompanied by a written objection pursuant to SEPP 1, and this is reproduced below:

SEPP 1 Objections

'Having regard to the underlying objective or purpose of the development standard, strict compliance with the 40 hectare minimum allotment area is considered both unreasonable and unnecessary under the circumstances of the case for the following reasons:-

- The development proposal involves the consolidation of three allotments and the creation of two allotments, with the result of one undersized allotment and one part undersized (given the split zoning). There will be no additional allotments created as a result of the development proposal.*
- The site is comprised of three (3) allotments and is already fragmented. The agricultural quality of the land is consistent between the pre- and post-subdivision scenarios. Accordingly, the proposed re-subdivision will not promote the fragmentation of the land.*
- There are existing dwelling-houses on Lot 3 DP790559 and Lot 112 DP657645. These dwelling-houses will be sited within proposed Lots 1 and 2, respectively. The road strip (lot 1 DP45830) will be consolidated into proposed Lot 2. As a result of the development proposal there will be no increased in the number of existing dwellings. The low density of the settlement pattern of the locality will therefore be maintained.*

- *The re-subdivision does not involve the erection of any additional buildings within the landscape. Accordingly, there will be no alteration to the present scenic attributes of the locality.*
- *The proposed re-subdivision involves land remote from nearby urban areas, and will not involve the creation of any additional allotments or the construction of any additional dwelling-houses. Accordingly, the proposal assists in maintaining separation between towns and villages.*
- *Compliance with the 40 hectare minimum allotment size cannot be physically achieved as there is not 40 hectares of 1(a) zone land available on the subject site.*
- *The proposed re-subdivision seeks to primarily maintain the current areas of the existing allotments that makeup the subject site, albeit in a different configuration. The proposed re-subdivision has responded to the severance of the site by virtue of Colo Road. The site essentially maintains a subdivision by severance.*

On the basis of the above, it is considered that the development proposal is consistent with the underlying objectives of the 40 hectare development standard, and strict compliance is therefore unreasonable and unnecessary under the circumstances of the case.'

In assessing the SEPP1 objection, the following matters have been considered:

- The 40ha minimum lot size for subdivision in Zone 1(a) applies to proposed Lot 2 is a development standard because it is a specific area requirement that is fixed for by clause 12(2)(a) in WLEP.
- It is considered that the objection is well founded because it demonstrates that, in terms of the objectives of the 1(a) zone, the departure will not adversely affect the provision and availability of land for agricultural production.
- It is also considered that the departure from the development standard in this instance is unlikely to undermine the planning objectives for, nor lead to similar departures in the locality.

It is therefore considered that, in this instance, strict compliance with the 40ha development standard is unreasonable and unnecessary.

SUMMARY

It is considered that the proposal is a practical solution because:

- it will result in the consolidation of an existing and undeveloped residue area of land (ie the northern part of Lot 112 which is severed from the developed remainder of that lot) with adjoining developed land (ie Lot 3);
- it will enable the more effective use and management of all of the land, a situation which is currently not ideal given that Lot 112 is severed by Colo Road; and
- it will not result in the creation of any additional dwelling entitlements.

Accordingly, the proposal is supported and Council should seek the concurrence of the Department of Planning to enable Council to issue a development consent.



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 22 October 2008

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

ATTACHMENTS

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

1. Current lot layout.
2. Proposed lot layout.
3. Extract from draft LEP2007 as exhibited.

RECOMMENDATION

1. THAT Council support the SEPP1 objection in respect of the proposed consolidation and subdivision of Lot 3 DP790559, Lot 1 DP45830 and Lot 112 DP657645, Grevillea Place and Colo Road, Colo Vale.
 2. THAT authority be delegated to the DEP to
 - refer the development application to the Director General, Department of Planning for their concurrence;
 - to determine the development application in line with the decision of the Director General; and
 - to adjust the zone boundaries in draft LEP2007 so that each property is wholly within one zone only and that such changes be included in the re exhibition of the draft plan.
-



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 22 October 2008

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

o-EP5 Draft DCP for 'Steiner School' site, Bowral

REF: DEP

5700/63

Report on the preparation of a draft Development Control Plan (DCP) for the site owned by Eukarima School Ltd and known as the Steiner School in Bowral.

