

MINUTES

OF THE ORDINARY MEETING OF COUNCIL

File No. 100/08



held on Wednesday, 11 February 2009

The meeting commenced at 3.30 pm.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 11 February 2009

CONTENTS

CONFIRMATION OF MINUTES	2
SUPPLEMENTARY MAYORAL MINUTE	3
c-MM1 The Victorian Bushfires	3
MAYORAL MINUTE	4
GENERAL MANAGER'S REPORTS	4
c-MM2 Reward Scheme for Reporting Vandalism	4
c-MM3 Council's Investments	5
VISITOR ITEM	7
ENVIRONMENT & PLANNING DIVISION	7
v-EP1 Proposed 10 Cluster Houses, Wembley Road, Moss Vale	7
v-EP2 S82A Review: Additions to Existing Medical Centre Including Car Parking at St Jude Medical Centre, St Jude Street, Bowral	9
v-EP3 Proposed Dwelling House, Cnr Old Hume Hwy & Medway Rd, Berrima	10
OPEN COUNCIL	13
ENVIRONMENT & PLANNING DIVISION	13
o-EP1 Development Consents Determined by way of Approval under Delegated Authority	13
o-EP2 List Of Land Use Applications Received By Council	13
o-EP3 Proposed 16 Lot Subdivision at Lapwing Place, Moss Vale	14
o-EP4 Developer Contribution Plans	15
o-EP5 Illawarra Area Assistance Scheme Grant Application – "Highlands Child"	18
CORPORATE SERVICES DIVISION	19
o-CS1 Review and Management of Investments	19
TECHNICAL SERVICES DIVISION	20
o-TS1 Proposed Shared Path, Erith Street, Bundanoon & Revised Footpath Policy	20
COUNCIL MATTERS	21
GENERAL MANAGER'S REPORTS	21
c-GM1 Weekly Circulars	21
c-GM2 Conduct Review Committee – Appointment of Community Members	22
NOTICE OF MOTION	23
CORPORATE SERVICES DIVISION	23
c-NM1 01/2009 – Notice of Motion – Proposed Youth Club	23
NOTICE OF RESCISSION OF RESOLUTION	24
CORPORATE SERVICES DIVISION	24
c-NRR1 01/2009 – Notice of Rescission of Resolution – Finance and Internal Audit Committee	24
COMMITTEE REPORTS TABLED	25
c-CR1 Management and Advisory Committee Reports	25
CORPORATE SERVICES DIVISION	27
c-CS1 Closed Council	27



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 11 February 2009

COMMENCING AT: 3.30 pm

PRESENT: Clr T D Gair (Mayor) in the Chair, Clr J G Arkwright, Clr J R Clark,
Clr K Halstead (Deputy Mayor), Clr J Mauger, Clr G McLaughlin,
Clr D Stranger, Clr L A C Whipper

IN ATTENDANCE: General Manager, Director Corporate Services, Director
Environment & Planning, Director Technical Services, Manager
Administration Services and Administration Officer (AOE)

PRAYER

100/1

The meeting was opened with a one minute silence in memory of those who had lost their lives in the Victorian Bushfires, and was followed in prayer led by Reverend Jeremy Tonks of the Sutton Forest Anglican Church.

APOLOGY

PERS

At its meeting of Wednesday 28 January 2009 Council resolved that Clr P B Tuddenham be granted leave of absence from Council from Tuesday 20 January to Tuesday 17 March 2009 (MN 19/09).



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 11 February 2009

CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY, 28
JANUARY 2009

100/1

MN 33/09

MOTION moved by Clr J R Clark and seconded by Clr L A C Whipper:

THAT the minutes of the Ordinary Meeting of Council held on Wednesday, 28 January 2009 MN 01/09 to MN 32/09 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting, it being noted that in relation to o-EP4 Amalgamation of 34 Lots & Creation of 12 Lot Subdivision Inclusive of Road Realignment at Oldbury and Countess Streets, Berrima – ‘The Rectory’ Clr G McLaughlin declared a non-pecuniary interest and left the room and did not vote on the motion wherein the minutes incorrectly recorded him voting for the motion.

