

**MINUTES OF THE ORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 23/02/17 AT 9.00 AM**

Attendance

Crs David Wright (Mayor - in the chair), Phillip Meehan, Sharon Parry, Jeff Johnson, Eoin Johnston, Stephen McCarthy, Nathan Willis, Keith Williams, Sharon Cadwallader and Ben Smith.

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

There were 20 people in the gallery at this time.

1. Australian National Anthem

The National Anthem was performed by Councillors and staff.

2. 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.

3. Apologies

Nil

4. Confirmation of Minutes

230217/1 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council confirms the Minutes of the Ordinary Meeting of Ballina Shire Council held on Wednesday 25 January 2017.
2. That Council confirms the Minutes of the Extraordinary Meeting of Ballina Shire Council held on Friday 10 February 2017.

FOR VOTE - All Councillors voted unanimously.

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5. Declarations of Interest and Reportable Political Donations

Cr David Wright – declared an interest in Item 13.6 – Notice of Motion – Roundabout at Sharpes Beach. (Nature of Interest: non significant, non pecuniary – the Engineer from Intrapac was his son’s former boss). He will be remaining in the meeting while the matter is discussed and voting on the mater.

There were no reportable political donations.

6. Deputations

- **Chris Pickford** – spoke in favour of Item 13.5 – Notice of Motion – Whytes Lane West.
- **Barbara McFadden** – spoke in favour of Item 13.1 – Notice of Motion – Donation – Ballina Hospital Auxiliary.
- **Del McAlister** – spoke in favour of Item 13.2 – Notice of Motion – Significant Tree Register.
- **Tania Watson** – spoke in favour of Item 13.3 – Notice of Motion – Concealed Water Leak.

7. Mayoral Minutes

Nil items.

13.5 Notice of Motion - Whytes Lane West

230217/2 RESOLVED

(Cr Eoin Johnston/Cr Keith Williams)

That Council include Whytes Lane West on its register of roads to be maintained under its Road Maintenance and Renewal Policy, because of the number of properties this road services (five).

FOR VOTE - Cr Sharon Parry, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nathan Willis, Cr Keith Williams and Cr Sharon Cadwallader

AGAINST VOTE - Cr David Wright, Cr Phillip Meehan, Cr Jeff Johnson and Cr Ben Smith

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13.1 Notice of Motion - Donation - Ballina Hospital Auxiliary

A **Motion** was moved by Cr Nathan Willis and seconded by Cr Keith Williams

1. That Council approves a one-off donation of the actual cost to Council less \$500.00 to the Ballina Hospital Auxiliary to assist in the staging of their annual craft show at the Lennox Head Cultural and Community Centre.
2. That Council write to the Ballina Hospital Auxiliary to explain this as a one-off donation and to further advise that future donations towards the costs of staging of their annual craft show at the Lennox Head Cultural and Community Centre would need to be made via the usual Council donation application process rather than by Notice of Motion.

An **Amendment** was moved by Cr Phillip Meehan and seconded by Cr Sharon Cadwallader

That Council through the Assistance with Council Fees Policy, provide a donation of \$2,000 to the Ballina Hospital Auxiliary to assist with the cost of their annual craft show to be held at the Lennox Head Cultural and Community Centre.

The **Amendment** was **CARRIED**.

FOR VOTE - Cr David Wright, Cr Phillip Meehan, Cr Jeff Johnson, Cr Stephen McCarthy, Cr Sharon Cadwallader and Cr Ben Smith

AGAINST VOTE - Cr Sharon Parry, Cr Eoin Johnston, Cr Nathan Willis and Cr Keith Williams

The **Amendment** then became the **Motion** and was **CARRIED**.

FOR VOTE - All Councillors voted unanimously.

230217/3 RESOLVED

(Cr Phillip Meehan/Cr Sharon Cadwallader)

That Council through the Assistance with Council Fees Policy, provide a donation of \$2,000 to the Ballina Hospital Auxiliary to assist with the cost of their annual craft show to be held at the Lennox Head Cultural and Community Centre.

