

**MINUTES OF THE COMMERCIAL SERVICES COMMITTEE MEETING
OF THE BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 15/10/15 AT 4.00 PM**

Attendance

Crs David Wright (Mayor - in the chair), Jeff Johnson, Keith Williams, Keith Johnson, Susan Meehan and Paul Worth,

Paul Hickey (General Manager), Rod Willis (Development and Environmental Health Group Manager), Steve Barnier (Strategic and Community Facilities Group Manager), Paul Tsikleas (Manager Commercial Services) and Joanne Cordery (Secretary) were in attendance.

There were three people in the gallery at this time.

1. Apologies

An apology was received from Cr Sharon Cadwallader, Cr Robyn Hordern Cr Ken Johnston, Cr Ben Smith.

RECOMMENDATION

(Cr Jeff Johnson/Cr Keith Williams)

That such apology be accepted

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader, Cr Ken Johnston, Cr Robyn Hordern and Cr Ben Smith

2. Declarations of Interest

Nil

3. Deputations

Nil

4. Committee Reports

4.1 Flat Rock Tent Park Fees and Charges 2016/17

RECOMMENDATION

(Cr Jeff Johnson/Cr Paul Worth)

That Council authorises the exhibition of the draft Flat Rock Tent Park fees and charges for 1 February 2016 to 31 January 2017, as attached to this report, for public comment.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader, Cr Ken Johnston, Cr Robyn Hordern and Cr Ben Smith

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4.2 Site Investigation - Corner of Boeing Avenue and Cessna Crescent

RECOMMENDATION

(Cr Paul Worth/Cr Susan Meehan)

1. That Council notes the contents of this report in respect to the site investigation for Council owned land on the corner of Boeing Avenue and Cessna Crescent.
2. That Council receive a further report on the current rezoning process for the Southern Cross Industrial Estate along with consideration of all the land owned by Council in this precinct.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader, Cr Ken Johnston, Cr Robyn Hordern and Cr Ben Smith

4.3 Land Clearing and Ongoing Maintenance - Council Operational Land

RECOMMENDATION

(Cr Paul Worth/Cr Susan Meehan)

1. That based on the contents of this report that Council undertake site clearing works as outlined in the report for Proposed Lots 2 and 3 Boeing Avenue with funds of up to \$25,000 to be allocated for the initial works and a \$10,000 recurring budget allocation for ongoing clearing/slashing, with these funds sourced from the Property Development Reserve.
2. That Council undertake minor vegetation maintenance works at Lot 18 DP1059476 Kays Lane Alstonville, with a budget of \$5,000 sourced from the Property Development Reserve.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader, Cr Ken Johnston, Cr Robyn Hordern and Cr Ben Smith

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4.4 54 North Creek Road, Ballina - Land Subdivision Development Proposal

RECOMMENDATIONS

(Cr Susan Meehan/Cr Keith Williams)

1. That Council proceed to lodge a development application for the proposed subdivision of Part Lot 98 DP 1194043 as per the proposed lot layout prepared by Civiltech as attached to this report.
2. That Council supports the inclusion of the Noise Management Plan as prepared by Tim Fitzroy and Associates and as attached to this report, for inclusion in the subject development application.

FOR VOTE - Cr David Wright, Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan and Cr Paul Worth

AGAINST VOTE - Cr Jeff Johnson

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader, Cr Ken Johnston, Cr Robyn Hordern and Cr Ben Smith

4.5 Policy (Review) - Entrepreneurial Property Activities and Financial Reserve

RECOMMENDATIONS

(Cr Paul Worth/Cr Susan Meehan)

1. That Council adopts the updated and renamed Property Reserves Policy, as attached to this report.
2. That Council place this Policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received then no further action is required.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader, Cr Ken Johnston, Cr Robyn Hordern and Cr Ben Smith

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4.6 Shop 4 Wigmore Arcade Complex - Leasing Proposal

RECOMMENDATION

(Cr Paul Worth/Cr Keith Williams)

That Council notes the contents of this report in respect to the lease negotiations for shop 4 Wigmore Arcade complex.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Cadwallader, Cr Ken Johnston, Cr Robyn Hordern and Cr Ben Smith

4.7 Norfolk Homes - 67 Piper Drive, Ballina

RECOMMENDATION

(Cr Susan Meehan/Cr Keith Williams)

That Council notes the contents of this report in respect to the lease negotiations with Norfolk Manufactured Homes Pty Ltd.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Cadwallader, Cr Ken Johnston, Cr Robyn Hordern and Cr Ben Smith

5. Confidential Session

RECOMMENDATION

(Cr Susan Meehan/Cr Paul Worth)

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. (Cr Susan Meehan/Cr Jeff Johnson)

5.1 Shop 4 Wigmore Arcade Complex - Leasing 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

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(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.

5.2 Norfolk Homes - 67 Piper Drive, Ballina Leasing Proposal

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.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Cadwallader, Cr Ken Johnston, Cr Robyn Hordern and Cr Ben Smith

(The Council moved into Confidential Session at 4.30 pm).

Open Council

RECOMMENDATION

(Cr Susan Meehan/Cr Keith Johnson)

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

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Cadwallader, Cr Ken Johnston, Cr Robyn Hordern and Cr Ben Smith

(The Council moved into Open Council at 4.38 pm).

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

5.1 Shop 4 Wigmore Arcade Complex - Leasing Terms

RECOMMENDATIONS

(Cr Susan Meehan/Cr Keith Williams)

1. That Council authorises the General Manager to finalise negotiations with the prospective tenant for Shop 4 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 Sharon Cadwallader, Cr Ken Johnston, Cr Robyn Hordern and Cr Ben Smith

5.2 Norfolk Homes - 67 Piper Drive, Ballina Leasing Proposal

RECOMMENDATIONS

(Cr Paul Worth/Cr Susan Meehan)

1. That Council offer Norfolk Manufactured Homes Pty Ltd 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 Sharon Cadwallader, Cr Ken Johnston, Cr Robyn Hordern and Cr Ben Smith

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Adoption of Recommendations from Confidential Session

RECOMMENDATION

(Cr Keith Johnson/Cr Susan Meehan)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader, Cr Ken Johnston, Cr Robyn Hordern and Cr Ben Smith

MEETING CLOSURE

4.39pm