PASSED

DECLARATIONS OF INTEREST

101/3

There were no Declarations of Interest at this meeting.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 11 February 2009

MAYORAL MINUTE

SUPPLEMENTARY MAYORAL MINUTE

c-MM1 The Victorian Bushfires

REF.	MAS	600/22.3, (cc 102/5)
------	-----	----------------------

Reporting on the Wingecarribee Shire Council contribution to the Victorian Bushfire appeal.

The Mayor Clr T D Gair noted that his Supplementary Mayoral Minute in relation to the Victoria Bushfire disaster should take precedence over the other matters on the agenda today.

He expressed his sympathy, noting that the loss of life in the most horrific circumstances, and stated that this matter would also be raised at the Moss Vale Livestock Selling Centre Board meeting on Friday 13 February 2009 with a view to sending a semi trailer load of hay or silage to the areas affected in Victoria.

MN 34/09

MOTION moved by *Clr T D Gair* and seconded by *Clr J Mauger*:

1. **THAT** Council provide \$5,000 from the contingency fund to the Victorian Bushfire Appeal Fund 2009.
2. **THAT** Wingecarribee Shire residents wishing to make donations be urged to donate directly to the Red Cross State Government Victorian Appeal Fund at a bank.

PASSED

MAYORAL MINUTE

GENERAL MANAGER'S REPORTS

c-MM2 Reward Scheme for Reporting Vandalism

REF. MM, RMC

1440/2 (cc 102/5)

Recommending Wingecarribee Shire Council implement a reward scheme to encourage people to provide information that leads to the conviction of people responsible for vandalism on or to Council property.

MN 35/09

MOTION moved by Cllr T D Gair and seconded by Cllr J Mauger:

1. **THAT the reward scheme for reporting vandalism policy contained in this report be adopted.**
2. **THAT the communication strategy outlined in this report be implemented immediately.**
3. **THAT should a reward claim be successful in this financial year, payment be made from contingencies.**
4. **THAT clause 2 (c) of the draft policy be deleted as clause 2 (d) allows for the quantum of the reward to be determined by the Mayor, or if the Mayor is not available, Cllr J Mauger, and one other of the General Manager or the Director of Corporate Services.**
5. **THAT consideration be given in the 2009/10 budget to allocating funds to a reserve in the event of payments having to be made as part of the reward scheme for reporting vandalism policy.**
6. **THAT consideration could be given in the 2009/10 budget for funds to allow signage to be installed at key locations, as well as paid radio and newspaper advertising to promote the existence of a reward scheme for reporting vandalism incentive in the Wingecarribee Shire.**
7. **THAT after a six month trial of the reward scheme for reporting vandalism, the impact will be assessed with a view to examining the possibility of extending the provisions to cover commercial property in our towns and villages as well as Council property.**
8. **THAT representations be made to the Local Area Command of the NSW Police requesting patrols in the early hours of the morning of affected areas of the Shire, mainly the main streets and parks and gardens, with a view to deterring vandals in the towns.**

PASSED

c-MM3 Council's Investments

REF. MAYOR, DCS

2104 (cc 102/5)

Reporting on a proposal that Council conduct an independent inquiry, to review the decision to appoint Lehman Brothers Australia Ltd (Grange Securities) as Council's financial investment advisors. If supported, the enquiry would examine the processes undertaken to select Lehman Brothers Australia Ltd (Lehman's), and to review compliance with Local Government legislation and guidelines during this process.

MN 36/09

MOTION moved by Clr T D Gair and seconded by Clr J G Arkwright:

