

**MINUTES OF THE COMMERCIAL SERVICES COMMITTEE MEETING  
OF THE BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET, BALLINA,  
ON 19/11/12 AT 4.15 PM**

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**Attendance**

Crs David Wright (Mayor), Susan Meehan, Ken Johnston, Paul Worth, Ben Smith and Robyn Hordern.

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 were no people in the gallery at this time.

**1. Apologies**

Cr Keith Johnson had been granted leave of absence.

Apologies were received from Cr Jeff Johnson and Cr Sharon Cadwallader.

**Absent**

Cr Keith Williams

**RECOMMENDATION**

(Cr Ben Smith/Cr Robyn Hordern)

That such apologies be accepted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams and Cr Keith Johnson

**2. Election of Chair**

**RECOMMENDATION**

(Cr Ben Smith/Cr Robyn Hordern)

That Cr David Wright be appointed Chair of the Commercial Services Committee for the term of the current Council until September 2016.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams and Cr Keith Johnson

**3. Declarations of Interest**

Nil

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**4. Deputations**

Nil

**5. Committee Reports**

**5.1 Agreements for Signage and Ancillary Items on Council land**

**RECOMMENDATION**

(Cr Ben Smith/Cr Robyn Hordern)

1. That Council notes the contents of this report in respect to ancillary uses of Council land.
2. That the General Manager implement the necessary actions to either formalise or remove the signage on Council land for the West Tower Tavern. Any licence agreement is to be based on similar conditions to the agreement for the Homestead Motel.
3. That the General Manager formalise the use of Council land by the not for profit groups associated with the Kingsford Smith and Geoff Watt Oval sporting signage and the use of airspace at Hackett Lane, Ballina. Any licence agreements are to be based on similar terms and conditions applicable to other not for profit groups.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams and Cr Keith Johnson

**5.2 Shelly's on the Beach - Purchase or Licence of Crown Land**

**RECOMMENDATION**

(Cr Ben Smith/Cr Robyn Hordern)

1. That Council, as Reserve Trust Manager, recommends to the Crown to vary Fishheads' current licence to include the additional area of 66.75m<sup>2</sup>, i.e. a total of 148.45m<sup>2</sup> at an initial annual licence fee of \$19,343 p.a. + GST. All other terms and conditions of the current licence agreement shall prevail.
2. That Council authorises the General Manager to finalise negotiations with the Crown, and approve the use of the Council Seal to be affixed to the Licence Agreement and any other associated documentation.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams and Cr Keith Johnson

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**6. Confidential Session**

**RECOMMENDATION**

(Cr Susan Meehan/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.

**6.1 Land Sale and Acquisition**

**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 negotiations are being conducted on a commercial in confidence basis.

**6.2 Options Review - 64 Crane Street, 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 it may adversely impact on the commercial negotiations currently underway.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams and Cr Keith Johnson

(The Council moved into Confidential Session at 4.33 pm).

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**Open Council**

**RECOMMENDATION**

(Cr Ben Smith/Cr Susan Meehan)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams and Cr Keith Johnson

(The Council moved into Open Council at 5.08 pm).

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

**6.1 Land Sale and Acquisition**

**RECOMMENDATION**

(Cr Susan Meehan/Cr Ben Smith)

That Council notes the contents of this report in respect to possible land swaps or sale.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams and Cr Keith Johnson

**6.2 Options Review - 64 Crane Street, Ballina**

**RECOMMENDATION**

(Cr Ben Smith/Cr Susan Meehan)

1. That Council approve the lease of 64 Crane Street, Ballina, and authorises the General Manager to finalise negotiations with Northcott Disability Services Inc. based upon the terms and conditions referenced within the body of this report and detailed within the report to Council on 27 September 2012.
2. That Council consent to the use of the Common Seal upon the Deed of Lease.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams and Cr Keith Johnson

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**Adoption of Recommendations from Confidential Session**

**RECOMMENDATION**

(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 Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams and Cr Keith Johnson

**MEETING CLOSURE**

5.09 pm