

**MINUTES OF THE COMMERCIAL SERVICES COMMITTEE MEETING
OF THE BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 15/09/15 AT 4.00 PM**

Attendance

Crs David Wright (Mayor - in the chair), Sharon Cadwallader, Keith Williams, Keith Johnson, Susan Meehan, Ken Johnston and Paul Worth.

Paul Hickey (General Manager), John Truman (Civil Services Group Manager), Rod Willis (Development and Environmental Health Group Manager), Matt Wood (Acting Strategic and Community Facilities Group Manager), Paul Tsikleas (Commercial Services Manager), Neil Weatherson (Airport Manager) 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, Robyn Hordern and Ben Smith.

RECOMMENDATION

(Cr Ken Johnston/Cr Keith Johnson)

That such apologies be accepted.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Robyn Hordern, Cr Jeff Johnson and Cr Ben Smith

2. Declarations of Interest

Cr Paul Worth – declared an interest in Item 4.5 – Land Sale – Lot 15 Plateau Drive, Wollongbar and Item 5.3 – Land Sale Price – Lot 15 Plateau Drive, Wollongbar. (Nature of Interest: non pecuniary non significant – he has land for sale in the vicinity of this estate. He will be remaining in the meeting while the matters are discussed and voting on the matter.

3. Deputations

Nil

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4. Committee Reports

4.1 Airport - Long Term Financial Plan

RECOMMENDATION

(Cr Keith Williams/Cr Sharon Cadwallader)

That Council approves the amendments to the existing Airport Long Term Financial Plan as per the attachments to this report.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Robyn Hordern, Cr Jeff Johnson and Cr Ben Smith

4.2 Teak Tree - Lot 5 Tectona Place Wollongbar

RECOMMENDATION

(Cr Sharon Cadwallader/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 Draft TPZ Plan prepared by Newton Denny Chapelle, subject to a straightening of the restriction boundary adjacent to the building envelope (i.e. 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.

FOR VOTE - Cr Keith Williams, Cr Ken Johnston, Cr Sharon Cadwallader, Cr Keith Johnson, Cr Susan Meehan and Cr David Wright

AGAINST VOTE - Cr Paul Worth

ABSENT. DID NOT VOTE - Cr Robyn Hordern, Cr Jeff Johnson and Cr Ben Smith

4.3 Lease Offer - Lot 2 DP 1003816 Fishery Creek Road, Ballina

RECOMMENDATION

(Cr Susan Meehan/Cr Sharon Cadwallader)

That Council notes the contents of this report in respect to the lease offer to Solo Waste Australia Pty Ltd and Eljo Pty Ltd.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Robyn Hordern, Cr Jeff Johnson and Cr Ben Smith

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4.4 Land Sale - Lot 91 Cessna Crescent, Ballina

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Susan Meehan)

1. That Council approves the sale of Lot 91 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 Robyn Hordern, Cr Jeff Johnson and Cr Ben Smith

4.5 Land Sale - Lot 15 Plateau Drive, Wollongbar

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Keith Johnson)

That Council notes the contents of this report in respect to the proposed sale of Lot 15 DP 1204621 Plateau Drive, Wollongbar.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Robyn Hordern, Cr Jeff Johnson and Cr Ben Smith

4.6 Wigmore Arcade Complex - Leasing Update and Roof Replacement

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Keith Williams)

1. That Council notes the contents of this report in respect to the current lease negotiations.
2. That Council approves the amendment of the cash flow forecasts for the Property Development Reserve as per attachment two to this report.
3. That Council approves the amendment of the Wigmore Arcade cash flow forecasts in the Long Term Financial Plan as per Table Two of this report.
4. That Council authorises the General Manager to call tenders to replace the roof of the Wigmore Arcade Complex.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Robyn Hordern, Cr Jeff Johnson and Cr Ben Smith

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5. Confidential Session

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Keith Williams)

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 Lease Offer Details - Lot 2 DP 1003816 Fishery Creek Road, 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 and the release of any information could prejudice those negotiations.

5.2 Land Sale Price - Lot 91 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.

5.3 Land Sale Price - Lot 15 Plateau Drive, 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.

5.4 Wigmore Arcade Complex - Leasing Update Terms

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 due to the on-going commercial negotiations and the release of any information could prejudice those negotiations.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Robyn Hordern, Cr Jeff Johnson and Cr Ben Smith

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

Open Council

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Keith Williams)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Robyn Hordern, Cr Jeff Johnson and Cr Ben Smith

(The Council moved into Open Council at 5.10 pm).

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

5.1 Lease Offer Details - Lot 2 DP 1003816 Fishery Creek Road, Ballina

RECOMMENDATION

(Cr Keith Johnson/Cr Sharon Cadwallader)

1. That Council offer Solo Waste Australia Pty Ltd and Eljo Pty Ltd (or as nominated) a lease for the subject site as per the terms and conditions outlined in Option One of this report.
2. That Council authorises the use of seal for all documents relating to the lease agreement.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Robyn Hordern, Cr Jeff Johnson and Cr Ben Smith

5.2 Land Sale Price - Lot 91 Cessna Crescent, Ballina

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Keith Johnson)

That Council approves the sale price and terms, negotiated for Lot 91 DP 1161854 Cessna Crescent, Ballina as per Option One of this report, with a twelve month settlement.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Robyn Hordern, Cr Jeff Johnson and Cr Ben Smith

5.3 Land Sale Price - Lot 15 Plateau Drive, Wollongbar

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Keith Johnson)

1. That Council approves the sale price negotiated for Lot 15 DP 1204621 Plateau Drive, 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 Robyn Hordern, Cr Jeff Johnson and Cr Ben Smith

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5.4 Wigmore Arcade Complex - Leasing Update Terms

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Susan Meehan)

1. That Council authorises the General Manager to finalise negotiations with the prospective tenants for Shop 151 River Street and Shops 5, 6 & 12 Wigmore Arcade, based on the terms and conditions outlined within this report.
2. That Council authorises the Council seal to be attached to any lease documentation.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Robyn Hordern, Cr Jeff Johnson and Cr Ben Smith

Adoption of Recommendations from Confidential Session

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Keith Williams)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Robyn Hordern, Cr Jeff Johnson and Cr Ben Smith

MEETING CLOSURE

5.12 pm