1. **THAT** Council seek expressions of interest from an appropriately legally/financially qualified entity ("the preferred selected entity") to conduct an independent review ("the review") of the processes undertaken by Council in the selection and engagement of Lehman Brothers Australia Ltd (Grange Securities) as Council's financial investment advisors.
2. **THAT** following receipt of expressions of interest a further report come back to Council detailing the preferred selected entity, the terms of reference and the suggested funding source.
3. **THAT** the brief for the review be drafted by the preferred selected entity after discussion with the Mayor, Chair of the Legal Committee and Chair of the Finance and Internal Audit Committee **AND THAT** the brief be confirmed by this group.
4. **THAT** the brief provide for the voluntary interviewing of all people involved in the processes and decisions that led to the appointment of Lehman Brothers Australia Ltd (Grange securities).
5. **THAT** the findings contained in the report produced by the preferred selected entity be tabled initially at a closed session of the Council, with the view to making the report available to the public at a time to be determined by the Council.
6. **THAT** the period of two (2) months be given to the preferred selected entity from the date of appointment to submit the report to the Mayor.
7. **THAT** before proceeding, Council seek advice from its legal advisers Piper Alderman regarding the timing of this review to ensure that Council does not damage any potential claims as a creditor of Lehman's or in any future legal action.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 11 February 2009

OPEN COUNCIL

OPEN COUNCIL

MN 37/09

107/10

MOTION moved by Clr L A C Whipper and seconded by Clr G McLaughlin:

THAT Council moves into Open Council to discuss various matters listed in the Agenda with Clr Juliet Arkwright in the Chair.

PASSED



VISITOR ITEM

ENVIRONMENT & PLANNING DIVISION

Environmental Sustainability

v-EP1 Proposed 10 Cluster Houses, Wembley Road, Moss Vale

REF: DCM

LUA08/0144

Reporting on the application for ten (10) Cluster Houses at lot 7 DP 800183 Wembley Road, Moss Vale. The applicant for this development is a member of staff.

Mr Les Pawlak, Council's Development Control Manager addressed Council.

Ms Alison Donagh addressed Council on behalf of the objectors on this matter.

Mr Carl Pemberton, the Applicant addressed Council on this matter.

OC 05/09

The Committee on a **MOTION** moved by Clr L A C Whipper and seconded by Clr J R Clark
RECOMMENDED:

1. THAT Council require the applicant to reduce the number of dwellings to Eight (8) single storey dwellings.
2. THAT the applicant also be required to re-configure the plans to comply fully with the Residential DCP and including an 8 metre setback.
3. THAT when points 1 and 2 are satisfied, the Director of Environment & Planning be delegated to grant approval of LUA08/0144 at Lot 7 DP 800183 Wembley Road, Moss Vale, with appropriate conditions of consent.



AMENDMENT moved by *Clr K Halstead* and seconded by *Clr T D Gair* **RECOMMENDED:**

1. **THAT** Council require the applicant to reduce the number of dwellings to **Nine (9)** single storey dwellings.
2. **THAT** the applicant also be required to re-configure the plans to comply fully with the Residential DCP and including an **Eight (8)** metre setback.
3. **THAT** when points 1 and 2 are satisfied, the Director of Environment & Planning be delegated to grant approval of **LUA08/0144** at **Lot 7 DP 800183 Wembley Road, Moss Vale**, with appropriate conditions of consent.

PASSED

AMENDMENT BECAME THE MOTION

VOTING ON THE AMENDMENT:

Voting for the Amendment: *Clr T D Gair, Clr K Halstead, Clr J G Arkwright,
Clr G McLaughlin, Clr D Stranger*

Voting Against the Amendment: *Clr J Mauger, Clr L A C Whipper and Clr J R Clark*

MOTION PASSED

VOTING ON THE MOTION:

Voting for the Motion: *Clark Clr T D Gair, Clr K Halstead, Clr J G Arkwright,
Clr G McLaughlin, Clr D Stranger*

Voting Against the Motion: *Clr J Mauger, Clr L A C Whipper and Clr J R Clark*



Environmental Sustainability

v-EP2	S82A Review: Additions to Existing Medical Centre Including Car Parking at St Jude Medical Centre, St Jude Street, Bowral
--------------	----------------------------------------------------------------------------------------------------------------------------------

REF: SPM	LUA07/1306
----------	------------

Reporting on a S82A Review application for building additions, including car parking, at St Jude Medical Centre, Lot 12 Section C DP 11838, 21 St Jude Street, Bowral.

Mr Jim Gilvarry, representing the objectors, advised Council that they had elected not to object.

Mr Jim Allman from Allman Johnston, Architects, addressed Council on behalf of the Applicant on this matter.