FOR VOTE - All Councillors voted unanimously.

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13.2 Notice of Motion - Significant Tree Register

A **Motion** was moved by Cr Nathan Willis and seconded by Cr Keith Williams

1. That Council allocates \$50,000 in the 2017/18 budget to engage an expert consultant arborist/landscape architect to prepare a Shire wide significant tree register. That there be a consultation phase in the development of the register where the public and key stakeholders be invited to identify significant trees with their cultural, historical and other significance.
2. That the register in point one above be prepared to include recommendations:
 - (a) of significant trees (including the Ballina Island street fig trees) that should be added as heritage items to Schedule 5 of the Ballina Local Environmental Plan 2012
 - (b) in the Council management and funding of mitigating root damage from significant trees (without removing them).
3. That points one to two be reported back to Council by February 2018 with a planning proposal adding the recommended heritage items to Schedule 5 of the Ballina Local Environmental Plan 2012.

An **Amendment** was moved by Cr Sharon Cadwallader and seconded by Cr Sharon Parry

1. That Council allocates \$50,000 in the 2017/18 budget to engage an expert consultant arborist/landscape architect to prepare a Shire wide significant tree register. That there be a consultation phase in the development of the register where the public and key stakeholders be invited to identify significant trees with their cultural, historical and other significance.
2. That a Councillor briefing be held on this issue.
3. That Council undertake a review of the Urban Vegetation on Public Land Policy as part of this process.

The **Amendment** was **CARRIED**.

FOR VOTE - Cr David Wright, Cr Sharon Parry, Cr Jeff Johnson, Cr Eoin Johnston, Cr Stephen McCarthy and Cr Sharon Cadwallader

AGAINST VOTE - Cr Phillip Meehan, Cr Nathan Willis, Cr Keith Williams and Cr Ben Smith

The **Amendment** then became the **Motion** and was **CARRIED**.

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FOR VOTE - Cr David Wright, Cr Sharon Parry, Cr Jeff Johnson, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nathan Willis, Cr Keith Williams and Cr Sharon Cadwallader

AGAINST VOTE - Cr Phillip Meehan and Cr Ben Smith

230217/4 RESOLVED

(Cr Sharon Cadwallader/Cr Sharon Parry)

1. That Council allocates \$50,000 in the 2017/18 budget to engage an expert consultant arborist/landscape architect to prepare a Shire wide significant tree register. That there be a consultation phase in the development of the register where the public and key stakeholders be invited to identify significant trees with their cultural, historical and other significance.
2. That a Councillor briefing be held on this issue.
3. That Council undertake a review of the Urban Vegetation on Public Land Policy as part of this process.

FOR VOTE - Cr David Wright, Cr Sharon Parry, Cr Jeff Johnson, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nathan Willis, Cr Keith Williams and Cr Sharon Cadwallader

AGAINST VOTE - Cr Phillip Meehan and Cr Ben Smith

Adjournment

The Mayor declared the meeting adjourned at 10.29 am.

The meeting resumed at 10.51 am

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13.3 Notice of Motion - Concealed Water Leak

A **Motion** was moved by Cr Keith Williams and seconded by Cr Nathan Willis

1. That due to the delay in notifying the property owner of a concealed water leak, Council provide a 50% discount on the additional water charges levied against Mr Rod Hornby and due to the financial hardship for Tania Watson (Gardnir) for the September Quarter 2016 resulting from the leak (up to a maximum of \$800 for Mr Hornby and \$2,000 for Ms Watson).

That the step two charge not be levied for the remainder of the financial year on Mr Rod Hornby and Ms Tania Watson (Gardnir).

2. That Council receive a report on options to provide some relief for ratepayers from water charges resulting from a concealed water leak in circumstances where:
 - There was a delay in notifying the property owner of the leak
 - The leak is the result of actions by a third party and costs are not recoverable by the property owner
 - The imposition of the charge results in exceptional circumstances.
 - That Council removes the step two charges.

