

MINUTES

OF THE ORDINARY MEETING OF COUNCIL

File No. 100/07



held on Wednesday, 27 February 2008

The meeting commenced at 3.35pm.

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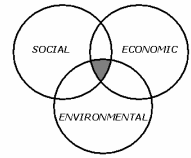
held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 27 February 2008

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MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 27 February 2008



COMMENCING AT: 3.35PM

PRESENT: Councillor Gordon Lewis (Mayor) in the Chair
Clr NN Campbell-Jones, Clr J R Clark, Clr T D Gair,
Clr P A George, Clr M L King, Clr J E Mauger, Clr M J Murray,
Clr S H Murray, Clr P B Tuddenham, Clr L A C Whipper and
Clr P Yeo

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

PRAYER

100/1

The meeting was opened with the Civic Prayer read by the Mayor, Clr G Lewis.

The Mayor, Clr G Lewis, called for a five (5) minute recess to allow extra seating to be placed outside the Council Chambers to allow members of the public to hear the Council debate.

MAYORAL MINUTES

MAYORAL MINUTES

c-MM1 Southern Phone Company Dividend to Wingecarribee

REF. MAYOR/GM 6329 (cc 102/5)

Advising of a dividend payable to Wingecarribee Shire Council from Southern Phone Company.

Mr Bill Hilzinger, Chairman of Southern Phone Company, presented the dividend cheque to Council.

MN 031/08

MOTION moved by Clr G Lewis and seconded by Clr P B Tuddenham:

- THAT the information be received and noted.***
- THAT Mayor Lewis receives the dividend payment cheque on behalf of Council from Mr Bill Hilzinger, Chairman of Southern Phone Company.***

PASSED

MAYORAL MINUTES

c-MM2	Women's Cricket Test at Bradman Oval
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REF.	MAYOR / MM	6527/3 (cc 102/5)
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Congratulating everyone involved in staging the women's cricket test between England and Australia at Bradman Oval from 15th to 18th February 2008.

The Mayor expressed his disappointment that there was not more media coverage of the Women's Cricket Test which was virtually ignored in the newspapers. He believed the cricket match deserved more recognition and congratulated all those who took part, particularly the players.

MN 032/08

MOTION moved by Clr G Lewis and seconded by Clr P Yeo:

1. **THAT Council writes to the Bradman Foundation thanking them on successfully staging the women's cricket test between England and Australia at Bradman Oval from 15th to 18th February 2008, and congratulating the organisers, ground staff and dedicated volunteers on a job well done.**
2. **THAT Council supports any submission the Bradman Foundation may make to have Bradman Oval considered as a possible venue for the Women's Cricket World Cup, to be hosted in Australia during 2009.**

PASSED

c-MM3	Proposed Bicentenary Celebrations 2010
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REF.	MAS, FSM	1670 (cc 102/5)
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Reporting on a request from Marie Sullivan, MA LLB Chairperson, Lachlan and Elizabeth Macquarie Bicentenary Celebrations 2010 Committee, to support proposed bicentenary celebrations for Lachlan and Elizabeth Macquarie.

Clr M King asked that this matter be referred to the new Tourism / Economic Development Working Group to help publicise and promote it as a worthy event in the Shire.

MN 033/08

MOTION moved by Clr G Lewis and seconded by Clr P Yeo:

1. **THAT** representations be made to the Premier of NSW, the Hon Morris Iemma, Mr John Trevillian AM, CEO of Australia Day Council and Deputy Director-General of the Premier's Department, and Mr Alex Smith, Deputy Director-General requesting:
 - (a) the NSW Government unequivocally endorses the Macquarie 2010 bicentenary proposal;
 - (b) the NSW Government funds this most worthy project and establishes an appropriate secretariat to administer it.
2. **THAT** Macquarie 2010 is an opportunity that should not be missed and an historic occasion that should not go unmarked by the Macquarie towns; and
3. **THAT** \$5,000 be allocated in the 2008/09 budget to allow this Shire to provide a base level of support for this activity.

PASSED

c-MM4 Council Fees for Solar Power Conversion
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REF.	MAYOR/DCM	5840/2, 5302 (cc 102/5)
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Reporting on a suggestion to waive development application fees for people converting to solar power.

MN 034/08

MOTION moved by *Clr G Lewis* and seconded by *Clr J Mauger*:

THAT until the new LEP is gazetted I would recommend Council endorse the approach of our interpreting the current exempt development policy to ensure that people making an investment in solar power for their home or business in Wingecarribee Shire, be exempt from paying development application fees for that component of their application.

PASSED

PUBLIC FORUM ADDRESS

1. Mr Danien Beets requested and was granted permission to address Council on the following item in the agenda:

c-NM3 06/2008 – Notice of Motion – Leisure Centre

2. Mr Peter Cunningham requested and was granted permission to address Council on the following item in the agenda:

c-NMR4 07/2008 – Notice of Motion Leisure Centre

The Mayor, Clr G Lewis, thanked Mr Beets and Mr Cunningham for their comments which would be taken into account when the matter was discussed later in the meeting.