OC 06/09

The Committee on a **MOTION** moved by Clr D Stranger and seconded by Clr J Mauger **RECOMMENDED:**

THAT LUA07/1306 for alterations and addition, including car parking, to the St Jude's Medical Centre at Lot 12 Section C DP11838, 21 St Jude Street, Bowral, be approved subject to appropriate conditions of consent to the satisfaction of the Director, Environment & Planning.

PASSED

VOTING ON THE MOTION:	
Voting for the Motion:	Clr T D Gair, Clr K Halstead, Clr J G Arkwright, Clr J R Clark, Clr G McLaughlin, Clr J Mauger, Clr D Stranger and Clr L A C Whipper
Voting Against the Motion:	Nil



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 11 February 2009

REPORT OF DIRECTOR, ENVIRONMENT & PLANNING

v-EP3 Proposed Dwelling House, Cnr Old Hume Hwy & Medway Rd, Berrima

REF: SPM

LUA08/0524

Reporting on proposed staged development application for the erection of a dwelling house at Lot 42 DP 793538, Corner Old Hume Highway and Medway Road, Berrima. The applicant and a representative of the objectors have been invited to address Council.

The land is in Zone 7(b) and has an area of 21.33 hectares. This does not satisfy the 40 hectare minimum area requirement for the erection of a dwelling-house in this zone and therefore the application is accompanied by an objection under SEPP1.

The proposal satisfies the Severed Lots Policy, and Council's support of the SEPP1 objection is recommended.

Mr Les Pawlak, Council's Development Control Manager addressed Council.

Mr Eric Savage addressed Council on behalf of all the objectors.

Mr Darren Hogan, on behalf of the applicant, requested and was granted approval to address Council on the matter.

OC 07/09

*The Committee on a **MOTION** moved by Clr J Mauger and seconded by Clr T D Gair*
RECOMMENDED:

1. ***THAT Council support the SEPP1 objection lodged in support of LUA08/0524 and refer the development application to the Director-General, Department of Planning for concurrence.***
2. ***THAT upon receipt of a response from the Director-General the Director Environment & Planning be authorised to finalise the matter.***

AMENDMENT moved by Clr L A C Whipper and seconded by Clr J R Clark:

THAT this matter be deferred pending referral of the matter to Council's Legal Committee and receipt of legal advice from Council's Solicitor prior to determination.

LOST



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 11 February 2009

REPORT OF DIRECTOR, ENVIRONMENT & PLANNING

VOTING ON THE AMENDMENT:

Voting for the Amendment: ***Clr L A C Whipper and Clr J R Clark***

Voting Against the Amendment: ***Clr T D Gair, Clr K Halstead, Clr J G Arkwright,
Clr G McLaughlin, Clr J Mauger and Clr D Stranger***

MOTION PASSED

VOTING ON THE MOTION:

Voting for the Motion: ***Clr T D Gair, Clr K Halstead, Clr J G Arkwright,
Clr G McLaughlin, Clr J Mauger and Clr D Stranger***

Voting Against the Motion: ***Clr L A C Whipper and Clr J R Clark***

CHAIRPERSON

At this juncture, the time being 5.55 pm. The Mayor Clr T D Gair resumed the Chair to conduct the remainder of Council Business.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 11 February 2009

QUESTIONS FROM THE PUBLIC

QUESTIONS FROM THE PUBLIC

1. DEVELOPMENT APPLICATION - LOT 1 DP 995642 AND LOT 1 DP 130301 BUNYA HILL, GOLDEN VALE ROAD, SUTTON FOREST

LUA09/0067

Mrs Jan Hainke from Sutton Forest referred to Item 8 on page 42 of the Agenda in relation to the Development Application received by Council for a dam at Bunya Hill, Golden Vale Road, Sutton Forest, and noted that at the Council Meeting held on 12 November 2008 Item o-EP4 was debated regarding development on Bunya Hill.

Mrs Hainke asked if she could be advised if a D/A had previously been approved for the now existing earth wall which appears to have already been built from (presumably) earth removed for a not-yet approved dam?

