

**MINUTES OF THE COMMERCIAL SERVICES COMMITTEE MEETING
OF THE BALLINA SHIRE COUNCIL
HELD IN THE BALLINA SHIRE COUNCIL CHAMBERS
40 CHERRY STREET, BALLINA,
ON 14/02/24 AT 4:00 PM**

Attendance

Crs Sharon Cadwallader (Mayor - in the chair), Kiri Dicker (on-line), Simon Chate, Eoin Johnston, Stephen McCarthy, Nigel Buchanan (on-line), Eva Ramsey, Phillip Meehan and Rodney Bruem.

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), Leanne Harding (Coordinator Property) and Sandra Bailey (Secretary) were in attendance.

There were no people in the gallery at this time.

1. Acknowledgement of Country

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

2. Apologies

An apology was received from Cr Jeff Johnson.

RECOMMENDATION

(Cr Simon Chate/Cr Eva Ramsey)

That such apology be accepted and leave of absence granted.

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

3. Declarations of Interest

Cr Stephen McCarthy – later in the meeting declared an interest in Item 5.2 – Debtor Write-offs. (Nature of Interest: non significant, non pecuniary – FSG Australia was one of his tenants at one time). He remained in the meeting while the matter was discussed and voted on the matter.

Cr Eoin Johnston – later in the meeting declared an interest in Item 5.5 – Industrial Land Subdivision – Lot 1 Boeing Avenue, Ballina – Update. (Nature of Interest: non pecuniary, non significant– his son is a Real Estate Agent). He left the meeting while the matter was discussed.

4. Deputations

Nil

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5. Committee Reports

5.1 Policy (Review) - Commercial Use of Footpaths

RECOMMENDATION

(Cr Stephen McCarthy/Cr Eva Ramsey)

1. That Council adopts the amended Commercial Use of Footpaths Policy, as per Attachment 1 to this report.
2. That Council place this policy on exhibition for public comment, with any submissions received to be resubmitted back to Council. If no submissions are received, then no further action is required.
3. That Council receive a further report on the implications of the foreshadowed phase out of kerbside dining.

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

Cr Stephen McCarthy, at this point, declared an interest in Item 5.2. (Nature of Interest: non significant, non pecuniary – FSG Australia was one of his tenants at one time). He remained in the meeting while the matter was discussed and voted on the matter.

5.2 Debtor Write-offs

RECOMMENDATION

(Cr Phillip Meehan/Cr Eoin Johnston)

That Council approves the write-off of \$151,157.66 owed by Virgin Australia and \$2,043.01 owed by FSG Australia as per the contents of this report.

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

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5.3 Ballina Marina Master Plan

RECOMMENDATION

(Cr Rodney Bruem/Cr Stephen McCarthy)

1. That Council notes the contents of this report in respect to the current status of the Ballina Marina Master Plan.
2. That Council authorises the Mayor to make further representations to the State Government and our local Member to progress the Ballina Marina Master Plan either through State Government agencies or through an equity agreement with Council.

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

5.4 Southern Cross Expansion Precinct - Rezoning

A **Motion** was moved by Cr Rodney Bruem and seconded by Cr Stephen McCarthy

1. That Council notes the contents of this report regarding the land use planning conflicts between the Southern Cross Expansion Precinct Rezoning and the Ballina Byron Gateway Airport Land Use Plan.
2. That Council authorises the Mayor to make further representations to the State Government and Minister for Planning to identify opportunities that would allow the Southern Cross Expansion Precinct – Rezoning to proceed, to then provide critical employment lands for the Northern Rivers region.

An **Amendment** was moved by Cr Kiri Dicker

1. That Council notes the contents of this report regarding the land use planning conflicts between the Southern Cross Expansion Precinct Rezoning and the Ballina Byron Gateway Airport Land Use Plan.
2. That Council proceed with the Ballina Byron Gateway Airport Land Use Planning project and pause investigations on the Southern Cross Expansion Precinct until we have a better understanding of the flood impacts.

