

**MINUTES OF THE COMMERCIAL SERVICES COMMITTEE MEETING
OF THE BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 14/06/17 AT 4.00 PM**

Attendance

Crs David Wright (Mayor - in the chair), Phillip Meehan, Sharon Parry, Jeff Johnson, Stephen McCarthy, Nathan Willis, Keith Williams, Sharon Cadwallader (arrived at 4.02 pm) and Ben Smith.

Paul Hickey (General Manager), Matthew Wood (Acting Strategic and Community Facilities Group Manager), Paul Tsikleas (Manager Commercial Services), Linda Coulter (Manager Financial Services), Leanne Harding (Property Officer Commercial) and Sandra Bailey (Secretary) were in attendance.

There were three people in the gallery at this time.

1. Apologies

An apology was received from Cr Eoin Johnston.

RECOMMENDATION

(Cr Ben Smith/Cr Keith Williams)

That such apology be accepted and leave of absence granted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Eoin Johnston and Cr Sharon Cadwallader

2. Declarations of Interest

Nil

Cr Sharon Cadwallader arrived at the meeting at 04:02 pm.

3. Deputations

- **Ralph Mamone** – spoke in relation to Item 4.1 – Shellys on the Beach Lease – Update.

Cr Phillip Meehan left the meeting at 04:10 pm.

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Standing Orders

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Nathan Willis)

That the Committee suspend standing orders to allow open conversation with Mr Mamone.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phillip Meehan and Cr Eoin Johnston

Cr Phillip Meehan returned to the meeting at 04:14 pm.

Cr Phillip Meehan left the meeting at 04:24 pm.

Standing Orders

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Ben Smith)

That the Committee resume standing orders.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phillip Meehan and Cr Eoin Johnston

4. Committee Reports

4.1 Shellys on the Beach Lease - Update

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Nathan Willis)

That Council notes the contents of this report regarding the status of the Shellys on the Beach lease.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phillip Meehan and Cr Eoin Johnston

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4.2 Disposal of Surplus Council Land

RECOMMENDATION

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of this report in respect to the disposal of surplus parcels of land.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phillip Meehan and Cr Eoin Johnston

5. Confidential Session

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Nathan Willis)

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 Shellys on the Beach Lease - Update

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 commercial leasing matters are to be discussed.

5.2 Disposal of Surplus Council Land - Pricing

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 sale for the properties in question.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phillip Meehan and Cr Eoin Johnston

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(The Council moved into Confidential Session at 4.26 pm).

(Cr Meehan returned to the meeting during the confidential session at 4.30 pm during the debate on Item 5.1.)

Open Council

RECOMMENDATION

(Cr Ben Smith/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Eoin Johnston

(The Council moved into Open Council at 4.55 pm).

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

5.1 Shellys on the Beach Lease - Update

RECOMMENDATION

(Cr Keith Williams/Cr Nathan Willis)

1. That Council reaffirms its previous decisions that it will not be providing any financing for the reconstruction of a restaurant / café on the Shellys on the Beach lease site.
2. That Council confirm its preferred position is for the existing tenant to surrender the lease to allow Council to call expressions of interest for the lease of the land, which will also allow the existing tenant to submit a new offer for the lease of the property.
3. That Council withdraw its previous offer of an extended lease.
4. That Council also obtain an independent valuation for the lease of this land.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Eoin Johnston

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5.2 Disposal of Surplus Council Land - Pricing

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council approves the sale of Lot 1 DP 850774 and Lot 104 DP 871675 at the negotiated prices.
2. That Council authorises the General Manager to fix the Council seal and execute all contract documentation for the sale of Lot 1 DP 850774 and Lot 104 DP 871675.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Eoin Johnston

Adoption of Recommendations from Confidential Session

RECOMMENDATION

(Cr Keith Williams/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Eoin Johnston

MEETING CLOSURE

4.57 pm