Mr Les Pawlak advised that the earth wall and landscaping were shown on the landscaping plan which was approved subsequent to the D/A for the various alterations and additions to the cottage. When Council approached the people acting on behalf of the owners to ascertain where the earth for the wall was from, Council was advised that the earth had been scaped from the area behind the wall where it cannot be seen from the road. However, it was found to actually be a hole in the ground, or a dam, and they were asked to legitimise it by putting in a D/A, hence this D/A for the dam.

Mrs Hainke asked if the earth wall was possibly called a "grass mound" when referred to at the Council Meeting of Wednesday 12 November 2008?

Mr Pawlak advised that on the landscaping plan it is shown as an earth mound 2 m tall and setback 5 m from the road boundary with landscaping in between.



OPEN COUNCIL

ENVIRONMENT & PLANNING DIVISION

Governance and Accountability

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

REF: DCM

5302

Submitting list of development consents executed under delegated authority of the Director of Environment and Planning between 19/1/09 and 2/2/09.

MN 38/09

MOTION moved by Cllr J R Clark and seconded by Cllr G McLaughlin:

THAT the information relating to Development Consent Nos 1-12 under delegated Authority be received and noted.

PASSED

o-EP2 List Of Land Use Applications Received By Council

REF: DCM

5302

Submitting list of development applications which have been received between 19/1/09 and 2/2/09, some of which will be dealt with under delegated authority of the Director of Environment & Planning.

MN 39/09

MOTION moved by Cllr L A C Whipper and seconded by Cllr J G Arkwright:

THAT the information regarding the List of Land Use Applications Nos 1-9 received by Council be received and noted.

PASSED



Environmental Sustainability

o-EP3	Proposed 16 Lot Subdivision at Lapwing Place, Moss Vale
--------------	----------------------------------------------------------------

REF:	SPM	LUA08/0904
------	-----	------------

Reporting on proposed Sixteen (16) lot subdivision at Lot 11 DP 1129998 Lapwing Place, Moss Vale.

Mr Les Pawlak, Council's Development Control Manager, addressed Council on this matter.

MN 40/09

MOTION moved by *Clr G McLaughlin* and seconded by *Clr J G Arkwright*:

THAT *LUA2008/0904 for a Sixteen (16) Lot Subdivision on Lot 11 DP 1129998 at Lapwing Place, Moss Vale, be approved subject to appropriate conditions of consent to the satisfaction of the Director, Environment and Planning.*

PASSED

<u>VOTING ON THE MOTION:</u>	
<u>Voting for the Motion:</u>	<i>Clr T D Gair, Clr K Halstead, Clr J G Arkwright, Clr J R Clark, Clr G McLaughlin, Clr D Stranger and Clr L A C Whipper</i>
<u>Voting Against the Motion:</u>	<i>Clr J Mauger</i>

o-EP4 Developer Contribution Plans

REF: SPM, FSM

5701

This report clarifies the source of funding for the Contributions Plans review.

MN 41/09

MOTION moved by Cllr L A C Whipper and seconded by Cllr D Stranger:

THAT Council approve the funding required in amended Table 2, which replaces all references to 'General Revenue Fund' with 'Land Rental Reserve' as follows:

Resource	Proposed Use	Purchase Price/Cost of Use	Source of Funding
Notebook PC	To be used by Project Leader for all Section 94 related work.	Approximately \$1,100.00 with swap over of current desktop. Approx \$2,500 without.	Development Contributions Administration Fund.
Overhead Projectors	Will be required in Group Meetings and Presentations	NIL – use existing Council Projectors	NIL
Meeting Rooms	Will be required for Group Meetings and Presentations	NIL - use existing Council Facilities	NIL
Council Vehicle	For use in visiting sites for projects to be included in works programs and travelling to Public Presentations if not held at Council HQ in Moss Vale.	Fuel costs – Vehicle provided as part of Contributions Planner's salary package	Part of Salary Package
Internet	To be used for notification of Public Meeting and Exhibition of Plans	NIL – existing Council Resource in operation for these purposes	NIL

