

**MINUTES OF THE COMMERCIAL SERVICES COMMITTEE MEETING
OF THE BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 2/12/24 AT 4:00 PM**

Attendance

Crs Sharon Cadwallader (Mayor - in the chair), Simon Kinny, Damian Loone, Therese Crollick, Simon Chate, Erin Karsten, Kiri Dicker and Eva Ramsey

Paul Hickey (General Manager), John Truman (Director, Civil Services Division), Matthew Wood (Director, Planning and Environmental Health Division), Caroline Klose (Director, Corporate and Community Division), Paul Tsikleas (Manager Commercial Services) and Nikki Glassop (Executive Assistant - General Manager and Mayor) were in attendance.

There was one person in the gallery at this time.

1. Acknowledgement of Country

In opening the meeting the Mayor provided an Acknowledgement of Country.

2. Apologies

Apologies were received from Cr Michelle Bailey and Cr Phil Meehan.

RECOMMENDATION

(Cr Simon Chate/Cr Simon Kinny)

That such apologies be accepted and leave of absence granted.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phil Meehan and Cr Michelle Bailey

3. Declarations of Interest

Cr Simon Kinny – declared an interest in Item 5.1 Wollongbar Medium Density Housing Project – Design Review (Nature of interest: non-significant, non-pecuniary – Family member previously had a connection with The Kollektive). Cr Kinny will stay in the meeting.

Cr Therese Crollick – declared an interest in Item 5.9 Ballina Surf Club Meeting Rooms – Sublease Proposal (Nature of interest: non-significant, non-pecuniary – Member of Ballina Surf Club). Cr Crollick will stay in the meeting.

Paul Hickey – declared an interest in Item 6.5 Ballina Byron Gateway Airport - Transfer Concession Desk Leasing (Nature of interest: non-significant, non-pecuniary – Family connection to the one of the proponents). Paul will leave the meeting for the Confidential discussion relating to this Item and have no involvement in the matter.

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4. Deputations

Nil

5. Committee Reports

5.1 Wollongbar Medium Density Housing Project - Design Review

RECOMMENDATION

(Cr Damian Loone/Cr Erin Karsten)

1. That Council resolves to proceed with Stage 1 of the revised development scheme for Wollongbar Medium Density Housing Project, based upon the plans prepared by The Kollektive, as outlined in option 2 in this report.
2. The designs are to be amended whereby the revised townhouse designs are flipped so the nine two-bedroom townhouses go on Lots 26 to 28 and the five two-bedroom townhouses, and two three-bedroom townhouses go on Lots 20 to 22 as this section of Dundee Avenue could accommodate more on-street parking if required.

FOR VOTE - Cr Sharon Cadwallader, Cr Kiri Dicker, Cr Simon Chate, Cr Damian Loone, Cr Erin Karsten, Cr Simon Kinny and Cr Therese Crollick

AGAINST VOTE - Cr Eva Ramsey

ABSENT. DID NOT VOTE - Cr Phil Meehan and Cr Michelle Bailey

5.2 Wollongbar Land Sale - Childcare Lot

RECOMMENDATION

(Cr Kiri Dicker/Cr Damian Loone)

That Council notes the contents of this report, which provides an overview of the proposed sale of Lot 31, in DP 1292522.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phil Meehan and Cr Michelle Bailey

5.3 Tuckombil Quarry Rezoning - Update

RECOMMENDATION

(Cr Therese Crollick/Cr Simon Chate)

1. That Council undertake a master planning process for the Tuckombil Quarry Site, through the engagement of a suitably qualified and experienced consultant.

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2. That Council allocate up to \$50,000 for this contract, with that funding sourced from the Strategic Planning Projects Reserve.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phil Meehan and Cr Michelle Bailey

5.4 Tuckombil Quarry - Bitupave (Boral) - Lease Extension

RECOMMENDATION

(Cr Damian Loone/Cr Simon Chate)