CONFIRMATION OF MINUTES

MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY, 30 JANUARY 2008

100/1

MN 035/08

MOTION moved by Clr P George and seconded by Clr M King:

THAT the minutes of the Ordinary Meeting of Council held on Wednesday, 30 January 2008 MN 01/07 to MN 30/07 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

PASSED

BUSINESS ARISING

1. NOTICE OF MOTION – BERRIMA CAMPING GROUND 100/4, 6526/15

Clr L A C Whipper referred to the motion passed in relation to the above matter on pages 22 and 23 of the minutes and asked when the meeting to discuss the options would be organised with the interested parties.

The General Manager responded that this was part of the Plan of Management and Councillors would be advised by Weekly Circular when this meeting would be convened.

2. REGIONAL SHOOTING COMPLEX AT HILL TOP LUA07/1364

Clr L A C Whipper referred to the proposed regional shooting complex and stated that he believed the application for the new facility was now on exhibition. He asked if Council had sought an extension from the State Government?

The Director Environment & Planning confirmed that the 30 day exhibition period starts on Thursday 28 February. Council has requested an extension but has had no formal response.

Clr Whipper asked if Council could highlight the fact that the community would like an extension, particularly in view of the fact that we have another DA before us and there is a lot of confusion. He asked if the General Manager could advance this matter by way of a letter.

DECLARATIONS OF INTEREST

101/3

No declarations were recorded.

The Mayor left the chamber to apologise to the members of the public who had been unable to gain access to the Council Chamber and were seated outside.

VISITOR ITEMS

ENVIRONMENT & PLANNING DIVISION

v-EP1 Rezoning of Gibbergunyah as a Proposed Residential Release Area

REF: SPM PN960100

At its meeting of 28 November 2007, Council resolved:

'THAT the rezoning of Gibbergunyah as a proposed residential release area be deferred for consideration until the Ordinary Meeting of Council to be held on Wednesday, 27 February 2008.'

The purpose of this report is to seek a resolution of Council to formally proceed with the preparation of the draft LEP to rezone part of the property known as Hiramdene located between Mittagong and Bowral adjoining Gibbergunyah Reserve and the Main Southern Railway Line. It is noted that the subject property is referred to in the Wingecarribee Our Future Strategic Plan as 'Gibbergunyah'.

Ms Tracey Cremming (on behalf of the objectors) and Mr Paul Hines (the owner of the land) addressed Council on this matter.

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MOTION moved by Clr T D Gair and seconded by Clr P George:

THAT Council resolves to proceed with the rezoning of the land as identified in the map within the report and notifies the Department of Planning in accordance with Section 54 of the EP&A Act of its decision to rezone the land accordingly.

LOST

VOTING ON THE MOTION

Voting for the Motion: Clrs Gair, George, M Murray, Yeo and Mauger

Voting against the Motion: Clrs Lewis, Campbell-Jones, Whipper, Clark, Tuddenham, S Murray and King

MN 036/08

MOTION ARISING moved by Clr M King and seconded by Clr L A C Whipper:

THAT Council leaves the Gibbergunyah land mentioned in the report in Item v-EP1 in its current zoning.

PASSED

v-EP2 SEPP SL 'Capernwray' / 'Sanderson Park' Moss Vale Road, Burradoo

REF: DEP

LUA06/1457

Reporting on proposal for a 77 dwelling Seniors Living development at 'Capernwray' Lot 5 DP775976, Moss Vale Road, Burradoo.

Mr David O'Donnell representing the applicant and Mr David Reid, representing the objectors addressed Council on this matter.

MN 037/08

MOTION moved by Clr L A C Whipper and seconded by Clr P Yeo:

1. **THAT** the development application be refused for reasons outlined in Section B of this report.
2. **THAT** those who made a submission be advised of Council's decision
3. **THAT** the appeal currently before the Land and Environment Court of Council's deemed refusal of the proposal be defended, including the question of permissibility.

PASSED

SUSPENSION OF STANDING ORDERS

Clr L A C Whipper requested that due to the large number of people in the gallery Items c-NMR1 04/2008 Notice of Motion of Rescission (Bowral Country Golf Club), c-NM2 05/2008 Notice of Motion (Bowral Country Golf Club), c-NM3 06/2008 Notice of Motion (Leisure Centre) and c-NMR4 07/2008 Notice of Motion (Leisure Centre) be heard at this juncture in the meeting.

MN 038/08

MOTION moved by Clr L A C Whipper and seconded by Clr M Murray:

THAT standing orders be suspended to allow Items c-NMR1 04/2008 Notice of Motion of Rescission (Bowral Country Golf Club), c-NM2 05/2008 Notice of Motion (Bowral Country Golf Club), c-NM3 06/2008 Notice of Motion (Leisure Centre) and c-NMR4 07/2008 Notice of Motion (Leisure Centre) to be considered at this juncture in the meeting.