REPORT

Background

At its meeting of 8 October 2008, Council resolved to prepare a site specific DCP for the Steiner School site in Bowral to assist in dealing with future redevelopment of the site.

The site is owned by Eukarima School Ltd and comprises two adjoining allotments. The larger parcel, Lot 1 DP 1000260, contains the main school and has frontage to Kirkham Road with an area of 3.66 hectares. Lot 4 DP 1000259 fronts Centennial Road, has an area of 4,594m² and currently contains the kindergarten. Both lots are indicated on the map included with the attached draft DCP. Eukarima School Ltd is now in receivership and the site is currently on the market.

Both lots are zoned 2(a1) – Residential A1 - under Wingecarribee LEP 1989. The objectives of this zone are:

- (a) *To retain and provide a low density residential character in environmentally sensitive localities; and*
- (b) *To ensure that any development will not have an adverse effect on the landscape or scenic quality of the area or the amenity enjoyed by residents located within the area.*

Under the draft Shire wide LEP 2007, as exhibited, the proposed zoning for Lot 1 was SP2 (Special Purposes) School. However, following instructions from the Department of Planning that all educational land was to be rezoned something other than Special Uses, (Residential, Commercial, Industrial etc.), Council resolved on 30 April 2008 to amend the zoning to RE2 – Private Recreation.

Under the draft Shire wide LEP 2007, as exhibited, Lot 4 was zoned R5 – Large Lot Residential, with a minimum subdivision size of 4,000m². Under this zoning, residential development and associated land uses compatible with current development on Centennial Road will be the only permissible development on this lot.

Summary of the draft DCP

The key elements addressed in the draft DCP are:

- the plan will primarily apply to Lot 1 DP 1000260, it being the larger lot and main Steiner School site;
- the plan will require consideration of retention and adaptive reuse of existing buildings wherever possible;
- access to the site for all vehicles will be via Kirkham Road only;
- the existing area of Southern Highlands Shale Woodlands vegetation in the north west corner of the site will be retained as it is an Endangered Ecological Community;
- the existing vegetation along the creek will be retained as it has been identified as a Category 2 Riparian Corridor - Aquatic and Terrestrial Habitat - under the draft LEP 2007 with a minimum buffer zone of 30 metres on each side of the creek;
- a comprehensive Landscape Plan will be required to identify and manage both native and exotic species along the creek and through the site;
- a flood management plan will be required;
- development facing Kirkham Road will reflect the existing residential character of the locality;
- the identification of restrictions on the use of any non residential facilities provided on the site and their use by the general public;
- requirements for staging plans that minimise potential disturbance to local residents and the environment during the construction phases;
- the plan will state Council's preference to enter into a Voluntary Planning Agreement to manage contributions arising from development of the site.

FINANCIAL IMPLICATIONS

There are no financial implications identified in this report.

MANAGEMENT PLAN ISSUES OR IMPLICATIONS

Nil.

POLICY IMPLICATIONS

The DCP is prepared in accordance with the Environmental Planning & Assessment Act & Regulation and, in association with Council's Principal Planning Instrument, establishes specific planning controls for the future development of the site.

BUDGET IMPLICATIONS

Nil.

ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

(i) Environmental Factors

The DCP is intended to protect the EEC on the site and the existing vegetation along the creek line, as well as the protection of the creek itself.

(ii) Social Factors

The site was formerly a school site. Whilst it is possible that an educational facility could be re-established on the site, it is also possible that, due to the area of the site, it could be redeveloped for other uses, such as Seniors Housing, which is permissible under the current Residential 2(a1) zone, recreational uses or tourism uses such as accommodation or entertainment. Whatever the future development of the site, there is potential for impacts on adjoining landowners, such as traffic and privacy, which need to be managed.

(iii) Economic Factors

N/A.

ATTACHMENTS

There is one attachment to this report, being the draft DCP, which has been circulated separately.

