

Director's Meeting 18 May 2020

Time: 5pm

Chair & MinuteTaker: Wayne Skinner

In Attendance

Wayne Skinner, Peter O'Hara, Trinh Nguyen, Nick Reid, Dan Rose

Apologies

Craig Singleton

Agenda:

Next Steps with DA Conditions response

Items forwarded from directors:

DA Position paper v1.3

Discussion

As of 1 May 2020 the Co-op is in breach of its DA in respect of condition 4a timeframes for completion of the sealed road upgrade of Nevertire. Therefore the directors feel obligated to understand our position should Kempsey Shire Council (KSC) take legal action against the Co-op.

The position paper sets out opportunities for Goolawah to not only defend it's position but also to amend the conditions of access imposed on Goolawah.

The cost of advice in comparison to the cost of sealing Nevertire road or even removing some of the onerous conditions is considered minimal, but it is also considered diligent to be prepared for any legal approach by KSC.

Lawyer's pricing had been sought from three legal firms with specialisation in Land & Environment Court matters:

1. **Marsdens** Lawyers could not engage as they represent Kempsey Shire Council.
2. **Mills Oakley** responded with a cost agreement of \$3850 to review the DA approval for the Co-op and provide advice on whether and how these conditions may be amended. They would advise us on options available to progress the matter further, including via Land and Environment Court appeal.
3. **Hones Lawyers** proposed an initial consultation conference fee of \$750

(ex GST) with two solicitors present: to review all relevant documentation on a preliminary basis, provide initial verbal advice and set out in as much detail as possible the next steps, and in the case of litigation, possible legal costs, over the course of one hour.

Proposal: to accept the cost of \$750 for Hones Lawyers' fees.

Unanimously agreed.

Action:

As Hones Lawyers was the lowest cost of \$750 if was agreed to move forward with the consultation.

Wayne will draft a note to the community to be published on the member website with the DA Position paper (and notified on phone tree) and posted on the Camp Kitchen notice board.

This note will outline the reasons for seeking legal advice, which will set out in detail possible next steps, and in the case of litigation, possible legal costs.

This information will be brought to the community with a view to understanding if there is support to proceed further, following receipt of the advice and community discussion.

Next meeting TBA.

Conclusion:

Meeting concluded at 6:30 pm