



Notice of Commercial Services Committee Meeting

a Commercial Services Committee Meeting will be held in the Ballina Shire Council Chambers, 40 Cherry Street, Ballina on **Wednesday 20 April 2016 commencing at 4.00pm.**

Business

1. Apologies
2. Declarations of Interest
3. Deputations
4. Committee Reports

A handwritten signature in black ink, appearing to read 'Paul Hickey', with a long horizontal line underneath.

Paul Hickey
General Manager

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1. Apologies
 2. Declarations of Interest
 3. Deputations
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1. Apologies

2. Declarations of Interest

3. Deputations

4.1 Land Sale - Lot 88 Cessna Crescent, Ballina

4. Committee Reports

4.1 Land Sale - Lot 88 Cessna Crescent, Ballina

Delivery Program Commercial Services

Objective To provide an overview of the sale process for Lot 88 Cessna Crescent, Southern Cross Industrial Estate.

Background

Council staff have negotiated the sale of Lot 88 in DP 1161854, a vacant industrial site comprising an area of 1,841m². Details of the sale negotiated are contained in the confidential report elsewhere in this meeting agenda. Refer to locality plan **attached**. The purchaser was introduced by Colliers Real Estate, Surfers Paradise.

Key Issues

- Selling price

Information

The price negotiated is considered to be in line with recent land sales on Southern Cross Industrial Estate, as detailed in the summary schedule below, which should be read in conjunction with the aerial photo plan **attached**.

Lot/DP	Price (excl GST)	Area	Date of Sale	Purchaser	\$/m²
93/1161854	\$290,000	1,100m ²	11/6/2010	Croft ANORS	\$264/m ²
89/1161854	\$424,000	1,663m ²	22/12/2010	Nasmyth P/L	\$254/m ²
95/1184435	\$533,150	2,269m ²	4/10/2012	Nasmyth P/L	\$235/m ²
97/1194043	\$570,058	2,429m ²	2/08/2012	Nasmyth P/L	\$235/m ²
92/1161854	\$270,000	1,100m ²	10/2014	Croft ANORS	\$245/m ²
Pt Lot 98 DP1194043	\$910,000	3,964m ²	2/2015	Nasmyth P/L	\$230/m ²
87/1161854	\$500,000	1,995m ²	5/2015	Walker	\$250/m ²
90/1161854	\$275,000	1,100m ²	8/2015	Astworth P/L & AJ McQueen	\$250/m ²
91/1161854	\$465,000	1,841m ²	8/2015	Croft ANORS	\$250/m ²

Legal / Resource / Financial Implications

Proceeds from the sale of this land will be directed to Council's Property Development Reserve and Community Infrastructure Reserve as per Council's Long Term Financial Plan.

Consultation

4.1 Land Sale - Lot 88 Cessna Crescent, Ballina

All lots have been publicly listed for sale.

Options

1. Council can resolve to sell the portion of operational land described as Lot 88 DP 1161854, Cessna Crescent, Ballina on the terms negotiated.

This is the preferred option as the sale is considered to be in line with recent sales of vacant industrial land on the Southern Cross Industrial Estate.

2. Council can resolve to vary the proposed sale terms and price for Lot 88 DP 1161854 however this option is not recommended.

The recommendation is to approve the sale with the price to be determined as per the confidential report.

RECOMMENDATIONS

1. That Council approves the sale of Lot 88 DP 1161854 Cessna Crescent, Ballina, as detailed within this report.
2. That Council authorises the Council seal to be attached to the contract for sale and any other related documents including sale transfers.

Attachment(s)

1. Aerial Photo / Locality Plan

4.1 Land Sale - Lot 88 Cessna Crescent, Ballina



4.2 Land Sale - Lots 1, 3 and 4, 54 North Creek Road, Ballina

4.2 Land Sale - Lots 1, 3 and 4, 54 North Creek Road, Ballina

Delivery Program Commercial Services

Objective To provide an overview of the sale process for Lots 1, 3 and 4, 54 North Creek Road, Ballina.

