

**MINUTES OF THE COMMERCIAL SERVICES COMMITTEE MEETING  
OF THE BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET, BALLINA,  
ON 26/03/13 AT 4.00 PM**

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**Attendance**

Crs David Wright (Mayor - in the chair), Jeff Johnson, 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), Paul Tsikleas (Commercial Services Manager), Steve Barnier (Strategic & Community Services Group Manager), Peter Morgan (Finance Manager) and Sandra Bailey (Secretary) were in attendance. Lynn Travers was in attendance during the Confidential Session.

There were five people in the gallery at this time.

**1. Apologies**

An apology was received from Cr Sharon Cadwallader.

**RECOMMENDATION**

(Cr Ben Smith/Cr Keith Williams)

That such apology be accepted.

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Sharon Cadwallader

**2. Declarations of Interest**

**Cr Paul Worth** – declared an interest in Item 4.3 – Wollongbar Urban Expansion Area – Development of Council Land. (Nature of Interest: non pecuniary – he owns land within the Wollongbar Urban Expansion – he will be remaining in the meeting while the matter is discussed and voting on the matter).

**3. Deputations**

Nil

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**4. Committee Reports**

**4.1 Community Land - Lease**

**RECOMMENDATION**

(Cr Keith Johnson/Cr Robyn Hordern)

1. That Council approves the publication notification process as per Section 47(1) (2) of the Local Government Act 1 to the lease of Lot 1 DP 781542 for the purposes of a restaurant / café as per the information outlined in this report.
2. That Council approves a lease of approximately 32.6m<sup>2</sup>, being the encroachment area, of the Compton Drive road reserve fronting Lot 1, with the terms of the lease to be based on Council's standard conditions and the rental based on an assessment of the market valuation.
3. That Council approves a lease of approximately 100m<sup>2</sup>, being the encroachment area, of the Compton Drive road reserve fronting Lot 3 DP 525783 and rental based on an assessment of the market valuation.
4. That the use of the common seal of Ballina Shire Council be granted to affix to the Deed of Lease or any other associated legal documents pertaining to the lease of Lot 1 DP 781542, the lease of the encroachments upon the Compton Drive road reserve fronting Lot 1 DP 781542, and/or the lease of the encroachments upon the Compton Drive road reserve fronting Lot 3 DP 525783.
5. That Council receive a further report on the merits of reclassifying Lot 1 DP 781542 from community to operational land.
6. That any valuations be based on a commercial valuation.

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Sharon Cadwallader

**4.2 Surplus Land - Skennars Head**

**RECOMMENDATION**

(Cr Keith Johnson/Cr Ben Smith)

1. That Council take no action at this time.
2. That the General Manager provide a report identifying the actions needed to overcome the present perceived obstacles to rezoning as residential.

FOR VOTE - Cr David Wright, Cr Keith Johnson, Cr Susan Meehan, Cr Robyn Hordern and Cr Ben Smith  
AGAINST VOTE - Cr Jeff Johnson, Cr Keith Williams, Cr Ken Johnston and Cr Paul Worth  
ABSENT. DID NOT VOTE - Cr Sharon Cadwallader

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**4.3 Wollongbar Urban Expansion Area - Development of Council Land**

A **Motion** was moved by Cr Robyn Hordern and seconded by Cr Ben Smith

1. Council authorises the General Manager to prepare and submit a development application for the residential subdivision and development of allotment 5 DP 1161720 Plateau Drive, Wollongbar.
2. Council's preferred development concept is scenario three, as per the plans attached to this report.
3. Council authorises the General Manager to initiate a planning proposal having the effect of adjusting the area of land to be allocated for the purpose of public recreation, as per scenario three, in the plans attached to this report.

An **Amendment** was moved by Cr Jeff Johnson

That Council receive a report outlining total development costs, predicted sale price of the lots, timeframe to complete and current valuation of the land in terms of our proposal.

The **Amendment LAPSED**.

The **Motion** was **CARRIED**.

FOR VOTE - Cr David Wright, Cr Keith Williams, 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 Sharon Cadwallader

**RECOMMENDATION**

(Cr Robyn Hordern/Cr Ben Smith)

1. Council authorises the General Manager to prepare and submit a development application for the residential subdivision and development of allotment 5 DP 1161720 Plateau Drive, Wollongbar.
2. Council's preferred development concept is scenario three, as per the plans attached to this report.
3. Council authorises the General Manager to initiate a planning proposal having the effect of adjusting the area of land to be allocated for the purpose of public recreation, as per scenario three, in the plans attached to this report.

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**5. Confidential Session**

A **Motion** was moved by Cr Jeff Johnson and seconded by Cr Ken Johnston

That this report be considered in Open Council.

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

FOR VOTE - Cr David Wright, Cr Jeff Johnson and Cr Ken Johnston  
AGAINST VOTE - Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan,  
Cr Paul Worth, Cr Robyn Hordern and Cr Ben Smith  
ABSENT. DID NOT VOTE - Cr Sharon Cadwallader

**RECOMMENDATION**

(Cr Ben Smith/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 Wigmore Arcade Redevelopment Proposal**

**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 Council will need to negotiate a number of new leases with tenants in the Wigmore Arcade and the release of any confidential information may limit Council's ability to conduct those negotiations.

FOR VOTE - Cr Keith Williams, Cr Keith Johnson, Cr Susan Meehan, Cr Paul Worth, Cr Robyn Hordern and Cr Ben Smith  
AGAINST VOTE - Cr David Wright, Cr Jeff Johnson and Cr Ken Johnston  
ABSENT. DID NOT VOTE - Cr Sharon Cadwallader

(The Council moved into Confidential Session at 5.00 pm).

Cr Jeff Johnson left the meeting at 05:01 pm and returned at 05:03 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 Sharon Cadwallader

(The Council moved into Open Council at 5.49 pm).

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

**1.1 Wigmore Arcade - Redevelopment**

**RECOMMENDATION**

(Cr Ben Smith/Cr Robyn Hordern)

1. That Council confirms that its preferred outcome for the Wigmore Arcade is a redevelopment that:
  - a) Creates a contemporary retail development in Ballina CBD
  - b) Creates a “meeting place” in the CBD providing strong anchor tenant characteristics
  - c) Capitalises on the additional 80 car spaces to be provided at the rear of the centre
  - d) Capitalise on increased trade from the re-opening of the Woolworths River Street store which is within 100 metres of the Wigmore Arcade
  - e) Maintains rental cash flow throughout the development with River Street tenants able to continue trading with minimal disruption and
  - f) Increases economic return from the asset
2. That Council approves an allocation of \$50,000 from the Commercial Opportunities Reserve to complete architectural design and quantity surveyor’s reports to take the project to development application stage.
3. The architectural design is to be based on the concept plan provided by BN Group as outlined in this report, including staging of the project.

FOR VOTE - Cr David Wright, Cr Keith Williams, 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 Sharon Cadwallader

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**Adoption of Recommendation from Confidential Session**

**RECOMMENDATION**

(Cr Ben Smith/Cr Robyn Hordern)

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

FOR VOTE - Cr David Wright, Cr Keith Williams, 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 Sharon Cadwallader

**MEETING CLOSURE**

5.51 pm