RECOMMENDATION

1. THAT the draft Development Control Plan for the Steiner School site in Bowral attached to this report, be endorsed for the purpose of public exhibition, and
 2. THAT the required public exhibition in accordance with the Environmental Planning Assessment Regulation commence as soon as possible, and
 3. THAT the exhibition of the draft DCP be notified to all adjoining landowners, the appointed liquidators to the site and the real estate agents who are managing the sale of the site.
-



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 22 October 2008

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

o-EP6	S82A Review: Proposed Cold Storage Factory: Pikkat Drive, Braemar
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REF: DCM

LUA06/0887

Reporting on a S82A Review for a Cold Storage Factory at Pt Lot 53 DP 872716 Pikkat Drive, Braemar.

REPORT

1. DESCRIPTION OF PROPOSED DEVELOPMENT

The Proposed Development

- The proposed industrial development comprises a cold storage factory, staff amenities, provision for on site car parking and vehicle manoeuvring and associated landscaping.

2. STATUTORY CONSIDERATIONS

Regional Environmental Plan No. 1

- The proposed industrial development triggers the need for a Water Cycle Management Study under the Regional Environmental Plan No. 1 for referral to the Sydney Catchment Authority. The concurrence of the SCA with conditions has been received by Council.

Wingecarribee Local Environmental Plan 1989

- The subject property is zoned 4(a) Industrial under the WLEP89 wherein the proposed development is permissible with Council consent.

Draft Local Environmental Plan 2007

- A cold storage factory remains a permissible use under the draft LEP2007 with the site proposed to be zoned IN 1 (General Industrial).

3. REFERRALS TO COUNCIL COMMITTEES

- The application has not previously visited any other Council committees.

4. INTERNAL STAFF COMMENTS

ENGINEERING COMMENT:

The development site lies within an industrial subdivision that has not as yet been completed in accordance with the conditions of consent imposed at the time of Council approval.

Accordingly it is recommended that a deferred commencement condition be imposed requiring all works to be completed for the subdivision prior to the activation of the consent for the cold storage factory.

PLANNING COMMENT:

- On 12 March 2008 Council issued a refusal notice for LUA06/0887 'Cold Storage Factory' due to insufficient information being provided with the application in order for Council to thoroughly assess the application in accordance with S79C of the NSW EP&A Act 1979. Prior to the refusal, the application had been on deferral for a period of 9 months without a satisfactory response being received from the applicant.
- The S82A application currently being considered has been lodged by a fresh applicant and a new set of plans have been tabled. On 4 July 2008 amended plans were requested of the applicant to indicate a 3m landscape buffer between the car parking area and the front property boundary. It is these amended plans received 17 July 2008 that are currently under consideration by Council (Refer to **Attachment 1** to this report).
- The subject site was created by means of a 3 lot subdivision (LUA02/1168). Not all relevant conditions of consent have been complied with as there are outstanding fees and charges. These outstanding fees include Water and Sewerage developer charges and outstanding fees in relation to the installation of telemetry equipment in association with a sewer pump station (Refer to **Attachment 2** to this report). The linen plan for subdivision cannot be issued until all outstanding fees and moneys owed have been paid to Council. For this reason it is suggested that the application for a cold storage factory can be supported but any approval should be way of a deferred commencement consent. Once the outstanding conditions of consent from LUA02/1168 are satisfied, then LUA 06/0887 can be activated.

5. CONCLUSION

- The plans and documentation accompanying the S82A application have been assessed by Council's town planner and development engineer in terms of compliance with DCP 12 and have been assessed for compliance with the BCA by Council Health & Building assessment staff.
- The SCA has assessed the WCMS submitted by the applicant and have granted concurrence to the development. The application now before Council is recommended for an approval by way of a deferred commencement consent with the deferred commencement condition suggested to be as follows:

Deferred Commencement Condition No. 1:

In order to activate this consent all outstanding conditions of consent in relation to LUA 02/1168 issued 6 January 2003 for a 3 lot subdivision must be met to the satisfaction of Council to enable the linen plan to be released by Council.