Background

At the Commercial Services Meeting of 15 October, 2015, a report was presented to Council recommending that a development application be lodged to develop and subdivide a parcel of land previously described as Part Lot 98 DP 1194043, and now described as Part Lot 3 DP 1218886, to create six (6) serviced industrial lots on. An aerial photo / locality plan is **attached**. The resolution arising from that meeting was as follows:

- 1. That Council proceed to lodge a development application for the proposed subdivision of Part Lot 98 DP 1194043 as per the proposed lot layout prepared by Civiltech as attached to this report.*
- 2. That Council supports the inclusion of the Noise Management Plan as prepared by Tim Fitzroy and Associates and as attached to this report, for inclusion in the subject development application.*

On 26 October, 2015 DA 2015/599 was lodged for the subdivision of Part Lot 98 DP 1194043 to create six serviced industrial lots.

At the Commercial Services Meeting of 17 November, 2015, a report was presented to Council recommending the proposed six lots be placed on the market at the following prices:

Lot	Lot Area (m ²)	Useable Lot Area (m ²)	Asking Price \$/m ²	Asking Price Ex. GST (\$)
A	1,250	1,160	\$250	\$290,000
B	1,300	1,210	\$250	\$302,500
C	1,350	1,260	\$250	\$315,000
D	1,400	1,310	\$250	\$327,500
E	3,400	2,960	\$220	\$650,000
F	1,000 (sewer pump station)	1,000	N/A	N/A
G	3,400	2,850	\$185	\$527,000

The resolution arising from that meeting was as follows:

- 1. That Council authorises the General Manager to place the six industrial lots proposed for Part Lot 98 DP 1194043 on the market for sale "off the plan" at the asking prices noted in this report.*
- 2. That Council authorises the Council seal to be attached to the contracts for sale and any other related documents.*

4.2 Land Sale - Lots 1, 3 and 4, 54 North Creek Road, Ballina

Since the meeting of 17 November, 2015, Council staff have negotiated the pre-sales of Lots A, C and D.

This report has been prepared to provide an update on the progress of the project and seek Council's endorsement to alter lot descriptions.

Key Issues

- Lot descriptions
- Selling prices

Information

As noted, DA 2015/599 was lodged on 26 October, 2015 for the subdivision of Part Lot 98 DP 1194043 (now described as Part Lot 3 DP 1218886) to create six serviced industrial lots. The development application is still being assessed, the major issues being acoustics, stormwater and compensatory planting. It is understood that compensatory planting is the only major issue yet to be finalised.

Sales enquiries for the proposed lots have been strong. Sales have been negotiated for three of the proposed lots, and negotiations continuing on the other three. The sale prices agreed to are as set by Council in the Commercial Services Meeting of 17 November, 2015. Details are noted below; the identities of the purchasers are contained in a confidential report included in this agenda.

Another matter to be determined by Council is the fact that the LPI no longer accepts letters for lot descriptions such as "Lot A". Lots must now be described numerically such as "Lot 1". The schedule below provides new lot descriptions and details of lots sales. A revised lot layout plan is **attached**.

Old Lot Description	New Lot Description	Lot Area	Asking Price (excl. GST)	\$/m ²	Sale Price (excl. GST)
A	1	1,160m ²	\$290,000	\$250	\$290,000
B	2	1,210m ²	\$302,500	\$250	Under Negotiation
C	3	1,260m ²	\$315,000	\$250	\$315,000
D	4	1,310m ²	\$327,500	\$250	\$327,500
E	5	3,150m ²	\$650,000	\$220	Under Negotiation
F	Pt Lot 98 Sewer Pump Station		N/A		N/A
G	6	2,600m ²	\$527,000	\$185	Under Negotiation

Once development consent is granted to DA 2015/599, construction certificate and tender documentation will be prepared. Construction tenders will then be called to undertake civil construction works to create the proposed lots. Once tender prices are received a feasibility update report will be prepared and presented to Council.

Legal / Resource / Financial Implications

Proceeds from the sale of these proposed lots will be directed to Council's Property Development Reserve and Community Infrastructure Reserve as per Council's Long Term Financial Plan.

Consultation

Not applicable.

Options

1. Council resolves alter the lot descriptions as detailed above and agrees to the sales of proposed Lots 1, 3 and 4 being Part Lot 3 DP 1218886 at the prices noted above.

This is the preferred option as it meets LPI requirements and the sale prices are consistent with those set by Council at the Commercial Services Meeting of 17 November, 2015.

2. Council can resolve not to alter the lot descriptions and reject the sales of proposed Lots 1, 3 and 4 being Part Lot 3 DP 1218886 at the prices noted above.

This option is not recommended as it however would be contrary to LPI requirements and the resolution the Commercial Services Meeting of 17 November, 2015, that set asking prices for the lots.

