



# MINUTES

## of the Ordinary Meeting of Council

held in

Council Chambers  
Civic Centre, Elizabeth Street, Moss Vale

on

**Wednesday 12 April 2017**

The meeting commenced at 3.30 pm

*File No. 100/2017*

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<b>1. OPENING OF THE MEETING</b>	
<b>2. ACKNOWLEDGEMENT OF COUNTRY</b>	
<b>3. PRAYER</b>	
<b>4. APOLOGIES</b>	
<b>5. ADOPTION OF MINUTES OF PREVIOUS MEETING</b>	
Ordinary Meeting of Council held on 22 March 2017 and Extraordinary Meeting of Council held on 5 April 2017	
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**MINUTES OF THE ORDINARY MEETING OF WINGECARRIBEE SHIRE COUNCIL HELD IN COUNCIL CHAMBERS, CIVIC CENTRE, ELIZABETH STREET, MOSS VALE ON WEDNESDAY 12 APRIL 2017 COMMENCING AT 3.30 PM**

**Present:** Clr K J Halstead (Mayor - in the Chair)  
Clr G J Andrews  
Clr T D Gair  
Clr G McLaughlin  
Clr G Markwart  
Clr P W Nelson  
Clr I M Scandrett  
Clr G M Turland  
Clr L A C Whipper

**In Attendance:** General Manager  
Deputy General Manager Operations,  
Finance and Risk  
Deputy General Manager Corporate,  
Strategy and Development Services  
Group Manager Planning,  
Development and Regulatory Services  
Chief Financial Officer  
Coordinator Media & Communications  
Administration Officer

Ms Ann Prendergast  
Mr Barry W Paull  
Mr Mark Pepping  
Mr Nicholas Wilton  
Mr Richard Mooney  
Mr David Sommers  
Ms Liz Johnson

## 1. OPENING OF THE MEETING

The Mayor Clr K J Halstead opened the meeting and welcomed members of the public and the press.

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## 2. ACKNOWLEDGEMENT OF COUNTRY

Clr L A C Whipper acknowledged country:

*"I would like to acknowledge the Traditional Custodians of this land and pay my respect to Elders both past and present. I would also like to extend that respect to all Aboriginal and Torres Strait Islanders present here today."*

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### **3. PRAYER**

The meeting was led in prayer by Pastor Donna Jensen of Connect Church Moss Vale.

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### **4. APOLOGY**

There were no apologies at this Meeting.

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## 5. CONFIRMATION OF MINUTES

### MINUTES OF THE ORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY 22 MARCH 2017

#### **MN 121/17**

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

**THAT** the minutes of the Ordinary Meeting of Council held on Wednesday 22 March 2017 MN 86/117 to MN 116/17 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting, with the exception of Item 7 – Declarations of Interest on page 6 and the voting on Item 13.3 – Correction of Cadastre Layer for WLEP 2010 Maps when Clr G M Turland was absent from the Chamber and returned to the Meeting following consideration and voting on the matter on page 22.

#### **PASSED**

#### 1. ITEM 7 - DECLARATIONS OF INTEREST

Clr G M Turland advised that on page 6 of the Minutes it should read that he declared a pecuniary interest in relation to Item 13.3 and the Minutes should be corrected as follows:

101/3.1, 5901

Clr G M Turland declared a pecuniary interest in Item 13.3 – Correction of Cadastre Layer for WLEP 2010 Maps - as it is his property that is affected. He stated that he will be absent from the Chambers for consideration of that item.

#### 2. ITEM 13.3 - CORRECTION OF CADASTRE LAYER FOR WLEP 2010 MAPS

5901

Clr G M Turland advised that on page 22 of the Minutes it should be disclosed that he returned to the Meeting at the conclusion of discussions and voting on this matter and that the Minutes should be corrected as follows:

#### **MN 122/17**

**MOTION** moved by Clr P W Nelson and seconded by Clr G Markwart

**THAT** Council proceed with a submission to the Department of Planning and Environment under s73A of the Environmental Planning & Assessment Act 1979, to replace maps LZN\_007F which accompanied Amendments 36 and 38 to Wingecarribee Local Environment Plan 2010 in order to correct the underlying cadastre layer.

#### **PASSED**

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VOTING ON THE MOTION

**For the motion:** Clr G J Andrews, Clr T D Gair, Mayor K J Halstead, Clr G Markwart, Clr G McLaughlin, Clr P W Nelson, Deputy Mayor I M Scandrett and Clr L A C Whipper

**Against the motion:** Nil

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Clr G M Turland returned to the Meeting at this juncture.

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**5. CONFIRMATION OF MINUTES (CONT)**

MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY 5 APRIL 2017

**MN 123/17**

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

**THAT** the minutes of the Extraordinary Meeting of Council held on Wednesday 05 April 2017 MN 117/17 to MN 121/17 inclusive, copies of which were forwarded to Councillors, be adopted as a correct record of the proceedings of the meeting.

**PASSED**

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**6. BUSINESS ARISING FROM THE MINUTES OF THE EXTRAORDINARY MEETING OF COUNCIL HELD ON WEDNESDAY, 5 APRIL 2017**

1. ITEMS 6.1 AND 7.1 – PROPOSED SALE – 10 FRANKLAND STREET, MITTAGONG  
PN556900

Clr I M Scandrett referred to the declarations at the Extraordinary Meeting held on 5 April 2017 made by Clr Turland, Clr Andrews and Clr McLaughlin and asked when the discussions they mentioned with the consortium of Harbison, Argyle, Challenge and the Mittagong RSL took place.

The Mayor Clr K J Halstead advised that it is entirely up to the Councillors involved if they respond to this.

Clr G McLaughlin advised that he is happy to respond. He advised that the declaration he put in was with regard to him signing a motion in support of the property being used for community benefit but he did not meet or have any discussions with any of the parties in relation to the land.



