



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 18 September 2018 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 long horizontal line underneath.

Paul Hickey
General Manager

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

1. Apologies

2. Declarations of Interest

3. Deputations

4.1 Communications Tower - Russellton Industrial Estate - Licence

4. Committee Reports

4.1 Communications Tower - Russellton Industrial Estate - Licence

Delivery Program Commercial Services

Objective To determine if Council wishes to grant a licence agreement to the NSW Telco Authority for an area of 31.5m² for an equipment shelter that adjoins a telecommunications tower and infrastructure at the Kays Lane, Russellton Industrial Estate, water reservoir site.

Background

The NSW Telco Authority ("NSW TA") has approached Council for a licence agreement for an equipment shelter on Part Lot 2 DP 1169153 Russellton Water Reservoir Alstonville.

Council currently has a lease with Optus for part of this property and the NSW TA have proposed co-locating their equipment on the Optus monopole within Optus' lease area and obtaining a licence agreement with Council for an adjoining area for their equipment shelter (see **attached** plans).

The proposed licence area is 4.5m x 7.0m.

NSW TA would be required to obtain approval from Optus for the co-location.

Key Issues

- Provision of services by NSW Telco Authority

Information

The offer put forward for the licence agreement by the NSW TA is:

Term:	Five years
Option Period:	Three five year options
Commencing Rent:	\$4,000 p.a. + GST
Rent Reviews:	3% increase annually

Council currently has a lease with Optus over an area of 61.36m² for the monopole and equipment shelter at the Russellton Water Reservoir.

The current lease term is from 9 February 2017 to 8 February 2022 and a five year option, with the final lease being 9 February 2022 to 8 February 2027.

Due to the request by NSW TA to co-locate on the Optus monopole Council can only offer the NSW TA a licence agreement that runs concurrently with the Optus agreement, which means the first term would expire on 8 February 2022 with an additional five year licence to expire 8 February 2027.

4.1 Communications Tower - Russellton Industrial Estate - Licence

The rental paid by Optus is a commercial rent in line with other rentals from telecommunication operators ranging from \$27,000 to \$38,000 p.a. + GST, which is well above the figures for the proposed licence.

The NSW TA has provided supporting documentation in regards to their proposed licence agreement (see **attached**).

Legal / Resource / Financial Implications

The water reservoir site is classified as operational land and as such Council is able to deal with these matters.

Consultation

Council has been in consultation with the NSW TA regarding the proposed licence agreement. Council's Water and Wastewater Section have also been consulted.

Options

Ideally the preference would be to obtain a commercial return on the licence however the supporting documentation from NSW TA highlights the community benefits to be derived from this service.

Assuming that justification is supported the options include:

1. Council accepts the proposed licence agreement from NSW Telco Authority for a term not exceeding 8 February 2022 and an additional term of 9 February 2022 to 8 February 2027 at a rental of \$4,000 p.a. + GST and rent review of 3.0% annually at Part Lot 2 DP 1169153 (31.5m² site area).

This option is not recommended as it does not provide Council with a resource recovery amount based on the staff time involved in administering the licence agreement.

2. Council advise the NSW Telco Authority that a proposed commencing rent of \$6,000 p.a. + GST with a rent review of 3.0% for a term not exceeding 8 February 2022 and an additional term of 9 February 2022 to 8 February 2027 at a rental of \$6,000 p.a. + GST and rent review of 3.0% annually is considered reasonable at Part Lot 2 DP 1169153 (31.5m² site area).

This option is recommended as it assists Council in recovering costs for administering the licence agreement over the term of the agreement.

RECOMMENDATIONS

1. That Council advise the NSW Telco Authority that a proposed commencing rent of \$6,000 p.a. + GST with a rent review of 3.0% for a term not exceeding 8 February 2022 and an additional term of 9 February 2022 to 8 February 2027 at a rental of \$6,000 p.a. + GST and rent review

4.1 Communications Tower - Russellton Industrial Estate - Licence

of 3.0% annually is considered reasonable at Part Lot 2 DP 1169153 (31.5m² site area).

