

# **DUNGOG SHIRE COUNCIL**



## **Minutes of the Extra Ordinary Meeting**

**28 July 2016**

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# MINUTES OF THE EXTRA ORDINARY MEETING OF DUNGOG SHIRE COUNCIL HELD AT DUNGOG SHIRE COUNCIL CHAMBERS ON 28 JULY 2016 COMMENCING AT 4.00 PM.

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**PRESENT:** Mayor H F Johnston and Councillors, N F Knudsen, S B Farrow, A G McKenzie, N B Bale, T Norman and G D Wall.

**OFFICERS IN ATTENDANCE:** C F Deasey, General Manager, S L Chandler, Executive Manager Corporate Services, J Tupper, Manager Planning and P J Minett, Manager Environmental Services.

**ACKNOWLEDGEMENT OF COUNTRY:** Delivered by Cr Johnston.

**APOLOGIES:** Approved Leave of Absence Councillors R A Booth, L M Bowden

***Minute No. 37185***

**RESOLVED** on the motion of Cr McKenzie and seconded by Cr Knudsen that Cr Booth and Cr Bowden be recorded as an apology for the Extra Ordinary Meeting.

**DECLARATION OF INTERESTS:** Nil

## GENERAL MANAGER

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**Craig Deasey**

### 1. CLOSED COUNCIL

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**Précis:**

Report referring matters to Closed Council.

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***Minute No. 37186***

**RESOLVED** on the motion of Cr Norman and seconded by Cr Knudsen that:

1. Council resolve into Closed Council to consider business identified, together with any late reports tabled at the meeting.
2. Pursuant to section 10A (1)-(3) 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 as confidential under the provisions of Sec 10A(2) as outlined above.
3. Correspondence and reports relevant to the subject business be withheld from access to the media and public as required by Sec 11(2) of the *Local Government Act 1993*.

### **CLOSED COUNCIL**

***Minute No. 37187***

**RESOLVED** on the motion of Cr Knudsen and seconded by Cr Norman that:

1. Council resolve into closed council to consider business identified, together with any late reports tabled at the meeting.

2. Pursuant to section 10A(1)-(3) 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) of the *Local Government Act 1993*.
3. 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*.

Council closed its meeting at 4.01 pm. The public and media left the Chambers.

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***Minute No. 37188***

**A MOTION** was moved by Wall and seconded by Cr Knudsen that Council move into Committee of the Whole.

On being put the motion was carried.

Council resolved into Committee of the Whole at 4.02 pm.

Councillor Farrow left the Chambers at 4.19pm.

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***Minute No. 37189***

**A MOTION** was moved by Cr Knudsen and seconded by Cr Norman that Council resume Closed Council at 4.35 pm.

On being put the motion was carried.

Council resumed Closed Council at 4.35pm.

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***Minute No. 37190***

**A MOTION** was moved by Cr Knudsen and seconded by Cr Norman that Council resolves into Open Council.

**RESOLVED** on the motion of Cr Knudsen and seconded by Cr Norman that Council move out of Closed Council and into Open Council.

On being put the motion was carried.

Open Council resumed at 4.40 pm.

The following resolutions of Council while the meeting was closed to the public were read to the meeting by the General Manager.

On being put the motion was carried.

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# PLANNING DEPARTMENT MANAGERS REPORT

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Jacqui Tupper

1. **STAGED POULTRY OPERATION COMPRISING FOUR (4) EGG LAYER SHEDS & ASSOCIATED INFRASTRUCTURE  
DA 26/2015**
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**Précis:**

Council has received a Notice of Land and Environment Court Class 1 Proceedings – Holz v Dungog Shire Council. Council has sought preliminary legal advice from Sparke Helmore Lawyers.

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**Minute No. 37191**

**RESOLVED** on the motion of Cr McKenzie and seconded by Cr Knudsen that:

1. That Council receive the Sparke Helmore advice and determine to adopt Option A as listed and instruct Sparke Helmore to proceed accordingly;
2. That Council delegate the Authority to the General Manager to act on its behalf in respect of these legal proceedings.

The Mayor in accordance with Section 375A of the Local Government Act called for a Division. The Division resulted in 6 for 0 against as follows:

<i>For: Crs Johnston, Bale, McKenzie, Knudsen, Wall, Norman.</i>
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There being no further business the meeting closed at 4.41 pm.

Confirmed .....

Date .....