## MINUTES OF THE ORDINARY MEETING OF COUNCIL

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Clr G M Turland advised he would have to refer to his diary. He advised that it involved a not for profit group and it was an idea that he came up with and he talked with Clr Andrews about possibly the land being used for that purpose. He advised that they would be paying their way, but it would be a decision of Council. He advised that the meeting was held before the tenders were called.

Clr G J Andrews advised that he cannot recall the date, but he can provide it as he kept a diary. He advised that it was before the expressions of interest.

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## 7. DECLARATIONS OF INTEREST

101/3, 101/3.1

That where necessary any Councillor now disclose any interest and the reason for declaring such interest in the matters under consideration by Council at this Meeting and to complete the appropriate form to be handed up at the Meeting.

101/3.1, PN556900

Clr G M Turland declared a less than significant non-pecuniary interest in Item 14.1 – Proposed Sale – 10 Frankland Street, Mittagong, Item 20.1 – Notice of Rescission of Motion 01/2017 – Proposed Sale 10 Frankland Street, Mittagong, Item 20.2 - Notice of Rescission of Motion 02/2017 – Proposed Sale 10 Frankland Street, Mittagong and Item 22.1 - Notice of Rescission of Motion 01/2017 – Proposed Sale 10 Frankland Street, Mittagong – as he requested that the not for profit group Harbison Homes, Argyle Housing, Challenge Southern Highlands and Mittagong RSL submit an expression of interest for the 10 Frankland Street site. He stated that he would remain in the chamber when these matters were discussed and take part in the debate and voting thereon.

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101/3, 7729/1

Clr G M Turland declared a pecuniary interest in Item 12.6 – Water and Sewer Development Servicing Plans - as he has a development in Council at the moment and it will have a possible financial impact. He stated that he will be absent from the Chambers for consideration of that item.

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101/3.1, PN556900

Clr G J Andrews declared a less than significant non-pecuniary interest in Item 14.1 – Proposed Sale – 10 Frankland Street, Mittagong, Item 20.1 – Notice of Rescission of Motion 01/2017 – Proposed Sale 10 Frankland Street, Mittagong, Item 20.2 - Notice of Rescission of Motion 02/2017 – Proposed Sale 10 Frankland Street, Mittagong and Item 22.1 - Notice of Rescission of Motion 01/2017 – Proposed Sale 10 Frankland Street, Mittagong – as he was privy to informal discussions with HarbisonCare, Argyle Housing, Mittagong RSL and Challenge Southern Highlands prior to the Expressions of Interest on Frankland Street. He stated that he would remain in the chamber when these matters were discussed and take part in the debate and voting thereon.

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101/3.1, PN556900

Clr G McLaughlin declared a less than significant non-pecuniary interest in Item 14.1 – Proposed Sale – 10 Frankland Street, Mittagong, Item 20.1 – Notice of Rescission of Motion 01/2017 – Proposed Sale 10 Frankland Street, Mittagong, Item 20.2 - Notice of Rescission of Motion 02/2017 – Proposed Sale 10 Frankland Street, Mittagong and Item 22.1 - Notice of Rescission of Motion 01/2017 – Proposed Sale 10 Frankland Street, Mittagong – as he signed a Rescission Motion in support of the property being used for a community benefit. He stated that he would remain in the chamber when these matters were discussed and take part in the debate and voting thereon.

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## 8. MAYORAL MINUTES

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### 8.1 Installation of a Memorial Plaque - Corbett Gardens

Reference: 102  
Report Author: Mayor

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#### **PURPOSE**

The purpose of this Mayoral Minute is to seek Council endorsement for the installation of a memorial plaque to honour the memory of the woman who was tragically hit by lightning while visiting Corbett Gardens with family in early February 2017.

#### **MN 124/17**

**MOTION** moved by Clr G McLaughlin and seconded by Clr G M Turland

1. **THAT** Council install a memorial brass plaque and appropriate plant in Corbett Gardens, following the tragedy that took place in gardens during February 2017.
2. **THAT** Council allocate an amount of up to \$750.00 from the contingency fund to cover the cost of the proposal.
3. **THAT** Council liaise with the relevant family members to ensure that their wishes are respected.

**PASSED**

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## **9. PUBLIC FORUM**

There was no Public Forum at this Meeting.

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COMMITTEE OF THE WHOLE

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**MN 125/17**

**MOTION** moved by Cllr T D Gair and seconded by Cllr G J Andrews

**THAT** in accordance with Section 373 of the Local Government Act, 1993, Council moves into Committee of the Whole to consider various matters detailed in the Agenda with Cllr G McLaughlin to take the Chair.

**PASSED**

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## 10. VISITOR MATTERS

### OPERATIONS

There were no Visitor Matters – Operations – at this Meeting.

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## CORPORATE & STRATEGY

There were no Visitor Matters – Corporate & Strategy – at this Meeting.

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## 11. EN BLOC MOTION

There was no En Bloc Motion at this Meeting.

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## 12. OPERATIONS FINANCE & RISK

### 12.1 Proposed Closure of Unformed Council Public Road Adjacent to 7-11 Burgess Street Bundanoon

Reference: PN279500  
Report Author: Property & Projects Officer  
Authoriser: Coordinator Property Services  
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

#### **PURPOSE**

The purpose of this report is to obtain approval to apply to the New South Wales Department of Industry – Lands to close a segment of an unformed Council public road which adjoins Council property. The Council property is known as Burgess Park, being 7-11 Burgess Street, Bundanoon.

The property includes an area leased exclusively to Big Fat Smile Group Limited for the Bundanoon District Preschool. Bundanoon Men's Shed Incorporated, Highland Gathering and Bundanoon Community Association Incorporated hold a joint Licence Agreement with Council for another part of the Council property, which is adjacent to the segment of unformed road the subject of this report. Bundanoon Community Association Incorporated has initiated the request that Council consider the closure of part of the unformed road so that it may extend its own operations and activities.

