

**MINUTES OF THE COMMERCIAL SERVICES COMMITTEE MEETING
OF THE BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 17/11/15 AT 4.00 PM**

Attendance

Crs David Wright (Mayor - in the chair), Jeff Johnson, 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), Steve Barnier (Strategic and Community Facilities Group Manager), Paul Tsikleas (Commercial Services Manager) and Sandra Bailey (Secretary) were in attendance.

There were three people in the gallery at this time.

1. Apologies

Apologies were received from Crs Sharon Cadwallader and Robyn Hordern.

Absent – Cr Keith Williams

RECOMMENDATION

(Cr Ben Smith/Cr Keith Johnson)

That such apologies be accepted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader, Cr Keith Williams and Cr Robyn Hordern

2. Declarations of Interest

Cr Paul Worth – later in the meeting declared an interest in Item 4.7 – Wollongbar Residential Estate Stage Two – Feasibility and Pricing. (Nature of Interest: non pecuniary – he is the landowner of two lots near this land). He will be remaining in the meeting while the matter is discussed and voting on the matter.

3. Deputations

- **Neville Smith from Richmond Christian College** – spoke in favour of Item 4.2 - Richmond Christian College Association – Cycleway.
- **Pip Carter, Club Lennox** – spoke in relation to Item 4.1 – Lennox Head Community Sports and Recreation Club – Lease Rental.

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4. Committee Reports

4.1 Lennox Head Community Sports and Recreation Club - Lease Rental

RECOMMENDATION

(Cr Ben Smith/Cr Paul Worth)

That Council not agree to the Lennox Head Community Sports Club's request that the rental payable be reduced to 20% of the scheduled rent for the remaining term of the five year rental discount agreement expiring on 31 December 2018, as the 50% proposed from Year 3 onwards is already a significant reduction and is similar to the community service recognition provided by Council for other fees and charges for community groups.

FOR VOTE - Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth and Cr Ben Smith

AGAINST VOTE - Cr David Wright and Cr Jeff Johnson

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader, Cr Keith Williams and Cr Robyn Hordern

4.2 Richmond Christian College Association - Cycleway

RECOMMENDATION

(Cr Paul Worth/Cr Ben Smith)

That based on the contents of this report Council grants permission to Ballina Christian Education Association to construct a cycleway link across Council operational land located at Lot 386 DP 414615 and Part Lot 114 DP 755684 (the Gallens Road Site) Gallens Road, Ballina as per the plan attached to this report prepared by Granatelli & Stone.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader, Cr Keith Williams and Cr Robyn Hordern

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4.3 Bitupave Boral Asphalt Plant - Tuckombil Quarry, Alstonville

RECOMMENDATION

(Cr Ben Smith/Cr Paul Worth)

That Council grants landowner's consent for the lodgement of a Section 96 Application to amend DA 1995/127 to enable Bitupave to source materials for production from quarries other than the Tuckombil Quarry located at Gap Road, Alstonville.

FOR VOTE - Cr David Wright, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth and Cr Ben Smith

AGAINST VOTE - Cr Jeff Johnson

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader, Cr Keith Williams and Cr Robyn Hordern

4.4 Old Bagotville Quarry - RMS Acquisition

RECOMMENDATION

(Cr Paul Worth/Cr Ben Smith)

1. That Council authorises the General Manager to finalise negotiations for the sale of Lot 5 DP 843369 to the RMS 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 and licence agreements for access.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader, Cr Keith Williams and Cr Robyn Hordern

4.5 Wollongbar Urban Expansion Area - Pump Station Compensation

RECOMMENDATION

(Cr Ben Smith/Cr Susan Meehan)

1. That Council resolves to pay compensation of \$80,000 plus GST and disturbance costs (reasonable valuation and legal fees) to the owners of Lot 75 DP 1213425 (CR Brown, BRS Brown, RL Brown and Two Minus Two Pty Ltd) for the creation of easements for a sewer pump station and associated services.
2. Council authorises the General Manager to finalise negotiations with the owners of Lot 75 DP 1213425 (CR Brown, BRS Brown, RL Brown and Two Minus Two Pty Ltd) for the creation of easements for a sewer pump station and associated services, execute all relevant plans and documentation and affix the Council seal to same.

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FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Cadwallader, Cr Keith Williams and Cr Robyn Hordern

4.6 54 North Creek Road Ballina - Marketing

RECOMMENDATION

(Cr Paul Worth/Cr Ben Smith)

1. That Council authorises the General Manager to place the six industrial lots proposed for Part Lot 98 DP 1194043 on the market for sale "off the plan" at the asking prices noted in this report.
2. That Council authorises the Council seal to be attached to the contracts for sale and any other related documents.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Cadwallader, Cr Keith Williams and Cr Robyn Hordern

Cr Paul Worth declared an interest in Item 4.7 (Nature of Interest: non pecuniary – he is the landowner of two lots near this land). He will be remaining in the meeting while the matter is discussed and voting on the matter.

4.7 Wollongbar Residential Estate Stage Two - Feasibility and Pricing

RECOMMENDATION

(Cr Ben Smith/Cr Keith Johnson)

1. That, subject to gaining development consent, Council approves the development of Stage 2 of Council's Residential Estate, as outlined in this report, comprising 18 serviced residential lots.
2. That Council approves the sale "off the plan", by private treaty, of the 18 lots identified in Stage 2 of Wollongbar Residential Estate", as per the asking prices provided in HTW's letter included as an attachment to this report.
3. The General Manager is authorised to execute general agency agreements with any local agent seeking a listing to sell the lots pertaining to Stage 2 at a commission rate of 3.00% + GST payable upon settlement of contracts.
4. The Council seal is authorised to be attached to the sale contracts and any associated documents, including the deed of agreement with the Brown family as per point five below.

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5. The General Manager is authorised to finalise negotiations with the Brown family, execute a deed of agreement, execute all easements, plans of subdivision etc. and all other relevant documentation required to satisfy the deed of agreement between Council and the Brown family.
6. Any land acquired by Council by way of boundary adjustments, drainage reserves or road reserves is to be classified as operational land under the provisions of the NSW Local Government Act 1993.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader, Cr Keith Williams and Cr Robyn Hordern

4.8 Fishheads @ Shellys - Update

RECOMMENDATION

(Cr Ben Smith/Cr Paul Worth)

That Council notes the contents of this report regarding the update on the status of the Shelly Beach café site redevelopment.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Cadwallader, Cr Keith Williams and Cr Robyn Hordern

MEETING CLOSURE

5.02 pm