



## **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 **Tuesday 19 July 2016 commencing at 4.00 pm.**

### **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 horizontal line underneath.

Paul Hickey  
**General Manager**

## Table of Contents

1.	Apologies.....	1
2.	Declarations of Interest.....	1
3.	Deputations .....	1
4.	Committee Reports.....	2
4.1	Public Auction - Properties in Ballina and Wollongbar	2
4.2	Land Sale - Russellton Tennis Court Site Wollongbar	10
4.3	Car Rental Desk Leases - Airport	15
4.4	Ballina Byron Gateway Airport - Scoping Study	20
5.	Confidential Session.....	24
5.1	Public Auction - Properties in Ballina and Wollongbar (Pricing)	24
5.2	Land Sale - Russellton Tennis Court Site, Wollongbar (Terms)	25
5.3	Car Rental Desk Leases - Airport (Financial Terms and Conditions)	25
5.4	Ballina Byron Gateway Airport - Scoping Study (Commercial In Confidence)	25

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

**1. Apologies**

**2. Declarations of Interest**

**3. Deputations**

#### 4.1 Public Auction - Properties in Ballina and Wollongbar

---

### 4. Committee Reports

#### 4.1 Public Auction - Properties in Ballina and Wollongbar

**Delivery Program** Commercial Services

**Objective** To seek Council's concurrence for a proposed public auction of Council properties located in Ballina and Wollongbar.

---

#### Background

It is proposed to conduct a public auction of five Council properties at 6pm on 16 August, 2016 at the Ballina RSL Club. It is proposed that an auctioneer be retained to auction the properties, whilst Commercial Services will conduct a marketing campaign and field enquiries. All local agents will be invited to nominate potential purchasers.

The purpose of this report is to provide general information on the five properties and seek Council's concurrence to proceed to public auction. Information in regards to reserve prices is contained in a confidential report included in this agenda.

#### Key Issues

- Rationale for proceeding to public auction

#### Information

General information on the five properties and the rationale for taking each to auction is summarized as follows:

	<b>Property Address</b>	<b>Legal Description</b>	<b>Comments &amp; Rationale</b>
<b>1</b>	9 Tectona Place, Wollongbar	Lot 5 DP 1204621	<p>Vacant residential lot being one of two remaining lots in Stage 1 of Council's Wollongbar residential estate. See plan <b><u>attached</u></b>.</p> <p>This lot comprises an area of 1,485m<sup>2</sup> and is generally referred to as "the teak tree lot" as it has a large teak tree growing upon it.</p> <p>This lot has been the subject of a number of reports to Council in relation to the teak tree. These issues have now been resolved and the teak tree is to be retained as per conditions of development consents DA 2013/302 and DA 2016/11. A "No Build Zone" is being registered on the Section 88B instrument attached to this lot.</p>

#### 4.1 Public Auction - Properties in Ballina and Wollongbar

			<p>It is proposed that this lot be put to auction due to the fact that it is far larger than all other lots in Stage 1, has a large teak upon it that must be retained and the title pertaining to the lot will be encumbered by restrictions to protect the teak tree.</p> <p>An auction is generally the best way of determining the market value of unusual properties or properties that are adversely encumbered.</p>
2	86 Plateau Drive, Wollongbar	Lot 15 DP 1204621	<p>Vacant residential lot being one of two remaining lots in Stage 1 of Council's Wollongbar residential estate. See plan <b><u>attached</u></b>.</p> <p>This lot comprises an area of 798m<sup>2</sup> and is steeply sloping, Rock retaining walls were constructed to improve its appeal to the market.</p> <p>Council has previously accepted an offer to purchase this lot, however the sale fell through due to the prospective purchaser being unable to secure satisfactory finance.</p> <p>It is proposed this lot be put to auction to determine the market value and hopefully secure a sale.</p>
3	Proposed Lot 20, Kays Lane, Wollongbar	Lot 20 in proposed subdivision of Lot 132 DP 1047320	<p>Lot 20 comprises an area of 1,519m<sup>2</sup> and forms part of the next stage of Council's Russellton Industrial Estate. DA 2008/803 granted development consent for 29 industrial lots as per the plan <b><u>attached</u></b>.</p> <p>Capital expenditure to develop the 29 industrial lots is allocated in the 2017/2018 budget, however a formal resolution to proceed with development of the project has not been given.</p> <p>It is very difficult to stage development of the 29 lots due to the requirements for a sewer pump station and large stormwater detention basin.</p> <p>Due to topographic constraints, Lot 20 is the only lot of the 29 that can be developed by hooking into the existing infrastructure; i.e. water, sewer and stormwater drainage.</p> <p>With the general upswing in the market for industrial land Council has received a number of enquiries from parties seeking to buy land on the Russellton Industrial Estate.</p>