2. If agreed, Council authorises the General Manager to sign the licence agreement and attach the Council seal.

Attachment(s)

1. Locality Plan - Part Lot 2 DP 1169153 Russellton Industrial Estate, Water Reservoir Site
2. NSW Telco Authority - Critical Communications Enhancement Program

4.2 139 River Street, Ballina - Lease Variation

4.2 139 River Street, Ballina - Lease Variation

Delivery Program Commercial Services

Objective To seek Council's concurrence to vary the lease agreement for 139 River Street Ballina to extend the term of the lease.

Background

Council currently has a lease with Messrs G Hickey and C Watson for Shop 139 River Street, Ballina known as "Be Seen Optometry". The lessees have been in occupation of the premises since 1 July 2013 with the first term of the lease expiring on 30 June 2018. The lease also provided for a five year option commencing 1 July 2018. The lessees have exercised the five year option term on the lease with the lease now due to expire on 30 June 2023. The lessees have requested a variation on the lease for an additional five year option term to expire 30 June 2028.

Key Issues

- Lease terms and conditions

Information

The lessees have approached Council requesting a variation to the lease agreement to extend the lease term for another five year option commencing 1 July 2023. This request has been made to provide certainty to the lessees for an additional term. Negotiations have been undertaken with the lessees regarding the proposal with the financial details contained in a confidential report included in this agenda.

Legal / Resource / Financial Implications

The property is classified as operational land under the Local Government Act 1993 and as such Council is able to lease the property.

Consultation

Consultation has been undertaken with the lessees.

Options

This report is for noting only.

RECOMMENDATION

That Council notes the contents of this report in respect to the variation request for the lease of 139 River Street, Ballina.

Attachment(s)

1. 139 River Street, Ballina - Leasing Plan

4.3 153 Kays Road, Wardell - Lease

4.3 153 Kays Road, Wardell - Lease

Delivery Program Commercial Services

Objective To seek Council's concurrence to grant a new lease to Mr R MacDonald for Lots 2 and 3 DP 854149 (Turf Farm) and Lot 1 DP 865860 (Residence)

Background

Council has a property located at 153 Kays Road, Wardell that has been under lease to Mr R MacDonald since 2005. The lease expired on 1 August 2018 and Mr MacDonald has requested a new lease for the property.

Key Issues

- Lease terms and conditions

Information

The subject property is located at 153 Kays Road, Wardell and adjoins the Wardell Sewerage Treatment Works. Mr MacDonald owns and operates the Ballina Turf Farm (located on Lots 2 and 3 DP 854149) and occupies a residence (located on Lot 1 DP 865860). All three lots were held under the one lease.

Mr MacDonald's lease expired on 1 August 2018 and is currently occupying the premises on a month to month hold over. Negotiations for the new lease with Mr MacDonald have now been finalised, the details of which are contained in a confidential report included in this agenda.

Legal / Resource / Financial Implications

The property is classified as operational land under the Local Government Act 1993 and as such Council is able to manage the property.

Consultation

Consultation has been undertaken with Mr MacDonald as well as Council's Civil Services Section who operate the adjoining Sewerage Treatment Plant.

Options

This report is for noting.

RECOMMENDATION

That Council notes the contents of this report in respect to leasing 153 Kays Road, Wardell.

Attachment(s)

1. Ballina Turf Farm - Locality Plan

4.4 Former Tintenbar Council Chambers - Sublease of Area 1

4.4 Former Tintenbar Council Chambers - Sublease of Area 1

Delivery Program Commercial Services

Objective To seek Council's concurrence for a sublease of Area 1 in the former Tintenbar Council Chambers, 2 High Street, Alstonville.

Background

Council has had a vacancy at the former Tintenbar Council Chambers at 2 High Street, Alstonville since Arts Northern Rivers vacated the premises in August 2017.

Council holds the property by way of a head lease with the Crown.

A prospective tenant has expressed interest for tenancy known as Area 1 of the building.

Negotiations with this party for a sublease have now been concluded and Council's concurrence is now sought.

A locality plan and a leasing plan for the former Tintenbar Council Chamber is attached.

Key Issues

- Sublease terms and conditions

Information

The former Tintenbar Council Chambers is configured into three sub tenancies as follows:

Area	Size m²	Occupier
Area 1	106.46m ²	Vacant
Area 2	53.12m ²	Coffey
Areas 3 and 4	28.57m ²	T Woznitza

Area 1 is the subject of this report. Coffey has given notice that they will be vacating Area 2 on 8 October, 2018.