MS Project	Software for managing projects	\$511.13	Paid for from Development Contributions Administration Fund
Google	Other possible web base information for displaying Council's facilities.	NIL – Google provides for free listings.	NIL
Southern Highlands News	Local Newspaper – For notifying the public that they can comment on the contributions plans during exhibition periods	No Additional Cost if placed in Council's Wednesday Public Notices information page.	NIL
Infrastructure – Contract Senior Design Engineer for 12-months	To replace current Senior Design Engineer position for 12-months whilst they work on the Development Contributions Plans works programs.	Approximately \$110,000	Land Rental Reserve Fund (Can be recouped through Contributions Plans)
Infrastructure – Quantity Surveyor	To be contracted form time to time to provide cost estimates for projects	Approximately \$40,000	Land Rental Reserve Fund (Can be recouped through Contributions Plans)
Infrastructure – Engage Consultancy for Stormwater	Engagement of a Consultancy to review Stormwater studies, flood studies and produce a whole of shire catchment management strategy containing design and costing of projects	Approximately \$100,000	Stormwater Levy – available from 1 July 2009
Infrastructure – Recreation Plans of Management	Engage consultants to complete Plans of Management for Councils Open Space lands	Approximately \$100,000	Ongoing funding from current Open Space and Recreation Development Contributions Plan Account.

Consultants – Financial Reporting	Required to set up Finance One and Proclaim with the ability to produce a Contributions Register in accordance with the Environmental Planning and Assessment Act and Regulations	Approximately \$30,000	Land Rental Reserve Fund – Noting this amount may not be necessary (Can be recouped through Contributions Plans)
Consultants – Review Open Space, Recreation, Community, Cultural Needs	Consultants required to update 2004 Open Space, recreation, Cultural and community needs Study and Strategy. Update necessary to ensure relevance of the document as is will be the background document supporting Contributions Plans for these facilities and services.	Approximately \$30,000	Land Rental Reserve Fund (Can be recouped through Contributions Plans)

PASSED

VOTING ON THE MOTION:

Voting for the Motion: *Clr T D Gair, Clr K Halstead, Clr J G Arkwright, Clr J R Clark, Clr G McLaughlin, Clr J Mauger, Clr D Stranger and Clr L A C Whipper*

Voting Against the Motion: *Nil*



Lifestyle and Community

o-EP5	Illawarra Area Assistance Scheme Grant Application – “Highlands Child”
--------------	-------------------------------------------------------------------------------

REF:	SPM
------	-----

1880

The purpose of this report is to seek Council assistance to register, maintain and garage a box trailer on behalf of Wingecarribee child and family service providers in support of an Illawarra Area Assistance Scheme (AAS) grant application.

MN 42/09

MOTION moved by Cllr G McLaughlin and seconded by Cllr D Stranger:

THAT Council agrees to store and maintain a standard box trailer at the Wingecarribee Shire Depot on behalf of the “Highlands Child” Interagency Forum, including annual registration fees, insurance and maintenance costs of approximating \$500 per annum.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 11 February 2009

REPORT OF DIRECTOR CORPORATE SERVICES

CORPORATE SERVICES DIVISION

Governance and Accountability

o-CS1	Review and Management of Investments
--------------	---------------------------------------------

REF:	DCS	2104
------	-----	------

Submitting a report on seeking Council's endorsement to engage FIIG Securities Ltd to provide independent financial advice on Council's Investment Portfolio.

MN 43/09

MOTION moved by Clr D Stranger and seconded by Clr J G Arkwright:

1. ***THAT*** Council allocate \$10,000 in the 2008/09 budget from the surplus identified at the December 2008 Quarterly Budget Review to fund the provision of independent financial advice on the status of Council's investments.
2. ***THAT*** Council endorse the engagement of FIIG Securities Ltd to provide Council with independent advice to provide Council with an analysis of the current status of its investment portfolio, including a current mark to market price of all CDO's and information on current credit events in each of the CDO's.

