



Byron Shire Council



Minutes

Extraordinary Meeting

Thursday, 14 July 2016

BYRON SHIRE COUNCIL

Extraordinary Meeting Minutes
14 July 2016

INDEX OF ITEMS DISCUSSED

The following items are listed in the order in which they were dealt with.

Report No. 5.1 CONFIDENTIAL - Response to Resolution 16-344.....3

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EXTRAORDINARY MEETING MINUTES

14 July 2016

MINUTES OF THE BYRON SHIRE COUNCIL EXTRAORDINARY MEETING HELD ON THURSDAY, 14 JULY 2016 COMMENCING AT 9.09AM AND CONCLUDING AT 11.50AM

I2016/763

PRESENT: Cr S Richardson (Mayor), Cr B Cameron, Cr C Cubis, Cr D Dey, Cr A Hunter, Cr S Ibrahim, Cr R Wanchap and Cr D Woods

Staff: Ken Gainger (General Manager)
Mark Arnold (Director Corporate and Community Services)
Phil Holloway (Director Infrastructure Services)
Shannon Burt (Director Sustainable Environment and Economy)
Ralph James (Legal Services Coordinator)
Mila Jones (Minute Taker)

The Mayor opened the meeting and acknowledged that the meeting is being held on Arakwal Country and that we pay our respects to the elders past and present and extend our respect to the Bundjalung clans whose lands and waters are part of the Shire.

PUBLIC ACCESS

Report No. 5.1 CONFIDENTIAL - Response to Resolution 16-344

Donald Maughan addressed Council regarding the recommendation to close the meeting to the public.

APOLOGIES

There was an apology received from Cr Spooner at a previous Ordinary Meeting.

DECLARATIONS OF INTEREST – PECUNIARY AND NON-PECUNIARY

There were no declarations of interest.

The meeting adjourned at 9.10am and reconvened at 9.40am.

CONFIDENTIAL REPORTS - CORPORATE AND COMMUNITY SERVICES

Report No. 5.1 **CONFIDENTIAL - Response to Resolution 16-344**
File No: I2016/733

16-351 Resolved:

1. That pursuant to Section 10A(2)(g) of the Local Government Act, 1993, Council resolve into Confidential Session to discuss the report Response to Resolution 16-344.
2. That the reasons for closing the meeting to the public to consider this item be that the report contains:
 - a) advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

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3. That on balance it is considered that receipt and discussion of the matter in open Council would be contrary to the public interest, as:
- a) disclosure could prejudice the Council's position in litigation; and
 - b) the report contains legal advice; and
 - c) disclosure could adversely impact Council's position in the upcoming negotiations.
- (Hunter/Woods)

The motion was put to the vote and declared carried.

Crs Dey, Richardson and Cameron voted against the motion.

CONFIDENTIAL SESSION

PROCEDURAL MOTION

- 16-352 Resolved** that Council move into committee to receive a confidential briefing from Norton Rose Fulbright the solicitors for Council in the Supreme Court proceedings. (Woods/Hunter)

The motion was put to the vote and declared carried.

COMMITTEE MEETING

PROCEDURAL MOTION

- 16-353 Resolved** that Council move out of Committee and resume the Ordinary Meeting. (Woods/Richardson)

The motion was put to the vote and declared carried.

The meeting adjourned at 11.08am and reconvened at 11.25am.

ORDINARY MEETING

Moved: That the final settlement once agreed to by both parties in the NSW Supreme Court case by Ralf Lauren 57 P/L & others against Byron Shire Council & Reserve Number 82000 (2010/426979) be brought to an Extraordinary meeting of Council, for consideration of signing those Consent Orders. (Dey/Richardson)

AMENDMENT

- 16-354 Resolved** that Council authorise the General Manager to instruct Norton Rose Fulbright to sign Consent Orders in the Supreme Court of New South Wales between Ralf Lauren 57 Pty Ltd and others and Byron Shire Council and Reserve Number 82000 (2010/426979). (Wanchap/Woods)

PROCEDURAL MOTION

- 16-355 Resolved** that Cr Ibrahim be granted a two minute extension to his speech. (Wanchap/Cubis)

The motion was put to the vote and declared carried.

The amendment (Wanchap/Woods) was put to the vote and declared carried.

Crs Dey, Richardson and Cameron voted against the amendment.

*The amendment upon becoming the substantive motion was put to the vote and declared carried.
Cr Richardson voted against the motion.*

There being no further business the meeting concluded at 11.50am.

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I hereby certify that these are the true and correct Minutes of this Meeting
as confirmed at Council's Ordinary Meeting on 4 August 2016.

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Mayor Simon Richardson