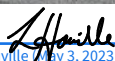


# Minutes

Minutes of the Extraordinary Council Meeting held on Thursday 6 April 2023

Signature:

  
Leo Hauville / 6 Apr 2023 11:23 GMT+10)

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The meeting commenced at 10 am.

**PRESENT:**

Councillors L J Hauville (Mayor and Chairperson), I A Bain, C S Butterfield, S R A Fergusson, A P Patterson, K A Riddington, K Ring, D F Saul and A D Wyatt

General Manager, C L Milburn; Director Corporate and Commercial, S M Mitchell; Director Operations and Planning, M B Jackson; Group Manager Governance and Information Services, D S Thoroughgood; and Minute Taker, M L Peterson.

The Mayor informed all present that Council permits the electronic recording and broadcasting of the proceedings of Council which are open to the public. Your attendance at this meeting is taken as consent of the possibility that your image and your voice may be recorded and broadcast to the public.

**1 OPENING PRAYER**

Cr Butterfield provided the opening prayer.

**2 ACKNOWLEDGEMENT OF COUNTRY**

Cr Bain provided an acknowledgement of country.

**3 ACKNOWLEDGEMENT OF SERVICE MEN, WOMEN AND FAMILIES**

Cr Patterson provided an acknowledgement of service men, women and families.

**4 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE OR ATTENDANCE BY AUDIO-VISUAL LINK BY COUNCILLORS**

Nil.

**5 DISCLOSURES OF INTEREST**

Cr Bain declared a non-pecuniary non-significant interest in item 7.1 Rise Developments - Phillip Drive, South West Rocks Lot 2 DP1091323 - CC2100097, for the reason that he has had close communication with members of the Voices for South West Rocks Community.

Cr Patterson declared a non-pecuniary non-significant interest in item 7.1 Rise Developments - Phillip Drive, South West Rocks Lot 2 DP1091323 - CC2100097, for the reason that he has a business which operates over the Macleay and does work within South West Rocks.

**6 CONFIDENTIAL MATTERS**

**2023.26 RESOLVED (Cr Saul/Cr Patterson):**

**That Council:**

1. move into Committee of the Whole and at this stage, the meeting be closed to the public, in accordance with s10A(2)(g) of the *Local Government Act 1993*, in order to receive advice concerning litigation; and
2. invite representatives of Council's legal advisors, Local Government Legal, to remain present in the meeting for the purposes of providing this advice.

**CARRIED UNANIMOUSLY (9 / 0)**

**FOR:** Cr Bain, Cr Butterfield, Cr Fergusson, Cr Hauville, Cr Patterson, Cr Riddington, Cr Ring, Cr Saul and Cr Wyatt

**AGAINST:** Nil

**2023.27 RESOLVED (Cr Fergusson/Cr Butterfield):**

**That the ordinary Council meeting be resumed.**

**CARRIED UNANIMOUSLY (9 / 0)**

**FOR:** Cr Bain, Cr Butterfield, Cr Fergusson, Cr Hauville, Cr Patterson, Cr Riddington, Cr Ring, Cr Saul and Cr Wyatt

**AGAINST:** Nil

Director Corporate and Commercial, Mr Stephen Mitchell, left the meeting at 12:04 pm.

## **7 REPORTS TO COUNCIL**

### **7.1 Rise Developments - Phillip Drive, South West Rocks - Lot 2 DP1091323 - CC2100097**

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**Officer** Craig Milburn, General Manager

**File Number** CC2100097

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#### **RECOMMENDATION:**

**That Council does not appeal the decision of Moore J in the matter 2 Phillip Rise Development Pty Ltd v Kempsey Shire Council [2023] NSWLEC 28 based on the information contained in the confidential briefing paper attached to this report.**

**2023.28 RESOLVED (Cr Bain/Cr Patterson):**

**That Council:**

1. acknowledges community sentiment regarding the 2 Phillip Rise Development Pty Ltd matter;
2. based on the information contained in the confidential briefing paper, reluctantly accepts that an appeal would pose an unacceptable financial and reputational risk; and
3. does not pursue a further appeal in the matter of 2 Phillip Rise Development Pty Ltd v Kempsey Shire Council [2023] NSWLEC 28.

**CARRIED (8 / 1)**

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**FOR:** Cr Bain, Cr Butterfield, Cr Fergusson, Cr Hauville, Cr Patterson, Cr Riddington, Cr Ring and Cr Saul

**AGAINST:** Cr Wyatt

## **8 CONCLUSION OF THE MEETING**

**There being no further business, the Mayor then closed the meeting, the time being 12:46 pm.**


# 230406 Extraordinary Council Meeting 06 April 2023 Confirmed Minutes

Final Audit Report

2023-05-03

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