

MINUTES OF THE EXTRA ORDINARY MEETING

Meeting Date: Thursday, 22 April 2021
Location: Council Chambers, City Administrative Building, Bridge Road, Nowra
Time: 3.30pm

The following members were present:

Clr Amanda Findley - Chairperson
Clr Patricia White
Clr John Wells
Clr Kaye Gartner – (remotely)
Clr Nina Digiglio
Clr Greg Watson
Clr Mark Kitchener
Clr Bob Proudfoot

The Chairperson read a statement advising those present that the proceedings of this meeting (including presentations, deputations and debate) will be webcast and may be recorded and broadcast under the provisions of the Code of Meeting Practice.

Apologies / Leave of Absence

Apologies were received from Clr Guile, Clr Gash, Clr Alldrick, Clr Levett and Clr Pakes for this meeting.

Declarations of Interest

Nil

MAYORAL MINUTE

Nil

DEPUTATIONS AND PRESENTATIONS

CL21.56 – Land & Environment Class 1 Appeal - Lot 87 Abernathys Road Budgong

Mrs Annette Hogan addressed the meeting and spoke on the matter.

Motion

RESOLVED (Clr White / Clr Digiglio) MIN21.216

That the press and public be excluded from the Meeting, pursuant to section 10A(1)(a) of the Local Government Act, 1993, to consider the following item of a confidential nature.

CL21.56 Land & Environment Class 1 Appeal - Lot 87 Abernathys Road Budgong

Local Government Act - Section 10A(2)(g) - 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.

CARRIED

The meeting moved into confidential the time being 3.58pm.

The meeting moved into open session, the time being 5.31pm.

REPORT FROM CONFIDENTIAL SESSION

The following resolutions of the meeting, whilst closed to the public, were made public.

CL21.56 Land & Environment Class 1 Appeal - Lot 87 Abernathys Road Budgong	HPERM Ref: D21/154693
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RESOLVED (Clr Proudfoot / Clr Kitchener) MIN21.217

That Council receive this report and move into confidential session under Section 10A(2)(g) of the Local Government Act 1993 to receive a legal briefing in regard to the legal aspects associated with this Class 1 appeal – the reason being that the matter contains advice concerning litigation, or advice comprising a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the grounds of legal professional privilege.

CARRIED

RESOLVED (Clr Wells / Clr White) MIN21.218

That:

1. Council accede to the submission by the applicants of their two legal questions proposed to be put before the Court for ruling by way of their solicitor, Mr McMahon, filing a Notice of Motion with the Court.
2. Council write to Mr McMahon stating Council's willingness to negotiate the regularisation of the dwelling; in the event that no response is received by 30 June 2021 then the matter will proceed to a hearing.
3. Council revive the Section 34 proceedings.

CARRIED

There being no further business, the meeting concluded, the time being 5.33pm.

Clr Findley
CHAIRPERSON