The **Amendment LAPSED.**

The **Motion** was **CARRIED.**

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RECOMMENDATION

(Cr Rodney Bruem/Cr Stephen McCarthy)

1. That Council notes the contents of this report regarding the land use planning conflicts between the Southern Cross Expansion Precinct Rezoning and the Ballina Byron Gateway Airport Land Use Plan.
2. That Council authorises the Mayor to make further representations to the State Government and Minister for Planning to identify opportunities that would allow the Southern Cross Expansion Precinct – Rezoning to proceed, to then provide critical employment lands for the Northern Rivers region.

FOR VOTE - Cr Sharon Cadwallader, Cr Simon Chate, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nigel Buchanan, Cr Eva Ramsey, Cr Phillip Meehan and Cr Rodney Bruem

AGAINST VOTE - Cr Kiri Dicker

ABSENT. DID NOT VOTE - Cr Jeff Johnson

5.5 Industrial Land Subdivision - Lot 1 Boeing Avenue, Ballina - Update

RECOMMENDATION

(Cr Phillip Meehan/Cr Kiri Dicker)

1. That Council authorises the sale of Lots 1 to 9 (inclusive) in proposed plan of subdivision of Lot 1 DP 1290238 and authorises the General Manager to set the price reserve based on market conditions and the current high level of demand for industrial land.
2. That the contracts for sale of Lots 1 to 9 (inclusive) in point 1, are to include “use it or lose it” provisions to reduce the possibility of land purchase for property speculation and land banking.
3. That Council retain Lots 10 11 and 12 in plan of subdivision of Lot 1 DP 1290238 for potential lease, with the General Manager authorised to undertake a marketing campaign for prospective tenants for the remaining lots, with any proposal to be reported back to Council.
4. That Council notes the preferred approach for the provision of additional car parking and car storage facilities for the Ballina – Byron Gateway Airport (BBGA) is located on BBGA land, as per the contents of this report.
5. That in respect to point 1, the General Manager is authorised to execute all necessary sale documents and affix the Council seal to same.
6. That Council receives a report on the option of Council directly marketing and selling this land.

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Cr Eoin Johnston, at this point when discussions revolved around appointment of Real Estate Agents, declared an interest in this item. (Nature of Interest: non pecuniary, non significant– his son is a Real Estate Agent). He left the meeting at 5.36pm

FOR VOTE - Cr Kiri Dicker, Cr Simon Chate, Cr Stephen McCarthy, Cr Eva Ramsey and Cr Phillip Meehan

AGAINST VOTE - Cr Sharon Cadwallader, Cr Nigel Buchanan and Cr Rodney Bruem

ABSENT. DID NOT VOTE - Cr Jeff Johnson

Cr Eoin Johnston returned to the meeting at 5.52pm

5.6 Tender - Key Worker Housing Proposal

A **Motion** was moved by Cr Rodney Bruem and seconded by Cr Simon Chate

1. That Council confirms its preference is to undertake a residential housing development, on a staged basis, as outlined in Table 5, and as outlined in Attachment 2, to this report.
2. Lots 19 to 30 on the plan of subdivision, as per Attachment 1 to this report, are to be retained to allow the completion of Stage 1 (Lots 19, 20,21,22 and 30), with a determination on whether Council proceeds to Stage 2 or Stage 3 dependent on the outcomes secured from Stage 1.
3. That Council approves the sale of lots 1 to 18 on the plan of subdivision, as per Attachment 1 to this report, subject to a further report being presented to Council on the timing and method of sale for those lots.
4. That Council accepts the tender from The Kollektive, as per the confidential memorandum included as Attachment 5 to this report.
5. That Council confirms funding for Stage 1 of the residential housing project is to be sourced from a combination of loan funds, land value and cash held, with that mixture of funding to be confirmed through a future report to Council.
6. That Council approves the attaching of the Council seal to the contract documents as per point 1 and the sale contracts as per point 3.
7. That Council receive a report on the costs and implications of bringing forward the DA for the Council landholding in Lennox Head in the 2024/25 Delivery Program .