PASSED

QUESTIONS FROM THE PUBLIC

QUESTIONS FROM THE PUBLIC

The Mayor, Clr G Lewis, advised that the following questions from the public would be taken on notice:

1. FINANCIAL INVESTMENTS 2104

Mr Terry Oakes-Ash asked if it were true that Dr John Hewson (an independent advisor) had been asked and/or retained to advise Council on its current financial predicament and if not, why not?

2. BRADMAN OVAL MAINTENANCE 6527/3

Mr Terry Oakes-Ash asked if it were true that Council's Parks & Property Department were considering terminating the maintenance of Bradman Oval and its surrounds and also the preparation of the wicket currently undertaken by Josh Woodcock who it is believed is doing a sterling job - as does the cricketing fraternity.

3. LEISURE CENTRE 7181

Mr Andrew Forbes asked the following questions:

- (i) Does Council have a costed business plan for the proposed Leisure Centre and, if so, what is the annual running cost estimated for the proposed centre?
 - (ii) Is it true that the consultants hired by Council to advise the Leisure Centre Steering Committee advised against building a 50 metre pool and instead recommended a 25 metre pool?
 - (iii) Why did Council not give residents the opportunity to choose between several costed options for the Leisure Centre as promised in the Council's own information released in 2005?
-

4. LEISURE CENTRE / SALE OF GREEN SPACE 7181

Ms Vanessa Campbell asked what will the "environmental footprint" of the new Leisure Centre be and will there be solar electricity / water.

QUESTIONS FROM THE PUBLIC

5. SALE OF PARKLANDS 5900/3

Ms Lenette Francis asked the following questions:

- (i) Does Council needed to sell assets?
 - (ii) Does Council have a financial deficit?
 - (iii) Are the proposed sales going to cover Council rates on our properties?
 - (iv) Are there developers on Council?
 - (v) What motives are behind these sales
-

6. ROAD MAINTENANCE – BIBBY’S LANE & MERYLA ROAD RD 4301, RD 3381

Ms Robyn Dove asked the following questions:

- (i) Could a pipe be installed at the beginning of Bibby’s Lane where it joins Mt Broughton Road as there is an issue of safety here.
 - (ii) Could the roadside of Meryla Road be cut back, especially on the curves? This has been requested previously due to damage to cars. Some attempt has been made by Active Tree Services but it needs to be continued as there is an issue of safety here?
-

7. SALE OF PUBLIC LAND 5900/3

Mr James Pfeiffer asked if Council had commissioned a formal and comprehensive planning study regarding the Shire’s future requirements and policies for parks, reserves and green corridors, particularly including Westwood Park. If a formal planning study has been prepared could Council please nominate the document and what the conclusions were. If not, why not?

8. REZONING OF GIBBERGUNYAH AS PROPOSED RESIDENTIAL
RELEASE AREA PN960100

Ms Anita Robertson asked if the nature of this site had been explained to Council by the Aboriginal people. She asked what it represented as there had been an Aboriginal site in Berrima that had been built over and was causing homeowners difficulties. The energy of the Gibbergunyah land (and other land in the shire) remains whatever is built on it.

GENERAL BUSINESS

GENERAL BUSINESS

1. WILLIAM STREET, BOWRAL

7415/2 7810/10.1 RD 1637

Clr P George tabled correspondence received from a resident of William Street, Bowral regarding a number of issues – i.e.:

- (i) positioning of the road signage
 - (ii) condition of the road
 - (iii) growth of noxious weeds along the roadside
-

NOTICES OF MOTION

OTHER MATTERS

c-NMR1 04/2008 – Notice of Motion of Rescission – Bowral Country Golf Club

REF: MAS

100/5, 6612/1.1

Council has received the following Notice of Motion of Rescission:

"We hereby give notice of our intention to move at the next meeting of the Council that the following motion passed at the Ordinary Meeting of Council held on 27 February 2008 **be rescinded**:

"THAT a working group consisting of all Councillors meet on Wednesday, 6 February 2008 to commence examining all possible future uses of the Bowral Country Club using the Plan of Management as a guide AND THAT those recommendations be brought back to Council for consideration.

Dated: 30 January 2008

Signed: Clr M Murray
Clr P George
Clr M King"

MN 039/08

MOTION moved by Clr M Murray and seconded by Clr P George:

THAT the Notice of Motion of Rescission be adopted.

On being put to the meeting voting was tied at six (6) all whereupon the Mayor exercised his casting vote in favour of the Motion.

PASSED

VOTING ON THE MOTION:

Voting for the Motion: Clrs M Murray, George, King, Tuddenham, Campbell-Jones and Lewis

Voting against the Motion: Clrs Gair, Whipper, S Murray, Mauger, Clark and Yeo

NOTICES OF MOTION

c-NM2 05/2008 – Notice of Motion – Bowral Country Golf Club

REF: MAS

100/4, 6612/1.1

Reference – Ordinary meeting of Council 30 January 2008 MN 015/08.