#### **MN 126/17**

**MOTION** moved by Deputy Mayor I M Scandrett and seconded by Cllr G Markwart

1. **THAT Council give a minimum twenty eight (28) days public notice of its intention to close a segment of the unformed Council public road adjacent to 7-11 Burgess Street, Bundanoon.**
2. **THAT following public notice of the proposed closure, Council make application to Department of Industry - Lands for the closure of the segment of unformed Council public road adjacent to 7-11 Burgess Street, Bundanoon.**
3. **THAT the General Manager and Mayor be delegated authority to execute under the Common Seal of the Council any agreement, plan or real property dealing in respect of the proposed closure of the segment of unformed Council public Road adjacent to 7-11 Burgess Street, Bundanoon.**
4. **THAT upon closure of the unformed segment of road, the newly created lot will vest in Council as Community Land.**

**PASSED**

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## 12.2 Short-term Lease and Proposed Partial Road Closure - Part Nicholson Street Berrima

**Reference:** PN1796690, RD4711  
**Report Author:** Property & Projects Officer  
**Authoriser:** Coordinator Property Services  
**Link to Delivery Program:** Ensure systems and processes are in place to achieve mutual trust and collaboration

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### PURPOSE

The purpose of this report is two-fold: firstly, to obtain the approval of Council to invite an application to close part of the unformed segment of Nicholson Street, Berrima, adjacent to 3415 Old Hume Highway, Berrima; secondly, to consider the granting of a short-term lease of the segment of unformed road whilst the road closure process is underway.

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**MN 127/17**

**MOTION** moved by Cllr T D Gair and seconded by Cllr P W Nelson

1. **THAT** Council approve in principle a short-term five (5) year lease of part of the unformed road known as part Nicholson Street Berrima to the adjoining owner (3415 Old Hume Highway Berrima).
2. **THAT** the minimum rental in respect of the lease referred to in resolution 1 above is Five Hundred Dollars (\$500.00) exclusive of GST in the first year, with annual increases at CPI (Sydney All Groups Index) or 5%, whichever is the greater.
3. **THAT** if there are no objections to the lease received during the period of public notice, the General Manager and Mayor be delegated authority to execute lease referred to in resolution 1 above under the Common Seal of the Council if required **AND THAT** if any objections are received a further report will be forwarded to a future Ordinary Meeting of Council.
4. **THAT** Council invite a formal Application for Road Closure from the applicant (being the owner of 3415 Old Hume Highway, Berrima adjoining the unformed segment of Nicholson Street Berrima) **AND THAT** it be noted that all costs in relation to the closure and potential future sale of the road are to be paid for by the applicant.
5. **THAT** Council give public notice of its intention to close part of the unformed segment of Nicholson Street Berrima, advertising for a minimum of twenty eight (28) days.
6. **THAT** following public notice of the proposed closure, Council make a third party application to the Crown Lands Office for the closure of part Nicholson Street adjacent to 3415 Old Hume Highway, Berrima **AND THAT** if the Crown ultimately approves the closure of the road, the applicant is to consolidate the newly created lot following road closure with their adjoining property at their own cost and expense.
7. **THAT** the General Manager and Mayor be delegated authority to execute under the Common Seal of the Council any agreement, plan or real property dealing in respect of the closure and sale of the road adjacent to 3415 Old Hume Highway, Berrima.

**PASSED**

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## 12.3 Proposed Lease of Unformed Road - Part Stockade Street Berrima

Reference: RD1433, PN169401  
Report Author: Property & Project Officer  
Authoriser: Coordinator Property Services  
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

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### **PURPOSE**

The purpose of this report is to seek Council approval to enter into a further lease of part of the unmade road known as Stockade Street, Berrima to the adjoining land owner.

The General Manager addressed Council on this matter.

### **MN 128/17**

**MOTION** moved by Mayor K J Halstead and seconded by Clr L A C Whipper

**THAT** the report in relation to Proposed Lease of Unformed Road – Part Stockade Street Berrima be deferred to the next Ordinary Meeting of Council to be held on Wednesday, 10 May 2017.

**PASSED**

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## 12.4 Council Lease from Boral Cement Limited - New Berrima Hall (Community Centre)

Reference: PN1425600  
Report Author: Property & Project Officer  
Authoriser: Coordinator Property Services  
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

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### **PURPOSE**

The purpose of this report is to obtain Council approval to enter into a short term (two year) lease with Boral Cement Limited for the continued occupation of the Community Centre, Sydney Avenue, New Berrima.

### **MN 129/17**

**MOTION** moved by Deputy Mayor I M Scandrett and seconded by Cllr G Markwart

1. **THAT** it is noted that the current Lease of the property known as the Community Centre, Sydney Avenue, New Berrima will expire on 28 May 2017.
2. **THAT** the General Manager be delegated authority to negotiate a new short term lease of the property known as Community Centre, Sydney Avenue, New Berrima, for a maximum of two (2) years, on similar terms and conditions to the current lease.
3. **THAT** the General Manager and Mayor be delegated authority to execute the new lease of the New Berrima Community Centre from Boral Cement and to affix the Common Seal of Council, if required.

**PASSED**

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## 12.5 Proposed Lease part Eridge Park, 576 Moss Vale Road Burradoo

Reference: PN976400  
Report Author: Coordinator Property Services  
Authoriser: Chief Financial Officer  
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

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### **PURPOSE**

The purpose of this report is to seek Council approval to enter into a lease with the Bowral Rugby Club Inc. for the use of Council property, being the Clubhouse (upper level), part Eridge Park at 576 Moss Vale Road Burradoo. Use of the upper level of the Clubhouse by the Rugby Club has been via the renewal of an annual User Agreement for Council Facilities each year.

### **MN 130/17**

**MOTION** moved by Clr G M Turland and seconded by Clr G J Andrews

1. **THAT** the General Manager be delegated authority to negotiate the terms and conditions of a lease to Bowral Rugby Club Inc. for part of the property known as Clubhouse (upper level) part Eridge Park 576 Moss Vale Road Burradoo for a maximum term of 21 years.
2. **THAT** it is noted that the proposed Lease of part of Eridge Park to Bowral Rugby Club Inc. is authorised in the adopted Plan of Management for Eridge Park.
3. **THAT** the draft Lease referred to in resolution 1 above be publicly exhibited for a minimum 28 day period.
4. **THAT** after the expiration of the period of public notice, a report be presented to a future Ordinary Meeting of Council.

