

**MINUTES OF THE COMMERCIAL SERVICES COMMITTEE MEETING
OF THE BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 11/03/19 AT 4.00 PM**

Attendance

Crs David Wright (Mayor - in the chair), Phillip Meehan, Sharon Parry, Jeff Johnson, Eoin Johnston, Keith Williams and Sharon Cadwallader.

Paul Hickey (General Manager), John Truman (Director - Civil Services Division), Matthew Wood (Director, Planning and Environmental Health Division), Paul Tsikleas (Manager Commercial Services) and Sandra Bailey (Secretary) were in attendance.

Other staff in attendance – Caroline Klose (Manager Communications), Linda Coulter (Manager Financial Services and Leanne Harding (Coordinator Property and Airport Administration).

There were three people in the gallery at this time.

1. Apologies

Apologies were received from Crs Stephen McCarthy, Nathan Willis and Ben Smith.

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Keith Williams)

That such apologies be accepted and leave of absence granted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Stephen McCarthy, Cr Nathan Willis and Cr Ben Smith

2. Declarations of Interest

Nil

3. Deputations

Nil

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4. Committee Reports

4.1 Community Land - Lease to Telstra

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr Eoin Johnston

That Council advise Telstra that it does not wish to lease Part Lot 11 DP 627149 North Creek Road, Lennox Head due to the restrictive covenant on title and concerns expressed by members of the community.

A **Motion** was moved by Cr Phillip Meehan

That the motion be put to the vote.

The **Motion** was **CARRIED**.

FOR VOTE - Cr David Wright, Cr Phillip Meehan, Cr Sharon Parry, Cr Jeff Johnson, Cr Eoin Johnston and Cr Sharon Cadwallader

AGAINST VOTE - Cr Keith Williams

ABSENT. DID NOT VOTE - Cr Stephen McCarthy, Cr Nathan Willis and Cr Ben Smith

The **Substantive Motion** was **CARRIED**.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Stephen McCarthy, Cr Nathan Willis and Cr Ben Smith

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Eoin Johnston)

That Council advise Telstra that it does not wish to lease Part Lot 11 DP 627149 North Creek Road, Lennox Head due to the restrictive covenant on title and concerns expressed by members of the community.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Stephen McCarthy, Cr Nathan Willis and Cr Ben Smith

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4.2 Lennox Head Community Sports Club - Rent Review

RECOMMENDATION

(Cr Phillip Meehan/Cr Sharon Cadwallader)

1. That Council authorises the General Manager to finalise negotiations with Lennox Head Community Sports and Recreation Club Limited for a lease over a portion of the King Street road reserve consistent with the remaining lease term over 10 Stewart Street.
2. That Council applies a discount of 50.00% to the market rentals assessed for 10 Stewart Street and the portion of the King Street road reserve.
3. That Council authorises the Council seal to be attached to the documents outlined above.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Stephen McCarthy, Cr Nathan Willis and Cr Ben Smith

4.3 153 River Street, Ballina - Lease Variation

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Jeff Johnson)

That Council notes the contents of this report in respect to the variation request for the lease of 153 River Street, Ballina.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Stephen McCarthy, Cr Nathan Willis and Cr Ben Smith

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5. Confidential Session

RECOMMENDATION

(Cr Phillip Meehan/Cr Jeff Johnson)

That the Committee 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.

5.1 153 River Street, Ballina - Lease Variation - Details

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 due to the ongoing commercial negotiations and the release of any information could prejudice those negotiations.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Stephen McCarthy, Cr Nathan Willis and Cr Ben Smith

(The Committee moved into Confidential Session at 4.13 pm).

Open Council

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Sharon Parry)

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

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Stephen McCarthy, Cr Nathan Willis and Cr Ben Smith

(The Committee moved into Open Council at 4.14 pm).

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

5.1 153 River Street, Ballina - Lease Variation - Details

RECOMMENDATION

(Cr Phillip Meehan/Cr Sharon Parry)

1. That Council adopts option one as detailed within this report and accepts the variation to lease agreement terms and conditions negotiated with L Rizzo for an additional five year option at 153 River Street Ballina based on the terms and conditions outlined.
2. That Council authorises the General Manager to finalise negotiations and execute all relevant lease documentation and attach the Council seal to same.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Stephen McCarthy, Cr Nathan Willis and Cr Ben Smith

Adoption of Recommendations from Confidential Session

RECOMMENDATION

(Cr Keith Williams/Cr Sharon Parry)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Stephen McCarthy, Cr Nathan Willis and Cr Ben Smith

MEETING CLOSURE

4.15 pm