

**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 23/07/12 AT 4.00 PM**

Attendance

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

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

There were no people in the gallery at this time.

1. Apologies

An apology was received from Crs Robyn Hordern and Peter Moore.

Absent

Cr Jeff Johnson

RECOMMENDATION

(Cr Ben Smith/Cr Alan Brown)

That such apologies be accepted.

FOR VOTE - All Councillors voted unanimously.

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

2. Declarations of Interest

Nil

3. Deputations

Nil

4. Committee Reports

Nil Items

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5. Confidential Session

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Keith Johnson)

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 Flat Rock Tent Park - Update

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 it may prejudice any commercial negotiations between Council and the contractor.

5.2 Land Acquisition

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 Council is in the process of negotiating a purchase price for the properties in question.

FOR VOTE - All Councillors voted unanimously.

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

(The Council moved into Confidential Session at 4.03 pm).

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Open Council

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Peter Moore, Cr Robyn Hordern and Cr Jeff Johnson

(The Committee moved into Open Council at 4.40 pm).

3.0 Matter of Urgency - Land Sale - Southern Cross Industrial Estate

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Ben Smith)

That the matter of Land Sale - Southern Cross Industrial Estate be dealt with as a matter of urgency in the Confidential Session.

FOR VOTE - All Councillors voted unanimously.

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

4.0 Confidential Session

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council moves into committee of the whole with the meeting closed to the public, to consider the following item in accordance with Section 10A (2) of the Local Government Act 1993.

5.3 Land Sale - Southern Cross 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, or

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- (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 Council is in the process of negotiating a sale for the property in question.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Peter Moore, Cr Robyn Hordern and Cr Jeff Johnson

2.0 Open Council

RECOMMENDATION

(Cr Keith Johnson/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Peter Moore, Cr Robyn Hordern and Cr Jeff Johnson

(The Committee moved into Open Council at 4.49 pm).

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

5.1 Flat Rock Tent Park - Update

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

That Council approves the one-off payment of \$6,600 (including GST) to the Flat Rock Tent Park contractor in recognition of the overall management performance and cost savings derived for the 2011/12 financial year.

The **Motion LAPSED.**

RECOMMENDATION

(Cr Alan Brown/Cr Susan Meehan)

That Council approves the one-off payment of \$3,300 (including GST) to the Flat Rock Tent Park contractor in recognition of the overall management performance and cost savings derived for the 2011/12 financial year.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Peter Moore, Cr Robyn Hordern and Cr Jeff Johnson

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5.2 Land Acquisition

RECOMMENDATION

(Cr Ben Smith/Cr Susan Meehan)

1. Council authorises the General Manager to proceed with the acquisition of the subject properties as per option four of this report.
2. Council authorises the Council seal to be attached to the purchase contract for the subject properties.

FOR VOTE - All Councillors voted unanimously.

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

5.3 Land Sale - Southern Cross Industrial Estate

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council resolve to adopt option two as outlined in this report and authorise the General Manager to finalise negotiations with the purchaser.
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 the proposed lot, the S88B Instrument, and any other associated documentation.

FOR VOTE - All Councillors voted unanimously.

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

Adoption of Recommendations from Confidential Session

RECOMMENDATION

(Cr Ben Smith/Cr Phillip Silver)

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

FOR VOTE - All Councillors voted unanimously.

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

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MEETING CLOSURE

4.52 pm