

**MINUTES OF THE COMMERCIAL SERVICES COMMITTEE
HELD IN THE COUNCIL CHAMBERS
OF BALLINA SHIRE COUNCIL
ON 23/5/2011 AT 4.00 PM**

Attendance

Cr D E Wright (in the chair), Crs P W Silver (Mayor), S L Cadwallader, B C Smith, R A Hordern, A J Brown and S M Meehan.

Paul Hickey (General Manager), John Truman (Civil Services Group Manager), Steve Barnier (Strategic Services Group Manager), Paul Tsikleas (Commercial Services Manager) and Sandra Bailey (Secretary) were in attendance.

There were 7 people in the gallery at this time.

1. Apologies

An apology was received from Cr Jeff Johnson.

Cr Keith Johnson had been granted leave of absence.

RESOLVED

(Cr Robyn Hordern/Cr Sharon Cadwallader)

That such apology be accepted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr K Johnson, Cr J Johnson, Cr P Moore

Absent: Cr Peter Moore

2. Declarations of Interest

- **John Truman** – declared an interest in Item 4.2 – Ballina Synthetic Hockey Field – Update and Item 4.3 – Ballina surf club Redevelopment – Update. (Nature of Interest: non pecuniary – he is a member of both clubs).

3. Deputations

- **Garry Anderson. Ballina Hockey Club** - spoke in relation to Item 4.2 - Ballina Synthetic Hockey Field - Update.
- **Kris Beavis, Ballina Lighthouse Surf club** - spoke in relation to Item 4.3 - Ballina Surf Club Redevelopment - Update.

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4. Committee Reports

4.1 Australian Reinforcing Company Project - Update

A **Motion** was moved by Cr Robyn Hordern and seconded by Cr Susan Meehan.

That Council notes the contents of this report on the Australian Reinforcing Company Project.

An **Amendment** was moved by Cr Phillip Silver and seconded by Cr Sharon Cadwallader

1. That Council notes the contents of this report on the Australian Reinforcing Company Project
2. That Council receive a report on the possible sale versus rent options for the property.

The **Amendment** was **CARRIED**.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr K Johnson, Cr J Johnson, Cr P Moore

The **Amendment** then became the **Motion** and was **CARRIED**, therefore it was

RECOMMENDED

(Cr Phillip Silver /Cr Sharon Cadwallader)

1. That Council notes the contents of this report on the Australian Reinforcing Company Project
2. That Council receive a report on the possible sale versus rent options for the property.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr K Johnson, Cr J Johnson, Cr P Moore

4.2 Ballina Synthetic Hockey Field - Update

RECOMMENDATIONS

(Cr Sharon Cadwallader /Cr Susan Meehan)

1. That Council notes the contents of this report in respect to the final cost of the synthetic hockey field for Kingsford Smith Oval, Ballina.

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2. That Council approves a transfer from the Community Infrastructure Reserve of \$181,000 to finance the unfunded expenditure, with this transfer to be partially or fully offset by any Section 94 contributions collected during the year that relate to projects that have previously been funded by Council's Property Reserves.
3. That Council thank the Ballina Hockey Club for their offer of an interest free loan to assist with the budget over-expenditure, however Council's preference is to decline that offer as Council is in a position to recoup this expenditure from future Section 94 Developer Contributions.
4. That Council thank the Ballina Hockey Club for their extensive efforts in bringing the synthetic hockey field project to fruition.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr K Johnson, Cr J Johnson, Cr P Moore

4.3 Ballina Surf Club Redevelopment - Update

RECOMMENDATIONS

(Cr Sharon Cadwallader /Cr Ben Smith)

1. That Council authorises the lodgement of an amended development application, for the Ballina Surf Club, based on a location closer to the beach as per attachment two to this report.
2. That in respect to this amended application Council's preference is to retain control over the areas referred to as the café, function rooms and first floor amenities and the building design is to proceed on that basis, as Council considers that this will result in a more functional building for all members of the community.
3. In respect to point two it is acknowledged that Council will call expressions of interest for the lease of the café and management of the function centre and the Ballina Surf Club will be entitled to lodge a submission for those management rights.
4. Council confirms that any revenues generated from the café and function centre are to be internally restricted by Council for expenditure on the maintenance of the building and other surf club related activities. The distribution of these funds will be determined by Council on an annual basis.
5. In respect to point two, Council authorises the General Manager to continue discussions with the Ballina Surf Club that allow the Club to have access to these facilities on a regular basis, and at no cost, no matter whether they have the management rights or not. These arrangements will be subject to a further report to Council and the preparation of a legal agreement once consensus has been reached on those arrangements.

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6. That in respect to the latest estimated building cost for the project Council confirms that 10% is considered to be a reasonable contingency for budgeting purposes and the current concept plans are to be revised to ensure that the total estimated building cost is within the funding available of \$5.8 million, including fit-out.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr K Johnson, Cr J Johnson, Cr P Moore

5. Confidential Session

RESOLVED

(Cr Ben Smith/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 Wigmore Lease - 141 River Street, Ballina

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
 - (ii) confer a commercial advantage on a competitor of the council
 - (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 as it may effect on Council's ability to negotiate a suitable outcome in respect to the contents of the report.

5.2 Lennox Head - Operational Land

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

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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 it may restrict the development options that could be considered in respect to the contents of the report.

5.3 Southern Cross Industrial Estate - Operational Land

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 Council is currently involved in commercial negotiations and any publication of this information could prejudice those negotiations.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr K Johnson, Cr J Johnson, Cr P Moore

(The Committee moved into Confidential Session at 4.49 pm)

5.1 Wigmore Lease - 141 River Street, Ballina

RECOMMENDED

(Cr Sharon Cadwallader /Cr Alan Brown)

That Council authorise the General Manager to negotiate a settlement of this matter as outlined in option three of this Report.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr K Johnson, Cr J Johnson, Cr P Moore

5.2 Lennox Head - Operational Land

RECOMMENDED

(Cr Ben Smith/Cr Robyn Hordern)

1. That Council approves the General Manager to instruct the Land & Property Management Authority to remove all improvements from the Site, which is the subject of this report and to undertake "make good works.

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2. That Council conduct an evaluation of development options for the Site, with that evaluation to be submitted back to Council to determine the long term objective for the land.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr K Johnson, Cr J Johnson, Cr P Moore

5.3 Southern Cross Industrial Estate - Operational Land

RECOMMENDED

(Cr Phillip Silver /Cr Robyn Hordern)

1. That the General Manager be authorised to offer the land for sale as per the report to the April Ordinary meeting.
2. That Council authorise the use of Council's seal on any necessary contract documents.

FOR VOTE - Cr Silver, Cr Hordern, Cr Wright, Cr Brown

AGAINST VOTE - Cr Cadwallader, Cr Smith, Cr Meehan

ABSENT. DID NOT VOTE - Cr K Johnson, Cr J Johnson, Cr P Moore

Open Council

RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

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

(The Council moved into Open Council at 5.31 pm

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr K Johnson, Cr J Johnson, Cr P Moore

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

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Adoption of Recommendations from Confidential Session

RESOLVED

(Cr Robyn Hordern/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr K Johnson, Cr J Johnson, Cr P Moore

MEETING CLOSURE

5.33 pm