An **Amendment** was moved by Cr Sharon Cadwallader and seconded by Cr Phillip Meehan

1. That Council hold a briefing and receive a report on options to provide some relief for ratepayers from water charges resulting from a concealed water leak in circumstances where:
 - There was a delay in notifying the property owner of the leak
 - The leak is the result of actions by a third party and costs are not recoverable by the property owner
 - The imposition of the charge results in exceptional circumstances.
 - That Council removes the step two charges.
2. That Council receive a report on options for financial relief for Mr Rod Hornby and Ms Tania Watson (Gardnir).

The **Amendment** was **CARRIED**.

FOR VOTE - Cr David Wright, Cr Phillip Meehan, Cr Sharon Parry, Cr Eoin Johnston, Cr Sharon Cadwallader and Cr Ben Smith

AGAINST VOTE - Cr Jeff Johnson, Cr Stephen McCarthy, Cr Nathan Willis and Cr Keith Williams

The **Amendment** then became the **Motion** was **CARRIED**.

FOR VOTE - All Councillors voted unanimously.

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230217/5 RESOLVED

(Cr Sharon Cadwallader/Cr Phillip Meehan)

1. That Council hold a briefing and receive a report on options to provide some relief for ratepayers from water charges resulting from a concealed water leak in circumstances where:
 - There was a delay in notifying the property owner of the leak
 - The leak is the result of actions by a third party and costs are not recoverable by the property owner
 - The imposition of the charge results in exceptional circumstances.
 - That Council removes the step two charges.

3. That Council receive a report on options for financial relief for Mr Rod Hornby and Ms Tania Watson (Gardnir).

FOR VOTE - All Councillors voted unanimously.

A **Motion** was moved by Cr Ben Smith and seconded by Cr Stephen McCarthy

That Council waive \$4,000 in water charges for Ms Tania Watson (Gardnir).

Cr Jeff Johnson left the meeting at 11:33 am.

A **Motion of Dissent** from the ruling of the Mayor/Chair in accepting this motion was moved by Cr Phillip Meehan and seconded by Cr Sharon Cadwallader as they believed that this matter has already been resolved in the previous resolution.

The **Motion of Dissent** was **LOST**.

FOR VOTE – Cr Phillip Meehan, Cr Eoin Johnston and Cr Sharon Cadwallader

AGAINST VOTE - Cr David Wright, Cr Sharon Parry, Cr Stephen McCarthy, Cr Nathan Willis, Cr Keith Williams and Cr Ben Smith

ABSENT. DID NOT VOTE - Cr Jeff Johnson

Cr Jeff Johnson returned to the meeting at 11:41 am.

The **Motion** was **CARRIED**.

FOR VOTE - Cr David Wright, Cr Sharon Parry, Cr Stephen McCarthy, Cr Nathan Willis, Cr Keith Williams and Cr Ben Smith

AGAINST VOTE - Cr Phillip Meehan, Cr Jeff Johnson, Cr Eoin Johnston and Cr Sharon Cadwallader

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230217/6 RESOLVED

(Cr Ben Smith/Cr Stephen McCarthy)

That Council waive \$4,000 in water charges for Ms Tania Watson (Gardnir).

FOR VOTE - Cr David Wright, Cr Sharon Parry, Cr Stephen McCarthy, Cr Nathan Willis, Cr Keith Williams and Cr Ben Smith

AGAINST VOTE - Cr Phillip Meehan, Cr Jeff Johnson, Cr Eoin Johnston and Cr Sharon Cadwallader

Cr Sharon Parry left the meeting at 11:46 am.

Cr Keith Williams left the meeting at 11:47 am.

8. Development and Environmental Health Group Reports

8.1 DA 2016/601 - 290 North Teven Road, Teven

230217/7 RESOLVED

(Cr Sharon Cadwallader/Cr Nathan Willis)

1. That Council approves the SEPP 1 variation for development application 2016/601 thereby permitting the construction of a dwelling and swimming pool on the land.
2. Any issued consent is to address the temporary occupation (12 month period) of the existing farm shed, rendering such building non-habitable on completion of the dwelling.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry and Cr Keith Williams

8.2 Ballina Coast High School Redevelopment

230217/8 RESOLVED

(Cr Sharon Cadwallader/Cr Nathan Willis)

That Council make representations directly to the relevant members of parliament supporting the attached submission in respect to the proposed Ballina Coast High School redevelopment.