**PASSED**

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## 12.6 Water and Sewer Development Servicing Plans

**Reference:** 7729/1  
**Report Author:** Asset Coordinator - Roads & Water  
**Authoriser:** Manager Assets  
**Link to Delivery Program:** Ensure that no development takes place in Wingecarribee that would threaten the underpinning natural resources of the area as a water catchment, food bowl, and tourist and recreational attraction

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### PURPOSE

The purpose of this report is to inform the Council of the Draft Development Servicing Plans for Water and Sewer and seek approval to place the Plans on Public Exhibition for 30 working days.

**Interest:** Clr G M Turland declared a pecuniary interest in this matter as he has a development in Council at the moment and it will have a possible financial impact. He left the chamber at 3.44 pm, took no part in the debate and refrained from voting on the matter.

### **MN 131/17**

**MOTION** moved by Clr T D Gair and seconded by Clr P W Nelson

1. **THAT** the Draft Development Servicing Plans for Water Supply and Sewerage, as detailed in Attachment 1 to the report, be placed on public exhibition for a period of 30 days.
2. **THAT** construction industry bodies (Urban Development Institute of Australia and Housing Institute of Australia) and any local developers who have applied for planning approval during the last six months be informed, 10 days prior, to the DSPs being placed on public exhibition.
3. **THAT** a report be brought back to Council following the exhibition period.

**PASSED**

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Clr G M Turland returned to the meeting, the time being 3.45 pm.

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## 13. CORPORATE STRATEGY & DEVELOPMENT SERVICES

### 13.1 Development Applications Determined from 21 February 2017 to 26 March 2017

Reference: 5302  
Report Author: Team Leader Business Support (Development)  
Authoriser: Group Manager Planning, Development & Regulatory Services

Link to Delivery Program: Solicit widespread public endorsement which directs and empowers action from 2010 to 2031 by the whole community

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#### **PURPOSE**

The purpose of this report is to update Councillors on Development Applications Determined for the period 21 February 2017 to 26 March 2017.

#### **MN 132/17**

**MOTION** moved by Cllr L A C Whipper and seconded by Cllr T D Gair

**THAT** the information relating to the lists of Development Applications Determined from 21 February 2017 to 26 March 2017 be received and noted.

**PASSED**

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## 13.2 Development Applications Received from 21 February 2017 to 26 March 2017

Reference: 5302  
Report Author: Team Leader Business Support (Development)  
Authoriser: Group Manager Planning, Development & Regulatory Services

Link to Delivery Program: Retain and make more distinctive the special qualities that make each town or village unique

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### PURPOSE

The purpose of this report is to update Councillors on Development Applications Received in the period 21 February 2017 to 26 March 2017.

The Deputy General Manager Operations, Finance & Risk and General Manager addressed Council on this matter.

### **MN 133/17**

**MOTION** moved by Cllr T D Gair and seconded by Cllr L A C Whipper

1. **THAT** the information relating to Development Applications Received from 21 February 2017 to 26 March 2017 be received and noted.
2. **THAT** further information be provided to Councillors in the Weekly Circular in relation to the following Items:
  - (a) **Item No 5 – Section 96 Modification (remove road upgrade requirement), Cablesgrey, 662 Wombeyan Caves Road, High Range, Lot 14 DP 713511 (Application ID 14/0668.05)**
  - (b) **Item No 43 – Change of Use (farm stay), 41 Amber Close, Alpine, Lot 4 DP 778616 (Application ID 17/0214)**
  - (c) **Item No 129 – Farm Building, 30 Abattoir Road, Moss Vale, Lot 1 DP 120017 (Application ID 17/0353)**

**PASSED**

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## 14. GENERAL MANAGER

### 14.1 Proposed Sale - 10 Frankland Street, Mittagong

**Reference:** PN556900  
**Report Author:** Group Manager Corporate & Community  
**Authoriser:** Deputy General Manager Operations, Finance & Risk  
**Link to Delivery Program:** Ensure systems and processes are in place to achieve mutual trust and collaboration

#### **PURPOSE**

The purpose of this report is to provide Councillors with a copy of the Contract for Sale of 10 Frankland Street, Mittagong. This document is provided following a request from a Councillor and is provided under separate Confidential cover.

**Interest:** Clr G M Turland declared a less than significant non-pecuniary interest in this matter as he requested that the not for profit group Harbison Homes, Argyle Housing, Challenge Southern Highlands and Mittagong RSL submit an expression of interest for the 10 Frankland Street site . He remained in the chamber, took part in the debate and voted on the matter.

**Interest:** Clr G J Andrews declared a less than significant non-pecuniary interest in this matter as he was privy to informal discussions with HarbisonCare, Argyle Housing, Mittagong RSL and Challenge Southern Highlands prior to the Expressions of Interest on Frankland Street. He remained in the chamber, took part in the debate and voted on the matter.

**Interest:** Clr G McLaughlin declared a less than significant non-pecuniary interest in this matter as he signed a Rescission Motion in support of the property being used for a community benefit. He remained in the chamber, took part in the debate and voted on the matter.

The General Manager addressed Council on this matter.

**MN 134/17**

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

**THAT** the information in relation to the Confidential Contract for Sale as attached under separate cover be noted (Attachment 1 to the report).

**PASSED**

## **15. DELEGATE REPORTS**

There were no Delegate Reports at this Meeting.

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## **16. PETITIONS**

There were no Petitions at this Meeting.

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## 17. CORRESPONDENCE FOR ATTENTION

There was no Correspondence for Attention at this Meeting.

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## 18. COMMITTEE REPORTS

### 18.1 Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Monday, 27 March 2017

Reference: 2102/3  
Report Author: Senior Governance Officer  
Authoriser: Group Manager Corporate & Community  
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

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#### **PURPOSE**

This report provides the Minutes of the Audit, Risk and Improvement Advisory Committee Meeting held on Monday, 27 March 2017, a copy of which is attached.