PASSED

Dissenting Vote

Clrs J Mauger and L A C Whipper requested that their dissenting votes be recorded in respect of this motion.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 11 February 2009

REPORT OF DIRECTOR TECHNICAL SERVICES

TECHNICAL SERVICES DIVISION

Lifestyle and Community

o-TS1	Proposed Shared Path, Erith Street, Bundanoon & Revised Footpath Policy
--------------	------------------------------------------------------------------------------------

REF:	DPM
------	-----

RD1819, 6690/14, 7810/5, 751

Reporting on the proposed shared pathway in Erith Street Bundanoon from Bundanoon Oval to the existing footpath south of Ellsmore Road and a revision of the Footpath Policy.

MN 44/09

MOTION moved by Clr J R Clark and seconded by Clr D Stranger:

1. **THAT** Council defer a decision on the revision of Council's policy on paving of footpaths.
2. **THAT** Council meet with residents to discuss issues of concern regarding the Erith Street footpath.
3. **THAT** following the meeting with residents an information session for Councillors be held concerning Council's policy for paving footpaths.
4. **THAT** following the information session a draft policy be brought forward to a future Council meeting for consideration.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 11 February 2009

REPORT OF THE GENERAL MANAGER

COUNCIL MATTERS

GENERAL MANAGER'S REPORTS

c-GM1 Weekly Circulars

REF.	GM	100/8, 203/2009
------	----	-----------------

Confirming receipt of weekly circulars from the Local Government Association and Council weekly circulars.

MN 45/09

MOTION moved by Clr J R Clark and seconded by Clr J Mauger:

THAT the information relating to Local Government Weekly Circulars Nos 03/09 and 04/09 and Council Weekly Circulars Nos 03/09 and 04/09 be noted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 11 February 2009

REPORT OF THE GENERAL MANAGER

c-GM2	Conduct Review Committee – Appointment of Community Members
--------------	--------------------------------------------------------------------

REF.	GM
------	----

800/2.1

Reporting on appointment of Community representatives for the Wingecarribee Shire Council Conduct Review Committee.

MN 46/09

MOTION moved by Cllr J G Arkwright and seconded by Cllr J Mauger:

1. **THAT** Council appoint Mr Richard Colley, Ms Esther Mckay and Mr Kevin Worthington to its Conduct Review Committee for a period of four (4) years commencing from the date of this meeting being 11 February 2009.
2. **THAT** Mr Ian Campbell, Ms Robyn Drake, Mr Gerry Holmes and Mr Theodore Onisforou be thanked for submitting their names for consideration on the Conduct Review committee.
3. **THAT** a fee of \$175.00 per hour, together with “out of pocket” expenses and travel reimbursement, equivalent to the travel fees that Wingecarribee Shire Councillors receive in its adopted Expenses Policy be paid to the appointed community representatives on the Conduct Review Committee.
4. **THAT** approval be granted to the General Manager and/or Mayor of Wingecarribee Shire Council to also utilise, where necessary, those Conduct Review Committee Members appointed by Shoalhaven City Council and Kiama Municipal Council.

PASSED

NOTICE OF MOTION

CORPORATE SERVICES DIVISION

c-NM1 01/2009 – Notice of Motion – Proposed Youth Club

REF: SPM

100/4, 1830

Clr Whipper has given notice that he intends to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday 11 February 2009:

1. *THAT Council give in principle support to the concept proposed by the Rotary Club of Berrima for a Youth Club within the Shire.*
2. *THAT Council authorise the Strategic Planning Branch to appoint a representative to accompany Clr Whipper, Mr Richard Krohn (Rotary), Mr Terry Oakes-Ash (Business Chamber) and Mr Travis Holland to a meeting with Minister West on the 5th March to lobby for State Government Support of the project.*

MN 47/09

MOTION moved by Clr L A C Whipper and seconded by Clr J R Clark:

1. ***THAT Council give in principle support to the concept proposed by the Rotary Club of Berrima for a Youth Club within the Shire.***
2. ***THAT Council authorise Mr Mark Pepping, Council's Strategic Planner, to accompany Clr L A C Whipper, Clr G McLaughlin, Mr Richard Krohn (Rotary), Mr Terry Oakes-Ash (Business Chamber) and Mr Travis Holland to a meeting with Minister West on the 5 March 2009 to lobby for State Government Support of the project AND THAT Ms Pru Goward, MP, be notified of the meeting with Minister West on 5 March 2009.***