Clr M Murray has given notice that should the above Notice of Motion of Rescission be passed it is his intention to move the following Notice of Motion at the Ordinary Meeting of Council on Wednesday 27 February 2008.

1. ***“THAT Council commences the tender process to offer the Centennial Road site (known as the Bowral Country Golf Club) for lease as a public golf course for a period of 21 years.***
2. ***THAT Council agrees to cessation of the lease with Bowral Country Club Limited for the lease of the golf course at Centennial Road Bowral, subject to a new lease being executed with a new lessee to operate a public golf course.***
3. ***THAT Council preserves its rights in relation to any future potential public liability claims that may result as a consequence of the actions or inactions of the existing lessee during the term of the current lease”.***

MN 040/08

MOTION moved by Clr M Murray and seconded by Clr M King:

1. ***THAT Council commences the tender process to offer the Centennial Road site (known as the Bowral Country Golf Club) for lease as a public golf course for a period of 21 years.***
2. ***THAT Council agrees to cessation of the lease with Bowral Country Club Limited for the lease of the golf course at Centennial Road Bowral, subject to a new lease being executed with a new lessee to operate a public golf course.***
3. ***THAT Council preserves its rights in relation to any future potential public liability claims that may result as a consequence of the actions or inactions of the existing lessee during the term of the current lease.***
4. ***THAT the terms of the expressions of interest including fees for the golf course be referred to an Information Session for the ultimate approval of Council AND THAT Councillors select the criteria and rating for the expressions of interest.***

PASSED

VOTING ON THE MOTION:

Voting for the Motion: Ctrs Lewis, M Murray, King, Mauger, Gair, George, Campbell-Jones, Tuddenham, Whipper, Clark and Yeo

Voting against the Motion: Clr S Murray

NOTICES OF MOTION

c-NM3 06/2008 – Notice of Motion – Leisure Centre

REF: MAS

100/4, 7181

Clr LAC Whipper has given notice of his intention to move the following Notice of Motion at the Ordinary Meeting at Council on Wednesday 27 February 2008.

Clr L A C Whipper tabled a petition containing 2,500 signatures against the Leisure Centre and stated that he could access a further 2,000 signatures protesting about the sale of land.

- A) THAT due to Council's
- Current financial uncertainty as a result of CDO investments
 - Costs relating to legal actions against Lehman Bros
 - Uncertainty of income from land sales
 - Uncertainty relating to the final costs and method associated with funding the project
 - And uncertainty of the feelings of the community in relation to the Construction of a Leisure Centre as a result of Council's current financial situation, Council now reconsider its position on the timeframe for construction of a Leisure Centre.
- B) THAT Council defer any further decision on the construction of the Leisure Centre until after Court proceedings against Lehman Bros have been completed.
- C) THAT Council not proceed with the reclassification or sale of the lands identified in the exhibited LEP from the status of community to operational land.
- D) THAT Council revisit the upgrading of the Bowral Swimming Pool as an all year round indoor swimming facility and provide this as a further option to the community.
- E) THAT Council conduct a referendum at the next Council election to gauge the level of Community support throughout the whole shire for
- a) The current proposal for a Leisure Centre at Eridge Park
 - b) The alternate option of enclosing the Bowral Swimming Pool
 - c) The sale of Community Land

Before making any final decision on these matters

.....Cont'd

NOTICES OF MOTION

Cont'd.....

MN 041/08

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

1. THAT due to Council's
 - (a) current financial uncertainty as a result of CDO investments,
 - (b) costs relating to legal actions against Lehman Bros,
 - (c) uncertainty of income from land sales,
 - (d) uncertainty relating to the final costs and method associated with funding the project,
 - (e) and uncertainty of the feelings of the community in relation to the construction of a leisure centre as a result of Council's current financial situation, Council now reconsiders its position on the timeframe for construction of a leisure centre.
2. THAT Council defers any further decision on the construction of the leisure centre until after court proceedings against Lehman Bros have been completed.
3. THAT Council not proceed with the reclassification or sale of the lands identified in the exhibited LEP from the status of community to operational land.
4. THAT Council revisits the upgrading of the Bowral Swimming Pool as an all year round indoor swimming facility and provides this as a further option to the community.
5. THAT Council conducts a poll at the next Council election to gauge the level of Community support throughout the whole shire for
 - (a) the current proposal for a leisure centre at Eridge Park
 - (b) the alternate option of enclosing the Bowral Swimming Pool
 - (c) the sale of Community Landbefore making any final decision on these matters.

.....Cont'd

NOTICES OF MOTION

Cont'd.....