RECOMMENDATIONS

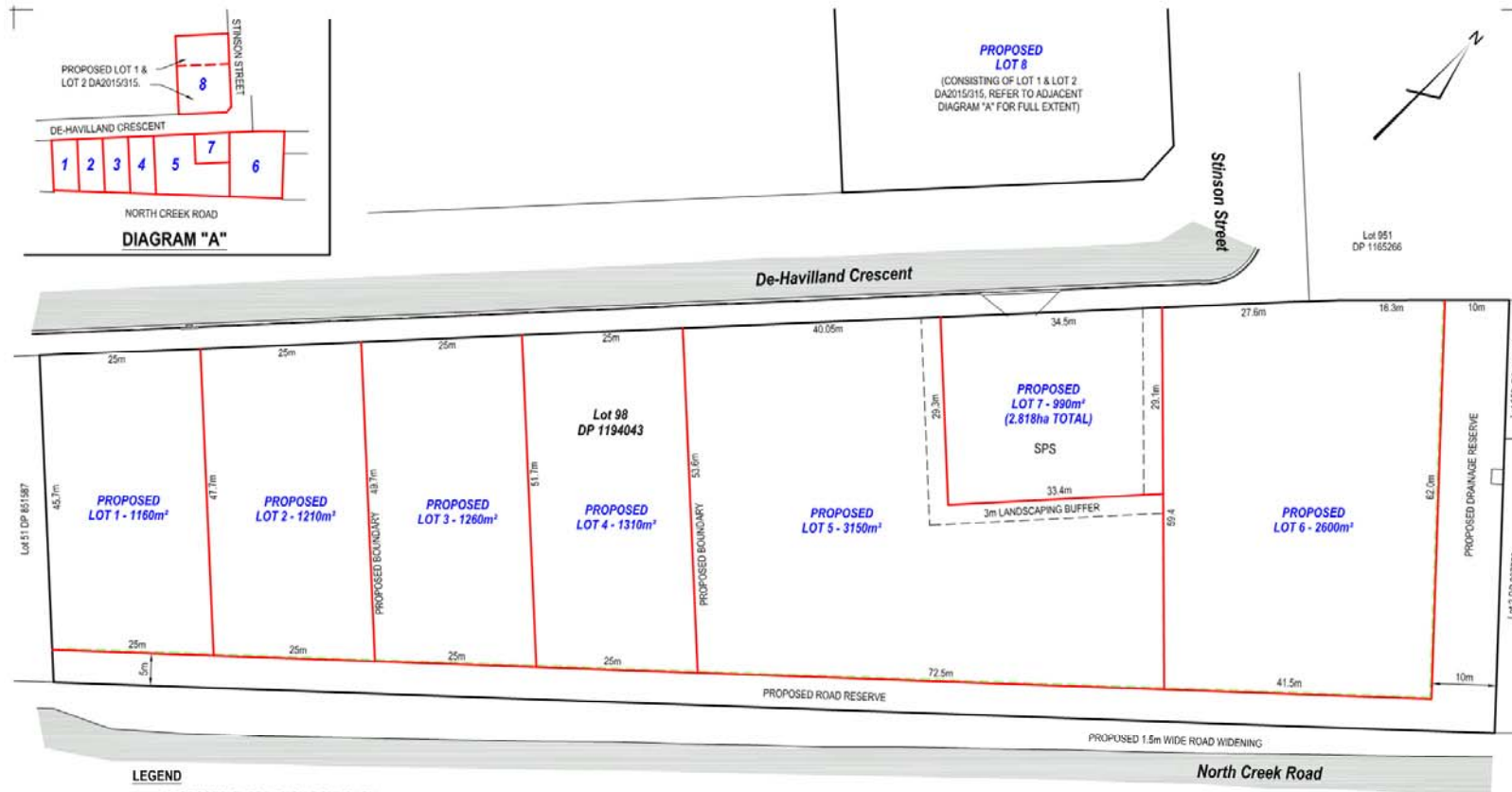
1. That Council endorses the revised lot descriptions and approves the sale prices and terms, negotiated for proposed Lots 1, 3 and 4 being Part Lot 3 DP 1218886, 54 North Creek Road, Ballina, as per Option One of this report.
2. That Council authorises the Council seal to be attached to the plan of subdivision to create the proposed lots, contracts for sale and any other documentation including sale transfers.

