



Notice of Reserve Trust Manager Meeting

A Reserve Trust Manager Meeting will be held in the Ballina Shire Council Chambers, 40 Cherry Street, Ballina on **Monday 8 December 2014 commencing at 4.00 pm.**

Business

1. Apologies
2. Declarations of Interest
3. Deputations
4. Committee Reports

A handwritten signature in black ink, appearing to read 'Paul Hickey', with a long horizontal flourish underneath.

Paul Hickey
General Manager

Table of Contents

1.	Apologies.....	1
2.	Declarations of Interest.....	1
3.	Deputations	1
4.	Committee Reports.....	2
4.1	Use of Seal	2
4.2	Compton Drive Realignment - Compulsory Acquisition of Crown Land	4

1. Apologies
 2. Declarations of Interest
 3. Deputations
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1. Apologies

An apology has been received from Cr Keith Johnson.

2. Declarations of Interest

3. Deputations

4.1 Use of Seal

4. Committee Reports

4.1 Use of Seal

Council is appointed by the Minister for Lands as Reserve Trust Manager for a number of Crown Reserves within the shire.

In its capacity as Reserve Trust Manager, the Council has a responsibility to administer those Crown Reserves in accordance with the requirements of the Crown Lands Act, including ensuring that any tenure granted on a Crown Reserve meets the reserve purpose, while also meeting the needs of the people of New South Wales.

Many of the Reserves that Council is appointed Reserve Trust Manager for contain community infrastructure for which tenure has been granted to organisations to allow those organisations to occupy the land and carry out their respective activities.

The following list contains a number of Crown tenures to various community and sporting groups, which are due to expire on 31 March 2015.

The Reserve Trust has the option of granting a renewal of these tenures to the existing groups or moving to an expression of interest process to gauge any other community interest in the facilities.

Staff are satisfied that the current tenures at each of the Reserves meet the respective reserve purposes and each of the organisations who currently occupy the land and facilities have acted in an appropriate manner in relation to their occupation and use of the reserves.

Therefore staff are of view the view that the tenures are appropriate to renew.

Accordingly, the recommendations which follow invite the Reserve Trust for each of the Reserves specified to grant a renewal of the respective tenures.

RECOMMENDATIONS

That Council in its capacity as the Reserve Trust Manager for the Reserves listed below, approves the use of the Common Seal for the following documents:

Lennox Head Kindergarten Reserve Trust (R97839)	A renewed tenure with the Lennox Head Community Pre School Incorporated for a term of three years at statutory minimum rental in recognition of the not for profit nature of the organisation.
Lumley Park Reserve Trust (R57670)	A renewed tenure with the Alstonville Tennis Club Incorporated for a term of three years at statutory minimum rental in recognition of the not for profit nature of the organisation.
Ballina Saunders Park Reserve Trust (R83963)	A renewed tenure with the Fripp Oval Sports Club Incorporated for a term of

4.1 Use of Seal

	three years at statutory minimum rental in recognition of the not for profit nature of the organisation.
Ballina Saunders Park Reserve Trust (R83963)	A renewed tenure with the Ballina Sports Club Incorporated for a term of three years at statutory minimum rental in recognition of the not for profit nature of the organisation.
Ballina Shaws Bay Reserve Trust (R88004)	A renewed tenure with Marine Rescue NSW for a term of three years at statutory minimum rental in recognition of the not for profit nature of the organisation.
Ballina Kingsford Smith Reserve Trust (R82164)	A renewed tenure with the Ballina Netball Association Incorporated for a term of three years at statutory minimum rental in recognition of the not for profit nature of the organisation.
Ballina (R97786) Reserve Trust	A renewed tenure with the Ballina Naval & Maritime Museum Incorporated for a term of three years at statutory minimum rental in recognition of the not for profit nature of the organisation.
Ballina (R97786) Reserve Trust	A renewed tenure with the Richmond-Tweed Family History Society Incorporated for a term of three years at statutory minimum rental in recognition of the not for profit nature of the organisation.
Ballina Clement Park Reserve Trust (D540004)	A renewed tenure with the Ballina Tennis Club Incorporated for a term of three years at statutory minimum rental in recognition of the not for profit nature of the organisation.
Ballina Regatta Park Reserve Trust (R87280)	A renewed tenure with the Richmond River Sailing and Rowing Club Incorporated for a term of three years at statutory minimum rental in recognition of the not for profit nature of the organisation.