AMENDMENT moved by Cllr M Murray and seconded by Cllr P George:

1. **THAT** a Council poll be held at the next election to determine public support for the construction of a Leisure Centre and the funding model.
2. **THAT** the wording of the question be determined by Council prior to 31 May 2008.
3. **THAT** the LEP process continues including the reclassification of land which may involve the removal or reconfiguration of some land.
4. **THAT** the tender process for construction of a Leisure Centre continues to allow a definite pricing of the Leisure Centre to be determined.
5. **THAT** Council determines a financial model for the construction of the Leisure Centre prior to 31 May 2008 including possible grant funding **AND THAT** a consultant be employed for the purpose of verifying the value of land proposed for sale, subject to approval of the consultant's fee by the Council.

PASSED

AMENDMENT BECAME THE MOTION

MOTION PASSED

VOTING ON THE MOTION:

Voting for the Motion: Cllrs Lewis, Campbell-Jones, Gair, King, M Murray, George, Tuddenham and Yeo

Voting against the Motion: Cllrs Mauger, Clark, S Murray and Whipper

NOTICES OF MOTION

c-NMR4 07/2008 – Notice of Motion Leisure Centre

REF: MAS

100/4, 7181

Clr N N Campbell-Jones has given notice of his intention to move the following Notice of Motion of the Ordinary Meeting at Council on Wednesday 27 February 2008.

“THAT the Leisure Centre be put on hold unless the tender price can be covered by the sale of land and identified developer contributions”.

The matter lapsed due to the Resolution passed in MN 041/08.

MATTER OF URGENCY

1. **CHANGES TO COUNCIL MEETING DATES** 100/1

Clr P Yeo advised that he wished to raise a Matter of Urgency which could solve a lot of problems to do with the continuation of this meeting and if it is not done tonight there will not be another urgency for three (3) months.

The Mayor ruled that this be considered as a Matter of Urgency.

MN 042/08

MOTION moved by Clr P Yeo and seconded by Clr T D Gair:

1. **THAT Council reverts to two (2) Council meetings per month commencing at 3.30pm.**
2. **THAT for March and April the Council meetings be held on the 1st and 4th Wednesdays and thereafter on the 2nd and 4th Wednesdays of the month.**
3. **THAT all business previously allocated to the Services & Infrastructure Committee and the Strategy & Finance Committee be dealt with at Ordinary Council Meetings.**
4. **THAT Council retains the Legal Committee, Finance Committee and LEP Sunset Committees.**
5. **THAT the Services & Infrastructure (SIC) Inspection Committee become the Council Inspection Committee.**
6. **THAT from May 2008 Information Sessions be held on the 1st, 3rd and 5th Wednesdays.**
7. **THAT Councillors in rotation chair the Open Committee Sessions of Council meetings.**

PASSED

EXTENSION OF TIME

Clr P Yeo requested an extension of time to 8.30pm in accordance with Council's Code of Meeting Practice.

NOTICES OF MOTION

DEFERRAL OF THE REMAINDER OF THE BUSINESS PAPER

Clr P Yeo requested that the remaining items on the business paper be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 5 March 2008 with the exception of Item SF-CS1 Budget Review to 31 December 2007 (referred from Strategy & Finance Committee Meeting) and Item c-CR3 Moss Vale Livestock Selling Centre Strategy Advisory Board.

Clr T D Gair requested that Item c-CR3 Moss Vale Livestock Selling Centre Strategy Advisory Board also be dealt with at tonight's meeting to allow the release of the Annual Report.

MN 043/08

MOTION moved by *Clr P Yeo* and seconded by :

THAT the remainder of the business paper be deferred for consideration at the Ordinary meeting of Council to be held on Wednesday, 5 March 2008 with the exception of Item SF-CS1 Budget Review to 31 December 2007 (referred from Strategy & Finance Committee Meeting) and Item c-CR3 Moss Vale Livestock Selling Centre Strategy Advisory Board.

PASSED

**MATTER REFERRED FROM STRATEGY & FINANCE COMMITTEE MEETING
HELD ON WEDNESDAY, 27 FEBRUARY 2008**

CORPORATE SERVICES DIVISION

SF-CS1	Budget Review to 31 December 2007
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REF:	FSM	2120/2006, 107/21
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Submitting a report on the budget Review as at 31 December 2007.

MN 044/08

MOTION moved by *Clr P Yeo* and seconded by *Clr T D Gair*:

1. **THAT** Item SF-CS1 Budget Review to 31 December 2007 be dealt with tonight as it is the Budget Review to 31 December 2008.
2. **THAT** the remainder of the business paper including the items referred from the Strategy & Finance Committee be carried over to the Ordinary Meeting of Council on Wednesday, 5 March 2008

PASSED

NOTICES OF MOTION

c-CR3	Moss Vale Livestock Selling Centre Strategic Advisory Board
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REF	PPM	7170/01
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Submitting minutes of the Moss Vale Livestock Selling Centre Strategic Advisory Board meeting held on Friday, 7 December 2007.

MN 045/08

MOTION moved by Clr T D Gair and seconded by Clr N N Campbell-Jones:

THAT recommendation Nos 1 to 4 as detailed in the minutes of the Moss Vale Livestock Selling Centre Strategic Advisory Board meeting held Friday, 7 December 2007 be adopted.

