



MINUTES

Extraordinary Council Meeting

27 August 2018

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**MINUTES OF WOLLONDILLY SHIRE COUNCIL
EXTRAORDINARY COUNCIL MEETING
held at the Council Chamber, 62-64 Menangle Street, Picton NSW 2571
on Monday, 27 August 2018 at 7.02pm**

PRESENT: Cr Judith Hannan (Mayor), Cr Michael Banasik, Cr Blair Briggs, Cr Matthew Deeth, Cr Matthew Gould, Cr Simon Landow, Cr Noel Lowry

IN ATTENDANCE: Acting Chief Executive Officer; Acting Executive Director Community & Corporate; Director Infrastructure & Environment, Director Planning, Assistant Director People, Legal & Governance, General Counsel, and two Minute Takers

1 OPENING

2 RECORDING OF THE MEETING

In accordance with Council's Code of Meeting Practice the electronic recording of the Council Meeting and the use of electronic media during the proceedings is not permitted. This includes devices such as laptops, mobile phones, tape recorders and video cameras.

3 WEBCAST NOTICE

Members of the public are advised, in accordance with Section 18 of the Privacy and Personal Information Protection Act 1998 (PPIPA), that Wollondilly Shire Council records and webcasts live all Ordinary and Extraordinary Meetings of Council held in open session for the purpose of facilitating community access. The webcasts are publicly available for viewing on Council's website.

Video footage collected is of the decision making body only, if you do not wish your image to be recorded please remain in the public gallery. Your image, voice, personal and health information may be recorded, publicly broadcast and archived if you speak during the meeting and/or don't remain in the space provided.

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Council may be required to disclose recordings pursuant to the Government Information (Public Access) Act 2009, or where Council is compelled to do so by court order, warrant or subpoena or by any other legislation

4 NATIONAL ANTHEM

5 ACKNOWLEDGEMENT OF COUNTRY

The Mayor acknowledged the traditional Custodians of the Land:

I would like to pay my respect and acknowledge the traditional custodians of the land on which this meeting takes place, and also pay respect to Elders both past and present.

6 APOLOGIES AND LEAVE OF ABSENCE REQUESTS

An apology was noted for Cr Khan and the Chief Executive Officer.

It was noted that Cr Smith is on an approved leave of absence.

7 DECLARATION OF INTEREST

Nil

8 EFFICIENT AND EFFECTIVE COUNCIL

8.1 WESTERN SYDNEY CITY DEAL

RESOLUTION 18/2018

Moved: Cr Judith Hannan

Seconded: Cr Matthew Gould

That Council:

1. Notes the Interim Implementation Plan attached to this report.
2. *Notes that the implementation of agribusiness initiatives are a high priority for Wollondilly and that options to fast-track the Agribusiness initiatives in the City Deal be investigated and advocated for, including by seeking to have Ref item J8 - Agribusiness Precinct made a priority action item in the Implementation Plan. Further that Council make the development of an agribusiness precinct in the north of the shire a strategic priority, including through the City Deals Process and the LEP review.*
3. Adopts the *known* finance and resourcing commitments noted in the report and the Implementation Plan.
4. Adopts the Relationship Framework as attached to this report, in relation to matters relating explicitly to the implementation or governance of the City Deal and not for broader regional issues at this time. That a further report come to council on any proposal for broader partnerships or alliances between the eight councils in the city deal.
5. Notes the proposed project/program initiatives to be considered for funding under the Liveability Fund; *namely:*
 - i. *Cultural and Civic facility to service the Shire from Picton*
 - ii. *Pedestrian and connectivity improvements*
 - iii. *Regional Skate park facility*
 - iv. *Regional sporting facilities*
 - v. *Shire wide fitness equipment project.*
6. *Request as part of the new Relationship Framework for Councils of the Western Parkland Region, discussions commence in relation to options for supporting the South West Sydney Academy of Sport and other Sports Academy programs across the eight Local Government Areas.*
7. Writes to the Chief Coordinator Western Sydney City Deal Mr Geoff Roberts, advising of Council's resolutions.
8. *Provide updates on the implementation of the City Deals as part of the quarterly reporting process.*
9. Notes that further reports may be brought back to Council from time to time on matters arising under the City Deal and issues of Regional collaboration.

