

**MINUTES OF THE COMMERCIAL SERVICES COMMITTEE MEETING  
OF THE BALLINA SHIRE COUNCIL  
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS  
40 CHERRY STREET, BALLINA,  
ON 21/06/18 AT 4.00 PM**

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**Attendance**

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

Paul Hickey (General Manager), John Truman (Civil Services Group Manager), Matthew Wood (Development and Environmental Health Group Manager), Steve Barnier (Strategic and Community Facilities Group Manager), Paul Tsikleas (Manager Commercial Services), Leanne Harding (Coordinator Property and Airport Administration) and Sandra Bailey (Secretary) were in attendance.

There was one person in the gallery at this time.

**1. Apologies**

Apologies were received from Cr Nathan Willis and Cr Jeff Johnson.

**RECOMMENDATION**

(Cr Ben Smith/Cr Sharon Cadwallader)

That such apologies be accepted and leave of absence granted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Nathan Willis

**2. Declarations of Interest**

Nil

**3. Deputations**

Nil

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**4. Committee Reports**

**4.1 Licence Agreement - Communications Tower - East Ballina**

**RECOMMENDATION**

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council advise the NSW Telco Authority that a proposed commencing rent of \$6,000 p.a. + GST with a rent review of 3% annually for a term of 5 + 3 x 5 year licence agreement is considered reasonable at Lot 1 DP 632176 (7.5m<sup>2</sup> site area).
2. If agreed, Council authorises the General Manager to sign the licence agreement and attach the Council seal.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Nathan Willis

**4.2 Ballina - Byron Gateway Airport - Long Term Financial Plan**

**RECOMMENDATION**

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council approves the inclusion of the latest reviewed of Long Term Financial Plan for the Ballina – Byron Gateway Airport, as attached to this report, in the 2018/19 to 2021/22 Delivery Program and Operational Plan, including the increase in landing fees for 2017/18.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Nathan Willis

**4.3 Shellys on the Beach - Lease Update**

**RECOMMENDATION**

(Cr Sharon Cadwallader/Cr Ben Smith)

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 Jeff Johnson and Cr Nathan Willis

At this point, Mr Ralph Mamone was given the opportunity to make a deputation to the Committee. Mr Mamone then made a deputation to the Committee.

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**5. Confidential Session**

**RECOMMENDATION**

(Cr Keith Williams/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.

**5.1 Shellys on the Beach - Lease Update**

**Reason for Confidentiality**

This report is **CONFIDENTIAL** in accordance with Section 10A(2)(c) (d) 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
- 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 commercial leasing matters are to be discussed.

FOR VOTE - All Councillors voted unanimously.  
ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Nathan Willis

(The Council moved into Confidential Session at 4.12 pm).

**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 Jeff Johnson and Cr Nathan Willis

(The Council moved into Open Council at 4.51 pm).

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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 Ben Smith)

1. That Council supports the actions being taken for the site to be cleaned up.
2. That Council does not support the proposal submitted by Mr Mamone.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Nathan Willis

**Adoption of Recommendations from Confidential Session**

**RECOMMENDATION**

(Cr Keith Williams/Cr Ben Smith)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Nathan Willis

**MEETING CLOSURE**

4.52 pm