## 4.1 Public Auction - Properties in Ballina and Wollongbar

			Putting Lot 20 to auction will test the market and assist in determining the viability of the remainder of the 29 lots.
4	Proposed Lots 5 & 6, 54 North Creek Road, Ballina	Lots 5 & 6 in proposed subdivision of Lot 98 DP 1194043	<p>These two lots form part of a seven lot subdivision that was granted development consent on 23 June, 2016 (DA 2015/599). Six of the lots have been created for industrial use, whilst Lot 7 comprises a sewer pump station and will be retained by Council.</p> <p>A construction certificate is being prepared to undertake the civil construction works that are anticipated to be completed by early 2017.</p> <p>Lots 1, 2, 3 and 4 have been pre-sold. A sales plan is <b>attached</b>.</p> <p>To date Lots 5 and 6 have been withheld from the market, however as these are the last two remaining industrial lots Council has on the Southern Cross, it is proposed they be put to auction.</p> <p>Lots 5 and 6 are also somewhat unusual in that they adjoin a sewer pump station. Lot 6 has an awkward access and virtually no exposure to DeHavilland Crescent. Lot 5 is an irregular shape, for an industrial lot.</p> <p>Given the constraints pertaining to these two lots and the recent upswing in the market for industrial land it is considered that an auction will yield the best result for Council.</p>

### Legal / Resource / Financial Implications

All five properties are classified as operational land under the provision of the Local Government Act 1993 and as such may be sold.

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

It is proposed that a marketing budget of \$15,000 be sourced from Council's Property Development Reserve to cover the auctioneer's fees, venue hire, signboards, flyers etc.

### Consultation

A sales marketing campaign will be conducted through the local media and over the internet.

## **4.1 Public Auction - Properties in Ballina and Wollongbar**

---

### **Options**

1. Council resolves to conduct a public auction of five properties, at 6pm on 16 August, 2016 at the Ballina RSL Club. The reserve prices for the five properties are detailed in the confidential report contained in this agenda.

This option is recommended as the five lots are surplus to Council's requirements and have been developed, or are proposed to be developed and sold.

2. Council resolves not to conduct a public auction of the five properties.

This option is not recommended as the five properties are surplus to Council's requirements and have been developed, or are proposed to be developed and sold.

### **RECOMMENDATIONS**

1. That Council authorises the General Manager to conduct a public auction for the five properties detailed in this report.
2. That Council authorises the General Manager to execute all contracts for sale at or above the reserve prices and affix the Council seal to all contracts for sale and subdivision documentation required as well as any other related documents.
3. That Council authorises an allocation of \$15,000 from the Property Development Reserve to cover marketing costs including auctioneer's fees, venue hire, signboards, flyers etc.

### **Attachment(s)**

1. 9 Tectona Place, Wollongbar - Aerial Photo Plan
2. 86 Plateau Drive, Wollongbar - Aerial Photo Plan
3. Lot 20, Kays Lane, Russellton Industrial Estate - Plan of Proposed Subdivision
4. Lots 5 & 6, 54 North Creek Road Ballina - Sales Plan

