

**MINUTES OF THE COMMERCIAL SERVICES COMMITTEE MEETING
OF THE BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 24/06/13 AT 4.30 PM**

Attendance

Crs David Wright (Mayor - in the chair), 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 and Community Facilities Group Manager), Paul Tsikleas (Commercial Services Manager) and Sandra Bailey (Secretary) were in attendance.

There were 19 people in the gallery at this time.

1. Apologies

An apology was received from Cr Jeff Johnson.

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Keith Williams)

That such apology be accepted.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Jeff Johnson

2. Declarations of Interest

Cr Paul Worth – declared an interest in Item 4.7 – Property Reserves – Future Cash Flows. (Nature of Interest: non pecuniary – he owns land in the Wollongbar Urban Expansion area and it is mentioned in the report, however the land mentioned is not owned by Cr Worth). He will be remaining in the meeting while the matter is discussed and voting on the matter.

3. Deputations

- **Dan McOmish** – spoke in opposition to Item 4.1 – Ballina Surf Club – Management and Funding Update.

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4. Committee Reports

4.1 Ballina Surf Club - Management and Funding Update

RECOMMENDATION

(Cr Keith Johnson/Cr Ben Smith)

1. That in respect to the occupation of the Ballina Surf Club building, Council approves the offer of a 20 year sub-licence to the Ballina Lighthouse and Lismore Surf Lifesaving Club, based on the standard terms and conditions as outlined within this report. Council approves the attaching of the Council seal to this sub-licence.
2. That Council confirms, subject to further discussion, that this sub-licence agreement will entitle the Ballina Lighthouse and Lismore Surf Lifesaving Club to use of the upstairs function / meetings rooms without paying a hire charge (other costs such as cleaning still applicable) based on one week night per month (Monday to Thursday) and three nights per annum (Friday or Saturday) for presentations etc.
3. That Council notes the occupation of the café and kiosk will be the subject of a further report once the expressions of interest process closes.
4. That Council notes the contents of the current status of the budget for the Ballina Surf Club building.
5. That Council gives in-principle support to the kiosk rental being directed to the Ballina Lighthouse and Lismore Surf Club with this matter to be resolved once Council assesses the expressions of interest for the café and kiosk.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Jeff Johnson

RECOMMENDATION

(Cr Robyn Hordern/Cr Sharon Cadwallader)

That the building be referred to as the Ballina Surf Club.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Jeff Johnson

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4.2 Ballina Gallery Cafe - Update

RECOMMENDATION

(Cr Susan Meehan/Cr Sharon Cadwallader)

1. Council authorises the General Manager to proceed with the revised refurbishment works for the Ballina Gallery Cafe as outlined in this report (i.e. alterations to Gallery 1) subject to points two and three below.
2. The works in point one are subject to the sub-lessee varying the existing lease agreement as per the revised terms and conditions outlined within this report.
3. That Council approves a maximum of \$40,000 in funding from the Commercial Opportunities Reserve to undertake the refurbishment works.
4. Council authorises the Council seal to be attached to the sub-lease documentation and any other related documents.
5. Council also approves a maximum of \$15,000 in funding from the Commercial Opportunities Reserve to undertake refurbishment works to the reception and foyer area of the Northern Rivers Community Gallery to improve the overall functionality of the gallery, as detailed within this report.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson

4.3 Dredging and Quarry Reserves

RECOMMENDATION

(Cr Paul Worth/Cr Robyn Hordern)

1. That Council approves an allocation of \$50,000 from the Quarry Reserve in the 2013/14 Operational Plan and budget to commence a more detailed feasibility assessment, along with any associated approvals, for dredging in North Creek, Ballina.
2. That Council approves an allocation of \$300,000 from the Quarry Reserve in the 2013/14 Operational Plan and budget as a nominal amount to recognise that Council may seek approvals for the expansion of the Council owned Tuckombil and Stokers quarries in 2013/14. The expenditure of these funds is subject to Council endorsing the commencement of this work following its consideration of the independent assessment completed on the operation of both these quarries, with that report scheduled to be submitted to Council at the July or August 2013 Ordinary meetings.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson

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4.4 89 - 91 Tamar Street, Ballina

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council approves an allocation of \$180,000 from the Commercial Opportunities Reserve to finance an upgrade of the air-conditioning at 89-91 Tamar Street, Ballina, as per the contents of this report.
2. The expenditure of these funds is subject to:
 - a) Council accepting a tender for these works at the June 2013 Ordinary meeting
 - b) Extension to the existing lease term to January 2018
 - c) Rental being increased to \$702,530 p.a. + GST effective from 25 January, 2012 with any back rental to be paid.
 - d) Each party to pay their own legal cost for amendments to vary the current lease.
3. That Council authorises the Council seal to be attached to the lease documentation and any other related documents.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Jeff Johnson

4.5 Lease Proposal - 135 River Street, Ballina

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Susan Meehan)

1. That Council approves the lease of 135 River Street, Ballina as outlined within this report, subject to the terms and conditions to be determined as per the confidential report elsewhere in this agenda.
2. That Council authorises the Council seal to be attached to the lease documentation and any other related documents.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Jeff Johnson

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4.6 Lease Proposal - 149 River Street, Ballina

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council approves the lease of 149 River Street, Ballina as outlined within this report, subject to the terms and conditions to be determined as per the confidential report elsewhere in this agenda.
2. That Council authorises the Council seal to be attached to the lease documentation and any other related documents.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Jeff Johnson

4.7 Property Reserves - Future Cash Flows

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Paul Worth)

1. That Council approves the inclusion of the attached forecast cash flows for Council's property reserves in our long term financial plan.
2. That Council approves the renaming of the Industrial Land Development Reserve to the Property Development Reserve to more accurately reflect the various movements within this reserve.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Jeff Johnson

5. Confidential Session

RECOMMENDATION

(Cr Robyn Hordern/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.

5.1 Lease Terms - 135 River 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)

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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 because it would put Council at a competitive disadvantage in attempting to maximise the commercial return to the community for this property.

5.2 Lease Terms - 149 River 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 because it would put Council at a competitive disadvantage in attempting to maximise the commercial return to the community for this property.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Jeff Johnson

(The Council moved into Confidential Session at 5.40 pm).

Open Council

RECOMMENDATION

(Cr Sharon Cadwallader/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 Jeff Johnson

(The Council moved into Open Council at 5.53 pm).

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

5.1 Lease Terms - 135 River Street, Ballina

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Keith Williams)

That Council authorises the General Manager to finalise the negotiations with the respective tenant for 135 River Street, Ballina, based upon the terms and conditions referenced within the body of this report.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Jeff Johnson

5.2 Lease Terms - 149 River Street, Ballina

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Paul Worth)

That Council authorises the General Manager to finalise the negotiations with the respective tenant for 149 River Street, Ballina, based upon the terms and conditions referenced within the body of this report.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Jeff Johnson

Adoption of Recommendations from Confidential Session

RECOMMENDATION

(Cr Keith Williams/Cr Robyn Hordern)

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

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Jeff Johnson

MEETING CLOSURE

5.54 pm