

**MINUTES OF THE EXTRAORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 14/03/16 AT 8.30 AM**

Attendance

Crs David Wright (Mayor - in the chair), Sharon Cadwallader, Keith Johnson, Sue Meehan, Ken Johnston, Paul Worth and Ben Smith.

Paul Hickey (General Manager), John Truman (Civil Services Group Manager), Rod Willis (Development and Environmental Health Group Manager), Steve Barnier (Strategic and Community Facilities Group Manager) and Joanne Cordery (Secretary) were in attendance.

There were eight people in the gallery at this time.

1. Acknowledgement of Country

In opening the meeting the Mayor provided an Acknowledgement of Country by reading the following statement on behalf of Council:

I would like to respectfully acknowledge past and present Bundjalung peoples who are the traditional custodians of the land on which this meeting takes place.

2. Apologies

An apology was received from Cr Robyn Hordern.

140316/1 RESOLVED

(Cr Keith Johnson/Cr Ben Smith)

That such apology be accepted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Keith Williams and Cr Robyn Hordern

3. Declarations of Interest and Reportable Political Donations

There were no reportable political donations.

4. Deputations

- **Denis Magnay** – spoke in opposition to Item 5.1 – DA 2015/138 – Coastal Protection Works, Skinner and Camden Streets, Ballina.
- **Denis Magnay** – spoke in opposition to Item 6 – Confidential Session.

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5. Development and Environmental Health Group Reports

5.1 DA 2015/138 - Coastal Protection Works, Skinner and Camden Streets, Ballina

140316/2 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

That Council notes the contents of this open Council report in respect of Development Application 2015/138.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Keith Williams and Cr Robyn Hordern

6. Confidential Session

140316/3 RESOLVED

(Cr Ben Smith/Cr Susan Meehan)

That Council moves into committee of the whole with the meeting closed to the public, to consider the following item in accordance with Section 10A (2) of the Local Government Act 1993.

6.1 DA 2015/138 - Coastal Protection Works, Skinner and Camden Streets, Ballina

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(g) of the Local Government Act 1993. which permits the meeting to be closed to the public for business relating to the following:-

- g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

and in accordance with 10D(2)(c), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as it relates to potential litigation.

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Johnson, Cr Susan Meehan, Cr Paul Worth and Cr Ben Smith

AGAINST VOTE - Cr Ken Johnston

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Keith Williams and Cr Robyn Hordern

(The Council moved into Confidential Session at 8.49am).

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Open Council

140316/4 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council move into Open Council and out of Committee of the Whole.

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Johnson,
Cr Susan Meehan, Cr Paul Worth and Cr Ben Smith

AGAINST VOTE - Cr Ken Johnston

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Keith Williams and Cr
Robyn Hordern

(The Council moved into Open Council at 9.22am).

The General Manager reported to the Open Meeting the recommendation made while
in Confidential Session:

**6.1 DA 2015/138 - Coastal Protection Works, Skinner and Camden Streets,
Ballina**

CF140316/5 RECOMMENDED

(Cr Paul Worth/Cr Keith Johnson)

1. That Council endorse CHLaw's advice and direct CHLaw to seek to settle
the litigation by consenting to the Orders being sought in the application
namely that the Development Application be approved and the matter be
adjourned for the parties to submit to the Court agreed conditions of
consent.
2. That Council receive a report on options to provide permanent public
access along the river bank in this location including options such as, but
not limited to, compulsory acquisition.

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Johnson, Cr
Susan Meehan, Cr Paul Worth and Cr Ben Smith

AGAINST VOTE - Cr Ken Johnston

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Keith Williams and Cr Robyn
Hordern

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Adoption of Recommendation from Confidential Session

140316/6 RESOLVED

(Cr Ben Smith/Cr Keith Johnson)

That the recommendation made whilst in Confidential Session, be adopted.

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Johnson,
Cr Susan Meehan, Cr Paul Worth and Cr Ben Smith

AGAINST VOTE - Cr Ken Johnston

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Keith Williams and Cr
Robyn Hordern

MEETING CLOSURE

9.24am

The Minutes of the Extraordinary Meeting held on 14/03/16 were submitted for confirmation by council on 24 March 2016 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 24 March 2016.