

**MINUTES OF THE COMMERCIAL SERVICES COMMITTEE MEETING
OF THE BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 19/07/16 AT 4.00 PM**

Attendance

Crs David Wright (Mayor - in the chair), Sharon Cadwallader, Keith Williams, Keith Johnson, Susan Meehan, Ken Johnston, Paul Worth, Ben Smith and Robyn Hordern.

Paul Hickey (General Manager), John Truman (Civil Services Group Manager), Steve Barnier (Strategic and Community Facilities Group Manager), Paul Tsikleas (Manager Commercial Services), Leanne Harding (Property Officer Commercial), Peter Morgan (Manager Finance & Governance), Neil Weatherson (Airport Manager) and Sarah Carden (Secretary) were in attendance.

There was one person in the gallery at this time.

1. Apologies

Nil.

2. Declarations of Interest

Nil

3. Deputations

Nil

4. Committee Reports

4.1 Public Auction - Properties in Ballina and Wollongbar

RECOMMENDATION

(Cr Ben Smith/Cr Sharon Cadwallader)

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.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson

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4.2 Land Sale - Russellton Tennis Court Site Wollongbar

RECOMMENDATION

(Cr Ben Smith/Cr Sharon Cadwallader)

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.

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

4.3 Car Rental Desk Leases - Airport

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Robyn Hordern)

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.

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Williams, Cr Keith Johnson, Cr Paul Worth, Cr Ben Smith and Cr Robyn Hordern
AGAINST VOTE - Cr Susan Meehan and Cr Ken Johnston
ABSENT. DID NOT VOTE - Cr Jeff Johnson

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4.4 Ballina Byron Gateway Airport - Scoping Study

RECOMMENDATION

(Cr Paul Worth/Cr Sharon Cadwallader)

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

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

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 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.

5.2 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.

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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.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson

(The Council moved into Confidential Session at 4.25 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

(The Council moved into Open Council at 5.32 pm).

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

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

RECOMMENDATION

(Cr Paul Worth/Cr Robyn Hordern)

1. That Council authorises the reserve prices, as per option one of this report, for the five properties detailed in this report.
2. If any of the properties fail to sell on the night of the auction, they are then to be placed on the market for sale by private treaty, at the reserve prices as per option one.

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

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

RECOMMENDATION

(Cr Ben Smith/Cr Robyn Hordern)

That for the sale of the property described as Lot 201 in proposed plan subdivision of Lot 2 DP 1135399, Council authorises the sale to the party, at the price and conditions as outlined in option one of this report.

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

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

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Robyn Hordern)

That Council resolves to include in the new five year leases to the five incumbent tenants/car rental operators at the airport, the financial arrangements as detailed in option one of this report.

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

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

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Keith Johnson)

1. That Council notes the contents of the Scoping Study and adopts a strategy to bring the Airport to a state of “investment readiness” over the course of the next five years.
2. That Council advise The Airport Group that Council will not be proceeding to Stage 2 of tender RFT778 as the Airport is not currently in a state of “investment readiness”.

FOR VOTE - Cr David Wright, Cr Sharon Cadwallader, Cr Keith Johnson, Cr Susan Meehan, Cr Ken Johnston, Cr Paul Worth, Cr Ben Smith and Cr Robyn Hordern

AGAINST VOTE - Cr Keith Williams

ABSENT. DID NOT VOTE - Cr Jeff Johnson

Adoption of Recommendations from Confidential Session

RECOMMENDATION

(Cr Robyn Hordern/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

MEETING CLOSURE

5.35 pm