1. That in accordance with Clause 30 of the lease that expires on 31 December 2024, Council resolves to allow Bitupave Pty Ltd (Boral) to remain in occupation on Lot 21 DP 1243105, 540 Gap Road, Alstonville on a month-to-month basis, until all lease and development consent terms and conditions in relation to decommissioning, remediation and rehabilitation are complied with, to the satisfaction of Council.
2. That in respect to the rental fee, Council continue to charge the current rental fee, with the General Manager authorised to provide a 50% rebate for January and February 2025, if the decommissioning and rehabilitation of the site is completed to Council's satisfaction by 28 February 2025. This rebate is based on the site not being operated on a commercial basis and Bitupave Pty Ltd (Boral) has been a reliable lessee for approximately 50 years.
3. If the decommissioning and rehabilitation of the site is not expected to be completed by 31 March 2025, a further report is to be submitted to Council on the status of the lease.
4. That subject to point two above, all other terms and conditions of the registered lease agreement (AP976897X) remain applicable for the month-to-month extension period.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phil Meehan and Cr Michelle Bailey

5.5 Boeing Avenue Industrial Land Subdivision - Update

RECOMMENDATION

(Cr Kiri Dicker/Cr Simon Chate)

1. That Council notes the contents of this report regarding the update on the Boeing Avenue Industrial Land Subdivision project.
2. That Council notes that the General Manager is authorised to sell Lots 1 to 9 (inclusive) in proposed plan of subdivision of Lot 1 DP 1290238 by public auction, along with setting the price reserves based on market conditions and the current elevated level of demand for industrial land.

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FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phil Meehan and Cr Michelle Bailey

5.6 Russellton Industrial Estate Land Subdivision - Update

RECOMMENDATION

(Cr Therese Crollick/Cr Damian Loone)

1. That Council the authorises the sale of Lots 1 to 13, 14, 16 and 19 to 26 in the proposed plan of subdivision for Lot 21 DP 1252162, as per Attachment 2 to this report, at the Russellton Industrial Estate, by public auction and authorises the General Manager to set price reserves based on market conditions and the high level of demand for industrial land.
2. That Council authorises the General Manager to enter into open or general agency agreements with local real estate agents who wish to participate in the auction campaign.
3. That the agents' commission be set at 1.5% of the sale price.
4. The General Manager is authorised to execute all necessary sale documents and affix the Council seal to same.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phil Meehan and Cr Michelle Bailey

5.7 Alstonville Cultural Centre - Update

RECOMMENDATION

(Cr Simon Kinny/Cr Eva Ramsey)

1. That based on the contents of this report, Council authorises the General Manager to proceed to call tenders for the redevelopment of Alstonville Cultural Centre.
2. That Council notes the current funding strategy for this the Alstonville Cultural Centre redevelopment carries a high level of risk, due to unrealised land sale proceeds, with the funding strategy to be reviewed as part of the report back to Council on the outcomes of the tender process.
3. That Council authorises the General Manager to enter into a lease agreement for Suite 1, 11 Bugden Ave, Alstonville, for at least a two-year period, for the purposes of temporarily housing the Alstonville Library.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phil Meehan and Cr Michelle Bailey

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5.8 Council Works Depot Land - Licence Agreement - Amplitel Pty Ltd

RECOMMENDATION

(Cr Damian Loone/Cr Simon Kinny)

That Council notes the contents of this report regarding the licence agreement with Amplitel Pty Ltd for Part Lot 67 DP 1022473, 81-95 Southern Cross Drive Ballina, being the Council Works Depot land.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phil Meehan and Cr Michelle Bailey

5.9 Ballina Surf Club Meeting Rooms - Sublease Proposal

RECOMMENDATION

(Cr Therese Crollick/Cr Simon Chate)

That Council notes the contents of this report in respect to the potential for a commercial sublease of the three meeting rooms at the Ballina Surf Club with consultation to be undertaken with the Executive Committee of the Ballina Lighthouse & Lismore Surf Life Saving Club.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phil Meehan and Cr Michelle Bailey

5.10 Ballina Byron Gateway Airport - Long Term Financial Plan

RECOMMENDATION

(Cr Simon Kinny/Cr Eva Ramsey)

That Council approves the changes to the capital expenditure program, in the Long Term Financial Plan for the Ballina Byron Gateway Airport, as per Attachment 2 to this report.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phil Meehan and Cr Michelle Bailey

5.11 Ballina Byron Gateway Airport - Transfer Concession Desk Leasing

RECOMMENDATION

(Cr Therese Crollick/Cr Damian Loone)

That Council notes the contents of this report regarding the process conducted to allocate the lease concession desks for airport transfer operators at the Ballina Byron Gateway Airport.

