

**MINUTES OF THE EXTRAORDINARY MEETING OF BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 18/11/19 AT 4.00 PM**

Attendance

Crs David Wright (Mayor - in the chair), Phillip Meehan, Jeff Johnson, Eoin Johnston, Stephen McCarthy, Keith Williams, Sharon Cadwallader and Ben Smith (arrived at 4.09pm).

Paul Hickey (General Manager), John Truman (Director, Civil Services Division), Matthew Wood (Director, Planning and Environmental Health Division), Kelly Brown (Director, Corporate and Community Division) and Sarah Carden (Secretary) were in attendance.

There were two people in the gallery at this time.

1. Acknowledgement of Country

In opening the meeting the Mayor provided an Acknowledgement of Country.

2. Apologies

An apology was received from Cr Sharon Parry and Cr Nathan Willis.

181119/1 RESOLVED

(Cr Sharon Cadwallader/Cr Jeff Johnson)

That such apologies be accepted and leave of absence granted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry, Cr Nathan Willis and Cr Ben Smith

3. Declarations of Interest and Reportable Political Donations

Nil

4. Deputations

Nil

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5. Planning and Environmental Health Division Reports

5.1 DA 2017/707 - 5 Rayner Lane, Lennox Head - Legal Proceedings

181119/2 RESOLVED

(Cr Keith Williams/Cr Sharon Cadwallader)

That Council notes the contents of this report in respect to the legal proceedings associated with DA 2017/707.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry, Cr Nathan Willis and Cr Ben Smith

6. Confidential Session

181119/3 RESOLVED

(Cr Eoin Johnston/Cr Jeff Johnson)

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.

6.1 DA 2017/707 - 5 Rayner Lane, Lennox Head - Legal Proceedings

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 the matter is subject to legal proceedings and the advice provided is subject to legal privilege.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry, Cr Nathan Willis and Cr Ben Smith

(The Council moved into Confidential Session at 4.03 pm).

Cr Ben Smith arrived at the meeting at 04:09 pm.

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Open Council

181119/4 RESOLVED

(Cr Ben Smith/Cr Keith Williams)

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

Cr Sharon Cadwallader left the meeting at 04:30 pm.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry, Cr Nathan Willis and Cr Sharon Cadwallader

(The Council moved into Open Council at 4:31 pm).

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

6.1 DA 2017/707 - 5 Rayner Lane, Lennox Head - Legal Proceedings

CF181119/5 RECOMMENDED

(Cr Sharon Cadwallader/Cr Keith Williams)

That Council authorises the General Manager to proceed in relation to the Land and Environment Court proceedings for DA 2017/707 as recommended in this report.

FOR VOTE - Cr David Wright, Cr Phillip Meehan, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Keith Williams, Cr Sharon Cadwallader and Cr Ben Smith

AGAINST VOTE - Cr Jeff Johnson

ABSENT. DID NOT VOTE - Cr Sharon Parry and Cr Nathan Willis

Cr Jeff Johnson left the meeting at 04:31 pm.

Adoption of Recommendations from Confidential Session

181119/6 RESOLVED

(Cr Keith Williams/Cr Eoin Johnston)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry, Cr Jeff Johnson, Cr Nathan Willis and Cr Sharon Cadwallader

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MEETING CLOSURE

4.31 pm

The Minutes of the Extraordinary Meeting held on 18/11/19 were submitted for confirmation by council on 28 November 2019 and amendments (if any) are contained in the confirming resolution. Such Minutes were signed by the Mayor at the meeting on 28 November 2019.