

**MINUTES OF THE COMMERCIAL SERVICES COMMITTEE MEETING
OF THE BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 19/05/15 AT 4.00 PM**

Attendance

Crs David Wright (Mayor - in the chair), Jeff Johnson, Sharon Cadwallader, Keith Johnson, Susan 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), Paul Tsikleas (Commercial Services Manager), Steve Barnier (Strategic and Community Facilities Group Manager) and Sarah Carden (Secretary) were in attendance.

There were three people in the gallery at this time.

1. Apologies

Apologies were received from Crs Robyn Hordern and Keith Williams.

RECOMMENDATION

(Cr Ben Smith/Cr Keith Johnson)

That such apology be accepted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader and Cr Susan Meehan

2. Declarations of Interest

Nil.

3. Deputations

Nil.

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4. Committee Reports

4.1 54 North Creek Road, Ballina - Development Options

RECOMMENDATION

(Cr Keith Johnson/Cr Ben Smith)

1. That Council approves the preparation and lodgement of a DA to undertake subdivision of Part Lot 98 DP 1194043, subject to that subdivision plan first being submitted, in draft form, for Council review and approval.
2. That the General Manager establishes a Sound Management Plan (SMP) for the proposed subdivision which has as its purpose the achievement of a subdivision that meets or exceeds the noise attenuation that will be required of it and does so at the least practical cost to the project. This plan to be established immediately.
3. That clearing of the land be undertaken as soon as possible together with removal of the house.
4. That Council approves an allocation of \$30,000 from the Property Development Reserve to finance the cost of points 1, 2 and 3 above.
5. That the General Manager assess other non-commercial sites for the Men's Shed.

Cr Susan Meehan arrived at the meeting at 04:07 pm.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Cadwallader

4.2 Land Acquisition - 9 North Creek Road, Ballina

RECOMMENDATION

(Cr Paul Worth/Cr Ben Smith)

1. That Council approves the acquisition of Part of Lot 6 DP 238894, 9 North Creek Road as outlined within this report.
2. That the land be dedicated for road widening purposes and a licence be granted over the land as per Options One and Two of this report.
3. That Council authorises the Council seal to be attached to the contract for sale and any other related documents including sales transfers and licence agreements.
4. That Council investigate the purchase of a portion of Lot 7 DP238394, 11

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North Creek Road, Ballina.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Cadwallader

4.3 Land Sale - Lot 5 Tectona Place Wollongbar

RECOMMENDATION

(Cr Ben Smith/Cr Susan Meehan)

1. That Council investigate compensatory planting in close proximity for the existing Teak tree to maximise the return on Lot 5 Tectona Place, Wollongbar.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Cadwallader

4.4 Land Sale - Lot 7 Tectona Place, Wollongbar

RECOMMENDATION

(Cr Ben Smith/Cr Paul Worth)

That Council notes the contents of this report in respect to the proposed sale of Lot 7 DP 1204621 Tectona Place, Wollongbar.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Cadwallader

4.5 Land Sale - Lot 87 Cessna Crescent, Ballina

RECOMMENDATION

(Cr Ben Smith/Cr Keith Johnson)

1. That Council approves the sale of Lot 87 DP 1161854 Cessna Crescent, Ballina, as detailed within this report.
2. That Council authorises the Council seal to be attached to the contract for sale and any other related documents including sale transfers.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Cadwallader

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4.6 Lease Arrangements - Kentwell Community Centre

RECOMMENDATION

(Cr Ben Smith/Cr Paul Worth)

1. That Council resolves to offer FSG Australia a new five year lease for the occupation of part of the premises known as the Kentwell Community Centre at an initial base rental of \$62,372.30 p.a. + GST, and place the lease proposal on public exhibition in accordance with the provisions of the Local Government Act 1993.
2. That Council authorise the General Manager to finalise negotiations and attach the Council seal to the relevant leasing documents.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Cadwallader

5. Confidential Session

RECOMMENDATION

(Cr Ben Smith/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.

5.1 Land Acquisition Price - 9 North Creek Road, Ballina (Road Frontage)

Reason for Confidentiality

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

- c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

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 due to the ongoing commercial negotiations.

5.2 Land Sale Price - Lot 7 Tectona Place, Wollongbar

Reason for Confidentiality

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

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- c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

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 due to the ongoing commercial negotiations.

5.3 Land Sale Price - Lot 87 Cessna Crescent, Ballina

Reason for Confidentiality

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

- c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business

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 due to the ongoing commercial negotiations.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Cadwallader

(The Council moved into Confidential Session at 4.47pm).

Open Council

RECOMMENDATION

(Cr Keith Johnson/Cr Susan Meehan)

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 4.41pm).

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

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5.1 Land Acquisition Price - 9 North Creek Road, Ballina (Road Frontage)

RECOMMENDATION

(Cr Ben Smith/Cr Paul Worth)

1. That Council approves the acquisition price negotiated for 9 North Creek Road, Ballina (Part of Lot 6 DP 238894).
2. That the land be dedicated for road widening purposes and a licence be granted over the land as per Options One and Two of this report.
3. That Council authorises the Council seal to be attached to the contract for sale and any other related documents including sales transfers and licence agreements.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Cadwallader

5.2 Land Sale Price - Lot 7 Tectona Place, Wollongbar

RECOMMENDATION

(Cr Ben Smith/Cr Keith Johnson)

1. That Council approves the sale price negotiated for Lot 7 DP 1204621 Tectona Place, Wollongbar, as per Option One of this report.
2. That Council authorises the Council seal to be attached to the contract for sale and any other related documents including sale transfers.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Cadwallader

5.3 Land Sale Price - Lot 87 Cessna Crescent, Ballina

RECOMMENDATION

(Cr Ben Smith/Cr Paul Worth)

That Council approves the sale price and terms, negotiated for Lot 87 DP 1161854 Cessna Crescent, Ballina as per Option One of this report.

Cr Sharon Cadwallader arrived at the meeting at 04:40 pm.

FOR VOTE - All Councillors voted unanimously.

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Adoption of Recommendations from Confidential Session

RECOMMENDATION

(Cr Ben Smith/Cr Keith Johnson)

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

FOR VOTE - All Councillors voted unanimously.

MEETING CLOSURE

Meeting closed at 4.41pm.