

**MINUTES OF THE COMMERCIAL SERVICES COMMITTEE  
HELD IN THE COUNCIL CHAMBERS  
OF BALLINA SHIRE COUNCIL  
ON 20/02/2012 AT 4.150 PM**

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**Attendance**

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

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

There was one person in the gallery at this time.

**1. Apologies**

An apology was received from Cr Peter Moore.

**RESOLVED**

(Cr Susan Meehan/Cr Alan Brown)

That such apology be accepted.

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

**2. Declarations of Interest**

Nil

**3. Deputations**

Nil

**4. Committee Reports**

**4.1 Deputation - Kingsford Smith Marina**

**RECOMMENDATION**

(Cr Alan Brown/Cr Sharon Cadwallader )

Council notes the contents of the deputation from Mr Mark Prowse.

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

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**4.2    Land Sale - Lennox Head**

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr Robyn Hordern.

1. That Council approves the sale of Lots 1 and 2 DP 517499, Nos. 2-4 Ross Street, Lennox Head to the North Coast Accommodation Trust (i.e. Department of Primary Industries, NSW State Government) for the sale price as per the independent valuation obtained by Council.
2. That Council approves the attaching of the Council seal to all documents, notices, contracts and transfers required to facilitate the sale of Lots 1 and 2 DP 517499, Nos. 2-4 Ross Street, Lennox Head.
3. The funds generated from this sale are used to assist construction of the Lennox Head Surf Club.

An **Amendment** was moved by Cr Jeff Johnson and seconded by Cr Susan Meehan

That a decision on this matter be deferred until issues relating to the closure of the eastern road at Lake Ainsworth, parking and access to Camp Drew are resolved.

The **Amendment** was **LOST**.

FOR VOTE - Cr J Johnson, Cr Meehan

AGAINST VOTE - Cr Silver, Cr Cadwallader, Cr K Johnson, Cr Smith, Cr Hordern, Cr Wright, Cr Brown

ABSENT. DID NOT VOTE - Cr Moore

An **Amendment** was moved by Cr Ben Smith and seconded by Cr Keith Johnson

1. That Council approves the sale of Lots 1 and 2 DP 517499, Nos. 2-4 Ross Street, Lennox Head to the North Coast Accommodation Trust (i.e. Department of Primary Industries, NSW State Government) for the sale price as per the independent valuation obtained by Council.
2. That Council approves the attaching of the Council seal to all documents, notices, contracts and transfers required to facilitate the sale of Lots 1 and 2 DP 517499, Nos. 2-4 Ross Street, Lennox Head.
3. The funds generated from this sale are to be transferred to Council's Community Infrastructure reserve to assist in financing future infrastructure projects.

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

FOR VOTE - Cr K Johnson, Cr Smith, Cr Hordern, Cr Wright, Cr Brown, Cr Meehan

AGAINST VOTE - Cr Silver, Cr Cadwallader, Cr J Johnson

ABSENT. DID NOT VOTE - Cr Moore

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

**RECOMMENDED**

(Cr Ben Smith/Cr Keith Johnson)

1. That Council approves the sale of Lots 1 and 2 DP 517499, Nos. 2-4 Ross Street, Lennox Head to the North Coast Accommodation Trust (i.e. Department of Primary Industries, NSW State Government) for the sale price as per the independent valuation obtained by Council.
2. That Council approves the attaching of the Council seal to all documents, notices, contracts and transfers required to facilitate the sale of Lots 1 and 2 DP 517499, Nos. 2-4 Ross Street, Lennox Head.
3. The funds generated from this sale are to be transferred to Council's Community Infrastructure reserve to assist in financing future infrastructure projects.

FOR VOTE - Cr Silver, Cr Cadwallader, Cr K Johnson, Cr Smith, Cr Hordern, Cr Wright, Cr Brown

AGAINST VOTE - Cr J Johnson, Cr Meehan

ABSENT. DID NOT VOTE - Cr Moore

**4.3 Compulsory Acquisition - Redevelopment of Ballina Surf Club**

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

1. That Council resolves to proceed with the acquisition of Part of Lots 529, 531 & 533 in DP 729676 in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 (NSW) and Local Government Act 1993 (NSW).
2. Council authorises the General Manager to conduct and finalise negotiations with NSW Department of Primary Industries to acquire Part of Lots 529, 531 & 533 in DP 729676.
3. Council approves the attaching of the Council seal to all documents, notices, contracts and transfers required to facilitate acquisition of Part of Lots 529, 531 & 533 in DP 729676.
4. That Council continue to consult with JALI and the NSW Aboriginal Land Council in regards to the land claims lodged over Lots 529, 531 & 533 in DP 729676.

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An **Amendment** was moved by Cr Jeff Johnson

That Council continue to consult with JALI and the NSW Aboriginal Land Council in regards to the land claims lodged over Lots 529, 531 & 533 in DP 729676.

The **Amendment LAPSED**.

The **Motion** was **CARRIED**, therefore it was

**RECOMMENDED**

(Cr Sharon Cadwallader /Cr Ben Smith)

1. That Council resolves to proceed with the acquisition of Part of Lots 529, 531 & 533 in DP 729676 in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 (NSW) and Local Government Act 1993 (NSW).
2. Council authorises the General Manager to conduct and finalise negotiations with NSW Department of Primary Industries to acquire Part of Lots 529, 531 & 533 in DP 729676.
3. Council approves the attaching of the Council seal to all documents, notices, contracts and transfers required to facilitate acquisition of Part of Lots 529, 531 & 533 in DP 729676.
4. That Council continue to consult with JALI and the NSW Aboriginal Land Council in regards to the land claims lodged over Lots 529, 531 & 533 in DP 729676.

FOR VOTE - Cr Silver, Cr Cadwallader, Cr K Johnson, Cr Smith, Cr Hordern, Cr Wright, Cr Brown, Cr Meehan

AGAINST VOTE - Cr J Johnson

ABSENT. DID NOT VOTE - Cr Moore

**5. Confidential Session**

**RESOLVED**

(Cr Robyn Hordern/Cr Ben Smith)

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.

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**5.1 Aboriginal Land Claim - Redevelopment of Ballina Surf Club**

**Reason for Confidentiality**

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(g) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following: -

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

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 confidential legal advice is being discussed in respect to the contents of the report.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Moore

**5.1 Aboriginal Land Claim - Redevelopment of Ballina Surf Club**

**RECOMMENDED**

(Cr Alan Brown/Cr Robyn Hordern)

That Council notes the contents of this report in respect to the progress of the latest development applications for the Ballina Surf Club redevelopment, along with the associated Aboriginal land claims.

Cr J Johnson left the meeting at 05:09 PM.

FOR VOTE - All Councillors voted unanimously.

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

**Open Council**

**RESOLVED**

(Cr Alan Brown/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 Moore, Cr J Johnson

(The Council moved into Open Council at 5.23 PM

The General Manager reported to the Open Meeting the recommendation made while in Confidential Session.

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**Adoption of Recommendation from Confidential Session**

**RESOLVED**

(Cr Sharon Cadwallader /Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.

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

**MEETING CLOSURE**

5.24 PM