PASSED

MATTER OF URGENCY

1520/1

Clr P George asked for it to be noted that she had resigned as a Director of the Illawarra Technical College of which she was the endorsed Council representative and requested that Council not continue with appointing another person on that board at this point in time because it needs to be formalised for the Australian Technical College for them to proceed with appointing another Director and as she will be overseas for two weeks it is considered urgent that it be dealt with today.

The Mayor ruled that this be considered as a Matter of Urgency.

MN 046/08

MOTION moved by Clr P Yeo and seconded by Clr N N Campbell Jones:

- THAT Council endorses Clr P George's resignation as Director on the Illawarra Technical College.***
- THAT Council not proceed with endorsing another Wingecarribee Council representative at this point in time.***

PASSED

MATTER OF URGENCY
2104

Clr S Murray referred to advice received regarding Council's investments and requested that this matter be considered in Closed Council.

The Mayor ruled that this be considered as a Matter of Urgency.

MN 047/08

MOTION moved by *Clr S Murray* and seconded by *Clr M Murray*:

THAT Council considers advice in relation to its investments in Closed Council.

PASSED

CLOSED COUNCIL

CORPORATE SERVICES DIVISION

c-CS1	Closed Council	
REF.	DCS	107/9

To consider moving into Closed Council.

At this juncture, the time being 9.30pm, pursuant to section 10A(4), the Mayor offered the opportunity to members of the public to make representations to Council as to whether any items of the Closed Council should not be considered in Closed Council.

This information would, if disclosed, prejudice the maintenance of the law, AND THAT the press and public be excluded from Closed Council as it is the opinion of the General Manager that publication of the proceedings would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted.

The Mayor, Clr G Lewis advised of an Additional Matter relating to correspondence from Council's solicitor in relation to Council's investments.

Relevant Legal Provision

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 the subject of legal professional privilege.

Brief Description

Reporting on independent legal advice, conflict of interest and costs.

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 the subject of legal professional privilege.

No objections were received from the members of the public.

MN 048/08

MOTION moved by Clr T D Gair and seconded by Clr M Murray:

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:**

.....Cont'd

CLOSED COUNCIL

Cont'd....

EP-1 AUSTRALIAN LIFESTYLE CORPORATION PTY LTD – ‘CAPERNWRAY’ – MOSS VALE, ROAD, BURRADOO LUA06/1457; 502/63

Relevant Legal Provision

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

*Reporting on Item 4 of Legal Committee Minutes of 13 February 2008 provided under Committee Reports:
‘THAT the matter be further debated at this Council Meeting in Closed Committee’.*

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

CS-1 LEGAL ADVICE – CONFLICT OF INTEREST AND COSTS PN1720080, 1421/1

Relevant Legal Provision

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

Reporting on independent legal advice, conflict of interest and costs.

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.

CS-2 AUDITING SERVICES TENDER 2102/1

Relevant Legal Provision

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

Brief Description

Reporting on the tenders received for the appointment of Council’s auditing 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.

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

PASSED

CLOSED COUNCIL

EP-1	Australian Lifestyle Corporation Pty Ltd – ‘Capernwray’ – Moss Vale Road, Burradoo
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REF.	DEP	LUA06/1457; 502/63
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Relevant Legal Provision

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

Reporting on Item 4 of Legal Committee Minutes of 13 February 2008 provided under Committee Reports:

‘THAT the matter be further debated at this Council Meeting in Closed Committee’.

Public Interest

It would on balance be contrary to the public interest to consider this information in Open Council because it contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

The Committee on a MOTION moved by Clr T D Gair seconded by Clr P Yeo
RECOMMENDED:

THAT the information in relation to Australian Lifestyle Corporation Pty Ltd – “Capernwray” – Moss Vale Road, Burradoo be noted.

PASSED

CS-1 Legal Advice – Conflict of Interest and Costs
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REF. DCS	PN1720080, 1421/1
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Relevant Legal Provision

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

Reporting on independent legal advice, conflict of interest and costs.

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.

The Committee on a MOTION moved by Clr M Murray seconded by Clr J Mauger
RECOMMENDED:

1. **THAT a conference be arranged with Mr Bohdan Bilinsky and his legal advisor to discuss this matter in an endeavour to settle the claim AND THAT any proposed settlement be referred back to Council.**
2. **THAT the officers be authorised to settle the Hancock litigation on the basis that the proceedings be dismissed and each party pay their own costs.**

PASSED

CS-2 Auditing Services Tender

REF: FSM

2102/1

Relevant Legal Provision

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

Brief Description

Reporting on the tenders received for the appointment of Council's auditing 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.

The Committee on a MOTION moved by Clr P Yeo seconded by Clr Gair **RECOMMENDED:**

1. **THAT the tender of Mr Phillip Webster of Warton Thompson & Co for \$40,000 plus CPI be accepted AND THAT he be appointed as Council's Auditor for the six year term ended 30 June 2013, subject to recommendation (2).**
2. **THAT a review of the auditors' performance be undertaken after two years to ensure compliance with the contract and subject to satisfactory performance, the contract be extended to run the full six (6) year term.**

PASSED

ADDITIONAL MATTER – COUNCIL INVESTMENTS

2104

Relevant Legal Provision

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 the subject of legal professional privilege.