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 22 October 2008

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

ATTACHMENTS

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

1. Site plan, elevations and landscape plan prepared by Sydney Design Company - Dwg Nos: 254/2008 sheets 1, 1a, and 2-7 Issue B stamped 'Amended plan received 17 July 2008'.
2. Council correspondence dated 18 September 2008 to Mr Arvo Pikkat

RECOMMENDATION

THAT Council approve the S82A application in relation to LUA06/0887 as a deferred commencement consent subject to the deferred commencement condition as set out in this report.



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 22 October 2008

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

Lifestyle and Community

o-EP7 Area Assistance Scheme Ranking Committee nominations

REF: SPM 1880/2007

Requesting two Council representatives and alternate delegate to participate on the Wingecarribee Area Assistance Scheme (AAS) Local Ranking Committee.

REPORT:

The AAS is a community program administered by the Department of Community Services. This year, funding was targeted to one off or capital projects that improve community infrastructure. Grant applications closed on 10 October and are assessed by a local committee prior to the assessment of the Illawarra Regional Advisory Committee, who is responsible for funding recommendations. In return for a subsidy, Councils assist administration, advise applicants and facilitate the committee for their area, consisting of eight members; a chairperson, four community representatives, two Council representatives and AAS officer. The Regional Committee includes local government representation nominated by the Southern Regional Organisation of Councils.

MANAGEMENT PLAN issues or IMPLICATIONS

AAS participation provides opportunity for Council to address community needs or issues identified in the Shire Social Plan and reflected in the Management Plan.

POLICY IMPLICATIONS

AAS policy requires local government participation. As Councils are grant applicants, the Local Ranking Committee is not a Council committee.

BUDGET IMPLICATIONS

There are no budget implications associated with Council participation in the AAS. The Local Ranking Committee is usually required to meet once or twice per annum.

ECOLOGICAL SUSTAINABLE DEVELOPMENT ISSUES

(i) Environmental Factors – Nil

(ii) Social Factors

Wingecarribee Council has participated in the Illawarra AAS since inception in the 1990s. Community building and service outcomes have been significant; for example in family and adolescent support, violence prevention and Aboriginal community development. Last year AAS funding of \$ 86,200 was approved for two local projects to improve services for vulnerable youth and to promote philanthropy.

(iii) Economic Factors – Nil



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 22 October 2008

REPORT OF DIRECTOR ENVIRONMENT & PLANNING

ATTACHMENTS

There are no attachments to this report.

RECOMMENDATION

THAT Council nominates two Councillors and alternate delegate to participate on the Wingecarribee Local Area Assistance Scheme Ranking Committee.

Scott Lee
Director, Environment & Planning

16 October 2008



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 22 October 2008

REPORT OF DIRECTOR CORPORATE SERVICES

CORPORATE SERVICES DIVISION

Governance and Accountability

o-CS1 Committee Appointments & Resignations

REF: MAS

107/1 6549/1.1, 7217/1

Reporting on Management Committee Appointments and Resignations.

REPORT

1. Penrose Hall & Recreation Reserve Management Committee File No: 6549/1.1

Penrose Hall & Recreation Reserve Management Committee held its Annual General Meeting on Monday 29 September 2008. Ian Webster, Dawn Jonas, Cathy Robinson, Mike Jonas, Irene Davenport, Nicole Clark, Johanna Davidson, Thomas Thorogood, Henrik Lund, Susan Lund, Patricia Day and Susie Edwards were nominated to the Committee.

Committee Recommendations

THAT Council appoints Ian Webster, Dawn Jonas, Cathy Robinson, Mike Jonas, Irene Davenport, Nicole Clark, Johanna Davidson, Thomas Thorogood, Henrik Lund, Susan Lund, Patricia Day and Susie Edwards to the Penrose Hall & Recreation Reserve Management Committee.

2. New Berrima Community Centre Management Committee File No: 7217/1

Karen Hannon was nominated to the New Berrima Community Centre Management Committee at the meeting held on 1 October 2008.

Committee Recommendations

THAT Council appoints Karen Hannon to the New Berrima Community Centre Management Committee.

MANAGEMENT PLAN issues or IMPLICATIONS

N/A

POLICY IMPLICATIONS

N/A

BUDGET IMPLICATIONS



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 22 October 2008

REPORT OF DIRECTOR CORPORATE SERVICES

Nil

ATTACHMENTS

There are no attachments to this report.