4.1 Public Auction - Properties in Ballina and Wollongbar



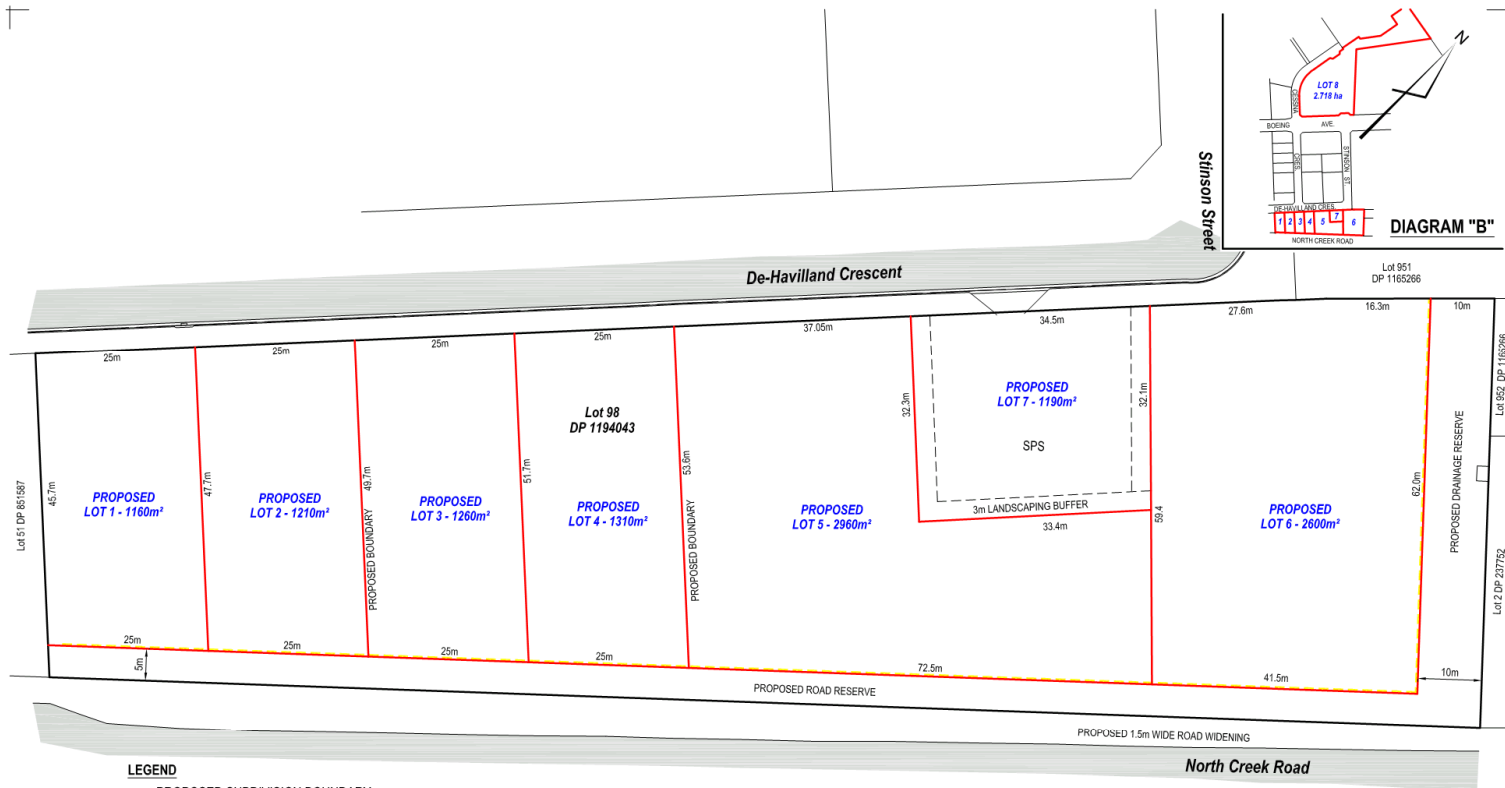








# 4.1 Public Auction - Properties in Ballina and Wollongbar



**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: 28.06.2016  
 COGO: 15005 (CAS)  
 Dwg. No. 14144-SK11C

## 4.2 Land Sale - Russellton Tennis Court Site Wollongbar

---

### 4.2 Land Sale - Russellton Tennis Court Site Wollongbar

**Delivery Program** Commercial Services

**Objective** To seek Council's concurrence to the sale of the Russellton Tennis Court Site located at Kays Lane, Wollongbar.

---

#### **Background**

The Property is generally known as the Russellton Tennis Court Site and comprises an area of 22,595m<sup>2</sup> (see location plan **attached**). A tennis court complex and the Wollongbar Rural Fire Station are located on the Property which is zoned "IN1 General Industrial" under BLEP 2012.

The major section of the Property comprising the tennis court complex is considered surplus to Council's requirements as a new tennis court complex is currently being developed as part of the Wollongbar Sports Field Complex. The component of the Property housing the Wollongbar Rural Fire Station would be retained by Council in the event of a sale.

In October 2013 a Councillor Bulletin was issued advising that the Russellton Tennis Court site at Wollongbar was to be placed on the market for sale by public tender.

A report was presented at a confidential session of the Commercial Services Meeting on 9 December 2013 advising that tenders closed on 29 October, 2013 without an offer being made. The resolution arising from that meeting and ratified at Council's Ordinary Meeting of 19 December 2013 was as follows:

- 1. That Council place the proposed Lot 201 being part of Lot 2 DP 135399 (described as the Russellton Tennis Court site) on the market for sale by private treaty at the price as identified within this report.*
- 2. That upon Council staff negotiating a sale with a prospective purchaser, the sale be referred back to Council for approval.*

The asking price set for the Property was \$1,750,000 + GST. Up until recently the only offers received were well below the asking price.

Council has recently received an offer to purchase the Property. Details of that offer are contained in a confidential report attaching to this agenda.

#### **Key Issues**

- Agreed price

### Information

For the purposes of a proposed sale of a portion of the property a draft plan of subdivision (see attached) has been prepared that proposes to create two lots:

- Lot 201 comprising an area of 2.285 hectares (the tennis court site) to be offered for sale.
- Lot 202 comprising an area of 3,100m<sup>2</sup> to be retained by Council for the Wollongbar Rural Fire Station. It is proposed this lot be burdened by a right of carriageway in favour of Lot 201 (however this may be subject to change).

The topography of the Property presents challenges for industrial development in regards to construction of buildings and movement of heavy vehicles. An aerial topographical plan is attached.

### Legal / Resource / Financial Implications

The Russellton Tennis Court Property is classified as operational land under the provisions of the Local Government Act 1993 and as such may be sold.

### Consultation

The Property has been freely exposed to the market for nearly three years.

### Options

This report authorises the sale of the subject property, with the sale being discussed in the confidential report.

### RECOMMENDATIONS

1. That Council resolves to sell the property described as Lot 201 in proposed plan subdivision of Lot 2 DP 1135399, with the terms and conditions outlined later in this agenda in a confidential report.
2. That Council authorises the General Manager to finalise negotiations and that the Council seal to be attached to the contract for sale and subdivision documentation required as well as any other related documents.