The prospective subtenant for Area 1 proposes to operate a prosthetic art technology business.

Negotiations have concluded for a sublease with this party and are set out in a confidential report included in this agenda.

Legal / Resource / Financial Implications

Council currently holds a head lease for this Property with the Crown. Approval will be sought from the Crown for the proposed sublease.

4.4 Former Tintenbar Council Chambers - Sublease of Area 1

The previous financial year's rent to the Crown was \$21,070 + GST.

Consultation

This sub tenancy has been listed for lease with local real estate agents since it was vacated in August 2017.

Options

This report is for noting.

RECOMMENDATION

That Council notes the contents of this report on the proposal to sublease Area 1 of the former Tintenbar Council Chambers, 2 High Street, Alstonville.

Attachment(s)

1. Former Tintenbar Council Chambers - Locality Plan
2. Former Tintenbar Council Chambers - Leasing Plan

4.5 54 North Creek Road, Ballina - Industrial Land Subdivision - Update

4.5 54 North Creek Road, Ballina - Industrial Land Subdivision - Update

Delivery Program Commercial Services

Objective To provide an update on the development of this site and an overview of the confidential report later in this agenda.

Background

54 North Creek Road, Ballina is being developed to create six serviced industrial lots. A copy of the plan of proposed subdivision is **attached**.

An update report on the project was tabled at the Commercial Services meeting held on 7 November 2017 whereby Council resolved to increase funding for the project by \$845,300.

In December 2017, Civil Logic Pty Ltd, who were engaged as civil contractors vacated the site. On 12 March 2018, the company was placed in liquidation.

Since that time Council staff have been working to get the project restarted with a new contractor.

The purpose of this report is to provide an update on the project.

The confidential report included in this agenda will seek instructions in relation to the presale of four lots that have gone past their respective sunset dates.

Key Issues

- Costs to complete project
- Status of contracts

Information

Tenders have been called to finalise the construction works. The outcomes from the tender evaluation will be reported to the September 2018 Ordinary meeting to confirm the preferred contractor.

Based on the timelines in the tender responses it is anticipated (subject to weather) that works will be completed early in the New Year and the plan will be registered by mid 2019.

Financial / Resource / Legal Implications

Tenders for completion of the project have closed and negotiations have been ongoing with the preferred tenderer. The financial implications of the tender are outlined in the confidential report.

Contracts for sale were exchanged in May 2016 for the sale of Lots 1, 2 and 4. A contract for sale was exchanged on Lot 3 in October 2017.

4.5 54 North Creek Road, Ballina - Industrial Land Subdivision - Update

The initial sunset date for all four contracts was 28 February 2018, however due to the delays outlined above all purchasers were notified on 4 April 2018 that under an express provision of the contracts, the sunset date would be extended to the final date of 30 June 2018.

The purchasers have since been notified through their agents that the sunset date on the contracts has now expired and that instructions would be sought from Council on whether to amend the contracts with a revised sunset date.

The confidential report discusses the options available to Council in more detail.

Consultation

A public tender process has been conducted to finalise the construction of this project.

Options

This report is for information only with the confidential report reviewing the tender details and the options for the sale contracts.

RECOMMENDATION

That Council notes the contents of this report in respect to the update on the 54 North Creek Road, Industrial Land Subdivision.

Attachment(s)

1. 54 North Creek Road, Ballina - Proposed Lot Layout

4.6 Wollongbar Residential Estate - Stage 3 - Roadworks

4.6 Wollongbar Residential Estate - Stage 3 - Roadworks

Delivery Program Commercial Services

Objective To seek Council's concurrence to undertake roadworks in conjunction with the adjoining landowner.

Background

A report was presented to the Commercial Services Meeting on 17 November 2015 seeking concurrence to proceed with Stage 2 of Council's Wollongbar Residential Estate. Works for Stage 2 have now been completed and all eighteen lots sold at the asking prices.

Also included in the report of 17 November 2015 were the terms and conditions of a proposed deed of agreement with the adjoining landowner, the Brown Family (developers of Avalon Estate).

A joint development application (DA 2015/351) for Stage 2 of Council's land and a portion of Avalon Estate was lodged on 8 July 2015.

