

**MINUTES OF THE COMMERCIAL SERVICES COMMITTEE MEETING
OF THE BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 14/06/16 AT 4.00 PM**

Attendance

Crs David Wright (Mayor - in the chair), Sharon Cadwallader, Keith Williams, Susan Meehan, Ken Johnston, Paul Worth, Ben Smith 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), Leanne Harding (Property Officer Commercial), Peter Morgan (Manager Finance & Governance) and Sandra Bailey (Secretary) were in attendance.

There were two people in the gallery at this time.

1. Apologies

Apologies were received from Cr Keith Johnson and Cr Jeff Johnson.

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Ben Smith)

That such apologies be accepted.

FOR VOTE - All Councillors voted unanimously.

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

2. Declarations of Interest

Nil

3. Deputations

- **Pauline Rutten** – spoke in favour of Item 4.3 - Leasing Proposal - Shop 8 Wigmore Arcade Complex.

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4. Committee Reports

4.1 Lennox Developments - Adjoining Owners' Deed of Agreement

RECOMMENDATION

(Cr Paul Worth/Cr Ben Smith)

1. The General Manager is authorised to finalise negotiations with the Lennox Developments Pty Ltd and Clarence Property, execute deed of agreements, execute all easements, plans of subdivision etc. and all other relevant documentation required to satisfy the deed of agreements between Council and Lennox Developments Pty Ltd and Clarence Property based on the contents of this report.
2. The Council seal is authorised to be attached to the documents, as required, in point one.

FOR VOTE - All Councillors voted unanimously.

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

4.2 Property Development Reserve - Cash Flow Amendment

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Susan Meehan)

That Council authorises an amendment to the current forecasts for the Property Development Reserve with \$100,000 of the \$2,448,000 allocated in 2016/17 for the Wollongbar Urban Expansion Area to be brought forward to 2015/16 to reflect the current timing of expenditures.

FOR VOTE - All Councillors voted unanimously.

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

4.3 Leasing Proposal - Shop 8 Wigmore Arcade Complex

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Susan Meehan)

That Council notes the contents of this report in respect to the lease negotiations for Shop 8 Wigmore Arcade Complex.

FOR VOTE - All Councillors voted unanimously.

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

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4.4 Land Acquisition - Opportunity

RECOMMENDATION

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of this report regarding a potential land acquisition opportunity.

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

5. Confidential Session

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Robyn Hordern)

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 Leasing Proposal - Shop 8 Wigmore Arcade Complex - Terms

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 Acquisition - Opportunity Details

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 as the release of this information may prejudice any commercial discussions forthcoming.

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

(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 Johnson

(The Council moved into Open Council at 4.52 pm).

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

5.1 Leasing Proposal - Shop 8 Wigmore Arcade Complex - Terms

RECOMMENDATION

(Cr Robyn Hordern/Cr Sharon Cadwallader)

1. That Council approves the leasing of Shop 8 Wigmore Arcade Complex, as per option one of this report, with the Council seal authorised to be attached to any documentation associated with this lease, subject to a three month break clause.
2. This agreement is to be reviewed by Council following a period of 12 months.

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Williams, Cr Paul Worth, Cr Ben Smith and Cr Robyn Hordern
AGAINST VOTE - Cr Susan Meehan and Cr Ken Johnston
ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Keith Johnson

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5.2 Land Acquisition - Opportunity Details

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council notes the contents of this report.
2. That the Mayor, as a matter of urgency, make representations to the appropriate Minister(s) and Members of Parliament to ensure that part of the subject property remains in public ownership.

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Williams, Cr Susan Meehan, Cr Ken Johnston, Cr Ben Smith and Cr Robyn Hordern

AGAINST VOTE - Cr Paul Worth

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

Adoption of Recommendations from Confidential Session

RECOMMENDATION

(Cr Keith Williams/Cr Robyn Hordern)

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 Johnson

MEETING CLOSURE

4.53 pm