

**MINUTES OF THE COMMERCIAL SERVICES COMMITTEE MEETING
OF THE BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 18/02/14 AT 4.00 PM**

Attendance

Crs David Wright (Mayor - in the chair), Jeff Johnson (arrived at 4.22 pm), 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) and Sandra Bailey (Secretary) were in attendance.

There were no people in the gallery at this time.

1. Apologies

Nil

2. Declarations of Interest

Cr Paul Worth – declared an interest in Item 4.1 – Wollongbar Residential Estate – Sale of Stage One Lots. (Nature of Interest: a perceived pecuniary interest – he is the owner of land nearby). He will be departing the meeting while the matter is discussed.

2.1 Wollongbar Residential Estate - Sale of Stage One Lots

RECOMMENDATION

(Cr Susan Meehan/Cr Robyn Hordern)

That this item be considered in two parts as follows:

1. Sale of Stage One Lots
2. Removal of Teak Tree

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 Sharon Cadwallader

ABSENT. DID NOT VOTE - Cr Jeff Johnson

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3. Deputations

Nil

Cr Paul Worth declared an interest in Item 4.1 and left the meeting at 04:01 pm.

4. Committee Reports

4.1 Wollongbar Residential Estate - Sale of Stage One Lots

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Susan Meehan)

1. That Council approves the sale “off the plan”, by private treaty, of the 15 lots identified in Stage One of the Wollongbar Residential Estate”, as per the prices provided in the HTW report included as an attachment to this report.
2. The General Manager is authorised to execute general agency agreements with any local agent seeking a listing to sell the lots pertaining to Stage One at a commission rate of 3.00% + GST payable upon settlement of contracts.
3. The Council seal is authorised to be attached to the sale contracts and any associated documents.

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

Cr Paul Worth returned to the meeting at 04:07 pm.

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Keith Williams)

That Council accept the Aborist’s report and that the teak tree be retained and that Council receive a further report on options for the proposed lot.

Cr Jeff Johnson arrived at the meeting at 04:22 pm.

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

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4.2 Ballina Naval Museum - Deteriorating Asbestos Cladding

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Susan Meehan)

That Council confirms that the \$190,000 budget remaining for the Ballina Naval and Maritime Museum is for the asbestos roof replacement and other associated works with the General Manager authorised to call tenders / quotations for this work.

FOR VOTE - All Councillors voted unanimously.

4.3 Wigmore Arcade Complex - Refurbishment

RECOMMENDATION

(Cr Susan Meehan/Cr Robyn Hordern)

1. That Council proceed with the cosmetic upgrade and refurbishment of the Wigmore Arcade Complex, as proposed in the concept plans prepared by Dominic Finlay-Jones Architects, and as attached to this report.
2. That Council provides a budget of \$1.6 million for the project as per the revised Property Development Reserve cash flow as per attachment six to this report.
3. That for the purposes of Council's Long Term Financial Plan Council adopts the revised Property Development Reserve cashflows, as per Attachment Six, along with the revised cashflows for the Wigmore Arcade as outlined within this report.

A Motion of Dissent was moved by Cr Jeff Johnson against the ruling of the Chair for not taking sufficient action in relation to a comment made by Cr Keith Johnson.

The **Motion of Dissent LAPSED.**

Cr Jeff Johnson left the meeting at 05:48 pm.

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

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4.4 Lennox Head Community Centre - Damages Claim Update

RECOMMENDATION

(Cr Keith Johnson/Cr Keith Williams)

1. That in respect to Council's claim for damages from the original architect, for work undertaken on the Lennox Head Cultural and Community Centre, Council agrees to comply with the Arbitrator's directions to prepare and serve our evidence by 3 March, 2014.
2. That Council approves an allocation of \$60,000 in funds (as per the confidential report elsewhere in this agenda) from the Property Development Reserve for the estimated legal fees for this work.

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

Cr Ken Johnston left the meeting at 06:03 pm.

5. Confidential Session

RECOMMENDATION

(Cr Robyn Hordern/Cr Keith Williams)

That Council moves into committee of the whole with the meeting closed to the public, to consider the following item in accordance with Section 10A (2) of the Local Government Act 1993.

5.1 Lennox Head Community Centre - Damages Claim Update

Reason for Confidentiality

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) (g) 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
- 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 ongoing 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.

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

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(The Council moved into Confidential Session at 6.03 pm).

Open Council

RECOMMENDATION

(Cr Susan Meehan/Cr Keith 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 Jeff Johnson and Cr Ken Johnston

(The Council moved into Open Council at 6.10 pm).

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

5.1 Lennox Head Community Centre - Damages Claim Update

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Susan Meehan)

1. That in respect to Council's claim for damages from the original architect, for work undertaken on the Lennox Head Cultural and Community Centre, Council agrees to comply with the Arbitrator's directions to prepare and serve our evidence by 3 March, 2014.
2. That Council approves an allocation of \$60,000 from the Property Development Reserve for the estimated legal fees for this work.

FOR VOTE - All Councillors voted unanimously.

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

Adoption of Recommendation from Confidential Session

RECOMMENDATION

(Cr Keith Williams/Cr Robyn Hordern)

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

FOR VOTE - All Councillors voted unanimously.

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

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MEETING CLOSURE

6.11 pm