

**MINUTES OF THE COMMERCIAL SERVICES COMMITTEE MEETING
OF THE BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 17/09/13 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), Rod Willis (Development and Environmental Health Group Manager), Steve Barnier (Strategic and Community Facilities Group Manager), Paul Tsikleas (Commercial Services Manager), Peter Morgan (Manager Finance & Governance) and Sandra Bailey (Secretary) were in attendance.

There were two people in the gallery at this time.

1. Apologies

Nil

Absent at this stage

Cr Jeff Johnson
Cr Robyn Hordern
Cr Sharon Cadwallader

2. Declarations of Interest

Nil

3. Deputations

Nil

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4. Committee Reports

4.1 Flat Rock Tent Park - Update

RECOMMENDATION

(Cr Ben Smith/Cr Susan Meehan)

1. That Council approves the two year option extension for the management of the Flat Rock Tent Park to DK Hally Corporation Pty Ltd.
2. The terms and conditions of this extension are to be based on the existing management contract (i.e. retainer plus commission of 15% on tourist income). The existing retainer is to be indexed by CPI for the two year option period.
3. Council approves the Council seal to be attached to the management contract.

Cr Jeff Johnson arrived at the meeting at 04:02 pm.
Cr Robyn Hordern arrived at the meeting at 04:03 pm.

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

4.2 Operational Land, Skennars Head - Options

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

1. Council authorises the General Manager to prepare a Planning Proposal for the residential development of Lot 1 DP 1181479.
2. Council authorises an initial allocation of \$8,000 from the Commercial Opportunities Reserve to fund this work.

Cr Sharon Cadwallader arrived at the meeting at 04:09 pm.

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

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

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RECOMMENDATION

(Cr Jeff Johnson/Cr Ken Johnston)

1. That Council authorises the sale of Lot 1 DP 1181479 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 by way of an independent valuation.
3. Council authorises the attaching of the Council seal to the contract for sale.

FOR VOTE - Cr David Wright, Cr Jeff Johnson, Cr Keith Williams, Cr Susan Meehan, Cr Ken Johnston and Cr Paul Worth

AGAINST VOTE - Cr Sharon Cadwallader, Cr Keith Johnson, Cr Robyn Hordern and Cr Ben Smith

4.3 Shelly's on the Beach - Request for Rental Relief

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

That Council approves a 100% rental reduction to the amount of \$34,797.41 pa + GST for a period of six months to 31 March 2014 for Shelly's on the Beach due to the on-going delay in acquiring the adjoining crown land.

The Motion **LAPSED**.

RECOMMENDATION

(Cr Keith Johnson/Cr Susan Meehan)

That Council moves into confidential 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.

4.3 Shelly's on the Beach –Request for Rental Relief

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

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(iii) reveal a trade secret

and in accordance with 10D(2)(d), on balance, the discussion of the matter in an open meeting is not considered to be in the public interest as the discussion will provide details of the financial and personal affairs of the tenants.

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, 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

(The Committee moved into Confidential Session at 4.47 pm).

Open Committee

RECOMMENDATION

(Cr Keith Johnson/Cr Robyn Hordern)

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

FOR VOTE - All Councillors voted unanimously.

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

The General Manager advised the Open Meeting that there were no recommendations made while in the Confidential Session.

4.3 Shelly's on the Beach - Request for Rental Relief

RECOMMENDATION

(Cr Jeff Johnson/Cr Sharon Cadwallader)

That the matter be deferred to seek further information.

FOR VOTE - All Councillors voted unanimously.

Adjournment

The Mayor declared the meeting adjourned at 5.09 pm

The Meeting resumed at 5.54 pm

(Cr Ken Johnston was not in attendance at this stage.)

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4.4 Wigmore Arcade Complex - Redevelopment

A **Motion** was moved by Cr Ben Smith

That Council review the options in 24 months.

The **Motion LAPSED.**

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Paul Worth)

1. That based on the contents of this report that Council confirms that its preferred approach for the short-term improvement to Wigmore Arcade is a more cosmetic upgrade as outlined within this report.
2. That Council approves an allocation of \$20,000 from the Property Development Reserve to confirm the exact details and estimated costs of this upgrade with that information to be presented to Council for further review.
3. That Council approves an allocation of \$50,000 from the Property Development Reserve for the payment of commissions and legal expenses related to the on-going negotiations for tenancies for the Wigmore Arcade.
4. That Council approves an allocation of \$55,000 from the Property Development Reserve in respect to the refurbishment works undertaken for 139 River Street.

Cr Keith Williams left the meeting at 06:19 pm.

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

AGAINST VOTE - Cr Jeff Johnson

ABSENT. DID NOT VOTE - Cr Keith Williams and Cr Ken Johnston

MEETING CLOSURE

6.43 pm