This joint development application proposed eighteen lots for Council's land and four lots for Avalon Estate on land owned by the Brown family.

A concept plan is **attached** detailing the proposed lots.

The joint development application required co-operation between Council and the Browns in respect of the following matters:

- 1(a) Council required easements over Brown's land for stormwater and sewer pipes to service nine of its (Council's) proposed eighteen lots;
- 1(b) Council required a portion of Brown's land to construct a stormwater detention basin (drainage reserve) to service eight of its (Council's) proposed eighteen lots;
- 1(c) Minor boundary adjustments between the parties were required to improve lot configurations for both parties;
- 1(d) Council needed the Brown family to grant an easement for a temporary cul-de-sac for Road 4 (Avalon Avenue) to be constructed on Brown's land adjoining Lot 38; and
- 1(e) The Brown family required access to service their four lots.

Furthermore Council's planners would not release DA 2015/351 unless they were provided with Brown's written consent to the stormwater and sewer easements required. Access for easements was sought through the adjoining property to the west, but was denied by the owners (the Smith family).

The deed of agreement that was ratified by Council and the Browns achieved the required outcomes for Stage 2 without either party having to pay for easements, access or boundary adjustments.

4.6 Wollongbar Residential Estate - Stage 3 - Roadworks

This is an excellent outcome, as due to the slope of the land, Council had no other viable option than to run easements through the Brown property. If agreement had not been reached Council could have only developed nine out of the eighteen lots.

The deed of agreement also provides for co-operation between Council and the Browns for Stage 3 of Council's development for the construction of:

- The completion of Avalon Avenue
- Trelawney Place and
- A roundabout at the intersection of Avalon Avenue and Trelawney Place.

A plan is **attached** detailing the proposed roads and roundabout, which are to be constructed on Brown's land.

The deed of agreement facilitates these construction works, the salient points of which are summarised below and include requirements for each party to perform their respective obligations and not delay or frustrate the other party.

- 2(a) Council to purchase from Brown's 50.00% of the road reserve required for the completion of Avalon Avenue and Trelawney Place, and 25.00% of the land required for the roundabout proposed at the intersection of these two roads. The value of the land is to be determined by an independent valuer with Council to pay all costs associated with the valuation
- 2(b) At any time after execution of the deed of agreement, either Council or the Brown family may serve notice on the other party that the land required for road reserves and roundabout is to be valued.
- 2(c) The valuation is to be completed within three months of either Council or the Brown's serving notice.
- 2(d) Within four months of execution of a deed of agreement, Council is to prepare and lodge a DA for Stage 3. Council is required to undertake this obligation, irrespective of whether notice has been served by either party that the land required for road reserves and roundabout is to be valued.
- 2(e) Within three months of receiving a DA for Stage 3, Council is to prepare and lodge a construction certificate for same.
- 2(f) Within four months of the valuation of the road reserves being completed, construction of Avalon Avenue and Trelawney Place and the roundabout at the intersection of same is to be commenced and completed within a reasonable timeframe.
- 2(g) Council to hold the construction contract for the proposed roadworks and roundabout. The Brown's to pay their respective share as detailed above.
- 2(h) Council to pay 50.00% of the cost for the construction of the completion of Avalon Avenue and Trelawney Place.
- 2(i) Council to pay 25.00% of the cost for the construction of the roundabout at the intersection of Avalon Avenue and Trelawney Place.

4.6 Wollongbar Residential Estate - Stage 3 - Roadworks

The resolutions arising from the 17 November 2015 Commercial Services meeting (confirmed at the November 2015 Ordinary meeting) in regard to the deed of agreement are as follows:

4. *The Council seal is authorised to be attached to the sale contracts and any associated documents, including the deed of agreement with the Brown family as per point five below.*
5. *The General Manager is authorised to finalise negotiations with the Brown family, execute a deed of agreement, execute all easements, plans of subdivision etc. and all other relevant documentation required to satisfy the deed of agreement between Council and the Brown family.*
6. *Any land acquired by Council by way of boundary adjustments, drainage reserves or road reserves is to be classified as operational land under the provisions of the NSW Local Government Act 1993.*

Browns recently served notice on Council that they wish to proceed with the completion of the construction of Avalon Avenue. The roundabout at the intersection of Avalon Avenue and Trelawney Place has been completed.

