

Closed Meeting Of Council



Wollondilly Shire Council

Closed Minutes Monday 21 May 2018

The meeting commenced at 9.42pm and was held in the Council Chamber 62-64 Menangle Street, Picton NSW 2571.

WOLLONDILLY SHIRE COUNCIL

Minutes of the Closed Meeting of Wollondilly Shire Council held in the Council Chamber,
62-64 Menangle Street, Picton, on Monday 21 May 2018

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WOLLONDILLY SHIRE COUNCIL

Minutes of the Closed Meeting of Wollondilly Shire Council held in the Council Chamber, 62-64 Menangle Street, Picton, on Monday 21 May 2018

PRESENT

Councillors: Hannan (Mayor), Banasik, Landow, Lowry, Deeth, Gould, Khan, Smith and Briggs

ALSO PRESENT WERE

General Manager, Executive Director Corporate and Community, Director Planning, Director Infrastructure and Environment, Acting Assistant Director People, Legal and Governance, Chief Financial Officer, and two Governance Officers.

APOLOGIES

TRIM 88-13

There were no apologies or leave of absence requests.

DECLARATION OF INTEREST

The following declarations were made in the open part of the meeting.

Cr Banasik declared a Non-Pecuniary (Less than Significant) Conflict of Interest in Item IN3 relating to Interest in Council Owned Land - Purchase and Right of Way - Menangle Street, Picton. The reason being that he own a business in Picton, however his circumstances have changed since the matter came up previously and he is now able to vote on the matter.

Cr Khan declared a Pecuniary Conflict of Interest in Item IN3 relating to Interest in Council Owned Land - Purchase and Right of Way - Menangle Street, Picton. The reason being he owns a business in Picton and the applicant in the matter is his landlord. Cr Khan advised he would leave the meeting during discussion of this Item and not vote on the matter.

Cr Landow declared a Pecuniary Conflict of Interest in Item IN3 Interest in Council Owned Land - Purchase and Right of Way - Menangle Street, Picton. The reason being that his mother owns a commercial building in Picton. Cr Landow advised that he would leave the meeting during discussion of this Item and not vote on the matter.

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Efficient and Effective COUNCIL

EFFICIENT AND EFFECTIVE COUNCIL

GR4 **Legal Advice regarding Wilton South East Precinct Rezoning** TRIM 9456
272723

110/2018 **Resolved on the Motion of Crs Briggs and Lowry:**

1. ***That the General Manager be delegated authority to progress the matters noted in the legal advice dated 11 May 2018 in relation to points 55, 64 and 84 and any other appropriate matters raised in the advice.***

2. ***That Council also delegate authority to the General Manager to liaise with the Total Environment Centre in relation to these concerns.***

On being put to the meeting the motion was declared CARRIED.

Vote: Crs Briggs, Banasik, Deeth, Lowry, Hannan, Gould, Landow, Khan and Smith

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Management and Provision of INFRASTRUCTURE

MANAGEMENT AND PROVISION OF INFRASTRUCTURE

IN3 Interest in Council Owned Land – Purchase and Right of Way – Menangle & Colden Streets, Picton
10845 TRIM 9346

Cr Khan and Cr Landow left the meeting at 9.49pm due to previously declared Conflicts of Interest in the following matter and did not return.

111/2018 Resolved on the Motion of Crs Briggs and Lowry:

1. *That Council agrees in principle to sell the approximate areas of land nominated by the proponent and/or allow the formation of a Right Of Way for the purposes of a development consistent with concept plans previously submitted to Council by the proponent for tourism accommodation of a four star or higher standard and a micro-brewery subject to any such sale agreement being conditional on:*
 - a. *Satisfactory compensation being offered to council, by the proponent, for the sale of the land and/or establishment of a Right Of Way*
 - b. *The proponent clarifying the extents of the land and potential Right Of Way through a draft sub-division plan, with the proponent being responsible for all costs in the development of the plan, including costs of Council's review(s) of the plan; with the final plan being the subject of a future report to Council*
 - c. *That a Development Application consistent with the concept plans that the proponent previously submitted to Council be lodged within one year of signing the Deed of Agreement*
 - d. *Pending Development Consent, that the construction of the subject development commence to an extent specified in the Deed of Agreement within one year of the consent being granted*
 - e. *That a Probity Plan be developed and applied to this matter.*
2. *That the General Manager be delegated authority to negotiate a Deed of Agreement on the potential sale or Right of Way, including but not limited to the above points and the draft Agreement be the subject of a future report to Council.*
3. *That nothing in this resolution fetters Councils right to decline to enter into a Deed of Agreement*

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Management and Provision of INFRASTRUCTURE

On being put to the meeting the motion was declared CARRIED.

Vote: Crs Briggs, Banasik, Deeth, Lowry, Hannan, Gould and Smith

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Management and Provision of INFRASTRUCTURE

IN4 **Amendment to Existing Lease – Waste Management Facility – Wonga Road, Picton**

10845

TRIM 7408

112/2018 **Resolved on the Motion of Crs Smith and Deeth:**

1. That Council agree in principle to a variation of the Lease to allow the public to drop off waste at Lot 67 DP 3007 Wonga Road, Picton. Subject to the Applicant being responsible for all applicable fees, legal costs and disbursements including, but not limited to, traffic safety investigation or improvements for public access to the site from Remembrance Driveway as well as any necessary upgrades within the site.
2. That prior to expiry of the lease being 30 June 2020, the operations of the facility will be reviewed.
3. That a nominal lump sum payment from the applicant of \$1,800.00 be paid upon execution of the amended Lease.
4. That a minimum rent increase of \$400/week be applied from July 2019 subject to review of takings from public waste. This increase will be established in addition to the annual CPI increase incurred on 30 June 2019.
5. That the Applicant provide copies of their receipting and EPA reporting data to Council, at no cost to Council, for the duration of the approval period to enable Council to record volumes of waste streams from the community e.g. recycling and organics (if applicable) on a fortnightly or monthly basis.
6. That Council agree to enter into a Memorandum of Understanding for the Adopt a Road Programme with the sponsor (Lessee).
7. That the General Manager and Mayor be authorised to execute all documentation in relation to the lease including those requiring the Common Seal of Council.

On being put to the meeting the motion was declared CARRIED.

Vote: Crs Briggs, Banasik, Deeth, Lowry, Hannan, Gould and Smith

WOLLONDILLY SHIRE COUNCIL

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Closing

CLOSING

There being no further business, the Mayor resumed the Ordinary Council Meeting at 10.25pm.

This and the preceding 7 pages are the Minutes of the Closed Meeting of Council held on Monday 21 May 2018 and were confirmed at the subsequent meeting held on Monday 18 June 2018.

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Mayor