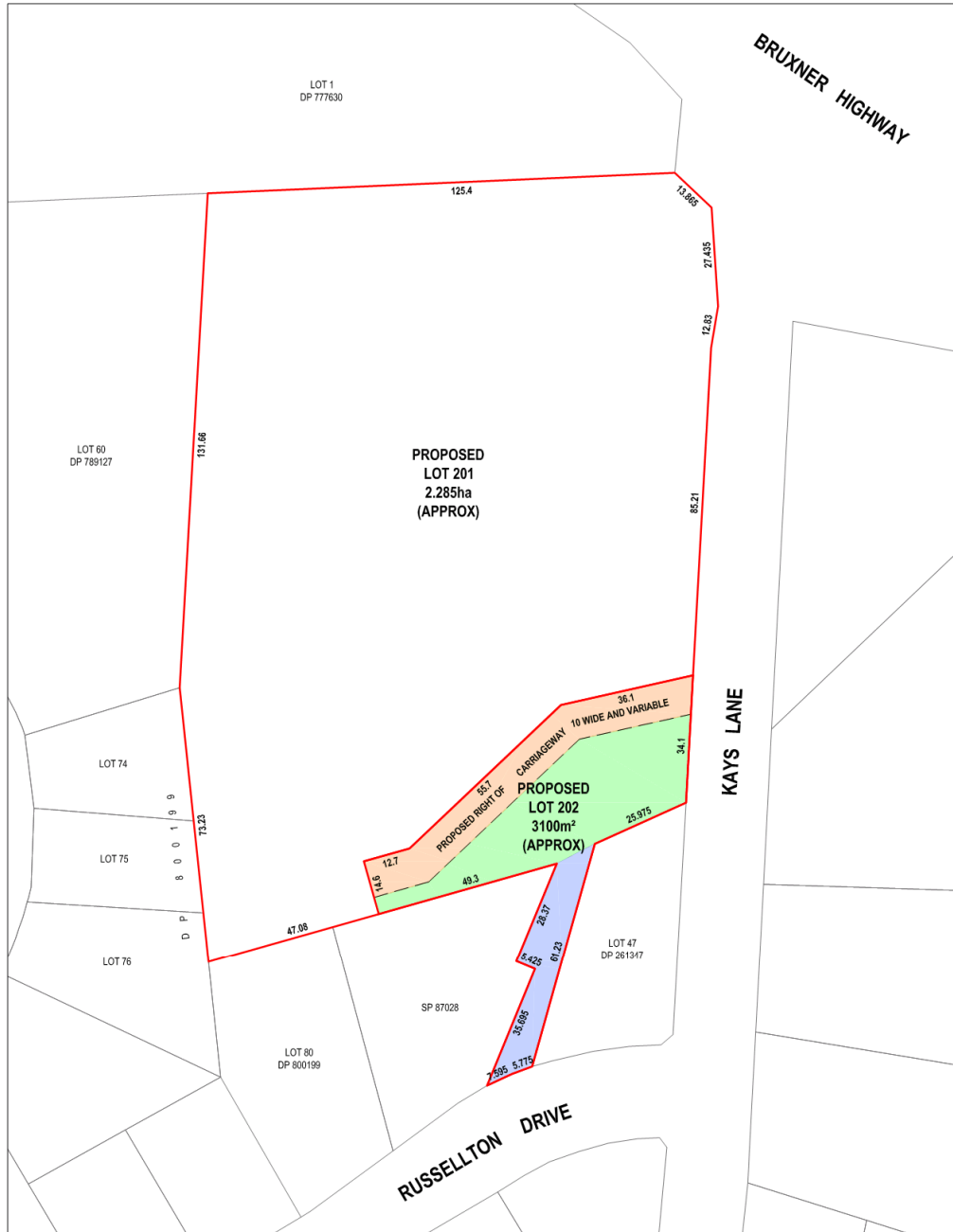
### Attachment(s)

1. Location Plan
2. Plan of Proposed Subdivision
3. Aerial Topo Photo





4.2 Land Sale - Russellton Tennis Court Site Wollongbar



SOURCE: CADASTRE: DCD8

	<b>LEGEND:</b>		<p><b>IMPORTANT:</b> THE TITLE BOUNDARIES SHOWN HEREON HAVE BEEN DETERMINED BY PLAN DIMENSIONS ONLY AND NOT BY FIELD SURVEY. AREAS AND DISTANCES SHOWN HEREON ARE APPROXIMATE ONLY AND SUBJECT TO COUNCIL APPROVAL AND REGISTRATION OF SURVEY PLANS.</p>
	<p>■ SITE AREA = 1550m<sup>2</sup> (APPROX)</p> <p>■ RIGHT OF CARRIAGEWAY = 1000m<sup>2</sup> (APPROX)</p> <p>■ DRAINAGE AREA = 550m<sup>2</sup> (APPROX)</p>	<p>SCALE: 1:1000 (A3)</p> <p>SURVEYOR: APH</p> <p>DRAWN: s33CAD</p> <p>DATE: 27th SEP 13</p> <p>REFERENCE: 13016-05-B</p>	
	<p>CLIENT: BALLINA SHIRE COUNCIL</p> <p>PROJECT: WOLLONGBAR TENNIS COURTS</p> <p>LGA: BALLINA</p>		<p><b>PLAN SHOWING PROPOSED SUBDIVISION OF LOT 2 IN DP1135399 FOR CONTRACT PURPOSES</b></p> <p>16 KAYS LANE, RUSSELLTON</p> <p><small>(THIS PLAN MAY NOT BE THE LATEST ISSUE) SHEET 5 OF 5 SHEETS • ISSUE: B</small></p>