Attachment(s)

Nil

4.2 Compton Drive Realignment - Compulsory Acquisition of Crown Land

4.2 Compton Drive Realignment - Compulsory Acquisition of Crown Land

Delivery Program Commercial Services

Objective To obtain formal concurrence from Ballina Coastal Reserve Trust for the compulsory acquisition of Crown Land - Compton Drive Realignment

Background

As part of the redevelopment of the Ballina Surf Club Facility Council obtained Development Consent for the “*re-alignment of Compton Drive and Lighthouse Parade and extension of Cedar Crescent and McKinnon Street.*” The re-alignment was required to improve safety and traffic flow along Compton Drive and Lighthouse Parade.

The road realignment was undertaken on Crown Land and as such Council requested consent to acquire the land from the Crown. Crown Lands raised no objections to Council compulsorily acquiring the land for road purposes although they requested that the land claim issues be resolved prior to the acquisition process. A report was then placed before the Commercial Services Meeting of 20 February 2012 where it was recommended:

1. *“That Council resolves to proceed with the acquisition of Part of Lots 529, 531 and 533 in DP 729676 in accordance with the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 (NSW) and Local Government Act 1993 (NSW).*
2. *Council authorises the General Manager to conduct and finalise negotiations with NSW Department of Primary Industries to acquire Part of Lots 529, 531 and 533 in DP 729676.*
3. *Council approves the attaching of the Council seal to all documents, notices, contracts and transfers required to facilitate acquisition of Part of Lots 529, 531 and 533 in DP 729676.*
4. *That Council continue to consult with JALI and the NSW Aboriginal Land Council in regards to the land claims lodged over Lots 529, 531 and 533 in DP 729676.”*

This decision was then ratified at Council’s Ordinary Meeting of 23 February 2012. Following on from the Ordinary Meeting Council negotiated with JALI and the NSW Aboriginal Land Council and the land claim issues were resolved in May 2013.

Crown Lands has now provided an updated consent for the land acquisition to proceed (copy attached).

Key Issues

- Procedural process to finalise the land acquisition.

4.2 Compton Drive Realignment - Compulsory Acquisition of Crown Land

Information

As outlined in the background concurrence is being sought from the Ballina Coastal Reserve Trust for the compulsory acquisition of Lots 2 & 5 DP 1197191 (previously part of Lots 529, 531 and 533 DP 729676).

As part of the acquisition process, Council must also obtain permission from the Office of Local Government ("OLG") to acquire the land. The relevant application has been completed and awaiting lodgement with OLG.

Legal / Resource / Financial Implications

Council has previously resolved to acquire the subject portion of Crown land for road purposes (February 2012) and as part of the compulsory acquisition process will request the Valuer General to determine compensation payable.

The concurrence of Council as Reserve Trust Manager for the Ballina Coastal Reserve and holder of Licence No. 495417 is required as the Trust has interests in the portion of land to be acquired. Licence No. 495417 is held for "Business Purposes" and provides Council with the authority to sub-licence surf schools and the like to use Crown land.

There is an amount of \$40,000 for this land acquisition as part of the surf club budget.

Consultation

Council has been consulting with Crown Lands regarding the compulsory acquisition process.

Options

1. Ballina Shire Council as Reserve Trust Manager for the Ballina Coastal Reserve and holder of Licence No. 495417 agrees to the compulsory acquisition by Ballina Shire Council of a portion of Crown land previously known as part of Lots 529, 531 and 533 DP729676 and now known as Lots 2 and 5 DP 1197191 for road purposes.

This option is recommended as Council resolved on 23 February 2012 to proceed with the compulsory acquisition of the subject portion of Crown land.

2. Ballina Shire Council as Reserve Trust Manager for the Ballina Coastal Reserve and holder of Licence No. 495417 not agree to the compulsory acquisition of a portion of Crown land previously known as part of Lots 529, 531 and 533 DP729676 ad now known as Lots 2 and 5 DP 1197191 for road purposes.

This option is not recommended as it is inconsistent with Council resolution of 23 February 2012 to proceed with the compulsory acquisition of the subject portion of Crown land.

4.2 Compton Drive Realignment - Compulsory Acquisition of Crown Land

Finally Section 377 (1) of the Local Government Act lists the items that cannot be delegated by a Council. Clause (h) of that Section identifies that “the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment)” cannot be delegated.

This means the Reserve Trust Committee, as a Committee of Council, does not have authority to resolve to actually compulsory acquire the land as Council delegations to this Committee exclude all matters listed in Section 377. Therefore the resolution that follows has been worded for the Reserve Trust to provide its concurrence to the Council’s decision to acquire the subject land.

