



Notice of Reserve Trust Manager Meeting

A Reserve Trust Manager Meeting will be held in the Ballina Shire Council Chambers, 40 Tamar Street, Ballina on **Thursday 28 April 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

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1. Apologies
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1. Apologies

2. Declarations of Interest

3. Deputations

4.1 Use of Council Seal

4. Committee Reports

4.1 Use of Council Seal

RECOMMENDATION

That Council, as Reserve Trust Manager, affix the Common Seal to the following document.

That Council in its capacity as the Reserve Trust Manager for the Ballina Kingsford Smith Reserve Trust (R82164) approves the use of the Common Seal for the a renewal of the lease to the Ballina Hockey Club Inc for the period 1 February 2016 and expiring 31 January 2019 at a rental calculated at 50% of the market rental.

Explanation:

The Ballina Hockey Club Inc has been the lessee of the hockey complex in its current location within Kingsford Smith Reserve since approximately 2011, following the construction of the new facility. While the club operates as a not for profit sports Club, they benefit from running an “on premises” sporting facility liquor licence, which, following negotiations with Crown Land staff means the club is not eligible to receive statutory minimum rental.

Attachment(s)

Nil

4.2 Ballina (R97297) Reserve Trust - Bicentennial Gardens

4.2 Ballina (R97297) Reserve Trust - Bicentennial Gardens

Delivery Program Open Spaces and Reserves

Objective To seek the Reserve Trust's direction in relation to a proposed additional purpose for the Bicentennial Gardens Reserve

Background

In response to a Notice of Motion at the Ballina Shire Council Ordinary Meeting in November 2015, the Council resolved to investigate the installation of a disc golf course at Bicentennial Gardens being the Ballina (R97297) Reserve [Minute No 261115/34].

The subsequent investigations revealed that the Crown Reserve purpose for this reserve is "Preservation Of Fauna/Preservation Of Native Flora". The establishment of a disc golf course on Crown Land reserved for this purpose is better matched with a reserve purpose of public recreation.

Having regard for recent legislative changes to the Crown Lands Act, staff contacted the Department of Primary Industries – Lands to request consideration be given to the addition of an additional reserve purpose of "Public Recreation" for this reserve to enable the disc golf course to progress. A copy of the response is contained in attachment one to this report.

To formalise the change in the purpose of the reserve (that is add to the purpose of the reserve), a resolution of the trust is required along with submission of supporting documentation. This report seeks direction from the Trust in this regard.

Key Issues

- Historical use of the reserve
- Benefits to the community by the addition of the reserve purpose
- The extent to which the proposed additional purpose will meet current and future community requirements
- The nature of the objectives which support the proposed additional purpose (eg any Council planning, community consultation for the site or location etc)
- The impact to the community if the proposed additional purpose is not undertaken (eg cultural, financial, legal, social)

Information

Ballina Shire Council has been appointed as Reserve Trust Manager for the reserve since 1 June 1984.

While Council records are not available in relation to the historical use of the reserve, old signage located in the reserve indicates that or about 1987/8, to coincide with the bicentenary year Council embellished the front portion of reserve with toilet facilities, picnic structures and gardens.

4.2 Ballina (R97297) Reserve Trust - Bicentennial Gardens

At the time of the embellishment works the reserve was located on the Pacific Highway and became a popular location for travelers as a rest stop, as well as with families for picnics, weddings and events. The Roads and Maritime Service also promoted the reserve as a rest stop.

The cleared and embellished area (being approximately 3.7 hectares of the total reserve area) is zoned for public recreation, and the balance of the reserve is a deferred environmental zone containing swamp sclerophyll forest.

The addition of a public recreation reserve purpose to this reserve means that the historical recreational uses as well as the proposed use of disc golf will be formalised and further grant funding and embellishment opportunities may be available.

If the additional reserve purpose is not added to this reserve, the impact to the community will be that recreational uses of the reserve are not able to be formalised, and Council as Reserve Trust Manager will not be able to apply for grant funding for future maintenance or embellishment of the reserve.

Legal / Resource / Financial Implications

There are no legal, resource or financial implications generated by the addition of a reserve purpose to the reserve. Required administrative tasks can be carried out within the existing resources of Council's Strategic & Community Facilities Group.

Consultation

Consultation has been undertaken with Department of Primary Industries – Lands staff and relevant Council staff.

Options

1. That the Reserve Trust request the Minister to authorise an additional purpose of public recreation for Reserve R97297 pursuant to s121A of the Crown Lands Act 1989; or
2. That the Reserve Trust declines to make the request.

For the reasons outlined regarding the historical use of the reserve, option one is the preferred outcome.

RECOMMENDATION

That, Council acting as the Reserve Trust, requests the Minister to authorise an additional purpose of public recreation for Reserve R97297 pursuant to s121A of the Crown Lands Act 1989

Attachment(s)

1. Letter from Department of Primary Industries - Lands re: Request for Additional Purpose - Ballina Bi-Centennial Gardens Reserve

Sandra Bailey

From: Joseph Endean <Joe.Endean@crownland.nsw.gov.au>
Sent: Thursday, 25 February 2016 11:31 AM
To: Amy Cahill
Subject: Request for Additional Purpose - Ballina Bi-Centennial Gardens Reserve
Attachments: Reply to Request for Addition of Reserve~e 97297 for Preservation of a F....docx

Hi Amy,

Please find attached, reply to request for additional purpose to Reserve 97297 for Preservation of Fauna and Preservation of Native Flora.

In respect to the determination of public interest, you may wish to consider:

- How the additional purpose meets the objectives of the NSW State Plan 2021 (eg Regional Economy),
- The potential the proposed additional purpose will bring to the local and broader community,
- The extent to which the proposed additional purpose will meet current and future community needs/requirements,
- The nature of the objectives which support the proposed additional purpose (eg any Council planning, community consultation for the site or location, etc), and
- The impact to the community if the proposed additional purpose is not undertaken (eg cultural, financial, legal, social).

If you have any queries, give me a call.

Regards

Joe Endean | Senior Property Management Officer, Lands
Department of Primary Industries | Level 3, 49-51 Victoria Street GRAFTON NSW 2460 | PO Box 2185 DANGAR NSW 2309
T: 02 6642 9204 | F: 02 6642 5375 | E: joe.endean@crownland.nsw.gov.au
W: www.crownland.nsw.gov.au | www.dpi.nsw.gov.au

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Our Ref: 14/02462
TRIM Ref: DOC16/033231

Ballina (R97297) Reserve Trust
C/- Ballina Shire Council
PO Box 450
BALLINA NSW 2478

Attention: Amy Cahill

Dear Ms Cahill,

**Request for Additional Purpose
Reserve 97297 for Preservation of Fauna and Preservation of Native Flora
(Ballina Bi-Centennial Gardens)**

I refer to your request for the addition of the purpose of "Public Recreation" to Reserve 97297 for Preservation of Fauna and Preservation of Native Flora at Tamarind Drive, Ballina.

Your proposal has been considered and it has been determined that your proposal is consistent with the principles of Crown land management.

To commence this process Council are required as Trust manager to:

1. Provide a copy a formal resolution requesting the Minister to authorise an additional purpose for the reserve pursuant to Section 121A of the Crown Lands Act 1989 and;
2. Provide a report demonstrating that it is in the public interest for the reserve to be used for the additional purpose.

Upon receipt of the required information, action will be taken effect the addition of the purpose of "Public Recreation" to the reserve.

Should you require any further information or clarification please contact me on 02 6642 9204.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Endean'.

J. Endean
Senior Property Management officer, Grafton
25 February 2016

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