## 4.2 Land Sale - Russellton Tennis Court Site Wollongbar





### 4.3 Car Rental Desk Leases - Airport

---

#### 4.3 Car Rental Desk Leases - Airport

**Delivery Program** Commercial Services

**Objective** To seek concurrence to renew the car rental desk leases at the Ballina Byron Gateway Airport.

---

#### **Background**

There are currently five car rental desks located within the arrivals area of Ballina Byron Gateway Airport ("the Airport"). The five desks and associated car spaces have been under lease for the past five years, to the following operators, with all leases having expired on 29 February 2016:

1. GA & JG Charters Pty Ltd T/A Avis
2. Usellus Holdings Pty Ltd T/A Budget Rent A Car
3. Craftview Pty Ltd T/a Hertz Rent A Car
4. Kingmill Pty Ltd T/a Thrifty
5. CLA Trading Pty Ltd T/a Europcar

The leases were granted to these five operators following a tender process undertaken in 2010. Layout plans of the Airport precinct and terminal are **attached**.

Prior to the leases expiring in February staff met with all five lessees to commence negotiations for lease renewals.

The purpose of this report is to provide Council with general information regarding car rental desks and associated carspaces at the Airport.

#### **Key Issues**

- Rentals
- Lease terms and conditions
- Transparency and accountability

#### **Information**

Leases for the five car rental desks and associated car spaces at the Airport expired on 29 February 2016. All five parties wish to enter into new leases for a term of five years. Details of the lease negotiations and terms and conditions are included in the confidential report attaching to this agenda.

#### **Legal / Resource / Financial Implications**

Negotiations with the incumbent tenants have been undertaken rather than conduct a formal tender process. It is not unusual for Council negotiate new leases with incumbent tenants. The incumbent tenants / car rental operators are sound operators and have worked on a collaborative basis with the Airport Manager to build a competitive car rental service for passengers arriving to and departing from the Airport.

### **4.3 Car Rental Desk Leases - Airport**

---

New leases have been negotiated with the incumbent tenants/car rental operators given their sound track record in regard to payment of rental and honouring lease terms and conditions and the fact that they represent leading car hire companies in Australia.

The financial terms negotiated, as per the confidential report, are considered to be competitive and as such no additional benefit is anticipated to be gained from calling tenders. All the businesses provide local employment.

#### **Consultation**

Council staff have conducted negotiations with the five incumbent tenants/car rental operators.

#### **Options**

This report provides information on the need to renew the existing car rental desk leases for a further period of five years and the confidential report provides the financial details negotiated for that renewal.

This report is effectively seeking Council approval not to call tenders or expressions of interest for the existing leases. The options available are to call tenders, or not call tenders.

The existing lease holders represent the major hire companies (i.e. Hertz, Avis, Budget, Europcar, Thrifty).

There are other hire companies that would be interested in these leases. For example, one of the major companies not in the market yet at Ballina is Redspot. It is understood that Redspot has been proactively gaining leases at airports and by not going to tender Council misses the opportunity to externally test the market.

However if Council does go the market it needs to be prepared to potentially terminate one or more of the existing leases, which in turn will result in lost employment for the people associated with that business(es).

In meetings with the incumbent tenants they did not want Council to go the market, or for Council to increase the number of leases available.

Concerns were expressed that businesses such as Redspot would undercut the existing market and place further financial pressure on the existing businesses. Whether Redspot would do this is uncertain.

As to increasing the existing number of leases, this was an option discussed with the tenants, based on the growth of the airport.

However following discussions with the Airport Manager it is considered prudent that for this renewal Council not increase the number of leases, but revisit that issue in five years' time after further growth at the airport. The extra lease could be called as a single tender or all leases could be placed on the market at that time.

The recommendations that follow support this approach. It is also important to advise the incumbents that an increase in lease numbers, or calling tenders, is an option for Council at the next renewal, to ensure they are fully informed well in advance.