RECOMMENDATION

That Ballina Shire Council as Reserve Trust Manager of the Ballina Coastal Reserve 1010068 and holder of Licence No. 495417 grants their concurrence to Ballina Shire Council (“the Council”) for the compulsory acquisition of Lots 2 and 5 DP 1197191, East Ballina, as previously resolved by the Council.

Attachment(s)

1. Crown Lands letter dated 28 November 2014
2. Deposited Plan 1197191



Our Ref: 13/10994
Your Ref:
Date: 28/11/2014

Ballina Shire Council
PO BOX 450
BALLINA NSW 2478

Attention: David Kelly

**Proposed Compulsory Acquisition of Crown Land
for Road Opening at East Ballina**

I refer to your email dated 28th November 2014 requesting an updated consent letter for the proposed compulsory acquisition of Lots 2 & 5 DP 1197191.

NSW Trade & Investment - Crown Lands consents to the above acquisition proceeding under the provisions of the Land Acquisition (Just Terms Compensation) Act 1991 (LAJTCA) subject to:-

- Consent to acquire is valid for a period of 12 months from the date of this letter and as such the *Notice of Acquisition* must appear in the *Government Gazette* within this period;
- Should the acquisition not be finalised within 12 months from the date of this letter, you will need to reapply for consent and additional administration fees may apply;
- Until such time as the acquisition has been finalised entry upon or use of the Crown land for any purpose will require the written consent of Crown Lands;
- The amount of compensation payable will be that as defined in Section 55 of the LAJTCA and is to be determined by the Valuer General;
- Concurrence of the Ballina Coastal Reserve Trust being the Reserve Trust Manager of Reserve 1010068 must be obtained prior to the acquisition proceeding;
- The acquisition is to be completed in accordance with the Native Title Act 1993 and as such you will need to make your own enquiries to ensure full compliance with the respective requirements;
- Any current Aboriginal Land Claims identified by Crown Lands at the time of consent will be noted below, however you will need to make your own enquiries with the Office of the Registrar, Aboriginal Land Rights Act 1983 (NSW) to ensure all current claims are identified and appropriately dealt with prior to the acquisition proceeding;

CL_acquisitions@crowland.nsw.gov.au
www.crowland.nsw.gov.au

Cnr Newcastle Rd & Banks Street
EAST MAITLAND NSW
PO Box 2215 DANGAR NSW 2309

- Aboriginal Land Claims 33541, 33570 & 33562 lodged by Jali Local Aboriginal Land Council affect the Crown Land being acquired.

These Aboriginal Land Claims have been withdrawn and/or amended to exclude the area affected by the acquisition proposal. Copies of the Land Council requests for withdrawal and amendment have been provided to the Department.

If you agree, and have satisfied the above matters, acquisition may proceed under the provisions of Section 29(4) LAJTCA.

This letter is to be treated as a formal claim for compensation by the State of NSW under Section 39 of the LAJTCA.

Following gazettal please forward a copy of the gazette notice, the compensation determination and your cheque for the compensation amount. A tax invoice will then issue for the compensation payment plus any statutory interest that may be payable under Section 49 of the LAJTCA.

For any further enquiries please contact the Acquisitions Team on (02) 4937 9306 or email CL.acquisitions@crowmland.nsw.gov.au