Attachment(s)

1. Aerial Photo / Locality Plan
2. Lot Layout Plan



4.2 Land Sale - Lots 1, 3 and 4, 54 North Creek Road, Ballina



LEGEND

- PROPOSED SUBDIVISION BOUNDARY
- - - PROPOSED NOISE WALL (TBC)

* PROPOSED ROAD WIDENING & DRAINAGE RESERVE AREA HAS BEEN REMOVED FROM LOT AREAS.
 ** LOT F INCLUDES RESIDUE ALLOTMENT ON THE CORNER OF BOEING AVE AND CESSNA CRESCENT.



Subdivision Design Civil Engineering Town Planning Project Management

CivilTech Consulting Engineers
 Ph. (02) 6624 5580
 PO BOX 1020
 Lismore NSW 2480
 www.civiltch.net.au

PROPOSED SALES PLAN
FOR SUBDIVISION OF LOT 98 DP 1194043
 54 NORTH CREEK ROAD
 for BALLINA SHIRE COUNCIL

FIGURE 3

SCALE:	1 : 1500 at A3
LGA:	Ballina
LOCALITY:	Ballina
DESIGNED:	-
DRAWN:	WF
APPROVED:	AZ
DATE:	15.02.2016
COGO:	15005 (CAS)
Dwg. No.	14144-SK11B

4.3 Licence Agreement - Ballina Byron Gateway Airport

4.3 Licence Agreement - Ballina Byron Gateway Airport

Delivery Program Commercial Services

Objective To seek Council's concurrence to grant a new licence agreement to GA & JL Charters Pty Ltd (Avis) for offices located in the Old Terminal Building located at the Ballina Byron Gateway Airport.

Background

GA & JL Charters Pty Ltd T/A Avis Northern Rivers have rented office space in the Old Terminal Building located at the Ballina Byron Gateway Airport (the Airport) for over twenty years. The previous licence agreement has expired and the incumbent licensee, Mr Charters, has requested a new five year licence agreement.

Key Issues

- Licence terms and conditions

Information

A confidential report has been included in this agenda containing the relevant licence terms and condition negotiated with the incumbent licensee and should be read in conjunction with this report.

In response to the Licensee's request for additional office space a proposal has been prepared to extend the existing offices into an area that is currently awning space. This proposal will increase the amount of office space under licence from 43.6m² to 79m². The Licensee has agreed to fund the cost of these works in return for an adjustment in the rental to be charged.

The areas proposed to be licensed are summarized as follows:

Office space	79m ²
Under awning area	23m ²
Vehicle parking spaces	11

These areas are highlighted in yellow and green on the sketch plans **attached.**

Legal / Resource / Financial Implications

The Airport is classified as operation land under the LGA 1993 (as amended) and as such Council has the authority to lease, licence or sell such land.

Consultation

Negotiations with the incumbent licensee, GA & JL Charters Pty Ltd T/A Avis Northern Rivers, have been completed.

4.3 Licence Agreement - Ballina Byron Gateway Airport

Options

This report is for information only.

