

**MINUTES OF THE COMMERCIAL SERVICES COMMITTEE MEETING
OF THE BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
CNR CHERRY & TAMAR STREETS, BALLINA,
ON 18/06/12 AT 5.00 PM**

Attendance

Crs David Wright (Chair), Sharon Cadwallader, Ben Smith, Keith Johnson, Phillip Silver (Mayor), Robyn Hordern, Jeff Johnson, Alan Brown and Susan Meehan.

Steve Barnier (Acting General Manager), John Truman (Civil Services 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

Nil

Absent

Councillor Peter Moore

2. Declarations of Interest

Nil

3. Deputations

Nil

5. Confidential Session

RECOMMENDATION

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 Wigmore Arcade 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, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (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 this would adversely impact on Council's ability to negotiate with the existing tenants and any potential developers of the complex.

5.2 Land Sale - North Creek Road, Ballina

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 information may prejudice negotiations.

FOR VOTE - Cr Phillip Silver, Cr Ben Smith, Cr Keith Johnson, Cr Robyn Hordern, Cr David Wright, Cr Sharon Cadwallader, Cr Susan Meehan, Cr and Cr Alan Brown

ABSENT. DID NOT VOTE - Cr Peter Moore

AGAINST VOTE - Cr Jeff Johnson

(The Council moved into Confidential Session at 5.03 pm).

Cr Jeff Johnson departed the meeting during the presentation given on Item 5.1 of the Confidential Session at 5.35 pm

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Open Council

RECOMMENDATION

(Cr Robyn Hordern/Cr Alan Brown)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Peter Moore and Cr Jeff Johnson

(The Council moved into Open Council at 6.08 pm).

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

5.1 Wigmore Arcade Redevelopment

A presentation was given by Paul Pitronaci from the BN Group on this item.

RECOMMENDATION

(Cr Keith Johnson/Cr Alan Brown)

1. That Council endorses the concept plans for the redevelopment of the Wigmore Arcade Complex, as presented by the BN Group to this meeting.
2. That Council authorises the General Manager to further progress these plans through consultation with the existing tenants and more detailed financial analysis of the proposal.
3. That Council authorises the General Manager to negotiate the terms for the extension of the existing leases at the Wigmore Arcade Complex, based on the preferred option outlined within this report.
4. That Council receive a further report on the Wigmore Arcade Complex outlining the financial analysis of the plans presented by the BN Group, the feedback from tenants and the response to the expression of interest process currently underway.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Peter Moore and Cr Jeff Johnson

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5.2 Land Sale - North Creek Road, Ballina

RECOMMENDATION

(Cr Keith Johnson/Cr Alan Brown)

1. Council authorises the General Manager to finalise the sale of land described as Part Lot 2 DP 1172175, North Creek Road Ballina as per option two of this report.
2. That the use of Council's Common Seal be approved to be affixed to the Contract for Sale of Land and Transfer, the Plan of Subdivision to create proposed Lot 2, the S88B Instrument, and any other associated documentation.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Peter Moore and Cr Jeff Johnson

Adoption of Recommendations from Confidential Session

RECOMMENDATION

(Cr Keith Johnson/Cr Robyn Hordern)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Peter Moore and Cr Jeff Johnson

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4. Committee Reports

4.1 Henderson Farm Development

RECOMMENDATION

(Cr Robyn Hordern/Cr Ben Smith)

1. The Council approves funding of up to \$60,000 from the Commercial Opportunities Reserve to finance the cost of preparing and lodging a development application for a residential subdivision on a pro-rata basis, for Council's portion of the Henderson Farm land, with Lennox Developments Pty. Ltd., based upon each party's respective land holdings proposed to be rezoned for residential development. The proposal is that Lennox Developments Pty Ltd contribute 77% and Council contribute 23%.

2. That Council authorise the General Manager to finalise negotiations with Lennox Developments Pty Ltd for a joint development application funding agreement and to execute the relevant documentation.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Peter Moore and Cr Jeff Johnson

MEETING CLOSURE

6.12 pm