Regards,

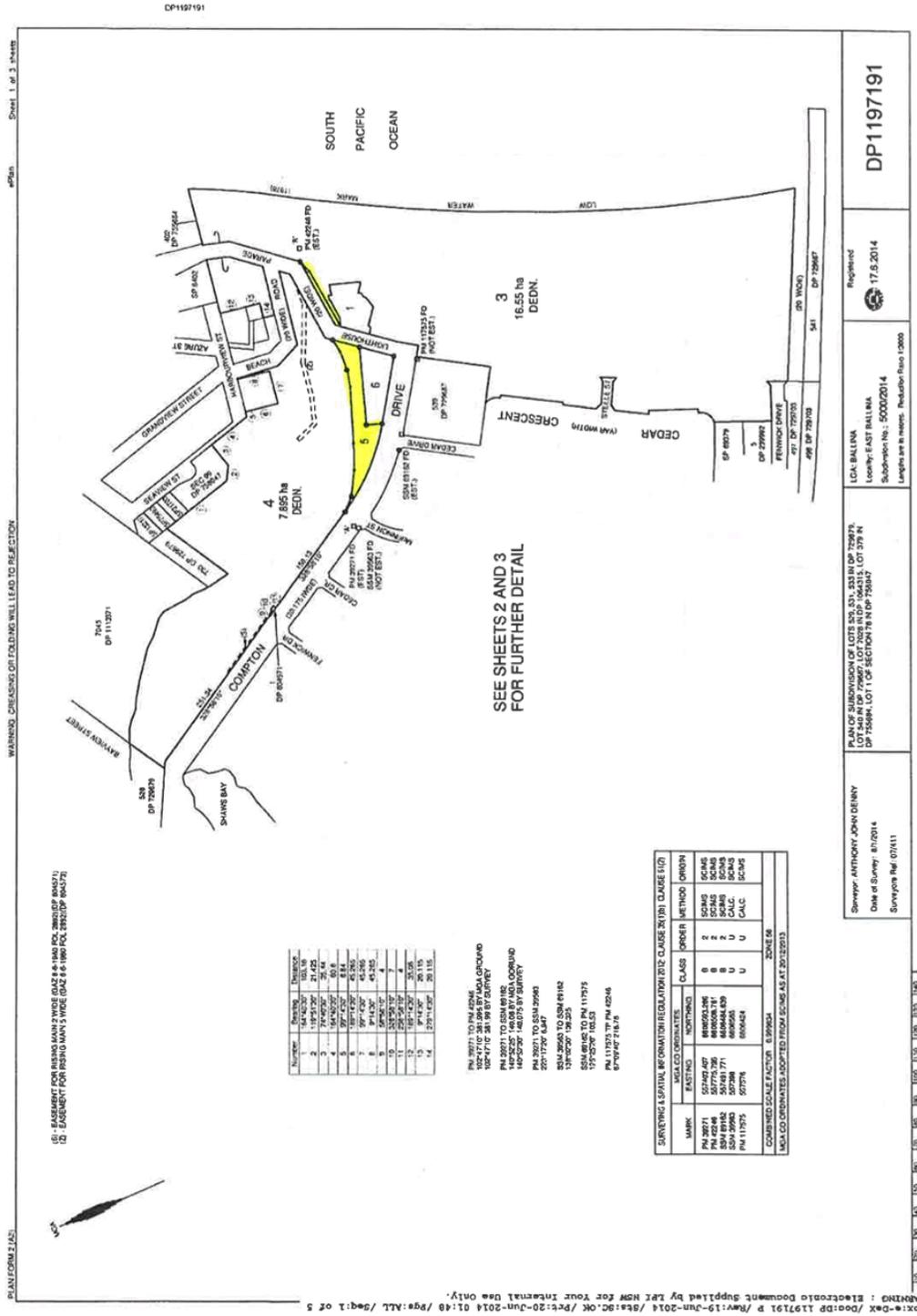


Shaun Presland
Commercial Officer 3/4
Acquisitions Team
Regional and Strategic Projects
Crown Lands, NSW Trade & Investment

PLAN FORM 6 (2012) **WARNING: Creating or folding will lead to rejection** ePlan
 Sheet 1 of 2 sheet(s)