RECOMMENDATION

1. THAT Council appoints Ian Webster, Dawn Jonas, Cathy Robinson, Mike Jonas, Irene Davenport, Nicole Clark, Johanna Davidson, Thomas Thorogood, Henrik Lund, Susan Lund, Patricia Day and Susie Edwards to the Penrose Hall & Recreation Reserve Management Committee and that Ian Webster, Dawn Jonas, Cathy Robinson, Mike Jonas, Irene Davenport, Nicole Clark, Johanna Davidson, Thomas Thorogood, Henrik Lund, Susan Lund, Patricia Day and Susie Edwards be notified of Council's determination.
 2. THAT Council appoints Karen Hannon to the New Berrima Community Centre Management Committee and that Karen Hannon be notified of Council's determination.
 3. THAT the Penrose Hall & Recreation Reserve Management Committee Management Committee and the New Berrima Community Centre Management Committee be notified of Council's determination.
-



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 22 October 2008

REPORT OF DIRECTOR CORPORATE SERVICES

o-CS2	Investments as at 30 September 2008
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REF	FSM	2104
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Submitting details of Council's Investments as at 30 September 2008.

REPORT

Submitting details of Council's Investments as at 30 September 2008 (See **Attachment 1**)

Council's Safe Custody nominees ANZ, have advised, that due to the unprecedented volatility and uncertainty in the worlds credit markets, they are unable to provide Council with an Investment report as at the end of September. As a result the valuations shown on the following report are valuations as at 31 August 2008. ANZ will make every endeavour to provide Council with reports as at the end of October.

ATTACHMENTS

Investment Reconciliation as at 30 September 2008.

RECOMMENDATION

THAT the information on Council's Investments as at 30 September 2008 be received and noted.