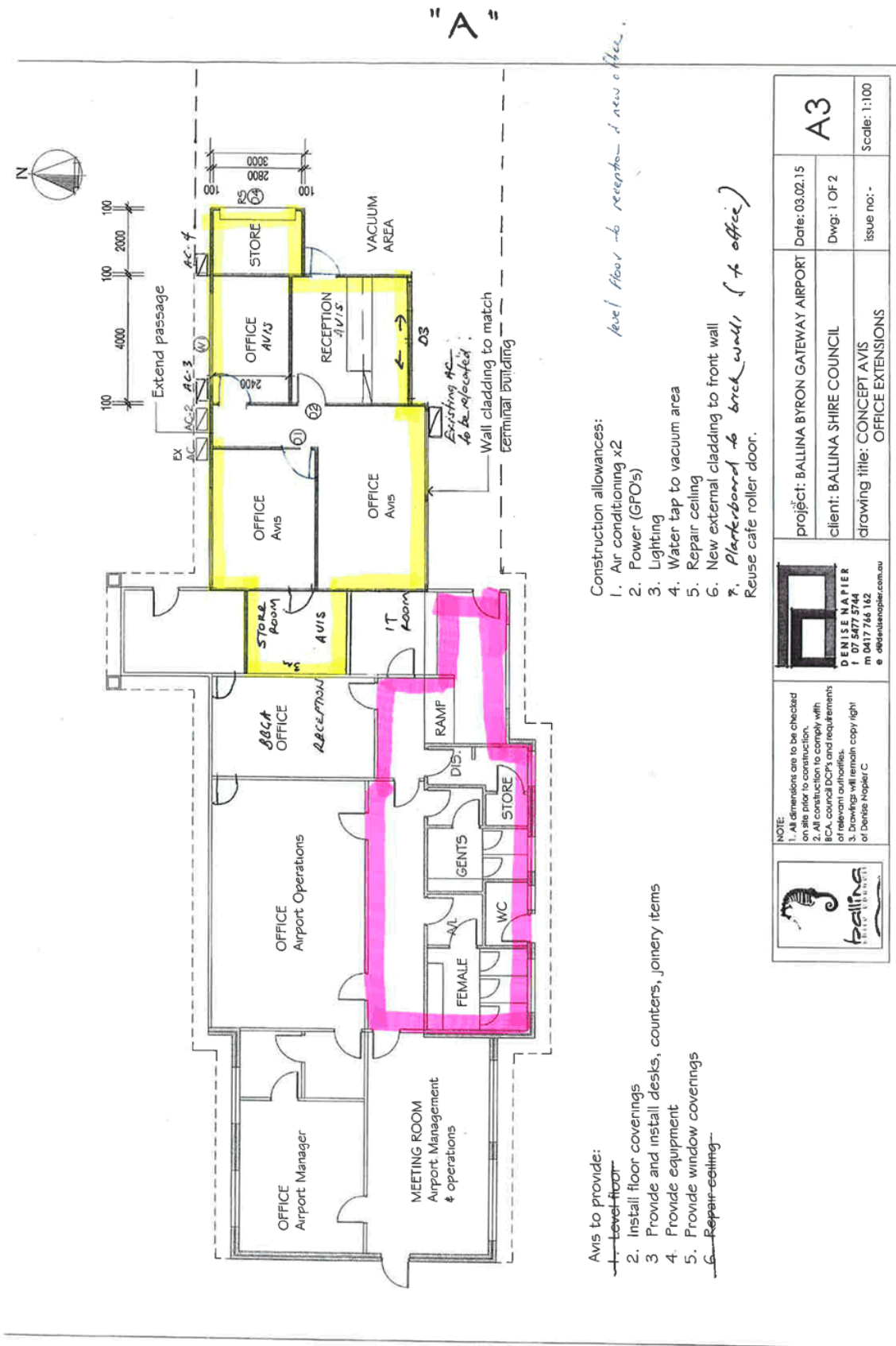
RECOMMENDATION

That Council notes the contents of this report on the licence agreement for GA & JL Charters Pty Ltd T/A Avis Northern Rivers