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

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

Against: Nil

9 CLOSED REPORTS

9.1 General Counsel's Verbal Advice on Land & Environment Court Proceedings involving Council and the Walker Corporation

This matter relates to current proceedings in the Land & Environment Court involving Council and the Walker Corporation. The legal advice to be presented is therefore considered subject to legal professional privilege.

Under section 10A(4) of the Local Government Act 1993 the public are invited to make representations to the Council meeting before any part of the meeting is closed, as to whether that part of the meeting should be closed.

No representations were received.

RESOLUTION 19/2018

Moved: Cr Matthew Gould

Seconded: Cr Noel Lowry

1. That Council considers the confidential report(s) listed below in a meeting closed to the public in *accordance with Section 10 A(2) of the Local Government Act 1993*:

9.1 General Counsel's Verbal Advice on Land & Environment Court Proceedings involving Council and the Walker Corporation

This matter is considered to be confidential under Section 10A(2) - g of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

2. That pursuant to Section 10A(1) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of Section 10A(2).
3. That the correspondence and reports relevant to the subject business be withheld from access to the media and public as required by Section 11(2) of the Local Government Act 1993.

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

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

Against: Nil

Council moved into Closed Council at 7.36pm. The public and media left the chamber.

The Ordinary meeting re-opened to the public and media at 8.06pm.

The Mayor read the resolution adopted in respect of Item 9.1 General Counsel's Verbal Advice on Land & Environment Court Proceedings involving Council and the Walker Corporation.

1. That the advice of the General Council be received and noted.
2. That the Mayor and Chief Executive Officer be delegated authority to prosecute, defend and/or settle the current Land and Environment Court proceedings between Council, The Minister for Planning and The Walker Corporation bearing Case number 2018/00216122.
3. That the recommendations discussed in closed session be drafted by the General Counsel for consideration going forward.

The Mayor advised of a late matter of great urgency to be dealt with at tonight's meeting. The matter relates to proceedings in the Land and Environment Court between Council and Benson.

RESOLUTION 20/2018

Moved: Cr Judith Hannan

Seconded: Cr Michael Banasik

That Council deal with the late Item relating to the Benson litigation as a matter of urgency.

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

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

Against: Nil

9.2 Update and Advice on Land & Environment Court Proceedings involving Council and Benson

This matter relates to current proceedings in the Land & Environment Court involving Council and Benson. The information to be presented is therefore considered subject to legal professional privilege.

Under section 10A(4) of the Local Government Act 1993 the public are invited to make representations to the Council meeting before any part of the meeting is closed, as to whether that part of the meeting should be closed.

No representations were received.

RESOLUTION 21/2018

Moved: Cr Judith Hannan
Seconded: Cr Blair Briggs

1. That Council considers the confidential report(s) listed below in a meeting closed to the public in *accordance with Section 10 A(2) of the Local Government Act 1993*:

9.2 Update and Advice on Land & Environment Court Proceedings involving Council and Benson

This matter is considered to be confidential under Section 10A(2) - g of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

2. That pursuant to Section 10A(1) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of Section 10A(2).
3. That the correspondence and reports relevant to the subject business be withheld from access to the media and public as required by Section 11(2) of the Local Government Act 1993.

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

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

Against: Nil

Council moved into Closed Council at 8.10pm. The public and media left the chamber.

The Ordinary meeting re-opened to the public and media at 8.23pm.

The Mayor read the resolution adopted in respect of Item 9.2 Update and Advice on Land & Environment Court Proceedings involving Council and Benson.

That the update of the Director Planning and advice of the General Counsel be received and noted.

The Meeting closed at 8.24pm.

The minutes of this meeting were confirmed at the Ordinary Meeting of the Wollondilly Shire Council held on 17 September 2018.

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MAYOR