

**MINUTES OF THE COMMERCIAL SERVICES COMMITTEE MEETING
OF THE BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 16/11/21 AT 4.13PM**

Attendance

Crs David Wright (Mayor - in the chair), Phillip Meehan (via Zoom), Jeff Johnson (arrived at 4.15pm), Eoin Johnston (via Zoom), Stephen McCarthy, Keith Williams (via Zoom), Sharon Cadwallader and Cr Ben Smith (arrived at 4.46pm).

Paul Hickey (General Manager), John Truman (Director - Civil Services Division), Caroline Klose (Acting Director, Corporate and Community Division), Paul Tsikleas (Manager Commercial Services), Leanne Harding (Coordinator Property) and Sandra Bailey (Secretary) were in attendance.

There were two people in the gallery at this time.

Cr Jeff Johnson arrived at the meeting 4.15pm

1. Apologies

Cr Ben Smith indicated he would be late to the meeting

2. Declarations of Interest

Nil

.3. Deputations

- **David McKinnon, Club Lennox and Tere Sheehan, Cherry Street Bowling Club** – spoke in favour of Item 4.1 – Club Lennox – Proposed Amalgamation.

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4. Committee Reports

4.1 Club Lennox - Proposed Amalgamation

A **Motion** was moved by Cr Sharon Cadwallader and seconded by Cr Stephen McCarthy

1. That Council approves the public notification of the proposal to provide a new lease for Council owned community land at 10 Stewart Street, Lennox Head for a term of 21 years, at 50% rent reduction for the first five years, to the Ballina Bowling and Recreation Club (BBRC) Limited, with that lease not requiring a General Security Agreement on gaming entitlements due to the financial viability of the BBRC. This public notice is also to include notification of the new lease for the King Street Road Reserve for the maximum period permitted of five years.
2. That Council provides landowner approval for an application for Club Lennox to temporarily re-purpose their outdoor spaces such as car parks, bowling greens to serve food and drinks consistent with the NSW State Government's Alfresco Restart Package to help with ensuring the current financial viability of Club Lennox.
3. That the publicly exhibited lease has Clause 22.2 removed.

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

1. That Council approves the public notification of the proposal to provide a new lease for Council owned community land at 10 Stewart Street, Lennox Head for a term of 21 years, at 50% rent reduction for the first five years, to the Ballina Bowling and Recreation Club (BBRC) Limited, with that lease not requiring a General Security Agreement on gaming entitlements due to the financial viability of the BBRC. This public notice is also to include notification of the new lease for the King Street Road Reserve for the maximum period permitted of five years.
2. That Council provides landowner approval for an application for Club Lennox to temporarily re-purpose their outdoor spaces such as car parks, bowling greens to serve food and drinks consistent with the NSW State Government's Alfresco Restart Package to help with ensuring the current financial viability of Club Lennox.

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry, Cr Nathan Willis and Cr Ben Smith

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

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FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry, Cr Nathan Willis and Cr Ben Smith

RECOMMENDATION

(Cr Phillip Meehan/Cr Jeff Johnson)

1. That Council approves the public notification of the proposal to provide a new lease for Council owned community land at 10 Stewart Street, Lennox Head for a term of 21 years, at 50% rent reduction for the first five years, to the Ballina Bowling and Recreation Club (BBRC) Limited, with that lease not requiring a General Security Agreement on gaming entitlements due to the financial viability of the BBRC. This public notice is also to include notification of the new lease for the King Street Road Reserve for the maximum period permitted of five years.

2. That Council provides landowner approval for an application for Club Lennox to temporarily re-purpose their outdoor spaces such as car parks, bowling greens to serve food and drinks consistent with the NSW State Government's Alfresco Restart Package to help with ensuring the current financial viability of Club Lennox.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry, Cr Nathan Willis and Cr Ben Smith

4.2 Compton Drive - Land Sale

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Stephen McCarthy)

That Council notes the contents of this report in respect to the potential sale of Part 1 DP 781542, Compton Drive, East Ballina, following an expression of interest process, with the sale terms and conditions outlined in a confidential report later in this agenda.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Sharon Parry, Cr Nathan Willis and Cr Ben Smith

Cr Jeff Johnson left the meeting at 04:44pm.

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4.3 Financial Support Package (Covid-19) - Update

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Stephen McCarthy)

That Council notes the contents of this report in respect to the financial support package (Covid-19) – update, with the confidential report later in this agenda outlining the commercial details of the requests for further support.

FOR VOTE - All Councillors voted unanimously.

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

4.4 Flat Rock - Tent Park Fees and Charges 2022/23

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Eoin Johnston)

That Council authorises the exhibition of the draft Flat Rock Tent Park fees and charges for 1 February 2022 to 31 January 2023, as per Attachment 1 to this report, for public comment.

Cr Ben Smith arrived at the meeting at 04:46 pm.

FOR VOTE - All Councillors voted unanimously.

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

4.5 Airport Car Park - Draft Fees and Charges

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council adopts the amended Ballina Byron Gateway Airport Car Park fees, as outlined in Attachment 1 to this report, based on the introduction of the new access control system car park management system, including boom gates.
2. That Council authorises the public exhibition of the fees, as outlined in Attachment 1 to this report, for a minimum period of 28 days, as required by Section 610F(3) of the Local Government Act, prior to the introduction of the new fees.

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

AGAINST VOTE - Cr Phillip Meehan

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

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4.6 Airline Agreement - Negotiation Update

RECOMMENDATION

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of this preliminary report on one airline agreement negotiation, with the confidential report later in this agenda detailing the commercial aspects of that agreement.

FOR VOTE - All Councillors voted unanimously.

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

5. Confidential Session

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Ben Smith)

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 Compton Drive - Land Sale

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 the information could prejudice those negotiations.

5.2 Financial Support Package (Covid-19) - Update Details

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

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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 commercial negotiations and the release of any information could prejudice those negotiations.

5.3 Airline Agreement - Negotiation Update

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 release of any confidential information could prejudice negotiations.

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

(The Council moved into Confidential Session at 5.08pm).

Open Council

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Stephen McCarthy)

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

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

(The Council moved into Open Council at 5.20pm).

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

5.1 Compton Drive - Land Sale

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council adopts option one for the sale of Part Lot 1 DP 781542, Compton Drive, East Ballina comprising an area of approximately 142.2m².
2. That Council authorises the General Manager to finalise the negotiations and attach the Council seal to the relevant documentation including all documents relating to the sale of the land including subdivision to create the proposed site.

FOR VOTE - All Councillors voted unanimously.

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

5.2 Financial Support Package (Covid-19) - Update Details

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council authorises the General Manager to implement the financial support package (Covid-19), as detailed in Table 1 of this report, which has an estimated relief value of approximately \$16,000.

FOR VOTE - All Councillors voted unanimously.

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

5.3 Airline Agreement - Negotiation Update

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council confirms that it supports option one, as detailed within this report.

FOR VOTE - All Councillors voted unanimously.

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

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Adoption of Recommendations from Confidential Session

RECOMMENDATION

(Cr Sharon Cadwallader/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, Cr Jeff Johnson and Cr Nathan Willis

MEETING CLOSURE

5.22pm