

**MINUTES OF THE COMMERCIAL SERVICES COMMITTEE MEETING
OF THE BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 26/02/13 AT 4.00 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), Peter Morgan (Finance Manager) and Sandra Bailey (Secretary) were in attendance.

There were no people in the gallery at this time.

1. Apologies

Nil

2. Declarations of Interest

Cr Ben Smith – declared an interest in Item 5.1 of the Confidential Session – Land Sale and Purchase. (Nature of Interest: non significant non pecuniary – he is a member of Ballina Swim N Gym). He will be remaining in the meeting while the matter is discussed and voting on the matter.

3. Deputations

Nil

4. Committee Reports

4.1 Wigmore Arcade Update

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the contents of this report on the status of the Wigmore Arcade redevelopment.

FOR VOTE - All Councillors voted unanimously.

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5. Confidential Session

RECOMMENDATION

(Cr Ben Smith/Cr Sharon Cadwallader)

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 Land Sale and Purchase

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.

5.2 Shelly's on the Beach Cafe - Land Tenure

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 negotiations are being conducted on a commercial in confidence basis.

FOR VOTE - All Councillors voted unanimously.

(The Council moved into Confidential Session at 4.06 pm).

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Open Council

RECOMMENDATION

(Cr Ben Smith/Cr Robyn Hordern)

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

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

(The Council moved into Open Council at 5.15 pm).

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

5.1 Land Sale and Purchase

A **Motion** was moved by Cr Ben Smith and seconded by Cr Jeff Johnson -

That this matter be deferred.

The **Motion** was **LOST**.

FOR VOTE - Cr Jeff Johnson, Cr Sharon Cadwallader, Cr Keith Williams and Cr Ben Smith

AGAINST VOTE - Cr David Wright, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth and Cr Robyn Hordern

RECOMMENDATION

(Cr Paul Worth/Cr Robyn Hordern)

1. That Council resolves to accept the offer from Fire & Rescue New South Wales for the purchase and sale of the properties as detailed within this report, as this proposal is considered to provide the best outcome, both financially and from a social perspective to the community.
2. That Council authorises the General Manager to finalise negotiations with FRNSW based on the contents of this report and approve the use of the Council Seal to be affixed to the sale contracts for the properties and any other associated documentation.
3. That Council initiate a planning proposal to amend the Ballina Local Environmental Plan 2012. The outcome sought by the planning proposal is to rezone land described as lot 2 DP 506103, being part of the Fire & Rescue NSW site at No 60 Crane Street Ballina, from zone R3 Medium Density Residential to zone B3 Commercial Core, so as to be consistent with the zone of the remainder of that property.

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

5.2 Shelly's on the Beach Cafe - Land Tenure

RECOMMENDATION

(Cr Keith Johnson/Cr Robyn Hordern)

1. That Council approves the purchase of part or all of the residual crown land as detailed in this report for the purposes of allowing the Shelly's on the Beach Café tenure arrangements to be finalised.
2. That Council authorises the extension of the current lease term remaining for Shelly's on the Beach from 12 to 20 years, with options to re-assess the rental value to market at least every five years.
3. The funding of this purchase is to be from Council's Commercial Opportunities Reserve.
4. That Council authorises the Council seal to be attached to the lease documentation, the sale contract, plans of subdivision and associated documentation.

Cr Keith Williams left the meeting at 05:02 pm.

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

AGAINST VOTE - Cr Jeff Johnson

ABSENT. DID NOT VOTE - Cr Keith Williams

Adoption of Recommendations from Confidential Session

RECOMMENDATION

(Cr Susan Meehan/Cr Robyn Hordern)

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

Cr Jeff Johnson left the meeting at 05:17 pm.

FOR VOTE - All Councillors voted unanimously.

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

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Cr Jeff Johnson returned to the meeting at 05:17 pm.

MEETING CLOSURE

5.24 pm