

**MINUTES OF THE COMMERCIAL SERVICES COMMITTEE MEETING
OF THE BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET BALLINA,
ON 18/12/12 AT 5.00 PM**

Attendance

Crs David Wright (Mayor - in the chair), Jeff Johnson, Sharon Cadwallader, Keith Williams, Keith Johnson, Susan Meehan, Ken Johnston, Paul Worth, Ben Smith and Robyn Hordern.

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 two people in the gallery at this time.

1. Apologies

Nil

2. Declarations of Interest

Cr Keith Williams – declared an interest in Item 5.1 – Pelican 181 Café – Leasing Update. (Nature of Interest: non pecuniary non significant – his family has a statue located in the immediate vicinity). He will be remaining in the meeting while the matter is discussed and voting on the matter.

3. Deputations

- **Steve McCarthy** – spoke in relation to Item 4.3 – Surplus Land – Skennars Head.

4. Committee Reports

4.1 Flat Rock Tent Park Fees - 2013/14

RECOMMENDATION

(Cr Ben Smith/Cr Susan Meehan)

That Council authorise the exhibition of the draft Tent Park Fees for 1 April 2013 to 31 January 2014, as attached to this report, for public comment.

FOR VOTE - All Councillors voted unanimously.

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4.2 Reclassification of Land - Old Bagotville Road, Wardell

RECOMMENDATION

(Cr Keith Johnson/Cr Ben Smith)

1. That Council prepare a planning proposal for the reclassification of Lot 5 DP 843369, Old Bagotville Road, Wardell from community land to operational land in accordance with the requirements of the Local Government Act 1993.
2. That the matter be reported to Council for determination at the conclusion of the community consultation phases.

FOR VOTE - All Councillors voted unanimously.

4.3 Surplus Land - Skennars Head

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr Keith Williams

1. That Council authorises the sale of Lot 11 in proposed plan of subdivision of Lot 11 DP 1154480 and Lot 48 DP 833002 by way of public auction. If the land fails to sell at public auction it is to be placed on the market for sale by private treaty at a price to be determined following on from the public auction process.
2. The General Manager and Mayor are delegated the authority to set a reserve for the Property, prior to the auction based upon advice obtained from the marketing agent, and or if required by way of an independent valuation.
3. Council authorises the attaching of the Council seal to the contract for sale with the proceeds from the sale to allocated to a future indoor sports stadium.

An **Amendment** was moved by Cr Ben Smith and seconded by Cr Robyn Hordern

That Council defer this matter to receive a further report on rezoning options.

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

FOR VOTE - All Councillors voted unanimously.

The **Amendment** then became the **Motion** and was **CARRIED**.

FOR VOTE - All Councillors voted unanimously.

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RECOMMENDATION

(Cr Ben Smith/Cr Robyn Hordern)

That Council defer this matter to receive a further report on rezoning options.

FOR VOTE - All Councillors voted unanimously.

5. Confidential Session

RECOMMENDATION

(Cr Susan Meehan/Cr Robyn Hordern)

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 Pelican 181 Cafe - Leasing 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 due to ongoing commercial negotiations with interested parties.

5.2 Wigmore Arcade - 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 this would adversely impact on Council's ability to negotiate with the existing tenants.

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FOR VOTE - Cr Susan Meehan, Cr Sharon Cadwallader, Cr Keith Williams,
Cr Keith Johnson, Cr Ken Johnston, Cr Robyn Hordern, Cr Paul Worth, Cr
David Wright and Cr Ben Smith
AGAINST VOTE - Cr Jeff Johnson

(The Council moved into Confidential Session at 5.56 pm).

Open Council

RECOMMENDATION

(Cr Keith Johnson/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.

(The Council moved into Open Council at 6.44 pm).

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

5.1 Pelican 181 Cafe - Leasing Update

A **Motion** was moved by Cr Sharon Cadwallader

1. That Council notes the contents of this report on future leasing options for the Pelican 181 café with the General Manager authorised to call an extraordinary meeting of Council if the opportunity arises to finalise any new lease prior to an Ordinary monthly Council meeting.
2. That for the purposes of negotiating a new lease Council provides in principle support, subject to further details information, to the following concepts:
 - a. closing the existing toilets to the public at the end of January 2013
 - b. Reconfiguring the external areas of the restaurant as per attachment one to this report
 - c. Providing weather protection to the southern outdoor dining area.
 - d. investigate a tourism booth into that precinct

The **Motion LAPSED.**

RECOMMENDATION

(Cr Ben Smith/Cr Susan Meehan)

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1. That Council notes the contents of this report on future leasing options for the Pelican 181 café with the General Manager authorised to call an extraordinary meeting of Council if the opportunity arises to finalise any new lease prior to an Ordinary monthly Council meeting.
2. That for the purposes of negotiating a new lease Council provides in principle support, subject to further details information, to the following concepts:
 - a. closing the existing toilets to the public
 - b. Reconfiguring the external areas of the restaurant as per attachment one to this report
 - c. Providing weather protection to the southern outdoor dining area.
3. That Council receive a further report on providing additional public toilets in Fawcett Park.

FOR VOTE - All Councillors voted unanimously.

5.2 Wigmore Arcade - Update

RECOMMENDATION

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council approves the tenancy management approach as outlined in the options section of this report.

FOR VOTE - Cr Susan Meehan, Cr Sharon Cadwallader, Cr Keith Williams, Cr Keith Johnson, Cr Ken Johnston, Cr Robyn Hordern, Cr Paul Worth, Cr David Wright and Cr Ben Smith

AGAINST VOTE - Cr Jeff Johnson

Adoption of Recommendations from Confidential Session

RECOMMENDATION

(Cr Ben Smith/Cr Robyn Hordern)

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

FOR VOTE - Cr Susan Meehan, Cr Sharon Cadwallader, Cr Keith Williams, Cr Keith Johnson, Cr Ken Johnston, Cr Robyn Hordern, Cr Paul Worth, Cr David Wright and Cr Ben Smith

AGAINST VOTE - Cr Jeff Johnson

MEETING CLOSURE

6.45 pm