

**MINUTES OF THE COMMERCIAL SERVICES COMMITTEE MEETING
OF THE BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 20/11/19 AT 4.45 PM**

Attendance

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

Paul Hickey (General Manager), John Truman (Director - Civil Services Division), Matthew Wood (Director, Planning and Environmental Health Division), Kelly Brown (Director, Corporate and Community Division), Paul Tsikleas (Manager Commercial Services) and Sarah Carden (Secretary) were in attendance.

There were three people in the gallery at this time.

1. Apologies

An apology was received from Cr Nathan Willis.

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Keith Williams)

That such apology be accepted and leave of absence granted.

FOR VOTE - All Councillors voted unanimously.

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

2. Declarations of Interest

Nil.

3. Deputations

Nil.

4. Committee Reports

4.1 Tuckombil Quarry - Bitupave Limited (Boral) Lease Renewal

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr Ben Smith

1. That Council authorises the General Manager to grant a renewal lease for a term of five years over Lot 21 DP 1243105, Gap Road Alstonville based on an agreed rental for year one of \$47,745.23 p.a. + outgoings + GST to Bitupave (Boral) Pty. Ltd.
2. That Council authorises the General Manager to attach the Council seal to the documentation associated with this lease.

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3. That Council confirms the continued deferral of the \$50,000 allocated for expenditure on independent noise and air pollutant assessment for the Boral Asphalt Plant for a further period of six months to allow the EPA to carry out odour sampling and analysis.

An **Amendment** was moved by Cr Jeff Johnson and seconded by Cr Sharon Parry

That Council defer the matter whilst we seek further legal advice in respect to Boral's compliance with their lease.

MEETING ADJOURNED

The Meeting was adjourned at 5.58 pm, to be continued at 12:00 noon Thursday 28 November 2019.

The meeting resumed at 12.01 pm, Thursday 28 November 2019.

Attendance

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

Paul Hickey (General Manager), John Truman (Director - Civil Services Division), Matthew Wood (Director, Planning and Environmental Health Division), Kelly Brown (Director, Corporate and Community Division), Paul Tsikleas (Manager Commercial Services) and Sarah Carden (Secretary) were in attendance.

Confidential Session

RECOMMENDATION

(Cr Nathan Willis/Cr Sharon Parry)

That Council moves into committee of the whole with the meeting closed to the public, to consider legal advice in relation to Item 4.1 Tuckombil Quarry - Bitupave Limited (Boral) Lease Renewal.

FOR VOTE - All Councillors voted unanimously.

(The Council moved into Confidential Session at 12.03 pm).

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Open Council

RECOMMENDATION

(Cr Nathan Willis/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.

(The Council moved into Open Council at 12.34 pm).

4.1 Tuckombil Quarry - Bitupave Limited (Boral) Lease Renewal

The following **Amendment** was previously moved by Cr Jeff Johnson and seconded by Cr Sharon Parry (before the adjournment):

That Council defer the matter whilst we seek further legal advice in respect to Boral's compliance with their lease.

The **Amendment** was **WITHDRAWN**.

An **Amendment** was moved by Cr Nathan Willis and seconded by Jeff Johnson

1. That Council authorises the General Manager to grant a renewal lease for a term of five years over Lot 21 DP 1243105, Gap Road Alstonville based on an agreed rental for year one of \$47,745.23 p.a. + outgoings + GST to Bitupave (Boral) Pty. Ltd.
2. That Council authorises the General Manager to attach the Council seal to the documentation associated with this lease.
3. That Council proceed with independent noise and air pollutant assessment, excluding odour assessment as that is being undertaken by the EPA.
4. That Council receive a further report following receipt of noise and air pollutant assessment.
5. That Council advises Boral that a new lease will not be offered following the expiration of the option.

The **Amendment** was **CARRIED**.

FOR VOTE - Cr David Wright, Cr Sharon Parry, Cr Jeff Johnson, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nathan Willis, Cr Keith Williams and Cr Sharon Cadwallader

AGAINST VOTE - Cr Phillip Meehan and Cr Ben Smith

The **Amendment** then became the **Motion** and was **CARRIED**.

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FOR VOTE - Cr David Wright, Cr Sharon Parry, Cr Jeff Johnson, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nathan Willis, Cr Keith Williams and Cr Sharon Cadwallader

AGAINST VOTE - Cr Phillip Meehan and Cr Ben Smith

RECOMMENDATION

(Cr Nathan Willis/Cr Jeff Johnson)

1. That Council authorises the General Manager to grant a renewal lease for a term of five years over Lot 21 DP 1243105, Gap Road Alstonville based on an agreed rental for year one of \$47,745.23 p.a. + outgoings + GST to Bitupave (Boral) Pty. Ltd.
2. That Council authorises the General Manager to attach the Council seal to the documentation associated with this lease.
3. That Council proceed with independent noise and air pollutant assessment, excluding odour assessment as that is being undertaken by the EPA.
4. That Council receive a further report following receipt of noise and air pollutant assessment.
5. That Council advises Boral that a new lease will not be offered following the expiration of the option.

FOR VOTE - Cr David Wright, Cr Sharon Parry, Cr Jeff Johnson, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nathan Willis, Cr Keith Williams and Cr Sharon Cadwallader

AGAINST VOTE - Cr Phillip Meehan and Cr Ben Smith

4.2 Tuckombil Quarry - Ron Southon Pty Ltd Lease Renewal

RECOMMENDATION

(Cr Keith Williams/Cr Ben Smith)

1. That Council authorises the General Manager to grant a renewal lease for a term of five years over Lot 3 DP 1130300, Gap Road Alstonville based on an agreed rental for year one of \$16,000 p.a. + outgoings + GST to Ron Southon Pty. Ltd.
2. That Council authorises the General Manager to attach the Council seal to the documentation associated with this lease.

FOR VOTE - Cr David Wright, Cr Phillip Meehan, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nathan Willis, Cr Keith Williams, Cr Sharon Cadwallader and Cr Ben Smith

AGAINST VOTE - Cr Sharon Parry and Cr Jeff Johnson

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4.3 Wigmore Arcade - Leasing Matters

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Nathan Willis)

That Council notes the contents of this report in respect to the Wigmore Arcade – leasing matters.

FOR VOTE - All Councillors voted unanimously.

5. Confidential Session

RECOMMENDATION

(Cr Nathan Willis/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.

FOR VOTE - All Councillors voted unanimously.

(The Council moved into Confidential Session at 1.04 pm).

Open Council

RECOMMENDATION

(Cr Nathan Willis/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.

(The Council moved into Open Council at 1.17 pm).

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

5.1 Wigmore Arcade Leasing Matters

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr Keith Williams

1. That Council adopts recommendations one to five, as detailed in this report.

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2. That Council authorises the General Manager to finalise negotiations and execute all relevant lease documentation and attach the Council seal to same.

An **Amendment** was moved by Cr Phillip Meehan

That point 4 be amended to show Shop 8 continue to pay outgoings and 50% of market rent.

The **Amendment LAPSED**.

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

FOR VOTE - All Councillors voted unanimously.

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Keith Williams)

1. That Council adopts recommendations one to five, as detailed in this report.
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.

Adoption of Recommendations from Confidential Session

RECOMMENDATION

(Cr Ben Smith/Cr Keith Williams)

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

FOR VOTE - All Councillors voted unanimously.

MEETING CLOSURE

1.18 pm.