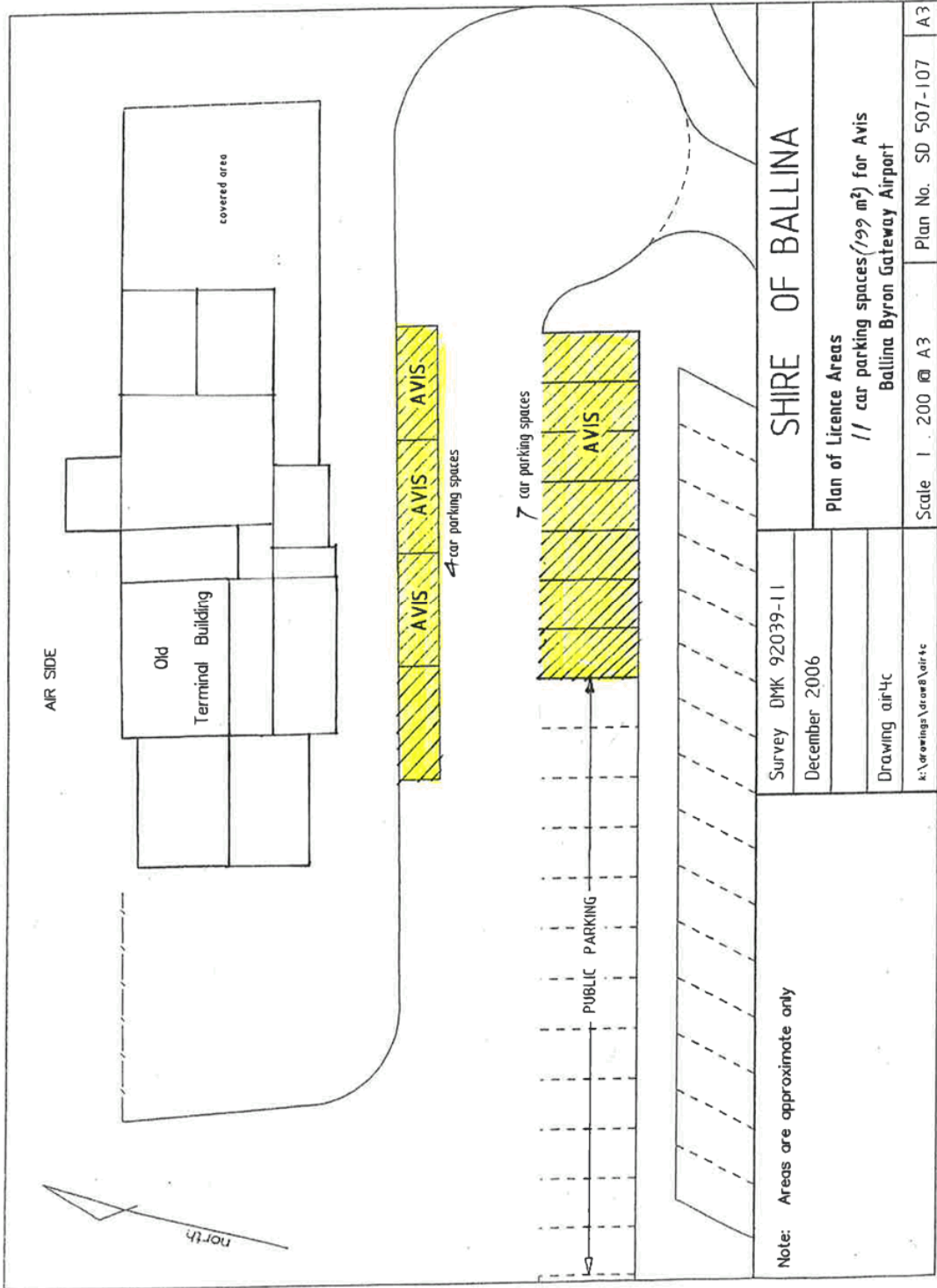
Attachment(s)

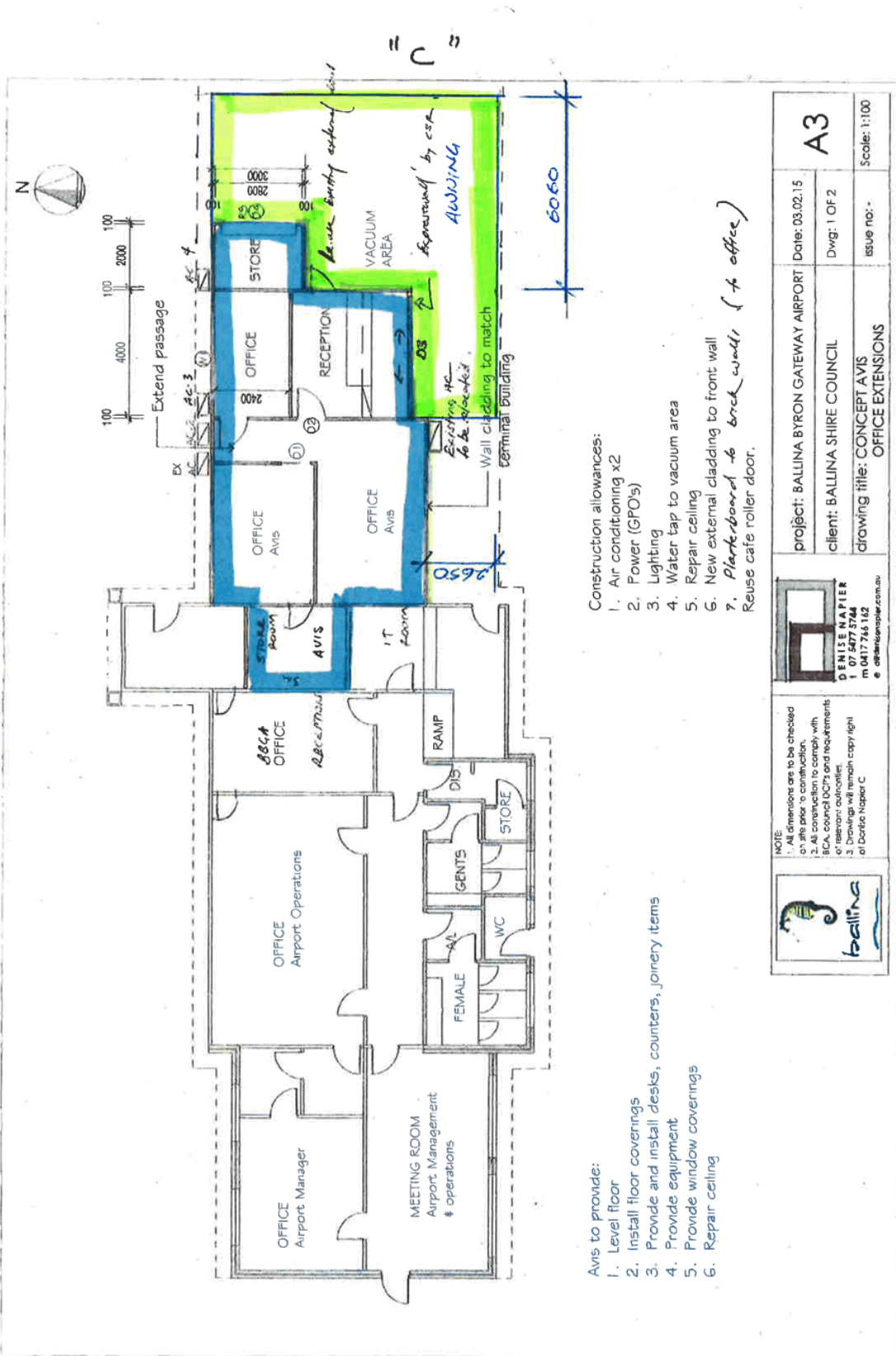
1. Licence Plan A
2. Licence Plan B
3. Licence Plan c