The purpose of this report is to provide an update on the Wollongbar Stage 3 residential development and seek Council's concurrence to proceed with the roadworks and land acquisitions referred to above. The report also seeks Council approval in respect to not calling tenders for part of the works.

Key Issues

- Compliance with Deed of Agreement
- Tender requirements

Information

A development application for Stage 3 of Council's Wollongbar Residential Estate is being prepared and is scheduled for lodgment by the end of September.

Stage 3 proposes 31 lots as detailed in the schematic plan of proposed subdivision as per Attachment 1.

Upon determination of the development consent a report on the viability of the project will be put to Council seeking approval to proceed.

Browns have served notice on Council that they wish to proceed with the following works as provided for under the deed of agreement:

a) Completion of Avalon Avenue

Browns have constructed the eastern section of Avalon Avenue and Council the western section (as part of Stage 2).

Approximately 150 metres of roadway requires construction to complete Avalon Avenue as per Attachment 2.

4.6 Wollongbar Residential Estate - Stage 3 - Roadworks

Construction of this section of roadway will be beneficial to both parties:

- Council will gain road frontage and access for eight lots in Stage 3 of its development; and
- Avalon will gain road frontage and access for seven lots in Stage 5N (refer to Attachment 3 for further details of Stage 5N) of its development.

Morgan Earthworks have provided a cost estimate for these works and apportioned same to each land owner accordingly. These figures are contained in the confidential report included in this agenda.

Morgans undertook the civil works for Council on Stage 2 and did an excellent job completing the work to a high standard and bringing the project in on budget.

Council's project consultants for Stages 2 and 3, Newton Denny Chapelle ("NDC") were instructed to review Morgan's costs estimates for Avalon Avenue.

In undertaking this review, NDC compared Morgan's rates charged to Council for Stage 2 with the rates quoted for Avalon Avenue, as well as rates being quoted in the market at present.

Their review indicates the rates proposed by Morgans for Avalon Avenue to be fair and reasonable.

A copy of their review is contained in the confidential report.

b) Roundabout

The roundabout at the intersection of Avalon Avenue and Trelawney Place was constructed by Morgans and paid for by Browns in 2016.

It was considered more cost effective to undertake construction of the roundabout as a component of other roadworks being undertaken for Avalon Estate at the time. The financial details are included in the confidential report.

c) Land Acquisitions

Clauses 2(h) and 2(i) of the deed of agreement require Council to pay:

- 50.00% of the land value for the joiner section of Avalon Avenue
- 50.00% of the land value for Trelawney Close and
- 25.00% of the land value for the roundabout on the corner of Avalon Avenue and Trelawney Close.

These portions of land will provide road frontage and access to lots in Stage 3. It is fair and reasonable that Council (as a land developer) pay for its share of land accordingly.

4.6 Wollongbar Residential Estate - Stage 3 - Roadworks

In accordance with the deed of agreement, a valuer was jointly instructed by Council and Browns to value these portions of land. The valuation figures are included in the confidential report.

Subject to agreement on the figures, it is proposed that Browns issue a tax invoice to Council for the relevant amount and that Council's solicitor drafts an appropriate document in accordance with the deed of agreement and has Brown's execute same acknowledging the payment is for the land acquired.

Legal / Resource / Financial Implications

The deed of agreement notes that Council be responsible for holding the construction contract for the proposed works on Avalon Avenue, Trelawney Place and the roundabout.

The value of Council's share of the Avalon Avenue roadworks is estimated to be in excess of \$150,000 including GST.

Council would normally be required to go to tender as the proposed works are in excess of \$150,000.

Alternatively, Browns have agreed to hold the construction contract for Avalon Avenue. This alternative has merit as:

- Economies of scale would be achieved in having Morgans undertake these works along with other works being undertaken for Browns on the Avalon Estate; i.e. savings can be gained in areas such as site establishment costs, sub-contracting, supervision etc.
- Browns are undertaking works on their own land thereby negating any risk to Council if incidents occur whilst works are being undertaken.
- The review undertaken by NDC indicates Morgans' proposed rates and costs to be fair and reasonable and in line with market.

Subject to the details of the confidential report being endorsed it is recommended that Morgans' proposed cost estimate for the Avalon Avenue road works be adopted by Council.