Cr Sharon Parry returned to the meeting at 11:49 am.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Williams

Cr Keith Williams returned to the meeting at 11:54 am.

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8.3 Development Applications – Variation to Development Standards

230217/9 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the contents of this report on the development applications approved under delegation for variations to development standards less than 10% for January 2017.

FOR VOTE - All Councillors voted unanimously.

8.4 Development Consent and Infrastructure Approvals - January 2017

230217/10 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the contents of the report on development consent and public infrastructure approvals for 1 January 2017 to 31 January 2017.

FOR VOTE - All Councillors voted unanimously.

8.5 Development Applications - Works in Progress - February 2017

230217/11 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the contents of the report on the status of outstanding development applications for February 2017.

FOR VOTE - All Councillors voted unanimously.

9. Strategic and Community Facilities Group Reports

9.1 LEP Amendments and Planning Proposals - Status

230217/12 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council notes the contents of this report concerning the status and approach regarding the current LEP amendment requests and planning proposals that are being processed.
2. That Council hold a briefing on E-zones.

Cr Nathan Willis left the meeting at 11:58 am.

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FOR VOTE - Cr David Wright, Cr Sharon Parry, Cr Jeff Johnson, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Keith Williams, Cr Sharon Cadwallader and Cr Ben Smith

AGAINST VOTE - Cr Phillip Meehan

ABSENT. DID NOT VOTE - Cr Nathan Willis

Adjournment

The Mayor declared the meeting adjourned at 12.00 noon

The meeting resumed at 12.30 pm

(Cr Nathan Willis was in attendance at this stage.)

9.2 Ballina Shire Development Control Plan 2012 - Amendment

230217/13 RESOLVED

(Cr Ben Smith/Cr Nathan Willis)

1. That Council adopts the draft amendments to the Ballina Shire Development Control Plan 2012 as publicly exhibited.
2. That Council provide a copy of Ballina Shire DCP 2012, once amended, to the NSW Department of Planning and Environment as required by the Environmental Planning and Assessment Regulation.
3. That Council provide public notice of the adoption of the amended Ballina Shire Development Control Plan 2012, with the amended DCP taking effect from 8 March 2017.

FOR VOTE - All Councillors voted unanimously.

9.3 Ballina Marina Master Plan

230217/14 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council endorses the draft Ballina Marina Master Plan (as contained in Attachment 1) for public exhibition for a period of at least 28 days.
2. That Council receives a further report concerning the draft master plan following the conclusion of the public exhibition period.

FOR VOTE - All Councillors voted unanimously.

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10. General Manager's Group Reports

10.1 Use of Council Seal

230217/15 RESOLVED

(Cr Eoin Johnston/Cr Ben Smith)

That Council affix the Common Seal to the following documents.

US17/02	Licence agreement for part lots 11/653555 and 6/234385 and whole lots 4/23485, 5/234385 and 13/3/996 (Cnr Byron Street and Pacific Highway Wardell), between Ballina Shire Council and Roads and Maritime Service NSW at a nominal licence fee commencing 27 February and expiring 31 August 2017.
US17/03	1. Release of Right of Carriageway 3.5 wide (created by DP 1201687) 2. Release of Restriction on the Use of Land (L) (created by DP 1201687)
US17/04	Crown Lands Licence for Crown land near Lot 5 DP 667323 at Wardell.

FOR VOTE - All Councillors voted unanimously.

10.2 Investment Summary - January 2017

230217/16 RESOLVED

(Cr Eoin Johnston/Cr Ben Smith)

That Council notes the record of banking and investments for January 2017.

FOR VOTE - All Councillors voted unanimously.