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FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Phil Meehan and Cr Michelle Bailey

6. Confidential Session

RECOMMENDATION

(Cr Simon Kinny/Cr Simon Chate)

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.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Phil Meehan and Cr Michelle Bailey

(The Council moved into Confidential Session at 5.29pm).

Open Council

RECOMMENDATION

(Cr Kiri Dicker/Cr Simon Kinny)

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

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Phil Meehan and Cr Michelle Bailey

Paul Hickey left the meeting at 5.40pm when Item 6.5 was discussed.

(The Council moved into Open Council at 5.46pm).

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

6.1 Wollongbar Land Sale - Childcare Lot

RECOMMENDATION

(Cr Kiri Dicker/Cr Therese Crollick)

1. That Council approves the sale of Lot 31 in DP 1292522, for a price of \$2m plus GST, based on the terms and conditions outlined in this report.
2. That Council authorises the General Manager to finalise negotiations for the sale, execute all relevant documentation and affix the Council seal.

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FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Phil Meehan and Cr Michelle Bailey

6.2 Russellton Industrial Estate Land Subdivision - Sales

RECOMMENDATION

(Cr Therese Crollick/Cr Damian Loone)

1. That Council notes that sale contracts have been exchanged with Rous County Council to purchase Lots 17, 18 and 28, in the plan of proposed subdivision of Lot 21 in DP 1252162, based on the 24 November 2022 Ordinary meeting resolution 241122/31 for the Commercial Services Committee meeting minutes dated 15 November 2022.
2. That Council approves the sale of Lot 30 in the plan of proposed subdivision of Lot 21 in DP 1252162 to Rous County Council, at the price, terms and conditions outlined in this report.
3. That Council approves the sale of Lot 15 in plan of proposed subdivision of Lot 21 in DP 1252162 to Williams Brothers Service Pty. Ltd., at the price, terms and conditions outlined in this report, allowing the expansion and continued operation of Duraplas Industries Pty Ltd.
4. That Council authorises the General Manager to finalise negotiations for the sales, execute all relevant documentation and affix the Council seal to same.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Phil Meehan and Cr Michelle Bailey

6.3 Council Works Depot - Licence Agreement - Commercial Terms

RECOMMENDATION

(Cr Damian Loone/Cr Therese Crollick)

1. That Council authorises a licence for Part Lot 67 DP 1022473, 81-95 Southern Cross Drive, Ballina to Amplitel Pty Ltd for a term of 5 + 5 + 5 + 5 years, at the rental noted in this report.
2. That Council authorises the General Manager to provide landowner's consent for the construction of the infrastructure.
3. That Council authorises the General Manager to finalise the negotiations and attach the Council seal to the relevant documentation.

FOR VOTE - All Councillors voted unanimously.
ABSENT. DID NOT VOTE - Cr Phil Meehan and Cr Michelle Bailey

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6.4 Ballina Surf Club Meeting Rooms - Sublease Proposal

RECOMMENDATION

(Cr Therese Crollick/Cr Eva Ramsey)

That Council notes the contents of this report

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phil Meehan and Cr Michelle Bailey

6.5 Ballina Byron Gateway Airport - Transfer Concession Desk Leasing

RECOMMENDATION

(Cr Damian Loone/Cr Therese Crollick)

1. That Council adopts option one, as per the contents of this report, and grants a five-year lease to Tweed Byron Transit Pty Ltd (T/A Byron Easy Bus) and Luenna Pty Ltd (T/A Byron Bay Coastal Transfers) for a concession desk each in the Arrivals Hall at the Ballina Byron Gateway Airport, based upon the terms and conditions noted in this report.
2. That Council authorises the General Manager to finalise negotiations and affix the Council seal to all necessary lease documentation for each party.

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phil Meehan and Cr Michelle Bailey

Adoption of Recommendations from Confidential Session

RECOMMENDATION

(Cr Simon Chate/Cr Simon Kinny)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Phil Meehan and Cr Michelle Bailey

MEETING CLOSURE

The meeting was closed at 5.51pm.