Brief Description

Reporting on independent legal advice, conflict of interest and costs.

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 the subject of legal professional privilege.

Verbal advice was provided to Council by the Director Corporate Services.

The Committee on a **MOTION** moved by Clr S Murray and seconded by Clr M Murray **RECOMMENDED:**

1. **THAT** Council seeks written advice from its Senior Counsel in relation to what documentation, if any, relating to Council's investments can be made available to the public **AND THAT** any decision to release documents be made by resolution of Council after receiving the requested legal advice.
2. **THAT** all media releases be referred to Council's legal advisors for review prior to being issues to the public.

PASSED

MOTION ARISING – COUNCIL INVESTMENTS

2104

The Committee on a **MOTION** moved by Clr M Murray and seconded by Clr P Yeo **RECOMMENDED:**

THAT Piper Alderman be appointed as solicitors to the legal action being instigated against Lehman Brothers and accept the proposal of schedule of fees.

PASSED

OPEN COUNCIL

ENVIRONMENT & PLANNING DIVISION

o-EP1 Development Consents under Delegated Authority

REF: DCM 5302

Submitting a list of development consents executed under delegated authority of the Director of Environment and Planning between 18/1/08 and 20/2/08.

MN 049/08

MOTION moved by Clr P Yeo and seconded by Clr T D Gair:

THAT this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 5 March 2008.

PASSED

o-EP2 List of Development Applications Received by Council

REF: DCM 5302

Submitting a list of development applications which have been received between 18/1/08 and 20/2/08, some of which will be dealt with under delegated authority of the Director of Environment & Planning.

MN 050/08

MOTION moved by Clr P Yeo and seconded by Clr T D Gair:

THAT this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 5 March 2008.

PASSED

o-EP3	Land Use Applications Received
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REF: DCM	5302
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Submitting a list of Land Use applications received under delegated authority of the Director of Environment & Planning for the month of January 2008.

MN 051/08

MOTION moved by Clr P Yeo and seconded by Clr T D Gair:

THAT this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 5 March 2008.

PASSED

o-EP4	Proposed Release of Easement, Centennial Road, Bowral – Council Seal
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REF: DEP	DA 94/0497
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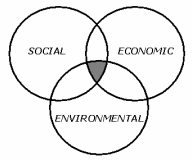
Reporting on proposed release of easement for access at Lot 2 DP 732224 Centennial Road, Bowral.

MN 052/08

MOTION moved by Clr P Yeo and seconded by Clr T D Gair:

THAT this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 5 March 2008.

PASSED



o-EP5 Council Donation toward Transitional Housing for Homeless Women

REF: SPM

1822/1 1823/1

Seeking Council's renewal of its agreement with Argyle Housing to maintain transitional housing for women and children affected by domestic violence and homelessness in the Wingecarribee Shire.

MN 053/08

MOTION moved by Clr P Yeo and seconded by Clr T D Gair:

THAT this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 5 March 2008.

PASSED

CORPORATE SERVICES DIVISION

o-CS1	Committee Appointments & Resignations
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REF	MAS	107/1
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Reporting on Management Committee Appointments and Resignations.

MN 054/08

MOTION moved by Clr P Yeo and seconded by Clr T D Gair:

THAT this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 5 March 2008.

PASSED

o-CS2	Acquisition Part 5-15 Loftus Street, Bowral
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REF.	PO	PN859400; 7121; 5700/37
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Reporting on a proposal to acquire the portion zoned 9(b) Proposed Local Road Zone within the property known as 5-15 Loftus Street, Bowral for the purpose of a bypass road through the property.

MN 055/08

MOTION moved by Clr P Yeo and seconded by Clr T D Gair:

THAT this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 5 March 2008.

PASSED

o-CS3	Alexandra Square
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REF.	DCS
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6606/3

Reporting on the status of the future of Alexandra Square.

MN 056/08

MOTION moved by Cllr P Yeo and seconded by Cllr T D Gair:

THAT this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 5 March 2008.

PASSED

TECHNICAL SERVICES DIVISION

o-TS1 Moss Vale Livestock Selling Centre

REF: PPM	7170
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The purpose of the report is to submit the Moss Vale Livestock Selling Centre 2006/07 Annual Report to Council for consideration.

MN 057/08

MOTION moved by Clr P Yeo and seconded by Clr T D Gair:

THAT this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 5 March 2008.

PASSED

o-TS2 Draft Plan of Management for Eridge Park, Bowral

REF: PPM	6500/23, 6530/3
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Submitting the draft Plan of Management for Eridge Park, Bowral for adoption by Council.

MN 058/08

MOTION moved by Clr P Yeo and seconded by Clr T D Gair:

THAT this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 5 March 2008.