4.3 Licence Agreement - Ballina Byron Gateway Airport





"B"





- Avis to provide:**
1. Level floor
 2. Install floor coverings
 3. Provide and install desks, counters, joinery items
 4. Provide equipment
 5. Provide window coverings
 6. Repair ceiling

- Construction allowances:**
1. Air conditioning x2
 2. Power (GPO's)
 3. Lighting
 4. Water tap to vacuum area
 5. Repair ceiling
 6. New external cladding to front wall
 7. ~~Plasterboard to brick walls~~ (+ office)
Reuse cafe roller door.

	<p>NOTE</p> <p>1. Dimensions are to be checked on site.</p> <p>2. All construction to comply with BCA, council OCMs and requirements of relevant authorities.</p> <p>3. Drawings will remain copy right of Donite Napier C.</p>	 <p>DONITE NAPIER 1 07 547 5744 m 0417 745 162 e donite@donite.com.au</p>	<p>project: BALLINA BYRON GATEWAY AIRPORT</p>	<p>Date: 03.02.15</p>	<p>A3</p>
			<p>client: BALLINA SHIRE COUNCIL</p>	<p>Dwg: 1 OF 2</p>	<p>drawing title: CONCEPT AVIS OFFICE EXTENSIONS</p>

5. Confidential Session

In accordance with Section 9 (2A) of the Local Government Act 1993, the General Manager is of the opinion that the matters included in the Confidential Business Paper, and detailed below are likely to be considered when the meeting is closed to the public.

Section 10A(4) of the Local Government Act, 1993 provides that members of the public are allowed to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

A brief summary of each of the reports recommended for consideration in confidential session follows:

5.1 Land Sale Price - Lot 88 Cessna Crescent, Ballina

This report contains information relating to due to the ongoing commercial negotiations.

5.2 Land Sale Prices - Proposed Lots 1, 3 and 4, 54 North Creek Road

This report contains information relating to due to the ongoing commercial negotiations.

5.3 Licence Agreement - Ballina Byron Gateway Airport - Terms

This report contains information relating to due to the ongoing commercial negotiations and the release of any information could prejudice those negotiations.

RECOMMENDATION

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 Land Sale Price - Lot 88 Cessna Crescent, 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 due to the ongoing commercial negotiations.

5.2 Land Sale Prices - Proposed Lots 1, 3 and 4, 54 North Creek Road

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.

5.3 Licence Agreement - Ballina Byron Gateway Airport - Terms

Reason for Confidentiality

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

- d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret

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.