PASSED



NOTICE OF RESCISSION OF RESOLUTION

CORPORATE SERVICES DIVISION

c-NRR1	01/2009 – Notice of Rescission of Resolution – Finance and Internal Audit Committee
---------------	--------------------------------------------------------------------------------------------

REF:	MAS
------	-----

100/5, 107/34

“We hereby give notice of our intention to move at the next meeting of Council that the motion passed at the Ordinary Meeting of Council held on Wednesday, 28 January 2009 be **rescinded**. (MN 21/09)

1. THAT the following community members be appointed to the Finance and Internal Audit Committee:
 1. Mr Noel B Crellin, OAM, FCA
 2. Mr Lyle Briggs
2. THAT Council meets to discuss the merits of reviewing membership on the Finance & Internal Audit Committee at some future time.

Dated 4 February 2009 - Signed Clr J Mauger, Clr L Whipper, Clr J Clark”

-

MOTION moved by Clr J Mauger and seconded by Clr L A C Whipper:

THAT the following motion passed at the Ordinary Meeting of Council held on 28 January 2009 (MN 21/09) be rescinded:

- “1. THAT the following community members be appointed to the Finance and Internal Audit Committee:
 1. Mr Noel B Crellin, OAM, FCA
 2. Mr Lyle Briggs
2. THAT Council meets to discuss the merits of reviewing membership on the Finance & Internal Audit Committee at some future time.”

On being put to the meeting, voting on the Motion was tied four-all, whereupon the Mayor exercised his casting vote to defeat the Motion, which was declared **LOST**.

VOTING ON THE MOTION:

Voting for the Motion: Clr J Mauger, Clr L A C Whipper, Clr J R Clark and Clr K Halstead

Voting Against the Motion: Clr T D Gair, Clr J G Arkwright, Clr G McLaughlin and Clr D Stranger



MINUTES OF THE ORDINARY MEETING OF COUNCIL
held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 11 February 2009
COMMITTEE REPORTS

COMMITTEE REPORTS TABLED

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

REF:	DCS	107/1
------	-----	-------

Submitting minutes of one (1) Committee meeting that will be tabled for information.

Clr K Halstead retired from the meeting at 7.20 pm.

MN 48/09

MOTION moved by Clr J R Clark seconded by Clr G McLaughlin:

THAT the information contained in the Committee Report be noted.

PASSED

GENERAL BUSINESS

1. NOTICE OF RESCISSION OF RESOLUTION – FINANCE & INTERNAL AUDIT COMMITTEE 100/5, 107/34

Clr J Mauger referred to an article in last Friday's Southern Highland News in relation to the Finance Committee and asked who was responsible for the leaked information? He advised that he found it disturbing that the information was available to the newspapers on Friday morning before the Business Paper with the Rescission Notice had been delivered to Councillors.

The Mayor Clr T D Gair confirmed that he had received a telephone call from Mr Cott and that when Mr Cott had spoken to him he (Mr Cott) was already aware of the rescission motion put forward by Clr Mauger and where he had received that information from was not known.

He suggested that it quite frequently happened along the corridors of Wingecarribee Council, of which Clr Mauger would be well aware.



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 11 February 2009

CLOSED COUNCIL

CORPORATE SERVICES DIVISION

c-CS1	Closed Council
-------	----------------

To consider moving into Closed Council.

It was noted that Council agreed not to consider the Closed Council item c-CS1, the reason being that there was no further information at this time and that the matter was subsequently withdrawn.

ADOPTION OF OPEN COUNCIL

107/10

MN 49/09

MOTION moved by Clr T D Gair seconded by Clr L A C Whipper:

THAT the recommendations of the Open Council held on Wednesday, 11 February 2009 being OC 05/09 to OC 07/09, be adopted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 11 February 2009

OPEN COUNCIL

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 7.23 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 11 February 2009 numbered M/N 33/09 to M/N 49/09, were signed by me hereunder at the Council Meeting held on Wednesday, 25 February 2009.

CHAIRMAN

READ AND CONFIRMED THIS 25th DAY OF FEBRUARY 2009

CHAIRMAN

PUBLIC OFFICER