PASSED

COUNCIL MATTERS

GENERAL MANAGER'S REPORTS

c-GM1 General Manager's Quarterly Report

REF.	GM	506/1
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Submitting the General Manager's Quarterly Report to 31 December 2007.

MN 059/08

MOTION moved by Clr P Yeo and seconded by Clr T D Gair:

THAT this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 5 March 2008.

PASSED

c-GM2 Weekly Circulars

REF.	GM	100/8, 203/2008
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Confirming receipt of weekly circulars from the Local Government Association and Council weekly circulars.

MN 060/08

MOTION moved by Clr P Yeo and seconded by Clr T D Gair:

THAT this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 5 March 2008.

PASSED

COMMITTEE REPORTS

COMMITTEE REPORTS TABLED

c-CR1	Management and Advisory Committee Reports
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REF.	DCS	107/1
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Submitting minutes of following three (3) Committee meetings that will be tabled for information.

1. Strategy & Finance Committee meeting 30 January 2008
2. Services & Infrastructure Committee meeting 6 February 2008
3. Whites Creek Floodplain Management Committee meeting 3 December 2007

MN 061/08

MOTION moved by Clr P Yeo and seconded by Clr T D Gair:

THAT this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 5 March 2008.

PASSED

COMMITTEE REPORTS ATTACHED

c-CR2	Legal Committee
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REF	DEP	107/22
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Submitting minutes of the Legal Committee meeting held on Wednesday, 13 February 2008.

MN 062/08

MOTION moved by Clr P Yeo and seconded by Clr T D Gair:

THAT this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 5 March 2008.

PASSED

COMMITTEE REPORTS

c-CR4 Environment & Sustainability Committee

REF	PPM	5465/29.01
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Submitting minutes of the Environment & Sustainability Committee meeting held on Wednesday, 6 February 2008.

MN 063/08

MOTION moved by Clr P Yeo and seconded by Clr T D Gair:

THAT this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 5 March 2008.

PASSED

c-CR5 Traffic Committee

REF	TE	107/23
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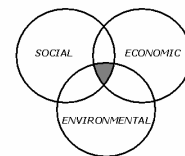
Submitting minutes of the Traffic Committee meeting held on Monday, 18 February 2008.

MN 064/08

MOTION moved by Clr P Yeo and seconded by Clr T D Gair:

THAT this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 5 March 2008.

PASSED



**MATTERS REFERRED FROM STRATEGY & FINANCE COMMITTEE MEETING HELD ON
WEDNESDAY, 27 FEBRUARY 2008**

ENVIRONMENT & PLANNING

SF-EP7	Renwick – Voluntary Planning Agreement
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REF:	DEP	5817/9
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Reporting on the progress of the Renwick Voluntary Planning Agreement

MN 065/08

MOTION moved by Clr P Yeo and seconded by Clr T D Gair:

THAT this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 5 March 2008.

PASSED

CORPORATE SERVICES

SF-CS2	Investments as at 31 January 2008
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REF	FSM	2104
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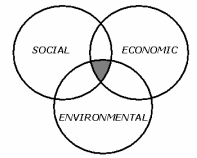
Submitting details of Council's Investments as at 31 January 2008.

MN 066/08

MOTION moved by Clr P Yeo and seconded by Clr T D Gair:

THAT this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 5 March 2008.

PASSED



SF-CS3	Council Investment Strategy
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REF.	FSM	2104
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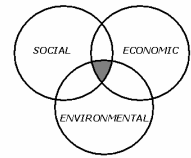
Reporting on a proposed strategy for Council investments.

MN 067/08

MOTION moved by Cllr P Yeo and seconded by Cllr T D Gair:

THAT this matter be deferred for consideration to the Ordinary Meeting of Council to be held on Wednesday, 5 March 2008.

PASSED



OPEN COUNCIL

MN 068/08

MOTION moved by Clr Gair seconded Clr P Yeo:

THAT Council moves back into Open Council.

PASSED

No members of the public were present in the Chamber.

ADOPTION OF CLOSED COUNCIL

MN 069/08

107/9

MOTION moved by Clr T D Gair seconded Clr P Yeo:

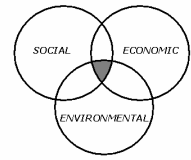
THAT the recommendations of the Closed Council held on Wednesday, 27 February 2008 EP-1, CS-1, CS-2, Additional Matter (Council Investments) and Motion Arising (Council Investments) be adopted.

PASSED



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 27 February 2008



THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 8.40PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday, 27 February 2008 numbered MN 31/08 to MN 69/08, were signed by me hereunder at the Council Meeting held on Wednesday, 5 March 2008.

CHAIRMAN

READ AND CONFIRMED THIS WEDNESDAY, 5 MARCH 2008

CHAIRMAN

PUBLIC OFFICER



MINUTES OF THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street,
Moss Vale on Wednesday, 27 February 2008

