

**MINUTES OF THE COMMERCIAL SERVICES COMMITTEE
HELD IN THE COUNCIL CHAMBERS
OF BALLINA SHIRE COUNCIL
ON 15/11/2011 AT 4.00 PM**

Attendance

Cr D E Wright (Chair), Crs P W Silver (Mayor) (arrived at 4.07 pm), S L Cadwallader, B C Smith, K H Johnson, R A Hordern, J L Johnson (arrived at 4.06 pm) and S M Meehan.

Paul Hickey (General Manager), John Truman (Civil Services Group Manager), Rod Willis (Regulatory Services Group Manager), Steve Barnier (Strategic Services Group Manager), Paul Tsikleas (Manager commercial Services), Peter Morgan (Manager Finance & Governance) and Sandra Bailey (Secretary) were in attendance.

There were no people in the gallery at this time.

1. Apologies

An apology was received from Cr Alan Brown.

RESOLVED

(Cr Ben Smith/Cr Sharon Cadwallader)

That such apology be accepted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Silver, Cr Moore, Cr J Johnson, Cr Brown

2. Declarations of Interest

Nil

3. Deputations

Nil

Cr J Johnson arrived at 4.06 pm

4. Committee Reports

4.1 Policy (Review) - Property Investment & Development

RECOMMENDATION

(Cr Keith Johnson/Cr Susan Meehan)

That Council adopt the Property Investment & Development Policy, as exhibited and as attached to this report.

Cr Silver arrived at 04:07 pm

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Cr Wright, Cr Meehan

AGAINST VOTE - Cr J Johnson

ABSENT. DID NOT VOTE - Cr Moore, Cr Brown

4.2 Directional Signage - Southern Cross Industrial Estate

RECOMMENDATION

(Cr Sharon Cadwallader /Cr Susan Meehan)

That Council authorises the General Manager to pursue the erection of directional signage, with appropriate wording such as "Home Makers Centre", to be erected at the intersections of:

- Tamarind Drive and North Creek Road
- Southern Cross Drive and North Creek Road; and
- Southern Cross Drive and Boeing Avenue.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Moore, Cr Brown

4.3 Building Better Regional Cities - Grant Program

RECOMMENDATION

(Cr Sharon Cadwallader /Cr Ben Smith)

That Council notes the contents of this report in respect to the Building Better Regional Cities Program.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Moore, Cr Brown

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5. Confidential Session

RESOLVED

(Cr Susan Meehan/Cr Sharon Cadwallader)

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 Land Sale - Russellton Industrial Estate

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 Council is currently involved in commercial negotiations in respect to the contents of the report.

5.2 Lennox Head Surf Club - Redevelopment

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 Council may wish to dispose of surplus operational land and obtain the best price for the community.

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5.3 Land Sale - Southern Cross Industrial Estate

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 involved in commercial negotiations for the sale of land and the release of any confidential information may result in the termination of those negotiations.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Moore, Cr Brown

(The Committee moved into Confidential Session at 4.30 pm)

5.1 Land Sale - Russellton Industrial Estate

RECOMMENDATIONS

(Cr Phillip Silver /Cr Robyn Hordern)

1. That Council authorises the General Manager to finalise negotiations for the sale of the subject Site, as outlined in option three of this report.
2. That Council consent to the use of the Common Seal of Ballina Shire Council upon the Contract for Sale of Land, and Deed of Transfer in this matter.
3. The proceeds from the sale of this land are to be transferred to the Industrial Land Development Reserve to finance future development of the industrial estates.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Moore, Cr Brown

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5.2 Lennox Head Surf Club - Redevelopment

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr Ben Smith.

1. That Council advise the Lennox Head Surf Club Committee that no funds are currently available in the 2011/12 budget to assist in funding the preparation of the development application for the re-development of the Surf Club, however funding will be considered as part of the preparation of the 2012/13 budget, subject to point three below.
2. The General Manager is authorised to conduct negotiations with the Land and Property Management Authority in respect to the possible sale of the neighbouring operational land, with the outcomes of those negotiations to be reported back to Council prior to a final decision being made. This next report will also review any other options in respect to the method of sale, the sale price and further consideration as to whether or not the land should be sold.
3. That the General Manager report back on alternative options to finance the \$80,000 required to allow the DA to be progressed.

The **Motion** was **LOST**.

FOR VOTE - Cr Silver, Cr Cadwallader, Cr K Johnson

AGAINST VOTE - Cr Smith, Cr Hordern, Cr Wright, Cr J Johnson, Cr Meehan

ABSENT. DID NOT VOTE - Cr Moore, Cr Brown

A **Motion** was moved by Cr Jeff Johnson

That the General Manager report back on alternative options to finance the \$80,000 required to allow the DA to be progressed.

The **Motion** **LAPSED**.

RECOMMENDATION

(Cr Susan Meehan/Cr Robyn Hordern)

1. That Council advise the Lennox Head Surf Club Committee that no funds are currently available in the 2011/12 budget to assist in funding the preparation of the development application for the re-development of the Surf Club, however funding will be considered as part of the preparation of the 2012/13 budget.
2. The General Manager is authorised to conduct negotiations with the Land and Property Management Authority in respect to the possible sale of the neighbouring operational land, with the outcomes of those negotiations to be reported back to Council prior to a final decision being made. This next report will also review any other options in respect to the method of sale, the sale price and further consideration as to whether or not the land should be sold.

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FOR VOTE - Cr Silver, Cr Cadwallader, Cr Smith, Cr Hordern, Cr Wright, Cr Meehan

AGAINST VOTE - Cr K Johnson, Cr J Johnson

ABSENT. DID NOT VOTE - Cr Moore, Cr Brown

5.3 Land Sale - Southern Cross Industrial Estate

RECOMMENDATIONS

(Cr Sharon Cadwallader /Cr Keith Johnson)

1. That Council authorises the General Manager to progress the negotiations outlined in this report through the offer of a six month option based on the terms and conditions outlined within the report.
2. That Council receives a further report that details the various cash flows for this project, including the provision of road infrastructure.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Moore, Cr Brown

Crs Cadwallader and J Johnson left the meeting after Item 5.3 at 05:16 PM during the Confidential Session.

Open Council

RESOLVED

(Cr Robyn Hordern/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Cadwallader, Cr Moore, Cr J Johnson, Cr Brown

(The Council moved into Open Council at 5.35 pm)

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 Keith Johnson/Cr Ben Smith)

That the recommendations made whilst in Confidential Session be adopted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Cadwallader, Cr Moore, Cr J Johnson, Cr Brown

MEETING CLOSURE

5.35 pm