



# **MINUTES**

**Closed Extraordinary Council Meeting**

**15 July 2019**

**Order Of Business**

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**MINUTES OF CLOSED EXTRAORDINARY COUNCIL MEETING**  
**held at the Council Chamber, 62-64 Menangle Street, Picton NSW 2571**  
**on Monday, 15 July 2019 at 6.05pm**

**PRESENT:** Cr Michael Banasik, Cr Blair Briggs, Mayor Matthew Deeth, Cr Matthew Gould, Cr Simon Landow, Cr Noel Lowry, Cr Matt Smith

**IN ATTENDANCE:** Acting Chief Executive Officer, Acting Executive Director Community & Corporate, Acting Director Infrastructure & Environment, Acting Manager Governance, General Counsel, Minute Taker, Minute Taker, Director Planning, Acting Chief Financial Officer

**1 APOLOGIES AND LEAVE OF ABSENCE REQUESTS**

Note that Cr Judith Hannan is on an approved leave of absence.

An apology be noted for Cr Robert Khan.

**2 DECLARATION OF INTEREST**

There were no declarations of interest.

**8 CLOSED REPORTS**

**SUSPENSION OF STANDING ORDERS**

**RESOLUTION 157/2019**

Moved: Cr Matthew Gould

Seconded: Cr Noel Lowry

**That Council move into committee of the whole.**

On being put to the meeting the motion was declared **CARRIED 7/0**

In Favour: Crs Michael Banasik, Blair Briggs, Matthew Deeth, Matthew Gould, Simon Landow, Noel Lowry and Matt Smith

Against: Nil

**RESOLUTION 158/2019**

Moved: Cr Michael Banasik

Seconded: Cr Matthew Gould

**That Council move out of committee of the whole.**On being put to the meeting the motion was declared **CARRIED 7/0**

In Favour: Crs Michael Banasik, Blair Briggs, Matthew Deeth, Matthew Gould, Simon Landow, Noel Lowry and Matt Smith

Against: Nil

**8.1 NEGOTIATING THE MATTER OF INTEREST IN COUNCIL OWNED LAND - MENANGLE AND COLDEN STREETS, PICTON****RESOLUTION 159/2019**

Moved: Cr Matthew Gould

Seconded: Cr Blair Briggs

1. *That Council notes the need for and strategic benefit of additional high quality accommodation in the shire, as outlined in the Wollondilly Destination Plan.*
2. *That Council reiterate its in principle agreement 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/restaurant 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. *The proponent putting forward a draft deed of agreement consistent with the terms of this resolution for consideration by Council.*
  - d. *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.*
  - e. *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.*
  - f. *a Probity Plan be developed and applied to this matter.*

3. *That any proposal to sell and/or allow the formation of a Right Of Way on any Council owned land by the proponent must not substantially impact on Council's ability to deliver the community outcomes and facilities outlined in the draft Community, Cultural and Civic Precinct Plan, or as adopted.*
4. *That discussions be held with the proponent regarding their current development plans and the relationship with the Council's master plan for the precinct. Further, that discussions be held with the proponent to explore any possible alternative models to achieve a result which could facilitate both the Community, Cultural and Civic Precinct Plan and tourism accommodation consistent with the proponent's concept plans, such as a possible public/private partnership for a portion of the site or strategic acquisition of the proponent's site by Council.*
5. *That if a viable alternative model as outlined in point 3 is identified or put forward this be the subject of a further council report.*
6. *That the proponent be invited to present at a Councillor workshop within two months, to present their development concept.*
7. *That until such time as a draft deed of agreement is submitted by the proponent planning for the Community, Cultural and Civic Precinct proceed based on that land that is currently owned by Council, or which it is either considering acquiring or entering into an access agreement for.*
8. *That Council not sign a development application consent form with regards to the part of the proponent's proposal currently owned by Council until such time as a deed of agreement has been entered into.*
9. *That the Chief Executive Officer 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.*
10. *That nothing in this resolution fetters Council's right to decline to enter into a Deed of Agreement.*
11. *That if a draft deed of agreement has not been submitted by the proponent prior, a further report on this matter be provided to Council no later than the October 2019 Council meeting to allow Council to reassess its continued in principle agreement.*
12. *That this resolution supersedes Resolution 111/2018 in the Ordinary Meeting of Council held on 21 May 2018 to the extent there are any inconsistencies.*

On being put to the meeting the motion was declared **CARRIED 7/0**

In Favour: Crs Michael Banasik, Blair Briggs, Matthew Deeth, Matthew Gould, Simon Landow, Noel Lowry and Matt Smith

Against: Nil

**RESOLUTION 160/2019**

Moved: Cr Michael Banasik

Seconded: Cr Matt Smith

**That Council moves out of closed meeting into Open Council.**

On being put to the meeting the motion was declared **CARRIED 7/0**

In Favour: Crs Michael Banasik, Blair Briggs, Matthew Deeth, Matthew Gould, Simon Landow, Noel Lowry and Matt Smith

Against: Nil

**CLOSING**

There being no further business, the Mayor resumed the open Council Meeting at 6.26pm.

**This and the preceding 5 pages are the Minutes of the Closed Extraordinary Meeting of Council held on Monday 15 July 2019 and were confirmed at the subsequent meeting held on Monday 19 August 2019.**

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**MAYOR**