Barry W Paull
Director Corporate Services
16 October 2008



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 22 October 2008

REPORT OF DIRECTOR CORPORATE SERVICES

ATTACHMENT 1

<u>INVESTMENT RECONCILIATION AS AT 30 September 2008</u>							
Bank	Certificates	Rate	Days	Due Date	Value	Consideration	Total
<u>Lehman Brothers</u>							
<u>Individual Managed Portfolio</u>							
Adelaide Bank FR Sub Debt		bbsw + .50%		9/06/2016	3,500,000.00	3,392,063.84	-107,936.16
ANZ		8.25%		17/07/2017	750,000.00	661,628.42	-88,371.58
Bank of Qld Sub Debt		bbsw + .29%		2/12/2010	7,000,000.00	6,988,109.59	-11,890.41
Elders Rural Bank Sub Debt		bbsw + .85%		13/07/2015	500,000.00	479,587.67	-20,412.33
Elders Rural Bank Sub Debt		bbsw + .83%		7/09/2015	1,000,000.00	963,870.14	-36,129.86
Elders Rural Bank Sub Debt		bbsw + .75%		13/10/2015	500,000.00	475,471.92	-24,528.08
HSBC FRN		bbsw + .28%		22/09/2016	6,500,000.00	6,001,714.45	-498,285.55
Macquarie Bank Sub Debt		bbsw + .70%		15/09/2014	500,000.00	498,533.70	-1,466.30
Royal Bank Scotland		bbsw + .28%		17/02/2012	2,000,000.00	1,862,189.98	-137,810.02
Elders Rural Bank		bbsw + .60%		6/03/2017	1,000,000.00	907,654.69	-92,345.31
Westpac		bbsw + .35%		21/01/2015	500,000.00	494,687.96	-5,312.04
St George		bbsw + 0.31%		26/07/2016	1,000,000.00	964,007.95	-35,992.05
Lehman		bbsw + 0.00%		15/06/2009	560,000.00	498,400.00	-61,600.00
<u>Liquid Securities</u>					25,310,000.00	24,187,920.31	-1,122,079.69
Aphex Glenelg (AA-)		bbsw + 1.25%		22/12/2014	2,250,000.00	1,355,792.36	-894,207.64
Corsair Kakadu (AA)		bbsw + 1.00%		20/03/2014	1,500,000.00	653,987.77	-846,012.23
Corsair Torquay (BBB-)		bbsw + 1.20%		20/06/2013	2,500,000.00	1,331,965.92	-1,168,034.08
Helium Esperance (BBB+)		bbsw + 1.10%		20/03/2013	2,000,000.00	1,162,145.34	-837,854.66
Helium Scarborough (BBB+)		bbsw + 1.30%		23/06/2014	2,700,000.00	1,520,286.04	-1,179,713.96
Magnolia Flinders (AA)		bbsw + 1.50%		20/03/2012	5,100,000.00	3,918,728.55	-1,181,271.45
Omega Henley (AA-)		bbsw + .80%		22/06/2012	2,000,000.00	1,352,349.28	-647,650.72
Starts Blue Gum (BBB+)		bbsw + 1.40%		22/06/2013	1,050,000.00	551,100.84	-498,899.16
Cypress Tree Lawson (A-)		bbsw + 1.30%		30/12/2010	1,000,000.00	935,122.59	-64,877.41
MAS6-7 Parkes (BBB-)		bbsw + 2.00%		20/06/2015	2,000,000.00	615,128.90	-1,384,871.10
Bishopgate Wentworth (AA-)		bbsw + 1.50%		30/09/2010	500,000.00	473,481.16	-26,518.84
Zircon Coolangatta (AA)		bbsw + 1.30%		20/09/2014	2,000,000.00	673,967.25	-1,326,032.75
Saphir Endeavour (AAA)		bbsw + 1.30%		4/08/2011	140,000.00	123,835.91	-16,164.09
Beryl (AA)		bbsw + 0.60%		20/09/2014	4,000,000.00	3,189,611.22	-810,388.78
Zircon Merimbula (AA)		bbsw + 1.05%		20/06/2013	500,000.00	155,995.24	-344,004.76
<u>Medium - Long Term Securities</u>					29,240,000.00	18,013,498.37	-11,226,501.63
<u>Total Securities</u>							42,201,418.68
<u>Bank Accepted Commercial Bills</u>							
NAB	Various	7.52	63	7/10/2008	3,000,000.00	2,961,559.77	
NAB	Various	7.19	30	16/10/2008	1,500,000.00	1,491,187.69	
							4,452,747.46
Macquarie Cash Management Trust						99.51	
							99.51
<u>Short Term</u>							
NAB						9,000,000.00	
							9,000,000.00
							55,654,265.65

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

Doug Neville Financial Services Manager



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 22 October 2008

REPORT OF THE GENERAL MANAGER

COUNCIL MATTERS

GENERAL MANAGER'S REPORTS

c-GM1 Weekly Circulars

REF.	GM	203/1.1
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Confirming receipt of weekly circulars from the Local Government Association and Council weekly circulars.

REPORT

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

ATTACHMENTS

There are no attachments to this report.

RECOMMENDATION

THAT the information relating to Local Government Weekly Circular No 39/08, 40/08 and 41/08 and Council Weekly Circular No 39/08, 40/08 and 41/08 be noted.

Mike Hyde
General Manager

16 October 2008



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 22 October 2008

NOTICE OF MOTION

NOTICE OF MOTION

Environment and Sustainability

c-NM1	36/2008 – Notice of Motion – Green Waste Pickup Service
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REF: MAS

100/4 7503/21

Clr LAC Whipper has given notice that it is his intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday 22 October 2008.

THAT a detailed report be brought forward to Council outlining practical options for the introduction of a Green waste pickup service for residents of the Wingecarribee Shire.

RECOMMENDATION

SUBMITTED FOR DETERMINATION.



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 22 October 2008

COMMITTEE REPORTS

COMMITTEE REPORTS TABLED

c-CR1	Management and Advisory Committee Reports	
REF.	DCS	107/1

Submitting minutes of two (2) Committee meetings that will be tabled for information.

REPORT

1. Burrawang Park Management Committee Annual General Meeting Monday 25 August 2008
2. New Berrima Community Hall meeting Monday 4 August 2008

ATTACHMENTS

There are no attachments to this report.