#### **MN 135/17**

**MOTION** moved by Deputy Mayor I M Scandrett and seconded by Cllr T D Gair

**THAT recommendations Nos AR 1/17 to AR 12/17 as detailed in the Minutes of the Audit, Risk and Improvement Advisory Committee held on Monday, 27 March 2017 be adopted, save for any items which have budgetary implications AND THAT any item with budgetary implications and which is unfunded, be referred to the Finance Committee for consideration.**

**PASSED**

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## 18.2 Minutes of the Economic Development and Tourism Advisory Committee Meeting held on Monday, 27 March 2017

Reference: 107/24  
Report Author: Administration Officer  
Authoriser: Group Manager Corporate & Community  
Link to Delivery Program: Establish the Southern Highlands as a leading centre of industry, innovation and expertise, which provides tried and tested, cost effective solutions for the sustainable management and use of scarce water resources

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### **PURPOSE**

This report provides the Minutes of the Economic Development and Tourism Advisory Committee Meeting held on Monday, 27 March 2017.

### **MN 136/17**

**MOTION** moved by Deputy Mayor I M Scandrett and seconded by Cllr L A C Whipper

**THAT** recommendations Nos ED 1/17 to ED 8/17 – as detailed in the Minutes of the Economic Development and Tourism Advisory Committee Meeting held on Monday, 27 March 2017 be adopted, save for any items which have budgetary implications **AND THAT** any item with budgetary implications and which is unfunded, be referred to the Finance Committee for consideration.

**PASSED**

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## 18.3 Minutes of the Arts and Culture Committee held on Tuesday, 4 April 2017

Reference: 1660/1.1  
Report Author: PA for Mayor  
Authoriser: Group Manager Corporate & Community  
Link to Delivery Program: Foster and support diverse interest groups to harness the skills, passion, time and commitment of community members and organisation, and to leverage effective participation

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### **PURPOSE**

This report provides the Minutes of the Arts and Culture Committee Meeting held on Tuesday, 4 April 2017.

### **MN 137/17**

**MOTION** moved by Clr L A C Whipper and seconded by Clr G J Andrews

**THAT** recommendations Nos ACC01/17 to ACC06/17 – as detailed in the Minutes of the Arts and Culture Committee Meeting held on Tuesday, 4 April 2017 be adopted, save for any items which have budgetary implications **AND THAT** any item with budgetary implications and which is unfunded, be referred to the Finance Committee for consideration.

**PASSED**

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## 18.4 Minutes of the Demographic and Housing Committee held on the 5 April 2017

Reference: 102  
Report Author: PA for Mayor  
Authoriser: Group Manager Corporate & Community  
Link to Delivery Program: Foster and support diverse interest groups to harness the skills, passion, time and commitment of community members and organisation, and to leverage effective participation

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### **PURPOSE**

This report provides the Minutes of the Demographic and Housing Committee Meeting held on 5 April 2017.

### **MN 138/17**

**MOTION** moved by Cllr L A C Whipper and seconded by Deputy Mayor I M Scandrett

**THAT** recommendations Nos DEM01/17 to DEM04/17 – as detailed in the Minutes of the Demographic and Housing Committee Meeting held on Wednesday 5 April 2017 be adopted, save for any items which have budgetary implications **AND THAT** any item with budgetary implications and which is unfunded, be referred to the Finance Committee for consideration.

**PASSED**

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## **19. QUESTIONS WITH NOTICE**

There were no Questions with Notice at this Meeting.

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## 20. NOTICES OF MOTION

### 20.1 Notice of Rescission of Motion 01/2017 - Proposed Sale 10 Frankland Street, Mittagong

**Reference:** PN556900  
**Report Author:** Administration Officer  
**Authoriser:** Group Manager Corporate & Community  
**Link to Delivery Program:** Ensure systems and processes are in place to achieve mutual trust and collaboration

#### PURPOSE

To consider a Notice of Rescission of Motion raised by Councillors Garry Turland, Grahame Andrews and Graham McLaughlin, dealing with an issue related to Proposed Sale – 10 Frankland Street, Mittagong.

Pursuant to Section 10A(2) of the *Local Government Act 1993* - under Clauses 10A(2)(c) and 10A(2)(d)(i) - this issue is considered to be most appropriately dealt with in Closed Council.

**Interest:** Clr G M Turland declared a less than significant non-pecuniary interest in this matter as he requested that the not for profit group Harbison Homes, Argyle Housing, Challenge Southern Highlands and Mittagong RSL submit an expression of interest for the 10 Frankland Street site. He remained in the chamber, took part in the debate and voted on the matter.

**Interest:** Clr G J Andrews declared a less than significant non-pecuniary interest in this matter as he was privy to informal discussions with HarbisonCare, Argyle Housing, Mittagong RSL and Challenge Southern Highlands prior to the Expressions of Interest on Frankland Street. He remained in the chamber, took part in the debate and voted on the matter.

**Interest:** Clr G McLaughlin declared a less than significant non-pecuniary interest in this matter as he signed a Rescission Motion in support of the property being used for a community benefit. He remained in the chamber, took part in the debate and voted on the matter.

#### **MN 139/17**

**MOTION** moved by *Clr G M Turland* and seconded by *Deputy Mayor I M Scandrett*

**THAT** in relation to the Notice of Rescission of Motion submitted by Councillors Garry Turland, Grahame Andrews and Graham McLaughlin - 01/2017 – Proposed Sale – 10 Frankland Street, Mittagong - Council considers the matter in Open Council – Item 22.1.

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**AMENDMENT** moved by Clr T D Gair and seconded by Clr L A C Whipper

**THAT** the Notice of Rescission of Motion submitted by Councillors Garry Turland, Grahame Andrews and Graham McLaughlin - 01/2017 – Proposed Sale – 10 Frankland Street, Mittagong – be considered in Closed Council – Item 22.1.

