

**MINUTES OF THE COMMERCIAL SERVICES COMMITTEE MEETING
OF THE BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 1/05/18 AT 4.00 PM**

Attendance

Crs David Wright (Mayor - in the chair), Phillip Meehan, Jeff Johnson (arrived at 4.03 pm), Eoin Johnston, Stephen McCarthy, Keith Williams (arrived at 4.07 pm), Sharon Cadwallader and Ben Smith.

Paul Hickey (General Manager), Paul Tsikleas (Manager Commercial Services), Linda Coulter (Manager Financial Services), Leanne Harding (Coordinator Property and Airport Administration) and Sandra Bailey (Secretary) were in attendance.

There were no people in the gallery at this time.

1. Apologies

Apologies were received from Cr Sharon Parry and Cr Nathan Willis.

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Ben Smith)

That such apologies be accepted and leave of absence granted.

FOR VOTE - All Councillors voted unanimously.

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

2. Declarations of Interest

Nil

3. Deputations

Nil

4. Committee Reports

4.1 Disposal of Council Land

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Ben Smith)

That Council notes the contents of this report in respect to the disposal of the two surplus parcels of land.

FOR VOTE - All Councillors voted unanimously.

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

**MINUTES OF THE COMMERCIAL SERVICES COMMITTEE MEETING
OF THE BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 1/05/18 AT 4.00 PM**

4.2 Property Development - Feasibility and Cash Flows

RECOMMENDATION

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council approves the short term loan funding, estimated at \$5.6m maximum for the development of Council's Wollongbar Urban Expansion Area – Stage Three, as per Attachment Six to this report. The cash flows as per Attachment Six are also to be included in the 2018/19 Delivery Program and Operational Plan.
2. That Council provides in principle support for the progress of the Boeing Avenue Lots Two and Three project, subject to further reports being submitted on the viability of the project once there is more certainty in respect to major costs such as the fill required for the development. The cash flows as per Attachment Four to this report are also to be included in the 2018/19 Delivery Program and Operational Plan.
3. That Council notes the contents of this report and approves the inclusion of the latest review of the Community Infrastructure Reserve and Property Development Reserve in the 2018/19 Delivery Program and Operational Plan, as per Attachments One and Two to this report.

Cr Jeff Johnson arrived at the meeting at 04:03 pm.

Cr Keith Williams arrived at the meeting at 04:07 pm.

FOR VOTE - All Councillors voted unanimously.

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

4.3 Ballina Byron Gateway Airport - Airline Pricing Agreement

RECOMMENDATION

(Cr Ben Smith/Cr Sharon Cadwallader)

That Council notes the contents of this report regarding notification of a confidential report later in this agenda in respect to an airline pricing agreement.

FOR VOTE - All Councillors voted unanimously.

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

**MINUTES OF THE COMMERCIAL SERVICES COMMITTEE MEETING
OF THE BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 1/05/18 AT 4.00 PM**

5. Confidential Session

RECOMMENDATION

(Cr Ben Smith/Cr Keith Williams)

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 Disposal of Council Land - 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 Council is in the process of negotiating a sale for the properties in question.

5.2 Ballina Byron Gateway Airport - Pricing

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 those negotiations.

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

(The Council moved into Confidential Session at 4.10 pm).

**MINUTES OF THE COMMERCIAL SERVICES COMMITTEE MEETING
OF THE BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 1/05/18 AT 4.00 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 Sharon Parry and Cr Nathan Willis

(The Council moved into Open Council at 4.28 pm).

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

5.1 Disposal of Council Land - Pricing

RECOMMENDATION

(Cr Ben Smith/Cr Keith Williams)

1. That Council adopts options one and two as detailed in this report and authorises the General Manager to finalise negotiations for the sales of Lot 1 DP 850774 and Lot 104 DP 871675.
2. That Council authorises the General Manager to fix the Council seal and execute all contract documentation for the sales of Lot 1 DP 850774 and Lot 104 DP 871675.
3. The net proceeds from these land sales are to be transferred to the Community Infrastructure Reserve.

FOR VOTE - All Councillors voted unanimously.

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

**MINUTES OF THE COMMERCIAL SERVICES COMMITTEE MEETING
OF THE BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 1/05/18 AT 4.00 PM**

5.2 Ballina Byron Gateway Airport - Pricing

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Ben Smith)

1. That Council authorises the General Manager to finalise the negotiations for the new Virgin pricing agreement as per the terms and conditions outlined in this report.
2. That Council authorises the Council seal to be placed on the final agreements and execution of same as per point one.
3. That Council endorses the revised agreement negotiated with Jetstar effective from 1 July, 2017 and concluding on 31 December, 2021 as outlined in the confidential memorandum dated 1 May 2018.
4. That Council authorises the General Manager to finalise the negotiations for the new Jetstar agreement as per the terms and conditions outlined in this memorandum.
5. That Council authorises the Council seal to be placed on the final agreements and execution of same as per point four.
6. That Council review the proposed capital works program for the airport based on the latest airline agreements, with that information to be submitted back to the June Ordinary meeting, to be adopted as part of the 2018/19 Delivery Program and Operational Plan.

FOR VOTE - All Councillors voted unanimously.

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

Adoption of Recommendations from Confidential Session

RECOMMENDATION

(Cr Ben Smith/Cr Sharon Cadwallader)

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

FOR VOTE - All Councillors voted unanimously.

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

MEETING CLOSURE

4.29 pm