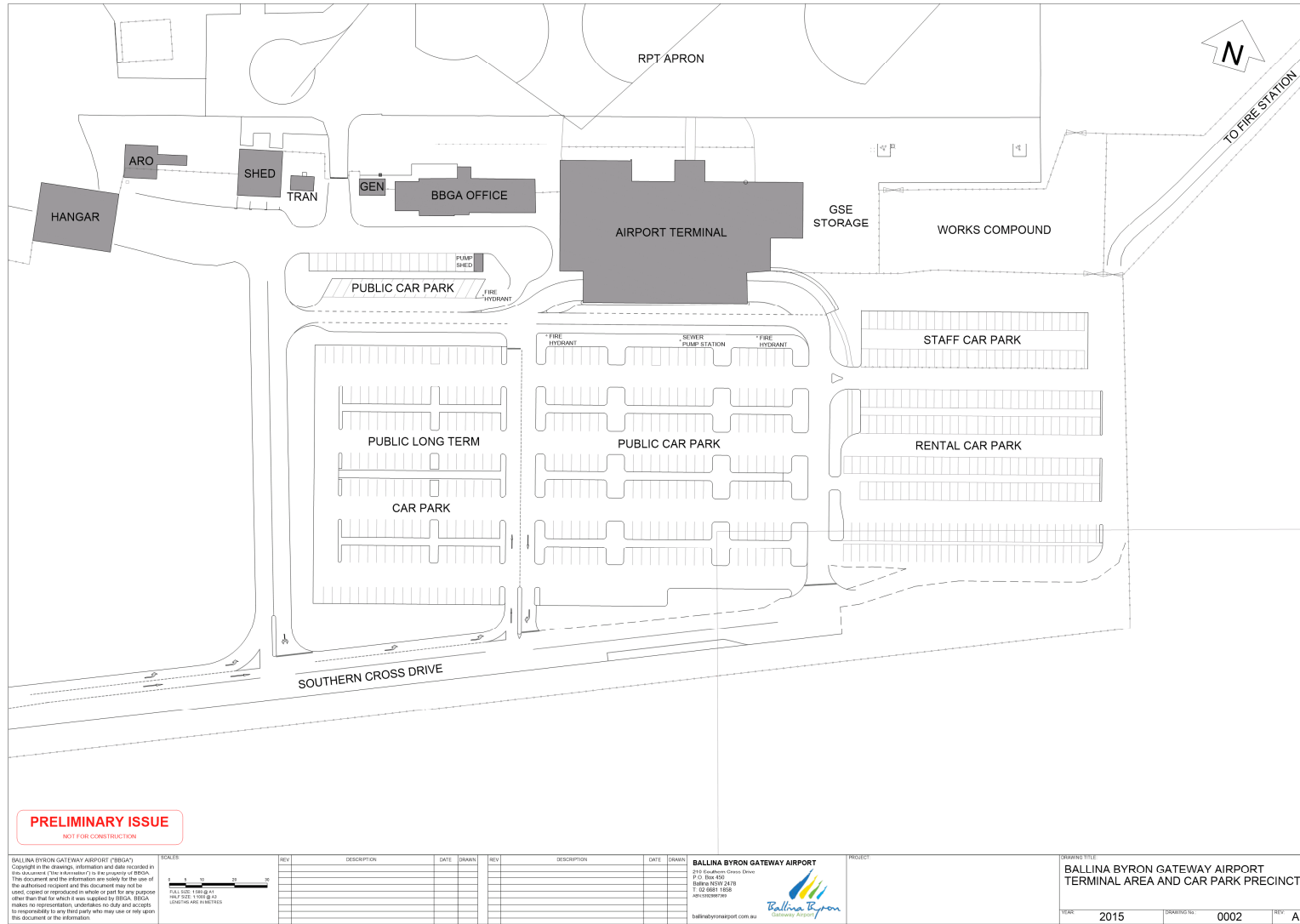
#### **RECOMMENDATIONS**

1. That Council approves the renewal of the existing car rental desk leases, for a further period of five years, without calling tenders based on the excellent performance of the current tenants and the competitive market values negotiated for the renewals, as outlined in the confidential report included in this agenda.
2. That as part of the lease renewals, Council ensures that all the incumbent tenants are advised in writing, that prior, or upon the expiry of the new leases, that Council may call tenders for all the leases, as well as possibly increasing the number of car rental desk leases available.
3. That Council authorises the Council seal to be attached to the lease documentation.