The roundabout works have been completed and paid for by Browns in 2016. Council's share of these works is 25.00%. NDC also advise these costs are fair and reasonable.

The Trelawney Place roadworks are not required at present and will be undertaken at a later date either by Council or Browns.

Subject to gaining development consent for Stage 3, it is possible that Lots 1 to 9 (inclusive) could be released as a first stage.

This would involve minimal civil construction works as most of these works would be undertaken as part of the Avalon Avenue roadworks.

It is estimated that Lots 1 to 9 may generate approximately \$1,500,000 in development profit that could be applied to the balance of the project.

Consultation

There have been extensive discussions with the Browns and consultants and contractors in respect to the pricing of the various aspects of this project.

Options

1. Council to accept the Morgans' estimates as detailed in the confidential report included in this agenda for its share of the Avalon Avenue roadworks and that payments be made directly to Morgans upon receipt and approval of progress claims.

To facilitate the preferred option of engaging Morgans as set out in the above report, it is necessary for the Council to consider certain provisions under the *Local Government Act 1993* (the Act).

Section 55 of the Act sets out the requirements for tendering. Under Section 55 (1) a council must invite tenders before entering into a contract to carry out work. However under Section 55 (3) (i), section 55 (1) does not apply to;

- (i) a contract where, because of extenuating circumstances, remoteness of locality or the unavailability of competitive or reliable tenderers, a council decides by resolution (which states the reasons for the decision) that a satisfactory result would not be achieved by inviting tenders,

The extenuating circumstances in this matter is the need to work collaboratively with another party being the developers of the adjoining Estate. The recommendation to this report provides a resolution to comply with the requirements of the Act.

2. Council resolves not to accept Morgan's estimate for its (Council's) share of the Avalon Avenue roadworks and calls tenders for the proposed works.

This option is not recommended as Council would be taking responsibility for such works. Also by the time tenders are called, assessed and appointed three or four months may go by taking the project into the early part of next year and thereby running the risk of dealing with prolonged periods of wet weather. It is highly unlikely Council would receive better value for money from going to tender.

The recommendation that follows is option one, as the cost estimate has been independently reviewed and is considered fair and reasonable in the current market, and is a more cost effective way for Council to have such works undertaken.

The actual figures are to be confirmed as per the confidential report later in this agenda.

RECOMMENDATION

That in accordance with Section 55 (3) (i) of the Local Government Act, 1993, Council resolves not to invite tenders for the construction of roadworks for the Wollongbar Residential Estate - Stage 3 as detailed in this report, due to the following extenuating circumstances:

- a) The economies of scale and timing benefits of the joint infrastructure being delivered with another party, being the developers of the adjoining residential estate.
- b) That in respect of value for money, an independent assessment of the costs has been undertaken to ensure a satisfactory market result is achieved without the need to call tenders, as detailed in the confidential report later in this agenda.

Attachment(s)

1. Wollongbar Residential Estate - Stage 3 - Concept Layout Plan
2. Wollongbar Residential Estate and Avalon Estate - NDC Combined Concept Plan)
3. Avalon Estate - Stage 5N - Site Plan

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:

5.1 139 River Street, Ballina - Lease Variation - Details

As per item 4.2.

5.2 153 Kays Road, Wardell - Lease - Details

As per item 4.3.

5.3 Former Tintenbar Council Chambers - Sublease of Area 1 - Details

As per item 4.4.

5.4 54 North Creek Road, Ballina - Industrial Land Subdivision - Details

As per item 4.5.

5.5 Wollongbar Residential Estate - Stage 3 - Roadworks - Details

As per item 4.6.

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.

5.1 139 River Street, Ballina - Lease Variation - 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

5. Confidential Session

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 **153 Kays Road, Wardell - Lease - 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

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.

5.3 **Former Tintenbar Council Chambers - Sublease of Area 1 - 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

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 **54 North Creek Road, Ballina - Industrial Land Subdivision - Details**

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

5. Confidential Session

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 matters relating to construction, tender, prices and sale contracts will be discussed and the release of this information could prejudice on-going negotiations.

5.5 **Wollongbar Residential Estate - Stage 3 - Roadworks - Details**

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 matters relating to construction, tender prices and sales contract will be discussed.