An **Amendment** was moved by Cr Stephen McCarthy

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2. Lots 19 to 30 on the plan of subdivision, as per Attachment 1 to this report, are to be retained to allow the completion of Stage 1 (Lots 19, 20,21,22 and 30), with a determination on whether Council proceeds to Stage 2 or Stage 3 dependent on the outcomes secured from Stage 1.
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4. That Council accepts the tender from The Kollektive, as per the confidential memorandum included as Attachment 5 to this report.
5. That Council confirms funding for Stage 1 of the residential housing project is to be sourced from a combination of loan funds, land value and cash held, with that mixture of funding to be confirmed through a future report to Council.
6. That Council approves the attaching of the Council seal to the contract documents as per point 1 and the sale contracts as per point 3.

The **Amendment LAPSED**.

The **Motion** was **CARRIED**.

RECOMMENDATION

(Cr Rodney Bruem/Cr Simon Chate)

1. That Council confirms its preference is to undertake a residential housing development, on a staged basis, as outlined in Table 5, and as outlined in Attachment 2, to this report.
2. Lots 19 to 30 on the plan of subdivision, as per Attachment 1 to this report, are to be retained to allow the completion of Stage 1 (Lots 19, 20,21,22 and 30), with a determination on whether Council proceeds to Stage 2 or Stage 3 dependent on the outcomes secured from Stage 1.
3. That Council approves the sale of lots 1 to 18 on the plan of subdivision, as per Attachment 1 to this report, subject to a further report being presented to Council on the timing and method of sale for those lots.
4. That Council accepts the tender from The Kollektive, as per the confidential memorandum included as Attachment 5 to this report.

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5. That Council confirms funding for Stage 1 of the residential housing project is to be sourced from a combination of loan funds, land value and cash held, with that mixture of funding to be confirmed through a future report to Council.
6. That Council approves the attaching of the Council seal to the contract documents as per point 1 and the sale contracts as per point 3.
7. That Council receive a report on the costs and implications of bringing forward the DA for the Council landholding in Lennox Head in the 2024/25 Delivery Program .

FOR VOTE - Cr Sharon Cadwallader, Cr Kiri Dicker, Cr Simon Chate, Cr Eoin Johnston, Cr Stephen McCarthy and Cr Rodney Bruem
AGAINST VOTE - Cr Nigel Buchanan, Cr Eva Ramsey and Cr Phillip Meehan
ABSENT. DID NOT VOTE - Cr Jeff Johnson

5.7 Land Acquisition – Opportunity

RECOMMENDATION

(Cr Phillip Meehan/Cr Stephen McCarthy)

That Council notes the contents of this report, which provides the background to the Land Acquisition – Opportunity report, which is included as a confidential report in this agenda.

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

6. Confidential Session

RECOMMENDATION

(Cr Simon Chate/Cr Eoin Johnston)

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.

6.1 Land Acquisition - Opportunity

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:-

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- 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 it may compromise negotiations.

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

(The Council moved into Confidential Session at 6.32pm).

Open Council

RECOMMENDATION

(Cr Rodney Bruem/Cr Simon Chate)

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 6.50pm).

Cr Kiri Dicker left the meeting at 06:50 pm

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

6.1 Land Acquisition - Opportunity

RECOMMENDATION

(Cr Phillip Meehan/Cr Eva Ramsey)

That Council notes the contents of this report in respect to a possible land acquisition and take no further action.

FOR VOTE - Cr Sharon Cadwallader, Cr Eoin Johnston, Cr Stephen McCarthy, Cr Nigel Buchanan, Cr Eva Ramsey, Cr Phillip Meehan and Cr Rodney Bruem
AGAINST VOTE - Cr Kiri Dicker and Cr Simon Chate
ABSENT. DID NOT VOTE - Cr Jeff Johnson

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Adoption of Recommendation from Confidential Session

RECOMMENDATION

(Cr Eva Ramsey/Cr Phillip Meehan)

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

FOR VOTE - All Councillors voted unanimously.

ABSENT. DID NOT VOTE - Cr Kiri Dicker and Cr Jeff Johnson

MEETING CLOSURE

6.51pm