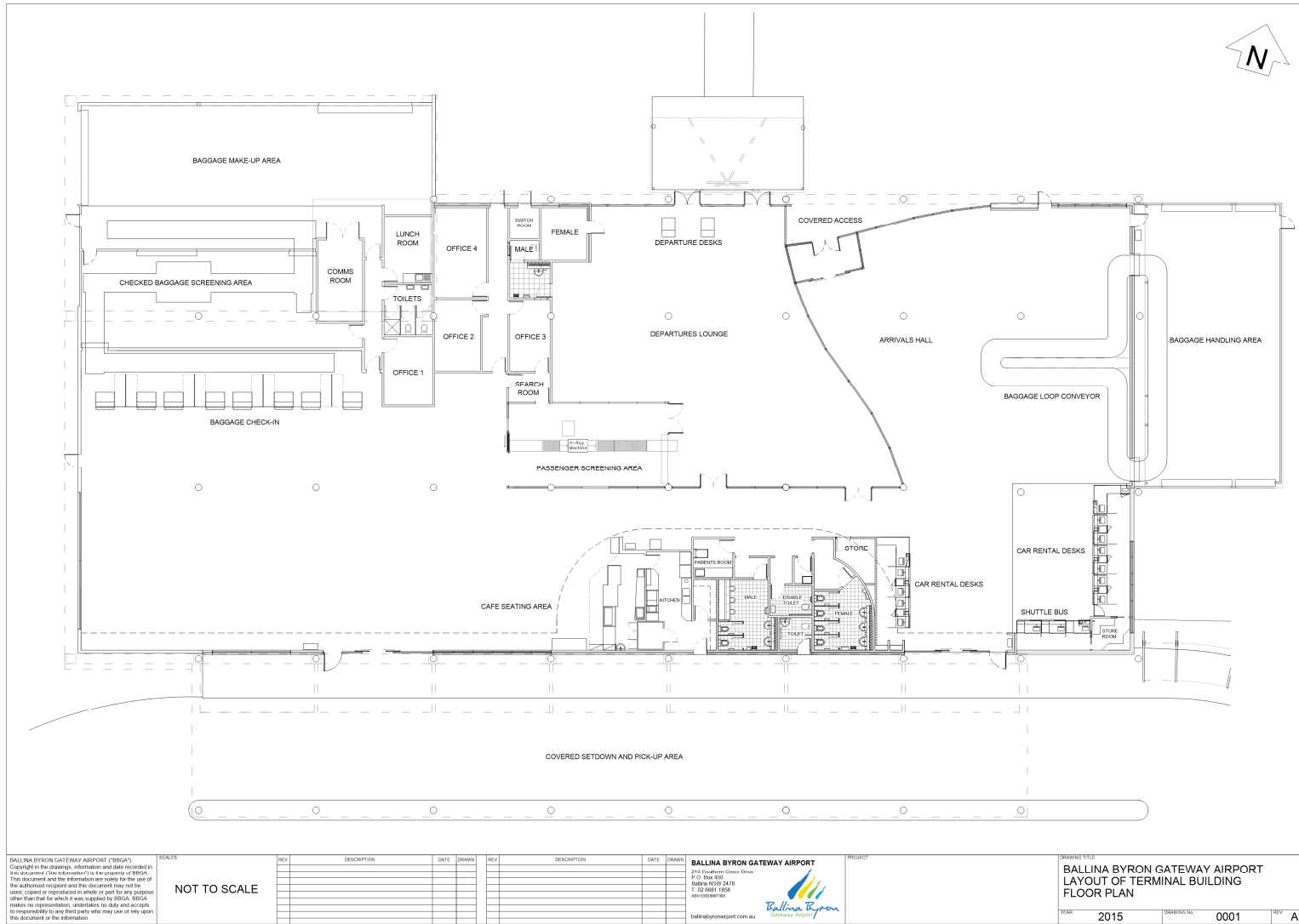
#### **Attachment(s)**

1. BBGA Precinct Layout Plan
2. BBGA Terminal Layout Plan

4.3 Car Rental Desk Leases - Airport



4.3 Car Rental Desk Leases - Airport



#### **4.4 Ballina Byron Gateway Airport - Scoping Study**

---

#### **4.4 Ballina Byron Gateway Airport - Scoping Study**

**Delivery Program** Commercial Services

**Objective** To present to Council a scoping study undertaken on the concept of granting a long term lease over the Ballina Byron Gateway Airport.

---

#### **Background**

A report was presented in a confidential session to the Commercial Services meeting of 15 July, 2014, on long term tenure options for the Ballina Byron Gateway Airport ("the Airport"). The report highlighted that opportunities may exist for granting a long term lease over the Airport to raise capital for Council and relieve it of long term liabilities for funding airport infrastructure.

At that same meeting consultants from The Airport Group ("TAG") gave a presentation providing an overview on the concept of granting long term leases over airports and other major infrastructure in Australia.

The resolution arising from that meeting was as follows:

*"That Council authorises the General Manager to run a competitive tendering process to select a consultant to advise Council on the various long term tenure options available and indicative financial returns for the Ballina Byron Gateway Airport."*

In response to that resolution, a brief was prepared and RFT778 was issued on 20 September, 2014 calling for consultants to provide quotes to undertake the following tasks to be undertaken in three stages:

- Stage 1 – Produce a Scoping Study that provides sufficient information for Council to assess the prospects for the long-term lease of the Airport and whether Council should or should not proceed with Stage 2.
- Stage 2 – Advise and assist Council in establishing the leasing elements, calling tenders, review and award of the lease; and
- Stage 3 – Provision of supervisory and monitoring role over the Airport and the Lease on behalf of Council.

The tender and proposed agreement with the successful consultant was to be structured so that Stages 2 and 3 could only be undertaken should Council resolve to proceed a proposal to lease the Airport based on the information provided in Stage 1. Council is not bound to proceed with Stage 2 following the completion of Stage 1.

Tenders closed on 30 October, 2014 with seven consultancy firms responding. A report on RFT778 was presented to the Council meeting of 18 December, 2014, however Council resolved to defer the matter to the Council meeting of 22 January, 2015.