RECOMMENDATION

THAT the information contained in the Committee Reports be noted.



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 22 October 2008

COMMITTEE REPORTS

COMMITTEE REPORTS ATTACHED

c-CR2	Finance & Internal Audit Committee (<i>Refer minutes page 57</i>)
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REF	DCS	107/22
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Submitting minutes of the Finance & Internal Committee meeting held on Wednesday, 1 October 2008.

RECOMMENDATION

THAT recommendations FIA8/08 TO FIA12/08 as detailed in the minutes of the Finance & Internal Audit Committee meeting held on Wednesday 1 October 2008 be adopted.



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 22 October 2008

COMMITTEE REPORTS

FINANCE & INTERNAL AUDIT COMMITTEE

COMMENCING AT: 3.00PM

PRESENT: Clr T D Gair (Chair), Clr J G Arkwright, Clr K Halstead, Clr P B Tuddenham, Clr J Mauger, Clr D Stranger, Clr L A C Whipper,.

IN ATTENDANCE: General Manager, Director Corporate Services, Financial Services Manager

MAYOR TO CHAIR COMMITTEE

MN 344/07

MOTION moved by Clr P B Tuddenham and seconded by Clr D Stranger

THAT the Mayor assume the role of Chair for this meeting of the Finance and Internal Audit Committee.

PASSED

APOLOGY

MN 345/07

MOTION moved by Clr P B Tuddenham and seconded by Clr D Stranger

THAT the apology of Clr J Clark and Clr G McLaughlin be received and noted.

PASSED



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 22 October 2008

COMMITTEE REPORTS

CLOSED COMMITTEE

CORPORATE SERVICES DIVISION

FIA-CS1 Closed Council

To consider moving into Closed Committee.

MN 346/07

MOTION moved by Clr P B Tuddenham and seconded by Clr D Stranger

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

FIA-CS1 **UPDATE ON LEGAL MATTER WSC V LEHMAN BROTHERS AUSTRALIA**
107/9, 2104

Relevant Legal Provisions

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

Brief Description

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

Public Interest

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

PASSED



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 22 October 2008

COMMITTEE REPORTS

FIA-CS1 Update on Lehman Brothers Australia
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REF. DCS

107/9, 2104

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 tenders received for the provision of Internal Audit 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.

MOTION moved by Cllr D Stranger and seconded by Cllr J G Arkwright **RECOMMENDED:**

1. **THAT council endorse the engagement of Piper Alderman to provide preliminary advice to Council on the following matters at an estimated cost of \$15,000**
 - (a) **Voluntary Administration – Lehman Brothers Australia**
 - (b) **Chapter 11 Filed by Lehman Brothers Holdings**
 - (c) **Appointment of Administrator – Lehman Brothers Australia**

2. **THAT the information reported to the Committee be received and noted**

PASSED



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 22 October 2008

COMMITTEE REPORTS

OPEN COMMITTEE

MN 347/07

107/10

MOTION moved by *Clr D Stranger* seconded *Clr J G Arkwright*

THAT the Finance and Internal Audit Committee move back into Open Session.

PASSED

ADOPTION OF CLOSED COUNCIL

MN 348/07

107/9

MOTION moved by *Clr D Stranger* seconded *Clr J G Arkwright*

THAT the recommendations of the Closed Committee held on Wednesday, 1 October 2008 (Item FIA-CS1 – Update on Lehman Brothers Australia) be endorsed.

PASSED

There being no further business, the meeting concluded at 4.30pm

CORPORATE SERVICES DIVISION

CS1	Closed Council	
REF.	DCS	107/9

To consider moving into Closed Council.

REPORT

BACKGROUND

The following confidential reports have been distributed separately:

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

2. STATUTORY

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

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

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

Section 10B

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

ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 2008

CLOSED COUNCIL

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

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

3. DIRECTOR GENERAL'S GUIDELINES

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



ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 2008

CLOSED COUNCIL

RECOMMENDATION

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

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

Relevant Legal Provisions

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

Brief Description

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

Public Interest

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

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

Barry W Paull
Director Corporate Services

16 October 2008