

**MINUTES OF THE COMMERCIAL SERVICES COMMITTEE MEETING
OF THE BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 16/06/20 AT 4.00 PM**

Attendance

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

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), Linda Coulter (Manager Financial Services) and Sarah Carden (Secretary) were in attendance.

There were no people in the gallery at this time.

1. Apologies

An apology was received from Cr Sharon Parry

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Nathan Willis)

That such apology be accepted and leave of absence granted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry, Cr Jeff Johnson and Cr Ben Smith

Cr Ben Smith arrived at the meeting via video link at 04:03 pm.

2. Declarations of Interest

- **Matthew Wood** - declared an interest in in Item 4.5 – Wollongbar Urban Expansion Area - Stage Three Development (Nature of Interest: non-significant, non-pecuniary – a family friend has expressed interest in the purchase of land being considered for the purpose of a child care/community facility). He will remain in the meeting while the matter is discussed.

3. Deputations

Nil

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4. Committee Reports

4.1 Licence Agreement - East Ballina Reservoir, Suvla Street

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Nathan Willis)

That Council notes the contents of this report regarding the licence agreement with Axicom for the East Ballina Reservoir.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry and Cr Jeff Johnson

4.2 Leasing Agreement - Ballina Byron Gateway Airport

RECOMMENDATION

(Cr Keith Williams/Cr Sharon Cadwallader)

That Council notes the contents of this report regarding the lease agreement with Air T & G at the Ballina Byron Gateway Airport.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry and Cr Jeff Johnson

4.3 Financial Support Package - Update

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Keith Williams)

That Council notes the contents of this report regarding the COVID-19 financial support package.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry and Cr Jeff Johnson

4.4 Lease Proposal - Specialised Resource Recovery Facility

RECOMMENDATION

(Cr Keith Williams/Cr Eoin Johnston)

1. That Council authorises the General Manager to call for expressions of interest from suitably qualified operators to licence a portion of land at the Waste Management Facility, referred to as Cell 5, to operate a Specialised Resource Recovery Facility based on the terms and conditions outlined in this report.

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2. The evaluation of the outcomes from that expression of interest process are to be submitted back to Council to determine whether the proposal is to proceed.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry and Cr Jeff Johnson

4.5 Wollongbar Urban Expansion Area - Stage Three Development

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Nathan Willis)

1. That Council resolves to proceed with Wollongbar Residential Estate Stage Three by calling for tenders to undertake the development works.
2. That Council authorises the General Manager to secure a \$5 million loan facility to fund development of Wollongbar Residential Estate Stage Three, and execute all appropriate loan documentation based on the forecast cash flows, as per Attachment 3 to this report.
3. That Council include the forecast cash flows, as per Attachment 3, in the adopted 2020/21 to 2023/24 Delivery Program and Operational Plan and Long Term Financial Plan.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry and Cr Jeff Johnson

Cr Jeff Johnson arrived at the meeting via video link at 04:33 pm.

4.6 Ballina-Byron Gateway Airport - Long Term Financial Plan

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr Nathan Willis

1. That Council confirms its acceptance of the Federal Government Building Better Regions fund grant of \$10m for the runway widening project.
2. That Council include in the adopted 2020/21 to 2023/2 Delivery Program and Operational Plan the updated Long Term Financial Plan for the Ballina – Byron Gateway Airport as per Attachments 1 and 2 to this project.
3. That Council notes the high level of loan debt included in the Long Term Financial Plan for the Ballina – Byron Gateway Airport and associated financial risk with that level of borrowing, due to the current and potential variability of airline revenues.
4. That Council authorises the Mayor to approach the State Government to seek additional grant funding for the runway widening and strengthening

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project, and the Runway End Safety Area (RESA) project, to help reduce the financial risk facing Council.

5. That Council receive a briefing once Coffs Harbour City Council has finalised their leasing process for the Coffs Harbour Airport and adjacent industrial land.
6. That Council hold discussions with the airlines in regard to fleet renewal plans post the covid-19 pandemic.
7. That Council clarify the scope of works based on CASA advice.

An **Amendment** was moved by Cr Phil Meehan and seconded by Cr Jeff Johnson

1. That Council defer this matter to allow discussions with airlines in regards to fleet renewal plans post covid-19 pandemic.
2. That Council clarify the scope of works based on CASA advice.

The Amendment was **WITHDRAWN**.

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Nathan Willis)

1. That Council confirms its acceptance of the Federal Government Building Better Regions fund grant of \$10m for the runway widening project.
2. That Council include in the adopted 2020/21 to 2023/2 Delivery Program and Operational Plan the updated Long Term Financial Plan for the Ballina – Byron Gateway Airport as per Attachments 1 and 2 to this project.
3. That Council notes the high level of loan debt included in the Long Term Financial Plan for the Ballina – Byron Gateway Airport and associated financial risk with that level of borrowing, due to the current and potential variability of airline revenues.
4. That Council authorises the Mayor to approach the State Government to seek additional grant funding for the runway widening and strengthening project, and the Runway End Safety Area (RESA) project, to help reduce the financial risk facing Council.

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5. That Council receive a briefing once Coffs Harbour City Council has finalised their leasing process for the Coffs Harbour Airport and adjacent industrial land.
6. That Council hold discussions with the airlines in regards to fleet renewal plans post covid-19 pandemic.
7. That Council clarify the scope of works based on CASA advice.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

5. Confidential Session

RECOMMENDATION

(Cr Keith Williams/Cr Nathan Willis)

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 Licence Agreement - East Ballina Reservoir (Commercial 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 the ongoing commercial negotiations and the release of any information could prejudice those negotiations.

5.2 Leasing Agreement - Ballina Byron Gateway Airport (Commercial 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 the ongoing commercial negotiations and the release of any information could prejudice those negotiations.

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5.3 Financial Support Package - Rent Relief

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 Sharon Parry

(The Committee moved into Confidential Session at 5:35pm).

Open Council

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Eoin Johnston)

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

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

(The Committee moved into Open Council at 5:53 pm).

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

5.1 Licence Agreement - East Ballina Reservoir (Commercial Terms)

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Nathan Willis)

1. That Council adopts option one as detailed within this report and authorises a new licence for Part Lot 1 DP 632176, 1A Suvla Street, East Ballina, to Axicom Pty. Ltd.
2. The Council authorises the General Manager to finalise the negotiations and attach the Council seal to the relevant documentation.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

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5.2 Leasing Agreement - Ballina Byron Gateway Airport (Commercial Terms)

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Eoin Johnston)

1. That Council adopts option one as detailed within this report and authorises a new lease agreement for Lot 12 DP 1031440, Southern Cross Drive, Ballina, to Air T & G Pty. Ltd.
2. The Council authorises the General Manager to finalise the negotiations and attach the Council seal to the relevant documentation.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

5.3 Financial Support Package - Rent Relief

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Keith Williams)

1. That Council authorises the General Manager to undertake the actions identified in this report for the following tenants:
 - a) Norfolk Homes Pty Ltd
 - b) CPL
 - c) DK Hally Investment Trust
 - d) H & M Chang
2. That Council receive a further report on Bishopp Advertising once negotiations are concluded.
3. That Council notes the estimated value of the Financial Support Package provided to date for commercial tenants, as per the contents of this report.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Sharon Parry

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Adoption of Recommendations from Confidential Session

RECOMMENDATION

(Cr Eoin Johnston/Cr Keith Williams)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry

MEETING CLOSURE

5:55 pm