

**MINUTES OF THE COMMERCIAL SERVICES COMMITTEE MEETING  
OF THE BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET BALLINA,  
ON 19/11/13 AT 4.30 PM**

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**Attendance**

Crs David Wright (Mayor - in the chair), Jeff Johnson, Sharon Cadwallader, Keith Williams, 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), Peter Morgan (Manager Finance & Governance) and Sandra Bailey (Secretary) were in attendance.

There was one person in the gallery at this time.

**1. Apologies**

An apology was received from Cr Keith Johnson.

**RECOMMENDATION**

(Cr Ben Smith/Cr Sharon Cadwallader)

That such apology be accepted.

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

**2. Declarations of Interest**

Nil

**3. Deputations**

Nil

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**4. Committee Reports**

**4.1 Lennox Developments Pty Ltd - Land Owner Authority Request**

**RECOMMENDATION**

(Cr Sharon Cadwallader/Cr Susan Meehan)

That Council authorises the General Manager to provide landowner's consent to the request from Lennox Developments Pty Ltd to enable them to lodge a development application for residential land subdivision. Upon development consent being granted, the General Manager is authorised to negotiate a deed of agreement with Lennox Developments Pty Ltd setting out each party's obligations and the basis for any compensation or cost sharing. Upon reaching agreement the matter will be referred back to Council for approval.

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

**4.2 Crown Reserves - Head Leases to Council**

**RECOMMENDATION**

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council accepts the terms and conditions for Lease 493147 for "Business Purposes" at Lot 2 DP 1153927 and Lease 450458 for "Business Purposes" at Lot 321 DP 755745 and Lot 7003 DP 92641.
2. Council authorises the use of seal to be attached to the lease documents for each of the properties.

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

**4.3 Cafe Negotiations - Update**

**RECOMMENDATION**

(Cr Ben Smith/Cr Robyn Hordern)

That Council notes the contents of this report in respect to the on-going negotiations for the cafes identified within the report, along with the need to reallocate \$50,000 from the Shellys on the Beach compulsory land acquisition to the Fawcett Park café refurbishment.

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

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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 Property Acquisition - West Ballina**

**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 report provides details of a property that Council may be interested in acquiring and discussing the property in open Council would prejudice Council's ability to purchase that property at a fair market price.

**5.2 Property Acquisition - North 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 as this report provides details of a property that Council may be interested in acquiring and discussing the property in open Council would prejudice Council's ability to purchase that property at a fair market price.

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

(The Council moved into Confidential Session at 5.17 pm).

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**Open Council**

**RECOMMENDATION**

(Cr Robyn Hordern/Cr Jeff Johnson)

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 Johnson and Cr Ken Johnston

(The Council moved into Open Council at 5.56 pm).

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

**5.1 Property Acquisition - West Ballina**

**MOTION**

(Cr Paul Worth/Cr Susan Meehan)

That Council notes the contents of this report and confirms that based on our available resources that we will not be proceeding with the acquisition of the property identified within the report.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Keith Johnson

**5.2 Property Acquisition - North Ballina**

**RECOMMENDATION**

(Cr Ben Smith/Cr Keith Williams)

That Council notes the contents of this report in respect to a possible strategic land acquisition with the report considered to be for information purposes only.

Cr Ken Johnston left the meeting at 05:44 pm.

FOR VOTE - All Councillors voted unanimously.

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

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**Adoption of Recommendations from Confidential Session**

**RECOMMENDATION**

(Cr Robyn Hordern/Cr Keith Williams)

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

FOR VOTE - All Councillors voted unanimously.

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

**MEETING CLOSURE**

5.59 pm