

**MINUTES OF THE COMMERCIAL SERVICES COMMITTEE MEETING
OF THE BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 9/12/13 AT 4.30 PM**

Attendance

Crs David Wright (Mayor - in the chair), 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), Rod Willis (Development and Environmental Health Group Manager), Steve Barnier (Strategic and Community Facilities Group Manager), Paul Tsikleas (Commercial Services Manager) and Sandra Bailey (Secretary) were in attendance.

There were two people in the gallery at this time.

1. Apologies

Apologies were received from Crs Jeff Johnson and Keith Johnson.

RECOMMENDATION

(Cr Ben Smith/Cr Sharon Cadwallader)

That such apologies be accepted.

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

2. Declarations of Interest

Cr Paul Worth – declared an interest in Item 4.1 - Wollongbar Residential Estate – Master Plan Proposal. (Nature of Interest: non pecuniary – he is an owner of a nearby residential estate). 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 Wollongbar Residential Estate - Master Plan Proposal

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Susan Meehan)

That Council authorises the lodgment of a planning proposal generally in accordance with the Newton, Denny, Chapelle concept master plan as contained in attachment three, which proposes that the area of land referred to as Option A be zoned "R3 – Medium Density" for use as a childcare facility.

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Susan Meehan, Cr Ken Johnston and Cr Robyn Hordern

AGAINST VOTE - Cr Keith Williams, Cr Paul Worth and Cr Ben Smith

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

5. Confidential Session

RECOMMENDATION

(Cr Susan Meehan/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 Lennox Head Cultural and Community Centre - Insurance Claim Update

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(g) of the Local Government Act 1993. which permits the meeting to be closed to the public for business relating to the following:-

- g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

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 matter is the subject of on-going legal negotiations and the release of any information relating to this matter prior to the finalisation of those negotiations could prejudice the ability of Council to maximise the settlement returned to the community.

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5.2 Lease - Shop 151 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 as it would put Council at a competitive disadvantage in attempting to maximise the commercial return to the community for this property and there is a risk that Council could lose this tenant to another commercial property owner.

5.3 Land Sale - Russellton Tennis Court Site, Wollongbar

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 by having the report in confidential session Councillors are able to debate the merits of any proposed selling price in the knowledge that the details of that discussion will not prejudice any future sale of the land.

5.4 Land Sale - Road Reserve - Alstonville Shopping Plaza

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 negotiating the sale price in open Council will prejudice Council's ability to maximise the selling price of the land and thus limit the return to the community from the sale.

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5.5 Land Sale - North Creek Road, 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 Council is in the process of negotiating a price for the sale of the land and the discussion of price options in open council could impact on Council's ability to maximise the return to the community from the sale of this land.

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

(The Council moved into Confidential Session at 5.04 pm).

Open Council

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Ben Smith)

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 and Cr Keith Johnson

(The Council moved into Open Council at 5.52 pm).

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

5.1 Lennox Head Cultural and Community Centre - Insurance Claim Update

RECOMMENDATION

(Cr Susan Meehan/Cr Sharon Cadwallader)

1. That Council notes the contents of this report in respect to the status of Council's insurance claim to recoup additional costs incurred by Council during the construction of the Lennox Head Cultural and Community Centre.
2. That Council approves a budget allocation of \$50,000 for on-going legal expenses incurred in respect to Council's insurance claim for additional costs incurred by Council during the construction of the Lennox Head Cultural and Community Centre, with that budget funded from the Commercial Opportunities Reserve.

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

5.2 Lease - Shop 151 River Street, Ballina

RECOMMENDATION

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council approves the lease of 151 River Street, Ballina subject to the terms and conditions set out in the report.
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 and Cr Keith Johnson

5.3 Land Sale - Russellton Tennis Court Site, Wollongbar

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council place the proposed Lot 201 being part of Lot 2 DP 135399 (described as the Russellton Tennis Court site) on the market for sale by private treaty at the price as identified within this report.
2. That upon Council staff negotiating a sale with a prospective purchaser, the sale be referred back to Council for approval.

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

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5.4 Land Sale - Road Reserve - Alstonville Shopping Plaza

RECOMMENDATION

(Cr Paul Worth/Cr Ben Smith)

1. That Council authorises the General Manager to execute all documents required for the sale of the portion of road reserve, as identified in yellow in this report, with the sale details as per this report.
2. That Council authorises the use of the Common Seal on all sale and associated documents.

FOR VOTE - All Councillors voted unanimously.

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

5.5 Land Sale - North Creek Road, Ballina

RECOMMENDATION

(Cr Ben Smith/Cr Keith Williams)

1. That Council confirms the sale of Part Lot 2 DP 1172175, as per option one of this report and authorises the General Manager to finalise the contract variations required for the sale as per the report.
2. That the use of Council's Common Seal be approved to be affixed to the contract for sale, transfer, plan of subdivision, 88B Instrument and any other documentation required to complete the sale of the land.
3. Points one and two are subject to any action that Council may take in relation to any other relevant land purchases that could impact on the sale proposed in point one.

FOR VOTE - All Councillors voted unanimously.

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

Adoption of Recommendations from Confidential Session

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Keith Williams)

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

FOR VOTE - All Councillors voted unanimously.

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

MEETING CLOSURE

5.54 pm