**Note:** In accordance with Council's Code of Meeting Practice, immediately after a motion to close part of a meeting to the public has been moved and seconded, debate on the motion should be suspended to allow the public to make representations to Council as to why the item should not be considered in Closed Council.

Mr Charlie Johns stated that under s10A of the *Local Government Act 1993* he exercised his right to oppose the matter going into Closed Council.

**THE AMENDMENT WAS PUT TO THE VOTE AND PASSED**

**VOTING ON THE AMENDMENT**

**For the Amendment:** Clr G J Andrews, Clr T D Gair, Mayor K J Halstead, Clr G Markwart, Clr G McLaughlin, Clr P W Nelson and Clr L A C Whipper

**Against the Amendment:** Deputy Mayor I M Scandrett and Clr G M Turland

**THE AMENDMENT BECAME THE MOTION**

**THE MOTION WAS PUT TO THE VOTE AND PASSED**

**VOTING ON THE MOTION**

**For the Motion:** Clr G J Andrews, Clr T D Gair, Mayor K J Halstead, Clr G Markwart, Clr G McLaughlin, Clr P W Nelson and Clr L A C Whipper

**Against the Motion:** Deputy Mayor I M Scandrett and Clr G M Turland

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## 20.2 Notice of Rescission of Motion 02/2017 - Proposed Sale - 10 Frankland Street, Mittagong

Reference: 100/5, PN556900  
Report Author: Administration Officer  
Authoriser: Group Manager Corporate & Community  
Link to Delivery Program: Ensure systems and processes are in place to achieve mutual trust and collaboration

### PURPOSE

Councillors Garry Turland, Grahame Andrews and Graham McLaughlin have given notice that it is their intention to move at the Ordinary Meeting of Council on 12 April 2017 that the following resolution be rescinded, MN 318/16 of 22 June 2016, inter alia:

3. *THAT Council reinforce its position that the funds raised from the sale of this site be used to pay down the debt for the Moss Vale War Memorial Aquatic Centre.*

Interest: Clr G M Turland declared a less than significant non-pecuniary interest in this matter as he requested that the not for profit group Harbison Homes, Argyle Housing, Challenge Southern Highlands and Mittagong RSL submit an expression of interest for the 10 Frankland Street site. He remained in the chamber, took part in the debate and voted on the matter.

Interest: Clr G J Andrews declared a less than significant non-pecuniary interest in this matter as he was privy to informal discussions with HarbisonCare, Argyle Housing, Mittagong RSL and Challenge Southern Highlands prior to the Expressions of Interest on Frankland Street. He remained in the chamber, took part in the debate and voted on the matter.

Interest: Clr G McLaughlin declared a less than significant non-pecuniary interest in this matter as he signed a Rescission Motion in support of the property being used for a community benefit. He remained in the chamber, took part in the debate and voted on the matter.

The Deputy General Manager Operations, Finance & Risk addressed Council on this matter.

### **MN 140/17**

**MOTION** moved by Clr T D Gair and seconded by Deputy Mayor I M Scandrett

**THAT** Notice of Rescission of Motion 02/2017 – Proposed Sale – 10 Frankland Street, Mittagong - be noted.

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**AMENDMENT** moved by Clr G M Turland and seconded by Clr G McLaughlin

THAT in relation to the Proposed Sale – 10 Frankland Street, Mittagong - the following resolution be rescinded - MN 318/16 of 22 June 2016, inter alia:

3. THAT Council reinforce its position that the funds raised from the sale of this site be used to pay down the debt for the Moss Vale War Memorial Aquatic Centre.

**THE AMENDMENT WAS PUT TO THE VOTE AND LOST**

**VOTING ON THE AMENDMENT**

**For the Amendment:** Clr G McLaughlin and Clr G M Turland

**Against the Amendment:** Clr G J Andrews, Clr T D Gair, Mayor K J Halstead, Clr G Markwart, Clr P W Nelson, Deputy Mayor I M Scandrett and Clr L A C Whipper

**THE MOTION WAS PUT TO THE VOTE AND PASSED**

**VOTING ON THE MOTION**

**For the Motion:** Clr G J Andrews, Clr T D Gair, Mayor K J Halstead, Clr G McLaughlin, Clr G Markwart, Clr P W Nelson, Deputy Mayor I M Scandrett and Clr L A C Whipper

**Against the Motion:** Clr G M Turland

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## SUSPENSION OF STANDING ORDERS

The General Manager advised that it would be appropriate at this juncture of the Meeting, the time being 4.30 pm, that Standing Orders be suspended to deal with Questions from the Public and General Business.

**MN 141/17**

**SUSPENSION OF STANDING ORDERS** moved by Mayor K J Halstead and seconded by Cllr L A C Whipper

**THAT Standing Orders be suspended in order to allow Questions from the Public and General Business be dealt with at this juncture.**

**SUSPENSION OF STANDING ORDERS PASSED**

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## QUESTIONS FROM THE PUBLIC

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100/10

Mr Charlie Johns asked:

1. THE WITHDRAWAL OF SOUTHERN HIGHLANDS WINES DEVELOPMENT APPLICATION

Why was it that the proponent had a pre DA meeting with the assessing officer of Council where no issues were raised to the proposal yet 6 months later the same Council assessing officer raised objections that caused the owner to withdraw his DA?

**REPLY FROM DEPUTY GENERAL MANAGER CORPORATE, STRATEGY & DEVELOPMENT SERVICES**

General advice was provided at the Pre DA meeting over the architectural style of the development not as a concern per se but that there may be community backlash to such a development. The application has been on public consultation and has also been subject to a preliminary site visit by the Joint Regional Planning Panel (JRPP) which is the determining authority for the development. There were a number of concerns expressed in the public submissions in conjunction with the concerns expressed by members of the JRPP in relation to the suitability of the architectural style in the context of the rural location. The assessing officer conveyed these concerns to the applicant inviting them to reconsider the overall design aspects as a result of the submissions made.

