



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 **Thursday 25 February 2016 commencing at 11.30 am.**

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	Ballina Coastal Reserve - Rocky Point Road Opening, Lennox Head	2

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

An apology has been received from Cr Ben Smith.

2. Declarations of Interest

3. Deputations

4.1 Ballina Coastal Reserve - Rocky Point Road Opening, Lennox Head

4. Committee Reports

4.1 Ballina Coastal Reserve - Rocky Point Road Opening, Lennox Head

Delivery Program Asset Management

Objective To seek direction from the Reserve Trust in relation to the opening of Rocky Point Road as a public road

Background

The thoroughfare known as Rocky Point Road, Lennox Head has existed since at least the 1970s as an informal track used by the public to access Iron Peg and Boulder Beach from the Coast Road. This track traverses Crown Land comprised as part of the Ballina Coastal Reserve. During 2006, Council sealed the track to reduce maintenance costs due to the high level of public usage, and subsequently named the track "Rocky Point Road". These works were undertaken, and the naming applied, even though the "road" has never been formally opened as a public road.

Associated with the opening of Rocky Point Road is the construction of the Coastal Recreational Path within the Coastal Reserve. The conditions of approval for the pathway construction require all paper roads in the Coastal Reserve in the vicinity of the pathway to be closed. The location of the paper roads are illustrated on the plan in Attachment 1.

The NSW Department of Primary Industries – Lands commenced the road closure process in mid 2015. The proposal was publicly advertised in August 2015 and no objections were received from the community.

The final step of the paper road closure process is to ensure that there are no "land locked" parcels resulting from the proposed closure. As there is a private residence at the end of Rocky Point Road, the closure of the paper roads will leave that property (legally, if not practically) land locked. Accordingly, the Department of Primary Industries has agreed to open Rocky Point Road as a public road under Council's care and control at no cost to Council.

As Rocky Point Road currently sits as a parcel of land under Council's Reserve Trust Management, for the road closure to proceed, the Reserve Trust must resign from the management of that part of the Coastal Reserve. A plan illustrating the proposed road reserve comprises Attachment 2.

Key Issues

- Resignation as Reserve Trust Management over that portion of land
- Formalisation of Rocky Point Road as a public road

Information

The issue of Rocky Point Road not falling within a public road reserve has been a matter considered by the Council and the Reserve Trust previously. This issue was most recently considered in relation to the Development Application of Mr Noel Holmes as part of his redevelopment of his residence located at the eastern end end of Rocky Point Road in 2009.

As there was no formal legal access to the home, the Crown Lands Department at the time suggested Mr Holmes should enter into a licence with the Crown for the purposes of access to the dwelling.

This became problematic from a public access and risk management perspective as the licence document proposed that Mr Holmes as Licencee would bear the cost of maintenance of the access track as well as bearing the public liability risk. It was not a satisfactory community outcome for a single resident to have the maintenance and insurance liability for a piece of land which practically functions as a public road. Discussions between Mr Holmes and the Crown Lands Department at the time failed to resolve these issues.

The Crown's proposal to open Rocky Point Road as a public road resolves the access issues for the home at Rocky Point Road, facilitates the construction of the Coastal Recreational Path through compliance with a condition of approval and ensures lawful public access to Iron Peg, Boulder Beach and the public amenities at the end of the road which include carparking and showers.

Legal / Resource / Financial Implications

Should the Reserve Trust resign from the management of this portion of the Coastal Reserve, this will allow the land to be opened as a public road. This in turn will result in Ballina Shire Council having the control and management of Rocky Point Road in accordance with the provisions of the Roads Act. This removes liability associated with the road from the Reserve Trust and allows the Council to receive the benefit of the provisions of the Civil Liability Act in relation to road management.

Some costs may be incurred by Council in relation to the preparation and registration of the subdivision plan, but these costs are expected to be relatively minor.

Consultation

The Department of Primary Industries – Lands has engaged in public exhibition and consultation as part of the road closure process. If the Reserve Trust consents to the road opening, the road opening proposal will also be advertised.

Council staff has held discussions with the adjoining land owner, Mr Holmes, who is supportive of the proposal.

Options

1. The Ballina Coastal Reserve Trust resigns as Reserve Trust Manager over the portion of the Reserve as shown in Attachment 2.

For the reasons noted above, this is the preferred option.

4.1 Ballina Coastal Reserve - Rocky Point Road Opening, Lennox Head

2. That the Ballina Coastal Reserve Trust does not resign as Reserve Trust Manager over the portion of the Reserve as shown in the Attachment 2.

As this will impact on the construction of the Coastal Recreational Path, this is not the recommended option.

RECOMMENDATION

That Ballina Shire Council, in its capacity as Ballina Coastal Reserve Trust, resigns as Reserve Trust Manager over the portion of the reserve as shown in Attachment 2 accompanying this report, to facilitate the opening of Rocky Point Road as a public road and associated progress of the Coastal Recreational Path project.

Attachment(s)

1. Coastal Recreational Path, Road Reserve Areas (GeoLINK 2014)
2. Proposed Public Road - Rocky Point Road

4.1 Ballina Coastal Reserve - Rocky Point Road Opening, Lennox Head



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Coastal Recreational Path, 28 February 2014
2165-1024

Road Reserve Status

4.1 Ballina Coastal Reserve - Rocky Point Road Opening, Lennox Head

