

**MINUTES OF THE COMMERCIAL SERVICES COMMITTEE MEETING
OF THE BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 20/04/16 AT 4.00 PM**

Attendance

Crs David Wright (Mayor - in the chair), Jeff Johnson (arrived at 4.05 pm), Sharon Cadwallader, Keith Williams, Keith Johnson, Susan Meehan (arrived at 4.02 pm), Ken Johnston, Paul Worth, Ben Smith and Robyn Hordern.

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

There were no people in the gallery at this time.

1. Apologies

An apology was received from Cr Jeff Johnson who indicated that he would be late to the meeting.

RECOMMENDATION

(Cr Keith Johnson/Cr Sharon Cadwallader)

That such apology be accepted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Susan Meehan

2. Declarations of Interest

Nil

3. Deputations

Nil

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4. Committee Reports

4.1 Land Sale - Lot 88 Cessna Crescent, Ballina

Recommendation

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council approves the sale of Lot 88 DP 1161854 Cessna Crescent, Ballina, as detailed within this report.
2. That Council authorises the Council seal to be attached to the contract for sale and any other related documents including sale transfers.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson and Cr Susan Meehan

4.2 Land Sale - Lots 1, 3 and 4, 54 North Creek Road, Ballina

RECOMMENDATION

(Cr Ben Smith/Cr Sharon Cadwallader)

1. That Council endorses the revised lot descriptions and approves the sale prices and terms, negotiated for proposed Lots 1, 3 and 4 being Part Lot 3 DP 1218886, 54 North Creek Road, Ballina, as per Option One of this report.
2. That Council authorises the Council seal to be attached to the plan of subdivision to create the proposed lots, contracts for sale and any other documentation including sale transfers.

Cr Susan Meehan arrived at the meeting at 04:02 pm.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson

4.3 Licence Agreement - Ballina Byron Gateway Airport

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Keith Williams)

That Council notes the contents of this report on the licence agreement for GA & JL Charters Pty Ltd T/A Avis Northern Rivers

Cr Jeff Johnson arrived at the meeting at 04:05 pm.

FOR VOTE - All Councillors voted unanimously.

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5. Confidential Session

RECOMMENDATION

(Cr Ben Smith/Cr Keith Johnson)

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 Land Sale Price - Lot 88 Cessna Crescent, Ballina

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.

5.2 Land Sale Prices - Proposed Lots 1, 3 and 4, 54 North Creek Road

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.

5.3 Licence Agreement - Ballina Byron Gateway Airport - Terms

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

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

FOR VOTE - All Councillors voted unanimously.

(The Council moved into Confidential Session at 4.06 pm).

Cr Jeff Johnson left the meeting at 04:06 pm and returned at 4.08 pm during the Confidential Session.

Open Council

RECOMMENDATION

(Cr Ben Smith/Cr Robyn Hordern)

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

FOR VOTE - All Councillors voted unanimously.

(The Council moved into Open Council at 4.35 pm).

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

5.1 Land Sale Price - Lot 88 Cessna Crescent, Ballina

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Keith Johnson)

That Council approves the sale price and terms, negotiated for Lot 88 DP 1161854 Cessna Crescent, Ballina as per Option One of this report.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Jeff Johnson

5.2 Land Sale Prices - Proposed Lots 1, 3 and 4, 54 North Creek Road

RECOMMENDATION

(Cr Paul Worth/Cr Ben Smith)

That Council approves the sale prices and terms, negotiated for proposed Lots 1, 3 and 4 being Part Lot 3 DP 1218886, 54 North Creek Road, Ballina, as per Option One of this report and Lot 2 at the previously resolved price.

Cr Jeff Johnson returned to the meeting during this item in the Confidential Session at 04:08 pm.

FOR VOTE - All Councillors voted unanimously.

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5.3 Licence Agreement - Ballina Byron Gateway Airport - Terms

RECOMMENDATION

(Cr Sharon Cadwallader/Cr Susan Meehan)

1. That Council offers GA & JL Charters Pty Ltd T/A Avis Northern Rivers a licence over the subject premises based upon the terms and conditions outlined in option one of this report.
2. That Council authorises the use of seal for all documents relating to the licence agreement.

FOR VOTE - All Councillors voted unanimously.

Adoption of Recommendations from Confidential Session

RECOMMENDATION

(Cr Ben Smith/Cr Robyn Hordern)

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

FOR VOTE - All Councillors voted unanimously.

MEETING CLOSURE

4.36 pm