#### 4.4 Ballina Byron Gateway Airport - Scoping Study

The report to Council of 22 January, 2015, provided details of the various respondents and their respective fee proposals that are summarized as follows:

Ranking	Tenderer	Price (ex GST) (\$)
1	The Airport Group (Stage 2 - 2% plus negotiated bonus fee above an agreed transactional value)	Stage 1: 110,000 Stage 2: 300,000 Total: 410,000
2	Ambidji Group (Stage 2 – fixed fee payable)	Stage 1: 229,950 Stage 2: 136,090 Total: 366,040
3	KPMG (Stage 2 – 1.5% or \$750,000 whichever is the greater – Not paid if transaction does not proceed)	Stage 1: 237,500 Stage 2: 750,000 Total: 987,500
4	Pottinger (Stage 2 - fixed fee)	Stage 1: 373,000 Stage 2: 650,000 Total: 1,023,000
5	PWC (Stage 2 – \$180,000 fixed fee payable plus 4% success fee with minimum payment of \$500,000)	Stage 1: 180,000 Stage 2: 780,000 Total: 960,000
6	EY (Stage 2 - \$516,000 fixed fee payable plus \$690,000 if successful)	Stage 1: 350,000 Stage 2: 1,125,000 Total: 1,556,000
7	Strategic Energy Group (Stage 2 – fixed fee payable)	Stage 1: 189,000 Stage 2: 270,000 Total: 479,000

The resolution arising from that meeting was as follows:

- “1. That Council accepts the tender from The Airport Group, Stage 1 to undertake a scoping study of the long term options of the Ballina Byron Gateway Airport for the amount of \$110,000 (ex GST), with Council reserving the right to not proceed to Stage 2 of this contract, and retain the right to call for fresh tenders for Stage 2, subject to further negotiations with The Airport Group in respect to any bonus paid above an agreed transactional value for Stage 2.
2. That Council authorises the Council seal to be attached to the contract documents.
3. That Council authorises the funding of this tender from the Property Development Reserve.”

Following on from that resolution TAG were appointed to undertake Stage 1 of their brief, the Scoping Study, in March 2015.

The Scoping Study was undertaken during 2015 and involved a comprehensive review of financial and other data as well as engaging sub-consultants to undertake specialist tasks. The Scoping Study was put on hold towards the end of 2015 and early 2016 pending the outcome of the following grant applications:

- NSW Regional Tourism Fund (“RTIF”) application for \$7,860,355 for the expansion of the airport terminal and taxiway and apron upgrade. The initial application was lodged in April, 2015.

#### **4.4 Ballina Byron Gateway Airport - Scoping Study**

---

Processing of applications took some time and in December 2015 RTIF advised Council it would be granted \$2,207,360 towards the taxiway and apron upgrade.

RTIF invited Council to resubmit an application for the terminal upgrade which it did so in March 2016. On 27 May, 2016 Council received notification that RTIF would grant \$4,507,935 towards the airport terminal expansion.

- Federal Government National Stronger Regions Fund (“NSRF”) application for \$6,600,000 for the construction of Airport Boulevard lodged in July, 2015. On 7 December, 2015, Council was advised that its application was unsuccessful and invited to reapply in February 2016. A revised application was lodged in February 2016.

In June, 2016, the Federal Government announced that should it be re-elected to Government on 2 July, 2016 it would contribute \$3,000,000 towards the cost of Airport Boulevard. Mention was made at the time that this funding may come from a source other than NSRF.

These grant applications represent significant contributions to the Airport’s capital funding requirements and as such the Scoping Study was put on hold. However in February 2016 it was decided that the Scoping Study could not be delayed indefinitely and the consultants were instructed to formalise a draft report. Since that time Council staff have been reviewing the draft report and requesting further information.

The report has now been completed and is included as an attachment to a confidential report in the agenda for this meeting. The Scoping Study report is to be treated as commercial in confidence.

#### **Key Issues**

- Passenger forecasts
- Income projections
- Capital valuation
- Asset readiness program

#### **Information**

A review of the Scoping Study is included in the confidential report in the agenda for this meeting.

#### **Legal / Resource / Financial Implications**

Not applicable

#### **Consultation**

Not applicable



#### **4.4 Ballina Byron Gateway Airport - Scoping Study**

---

##### **Options**

This report has been prepared for general information purposes only. Options relating to the Scoping Study are contained in the confidential report.

##### **RECOMMENDATION**

That Council notes the contents of this open Council report in respect to the scoping study for the Ballina Byron Gateway Airport.

##### **Attachment(s)**

Nil

**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 Public Auction - Properties in Ballina and Wollongbar (Pricing)

Refer to Item 4.1 of this agenda.

5.2 Land Sale - Russellton Tennis Court Site, Wollongbar (Terms)

Refer to Item 4.2 of this agenda.

5.3 Car Rental Desk Leases - Airport (Financial Terms and Conditions)

Refer to Item 4.3 of this agenda.

5.4 Ballina Byron Gateway Airport - Scoping Study (Commercial In Confidence)

Refer to Item 4.4 of this agenda.

**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 Public Auction - Properties in Ballina and Wollongbar (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 the reserve prices for a public auction are to be determined.

5. Confidential Session

---

**5.2 Land Sale - Russellton Tennis Court Site, Wollongbar (Terms)**

**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 ongoing negotiations of a commercial nature.

**5.3 Car Rental Desk Leases - Airport (Financial Terms and Conditions)**

**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.

**5.4 Ballina Byron Gateway Airport - Scoping Study (Commercial In Confidence)**

**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 as the report contains confidential information in regards to airline agreements, landing fees and charges, opinions of value etc. that may also compromise current and future negotiations.