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2. ALEXANDRA SQUARE DEED OF TRUST

- (i) Could Council please explain to ratepayers how the Plan of Management has overruled the terms of the Deed of Trust and allowed a fenced “Leash – Free dog exercise area” for the use of only one group, “dog walkers”, which means this area of Alexandre Square is no longer open to the public, including the elderly, our children and the disabled for recreational purposes?
- (ii) There are still Council signs encouraging dog owners to use the unfenced area on the corner of Edward and Victoria Streets for “Leash Free dog Exercise area” putting the public at high risk by some users not having control of their dogs. I am sure this was raised at Council before that it was a breach of the Companion Animals Act 1998?

**REPLY FROM DEPUTY GENERAL MANAGER OPERATIONS, FINANCE & RISK**

The Alexandra Square site is still a construction zone with works still underway, noting that significant delays have been experienced due to wet weather. When completed the entire site will be available to the general public including the off leash dog area, which will be available to the public regardless of whether they have a companion animal or not.



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**REPLY FROM DEPUTY GENERAL MANAGER CORPORATE, STRATEGY & DEVELOPMENT SERVICES**

Inclusion of an off leash dog exercise area on Alexandra Square does not give rise to exclusivity of the area. There is no intention of excluding non-dog owners from entering the fenced off leash dog exercise area.

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3. **COMMUNITY PROPERTY, THE PUBLIC GOLF COURSE KNOWN AS “GIBRALTAR COUNTRY CLUB”**

Is the person responsible to see that the lessee of this public golf course and community property is fulfilling their obligations under the lease and aware of these issues and taking necessary action to have them addressed?

**REPLY FROM DEPUTY GENERAL MANAGER OPERATIONS, FINANCE & RISK**

The matters raised by Mr Johns will be referred to Council’s Managing Agent for their review and attention, with feedback to be provided to Council management.

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Mr Steven Horton, Chair, Southern Highlands Chamber of Commerce and Industry, asked:

4. **SOUTHERN HIGHLAND WINES DEVELOPMENT APPLICATION**

- (i) Have Council staff considered that the applicant/owner may be actually improving the site and the locality via his vision for a series of beautiful buildings reminiscent of an Italian Tuscan vineyard set within a vineyard, and that his vision for a romantic tourism destination may be exactly what locals and visitors appreciate and respond to?
- (ii) The Chamber asks Council if their decision to reject this DA is based on personal views and taste or have they, as the applicant/owner has clearly demonstrated, really considered the end users, ie, the thousands of tourists who will likely flock to this hotel not to mention the many weddings that will be attracted to such a romantic setting?
- (iii) Is Council or its town planning team aware of just how many buildings in the region are clearly “Italian-inspired” in their style of design and can Council highlight where in WSC’s regulations it stipulates a particular architectural style for Sutton Forest or prohibits Italian styled architecture in the SP3 zonings?
- (iv) Is Council aware that the owner of the Southern Highlands Wines is a graduate of the prestigious Harvard University Graduate School of Design and that his architectural firm has won numerous awards around the world?

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**REPLY FROM DEPUTY GENERAL MANAGER CORPORATE, STRATEGY & DEVELOPMENT SERVICES/GROUP MANAGER PLANNING, DEVELOPMENT & REGULATORY SERVICES**

No formal rejection or refusal of the development application was made by Council. Due to the proposed value of the development being in excess of \$20M, the Joint Regional Planning Panel became the determining authority and not Council. In initial feedback from members of the JRPP strong concerns were raised regarding the suitability of the architectural style in the proposed location. This message was conveyed back to the applicant for their consideration and decision to make changes or not. The applicant subsequently chose to withdraw the application.

Council staff are fully aware of the array of architectural styles and developments across the Shire. Whilst there are no specific details of what style of development is acceptable, there are objectives and guidelines which lead applicants to a desirable form of development in the location that the development is proposed. Architectural design can be and is subjective

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## 21. GENERAL BUSINESS

### 1. MITTAGONG TO PICTON RAIL-SIDE TRAIL REPORT AND THE MITTAGONG TO PICTON RAIL-SIDE FUNDING OPTIONS REPORT

Clr I M Scandrett asked if Council could provide an electronic copy of the Mittagong to Picton Rail-side Trail Report that was given to Councillors last month and also the Mittagong to Picton Rail-side Funding Options report to Mr Jai Rowell, MP, Member for Wollondilly and the Hon Angus Taylor, MP, Member for Hume. Clr Scandrett asked that future reports be also provided to the MPs going forward.

The General Manager advised that this question will be taken on notice.

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### 2. ASBESTOS MANAGEMENT PLAN – ROADS 7810/24

Clr I M Scandrett asked if staff could advise when the reports on McEvelly Road, Robertson, will be available.

The General Manager advised that this question will be taken on notice.

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### 3. LUA11/0705.3 – 4 RANELAGH ROAD, BURRADOO LUA11/0705.3

Clr G M Turland asked:

- (i) Can Council report on why Ranelagh Road, Burradoo has not been sealed as per the original DA approval.
- (ii) Can Council add to the current s96 DA application that the developer seals Ranelagh Road as per the original DA.?

The General Manager advised that this question will be taken on notice.

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### 4. ALEXANDRA SQUARE, MITTAGONG 6606/3, 6545/1, 6330/13.4

Clr G M Turland asked if Council can build a skate park on Alexandra Square for the use of children in Mittagong.

The General Manager advised that this question will be taken on notice.

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### 5. UPDATE ON THE BRIDGE CROSSING 7430/20, RD8025 1010

Clr G McLaughlin asked about the crossing of the Unanderra Rail Crossing in Moss Vale.

The General Manager advised a response was provided in the Weekly Circular and also in the replies to General Business Questions from the Council Meeting of Wednesday, 22 March 2017.