<p>Registered: 17.6.2014</p> <p>Title System: TORRENS</p> <p>Purpose: SUBDIVISION</p> <p>PLAN OF SUBDIVISION OF LOTS 529, 531, 533 IN DP 729679, LOT 540 IN DP 729687, LOT 7028 IN DP 1064315, LOT 379 IN DP 755684, LOT 1 OF SECTION 78 IN DP 755047</p>	<p style="text-align: center;">Office Use Only</p> <p style="text-align: center; font-size: 24pt; font-weight: bold;">DP1197191</p> <p>LGA: BALLINA Locality: EAST BALLINA Parish: BALLINA County: ROUS</p>
<p>Crown Lands NSW/Western Lands Office Approval</p> <p><i>Nescaif Horcum</i> (Authorized Officer) in approving this plan certifies that all necessary approvals in regard to the allocation of the land shown herein have been given.</p> <p>Signature: <i>Nescaif Horcum</i> Date: 1 APRIL 2014 File Number: 13/11877 Office: CRAIGTON</p>	<p>Survey Certificate</p> <p>of ANTHONY JOHN DENNY of NEWTON DENNY CHARRELLE a surveyor registered under the <i>Surveying and Spatial Information Act 2002</i>, certifies that:</p> <p>4(a) The land shown in the plan was surveyed in accordance with the <i>Surveying and Spatial Information Regulation 2012</i> to create and the survey was completed on</p> <p>1(b) The part of the land shown in the plan ("lot") consisting of LOTS 1, 2, 5 AND CONNECTIONS was surveyed in accordance with the <i>Surveying and Spatial Information Act 2002</i> in accordance and the survey was completed on 27/2/2014 in accordance with that Regulation.</p> <p>1(c) The land shown in this plan was compiled in accordance with the <i>Surveying and Spatial Information Regulation 2012</i>.</p> <p>Signature: <i>AJ Denny</i> Dated: 10/1/2014 Surveyor ID: 817 Delum. Line: X Type: Urban</p> <p>The lot is "Level-Undulating" / "Steep-Mountainous". *Strike through if inapplicable. *Specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey.</p>
<p>Subdivision Certificate</p> <p><i>M.R. Ross, M.A. Escrip</i>, Group Manager in the Environmental Planning and Assessment Act 1979 has certified in relation to the proposed subdivision, new lot or reserve set out herein.</p> <p>Signature: <i>M.R. Ross</i> Accreditation number: 60005044 Consent Authority: Ballina Shire Council Date of endorsement: 13 March 2014 Subdivision Certificate number: 60005044 File number: N/A - Except Development Under CL 1775 of 6001 (Except Compulsory Development Zones) 2006.</p> <p>*Strike through if inapplicable.</p>	<p>Plans used in the preparation of survey/compilation:</p> <p>DP 44775 DP 604671 DP 604673 DP 729679 DP 729687 DP 1096427 129-1612 DP 1064315 7-2339 62-1612 112-1612 141-1612 1638-3050 8686-1759 4637-3050</p>
<p>Statements of intention to dedicate public roads, public reserves and drainage reserves.</p>	<p>If space is insufficient continue on PLAN FORM 6A</p> <p>Surveyor's Reference: 07/411 (REPORT)</p>
<p>Signatures, Seals and Section 88B Statements should appear on PLAN FORM 6A</p>	

4.2 Compton Drive Realignment - Compulsory Acquisition of Crown Land



PLAN FORM 2 (A2)
 WARNING: CHANGING DIMENSIONS WILL LEAD TO REJECTION
 DP1197191
 SHEET 1 OF 3 SHEETS

- (1) - EASEMENT FOR RIBBON MAIN 2 WIDE (GAZ 8.4-100 FOL 2865) (DP 60471)
- (2) - EASEMENT FOR RIBBON MAIN 5 WIDE (GAZ 8.6-100 FOL 2865) (DP 60471)

MARK	EASTING	NORTHING	CLASS	ORDER	METHOD	ORIGIN
PA 2071	527462.427	818003.296	B	2	SCMS	SCMS
SM 19142	527461.771	818004.639	B	2	SCMS	SCMS
SM 20993	527398	818005	B	2	SCMS	SCMS
PA 117575	527378	818004	U	U	CALC	SCMS

COMBINED SCALE FACTOR: 0.99924 SCALE 50
 MGA CO-ORDINATES ADOPTED FROM SCMS AS AT 2012/03/13

PA 2071 TO PA 2070
 100-77-10 3M 18 BY CURVE
 PA 2071 TO SM 19142
 140-20-20 140.075 BY CURVE
 PA 2071 TO SM 20993
 220-1720 6.847
 SM 20993 TO SM 19142
 100-20-20 117.575
 SM 19142 TO PA 2071
 177-20-20 102.83
 PA 117575 TO PA 42246
 670-62 716.78

SEE SHEETS 2 AND 3
 FOR FURTHER DETAIL

Surveyor: ANTHONY JANKO DENNY
 Date of Survey: 8/1/2014
 Surveyor Ref: 071411

Registered
 17.5.2014

LCA: BALLINA
 Location: EAST BALLINA
 Subdivision No: 50002014
 Lengths are in metres. Reduction Ratio: 1:2000

PLAN OF SUBDIVISION OF LOTS 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 IN DP 729973,
 DP 729973, LOT 1, LOT 2, LOT 3, LOT 4, LOT 5, LOT 6, LOT 7, LOT 8, LOT 9, LOT 10, LOT 11, LOT 12, LOT 13, LOT 14
 DP 729973, LOT 1, LOT 2, LOT 3, LOT 4, LOT 5, LOT 6, LOT 7, LOT 8, LOT 9, LOT 10, LOT 11, LOT 12, LOT 13, LOT 14

DP1197191

4.2 Compton Drive Realignment - Compulsory Acquisition of Crown Land