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10.3 Australia Day 2017 - Program and Ceremony Review

A **Motion** was moved by Cr Phillip Meehan and seconded by Cr Jeff Johnson

1. That Council confirms that the categories for the 2018 Ballina Shire Australia Day Awards are to be.
 - Young Citizen of the Year (30 years or under)
 - Senior Citizen of the Year (60 years or over)
 - Sports Award
 - Arts/Cultural Award
 - Local Hero
 - Community Event of the Year
 - Citizen of the Year be based upon the award structure for the National Australia Day Awards
2. That Council confirms that the Citizen of the Year is to be selected from the nominations for all the Award categories, with all nomination forms and associated correspondence to clarify this selection process.
3. That Council open the nominations for the 2018 Australia Day Awards in April 2017.

An **Amendment** was moved by Cr Sharon Cadwallader

1. That Council confirms that the categories for the 2018 Ballina Shire Australia Day Awards are to remain unchanged; i.e.
 - Young Citizen of the Year (30 years or under)
 - Senior Citizen of the Year (60 years or over)
 - Sports Award
 - Arts/Cultural Award
 - Local Hero
 - Community Event of the Year
2. That Council confirms that the Citizen of the Year is to be selected from the nominations for all the Award categories, with all nomination forms and associated correspondence to clarify this selection process.
3. That Council open the nominations for the 2018 Australia Day Awards in April 2017.
4. That Council increase the Australia Day budget to \$20,000 provide an additional \$1,000 for a jumping castle and face painting for 2018 Australia Day.

The **Amendment LAPSED.**

The **Motion** was **LOST.**

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FOR VOTE – Cr Phillip Meehan, Cr Sharon Parry, Cr Jeff Johnson and Cr Eoin Johnston

AGAINST VOTE - Cr David Wright, Cr Stephen McCarthy, Cr Nathan Willis, Cr Keith Williams, Cr Sharon Cadwallader and Cr Ben Smith

230217/17 RESOLVED

(Cr Keith Williams/Cr Sharon Cadwallader)

1. That Council confirms that the categories for the 2018 Ballina Shire Australia Day Awards are to remain unchanged; i.e.
 - Young Citizen of the Year (30 years or under)
 - Senior Citizen of the Year (60 years or over)
 - Sports Award
 - Arts/Cultural Award
 - Local Hero
 - Community Event of the Year
2. That Council confirms that the Citizen of the Year is to be selected from the nominations for all the Award categories, with all nomination forms and associated correspondence to clarify this selection process.
3. That Council open the nominations for the 2018 Australia Day Awards in April 2017.

FOR VOTE - All Councillors voted unanimously.

12. Public Question Time

12.1 Ralph Moss - Health of the Richmond River

Ralph Moss – referred to an article in the Advocate about the raising of funds towards the health of the Richmond River.

Mr Moss tabled a list of questions he wished to be answered on the responsibility for the Richmond River and Constitutional issues.

12.2 David Felsch - Flood Policy

David Felsch – can Council revisit its 900 mm climate change policy which he believes is hampering housing affordability in the Shire?

John Truman advised that Council considered a Notice of Motion recently calling for a review of the floodplain management policy for the Wardell area.

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10.4 Financial Review - 31 December 2016

230217/18 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the contents of the December 2016 Quarterly Budget Review and approves the changes identified within this report.

FOR VOTE - All Councillors voted unanimously.

Adjournment

The Mayor declared the meeting adjourned at 1.15 pm

The meeting resumed at 2.03 pm

11. Civil Services Group Reports

11.1 Tintenbar to Ewingsdale Pacific Highway - Assets Handover

230217/19 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council accepts the offer from Roads and Maritime Services (RMS) of \$1,642,889.94 as compensation for the handover of the old Pacific Highway and that the General Manager be authorised to execute an agreement with the RMS for this amount.
2. That the full amount of funds received from the RMS from the handover agreement be placed in an internal reserve and allocations be transferred to the roads budget annually as required to meet the future rehabilitation requirements for these assets.
4. That Council write to Local Government NSW requesting that they take this cost shifting exercise to the Minister for Roads as an issue for local councils adding further to their inability to meet the Fit for the Future criteria.