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6. ROADS TO RECOVERY

7801/2014

The Mayor Cllr K J Halstead asked if the General Manager or Councillors are aware of the press release made yesterday by the Hon Bill Shorten, MP, Leader of the Opposition, regarding the boost to local economies which was in the form of Roads to Recovery, etc. The Mayor advised that he would hand this document up. He advised that it is very important as what it is suggesting is that the Labor Government if elected will ensure that the level of funding will go back to what it was plus CPI added annually. The Mayor advised that they are talking about a substantial rise with figures of \$650 million, which in his opinion is a drop in the bucket, but it is a lot more than is what is currently being given.

The General Manager thanked the Mayor.

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## 22. CLOSED COUNCIL

### MOVING INTO CLOSED SESSION

107/9

At this juncture, the time being 4.58 pm, Council moved into Closed Council.

#### **MN 142/17**

**MOTION** moved by Deputy Mayor I M Scandrett and seconded by Cllr T D Gair

1. **THAT** Council moves into Closed Council in accordance with the requirements of Section 10A(2) of the Local Government Act 1993 as addressed below to consider the following reports that are confidential for the reasons specified below:

- 22.1 **Notice of Rescission of Motion 01/2017 - Proposed Sale 10 Frankland Street, Mittagong**

#### **Relevant Legal Provisions**

***This report is referred to Closed Committee in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and under clause 10A(2)d(i) as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and the Council considers that it would be on balance contrary to the public interest to consider this information in Open Council.***

#### **Brief description**

***To consider a Notice of Rescission of Motion submitted by Councillors Garry Turland, Grahame Andrews and Graham McLaughlin.***

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

**PASSED**

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COUNCIL MATTERS

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**MN 143/17**

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

**THAT** Council move from Committee of the Whole back into Council, the time being 4.58 pm with the Mayor **Clr K J Halstead** resuming the Chair to conduct the remainder of Council Business.

**PASSED**

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## 22.1 Notice of Rescission of Motion 01/2017 - Proposed Sale 10 Frankland Street, Mittagong

**Reference:** PN556900  
**Report Author:** Administration Officer  
**Authoriser:** Group Manager Corporate & Community  
**Link to Delivery Program:** Ensure systems and processes are in place to achieve mutual trust and collaboration

### CONFIDENTIAL ITEM

*This report is confidential in accordance with s10A(2) of the Local Government Act, 1993, under clause 10A(2)(c) as it contains information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and under clause 10A(2)d(i) as it contains commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.*

### PURPOSE

Councillors Garry Turland, Grahame Andrews and Graham McLaughlin have given notice that it is their intention to move at the next Ordinary Meeting of Council on 12 April 2017 the following:

That the following decision made by Council on Wednesday, 22 February 2017 (MN 54/17) to proceed with the sale of 10 Frankland Street, Mittagong – discussed in Closed Council – be rescinded:

2. *THAT in relation to the discussions on the property legal matter, the General Manager be delegated authority to negotiate with the prospective purchaser in the terms as discussed in Closed Council.*

The General Manager addressed Council on this matter.

Interest: Clr G M Turland declared a less than significant non-pecuniary interest in this matter as he requested that the not for profit group Harbison Homes, Argyle Housing, Challenge Southern Highlands and Mittagong RSL submit an expression of interest for the 10 Frankland Street site. He remained in the chamber, took part in the debate and voted on the matter.

Interest: Clr G J Andrews declared a less than significant non-pecuniary interest in this matter as he was privy to informal discussions with HarbisonCare, Argyle Housing, Mittagong RSL and Challenge Southern Highlands prior to the Expressions of Interest on Frankland Street. He remained in the chamber, took part in the debate and voted on the matter.

Interest: Clr G McLaughlin declared a less than significant non-pecuniary interest in this matter as he signed a Rescission Motion in support of the property being used for a community benefit. He remained in the chamber, took part in the debate and voted on the matter.

Clr G M Turland tabled some documents.

**MN 144/17**

**MOTION** moved by Clr G M Turland and seconded by Clr T D Gair

**THAT the following decision made by Council on Wednesday, 22 February 2017 (MN 54/17) to proceed with the sale of 10 Frankland Street, Mittagong – discussed in Closed Council – be rescinded:**

2. **THAT in relation to the discussions on the property legal matter, the General Manager be delegated authority to negotiate with the prospective purchaser in the terms as discussed in Closed Council.**

**PASSED**

**VOTING ON THE MOTION**

**For the Motion:** Clr G J Andrews, Clr T D Gair, Mayor K J Halstead, Clr G Markwart, Clr G McLaughlin, Clr P W Nelson, Clr G M Turland and Clr L A C Whipper

**Against the Motion:** Deputy Mayor I M Scandrett

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**RESUMPTION OF OPEN COUNCIL**

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107/10

**MN 145/17**

**MOTION** moved by Clr T D Gair and seconded by Clr P W Nelson

**THAT** Council moves from Closed Council into Open Council.

**PASSED**

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No members of the public were present in the Chamber.

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**ADOPTION OF CLOSED COUNCIL**

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107/9

**MN 146/17**

**MOTION** moved by Clr T D Gair and seconded by Clr G McLaughlin

**THAT** the recommendation of the Closed Council held on Wednesday, 12 April 2017 being MN 144/17 be adopted.

**PASSED**

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**23. ADOPTION OF COMMITTEE OF THE WHOLE**

107/10

**MN 147/17**

**MOTION** moved by Clr T D Gair and seconded by Clr G McLaughlin

**THAT** the recommendations of the Committee of the Whole held on Wednesday, 12 April 2017 being MN 126/17 to MN 142/17 be adopted.

**PASSED**

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## **24. MEETING CLOSURE**

THERE BEING NO FURTHER BUSINESS, THE MEETING CLOSED AT 5.20 PM

In accordance with the provisions of Section 375(2) of the Local Government Act, these Minutes of the Ordinary Council Meeting held Wednesday 12 April 2017 numbered M/N 121/17 to M/N 147/17 were signed by me hereunder at the Council Meeting held on Wednesday 26 April 2017.

\_\_\_\_\_  
CHAIRMAN

**READ AND CONFIRMED ON WEDNESDAY 26 APRIL 2017**

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CHAIRMAN

\_\_\_\_\_  
PUBLIC OFFICER