

**MINUTES OF THE COMMERCIAL SERVICES COMMITTEE MEETING  
OF THE BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET, BALLINA,  
ON 17/02/15 AT 4.00 PM**

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**Attendance**

Crs David Wright (Mayor - in the chair), Sharon Cadwallader, Keith Johnson, Susan Meehan, Ken Johnston, Paul Worth, Ben Smith (arrived at 4.03 pm) and Robyn Hordern.

Paul Hickey (General Manager), John Truman (Civil Services Group Manager), Steve Barnier (Strategic and Community Facilities Group Manager), Paul Tsikleas (Manager Commercial Services) and Sandra Bailey (Secretary) were in attendance.

There were no people in the gallery at this time.

**1. Apologies**

Apologies were received from Crs Jeff Johnson and Keith Williams.

**RECOMMENDATION**

(Cr Sharon Cadwallader/Cr Robyn Hordern)

That such apologies be accepted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Keith Williams and Cr Ben Smith

**2. Declarations of Interest**

Nil

**3. Deputations**

Nil

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**4. Committee Reports**

**4.1 Land Sale - Lot 5 Wollongbar Residential Estate**

**RECOMMENDATION**

(Cr Keith Johnson/Cr Susan Meehan)

1. That Council approves the placement of a restriction on the title of Lot 5, as per the contents of this report, detailing the building envelope as per the **attached** plan prepared by Newton Denny Chapelle, subject to a straightening of the restriction boundary adjacent to the building envelope (ie approximate 10 metre setback) and with the branches of the teak tree to be lopped.
2. Council authorises the General Manager to sign and affix the Council seal to all relevant documentation.

Cr Ben Smith arrived at the meeting at 04:03 pm.

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Keith Williams

**4.2 Land Sale - Southern Cross Industrial Estate**

**RECOMMENDATION**

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council approves the sale of approximately 3,964m<sup>2</sup> of Southern Cross industrial land as two separate lots, as detailed within this report, with the sale price to be determined as per the separate report elsewhere in this agenda.
2. That Council authorises the Council seal to be attached to the contract for sale and subdivision documentation required, as well as any other related documents.

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Keith Williams

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**4.3 Wigmore Arcade - Leasing Update**

**RECOMMENDATION**

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council notes the contents of this report in respect to the current lease negotiations.
2. That Council amend its Long Term Financial Plan to reflect the latest forecast cash flows for the Wigmore Arcade as per the following table and as outlined within this report:

<b>Year</b>	<b>2014/15</b>	<b>2015/2016</b>	<b>2016/2017</b>	<b>2017/2018</b>	<b>2018/2019</b>
Gross Income	300,000	564,000	613,000	628,000	644,000
Less Outgoings	140,000	143,000	146,000	150,000	154,000
Net Income	160,000	421,000	467,000	478,000	490,000

FOR VOTE - All Councillors voted unanimously.

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

**5. Confidential Session**

**RECOMMENDATION**

(Cr Sharon Cadwallader/Cr Keith 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.

**5.1 Land Sale - Southern Cross Industrial Estate (Price)**

**Reason for Confidentiality**

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

- d) commercial information of a confidential nature that would, if disclosed:
  - (i) prejudice the commercial position of the person who supplied it, or
  - (ii) confer a commercial advantage on a competitor of the council, or
  - (iii) reveal a trade secret

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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 the discussion of the matter in an open meeting is not considered to be in the public interest due to the on-going commercial negotiations.

**5.2 Wigmore Arcade - Leasing Update (Commercial Elements)**

**Reason for Confidentiality**

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

- d) commercial information of a confidential nature that would, if disclosed:
  - (i) prejudice the commercial position of the person who supplied it, or
  - (ii) confer a commercial advantage on a competitor of the council, or
  - (iii) reveal a trade secret

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 the discussion of the matter in an open meeting is not considered to be in the public interest due to the on-going commercial negotiations.

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Keith Williams

(The Council moved into Confidential Session at 4.16 pm).

**Open Council**

**RECOMMENDATION**

(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.  
ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Keith Williams

(The Council moved into Open Council at 4.44 pm).

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

**5.1 Land Sale - Southern Cross Industrial Estate (Price)**

**RECOMMENDATION**

(Cr Paul Worth/Cr Robyn Hordern)

That Council approves the sale price negotiated for Part Lot 98 DP 1194043 Stinson Street, Ballina, as per option two of this report.

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Keith Williams

**5.2 Wigmore Arcade - Leasing Update (Commercial Elements)**

**RECOMMENDATION**

(Cr Ben Smith/Cr Robyn Hordern)

1. That Council authorises the General Manager to finalise negotiations with the proposed tenants for 151 River Street, based on the terms and conditions outlined within this report.
2. That Council authorises the General Manager to finalise negotiations with the proposed tenants for Shop 7, based on the terms and conditions outlined within this report.
3. That Council authorises the General Manager to finalise negotiations with the proposed tenants for Shop 11, based on the terms and conditions outlined within this report.
4. The General Manager is authorised to execute all the relevant lease and licence documentation and affix the Council seal to same, for points one to three above.
5. That Council approves a transfer of \$50,000 from the Property Development Reserve to finance essential works for the vacant tenancies, as detailed within this report.
6. That Council approves a transfer of \$15,000 from the Property Development Reserve to finance the partitioning of two existing storerooms, to create a greater number of storage spaces for tenants, as detailed within this report.

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Keith Williams

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**Adoption of Recommendations from Confidential Session**

**RECOMMENDATION**

(Cr Robyn Hordern/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.

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

**MEETING CLOSURE**

4.45 pm