FOR VOTE - All Councillors voted unanimously.

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11.2 Tender - Management of Aggregate containing Asbestos

230217/20 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council accepts the tender provided by Liberty Industrial for the loading, transportation and disposal of aggregate containing friable asbestos.
2. That Council authorises the Council seal to be attached to the contract documents.

FOR VOTE - All Councillors voted unanimously.

13. Notices of Motion

13.4 Notice of Motion - Kings Court Water Reservoir and Playground

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr Jeff Johnson

1. That Council allocate \$20,000 for the installation of BBQ facilities at Kings Court Reserve, funded from the wastewater reserves.
2. That a further report be presented to Council that considers the further embellishments (shade sails for the playground equipment) as per the original Management Plan for the park.

An **Amendment** was moved by Cr Jeff Johnson and seconded by Cr Keith Williams

That a further report be presented to Council that considers further embellishments at Kings Court Reserve such as shade sails for the playground equipment and BBQs as per the original Management Plan for the park.

The **Amendment** was **CARRIED**.

FOR VOTE - All Councillors voted unanimously.

The **Amendment** then became the **Motion** and was **CARRIED**.

FOR VOTE - All Councillors voted unanimously.

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230217/21 RESOLVED

(Cr Jeff Johnson/Cr Keith Williams)

That a further report be presented to Council that considers further embellishments at Kings Court Reserve such as shade sails for the playground equipment and BBQs as per the original Management Plan for the park.

FOR VOTE - All Councillors voted unanimously.

13.6 Notice of Motion - Roundabout at Sharpes Beach

A **Motion** was moved by Cr Jeff Johnson

That Council reaffirms its long standing preference for the installation of a two lane roundabout at the intersection of Headlands Drive and The Coast Road.

Cr Sharon Parry left the meeting at 02:25 pm.

The **Motion LAPSED**.

14. Advisory Committee Minutes

Nil Items

15. Reports from Councillors on Attendance on Council's behalf

15.1 Mayoral Meetings

230217/22 RESOLVED

(Cr Sharon Cadwallader/Cr Nathan Willis)

That Council notes the contents of the report on Mayoral meetings.

Cr Sharon Parry returned to the meeting at 02:28 pm.

FOR VOTE - All Councillors voted unanimously.

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Motion of Urgency - Lake Ainsworth Eastern Road Closure

230217/23 RESOLVED

(Cr Sharon Parry/Cr Phillip Meehan)

That Council consider, as a matter of urgency in the Confidential Session, the legal advice obtained on the works proposed on the eastern road at Lake Ainsworth.

FOR VOTE - Cr David Wright, Cr Phillip Meehan, Cr Sharon Parry, Cr Jeff Johnson, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Sharon Cadwallader and Cr Ben Smith

AGAINST VOTE - Cr Nathan Willis and Cr Keith Williams

16. Confidential Session

230217/24 RESOLVED

(Cr Sharon Cadwallader/Cr Eoin Johnston)

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

16.1 Lake Ainsworth Eastern Road Closure

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 there is a risk of litigation against Council for property related damage.

.FOR VOTE - Cr David Wright, Cr Phillip Meehan, Cr Sharon Parry, Cr Jeff Johnson, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Sharon Cadwallader and Cr Ben Smith

AGAINST VOTE - Cr Nathan Willis and Cr Keith Williams

(The Council moved into Confidential Session at 2.38 pm).

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Open Council

230217/25 RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.

(The Council moved into Open Council at 3.23 pm).

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

16.1 Lake Ainsworth Eastern Road Closure

CF230217/1 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

That the contents of the legal advice be noted.

FOR VOTE - All Councillors voted unanimously.

Adoption of Recommendations from Confidential Session

230217/26 RESOLVED

(Cr Sharon Cadwallader/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.

MEETING CLOSURE

3.24 pm

The Minutes of the Ordinary Meeting held on 23/02/17 were submitted for confirmation by council on 23 March 2017 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 23 March 2017.