



Notice of Reserve Trust Manager Meeting

Notice is hereby given that a Reserve Trust Manager Meeting will be held in the Ballina Shire Council Chambers, 40 Cherry Street, Ballina on **Wednesday 28 November 2012 commencing at 4.00 pm.**

Business

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

A handwritten signature in black ink, appearing to read 'Paul Hickey', with a long horizontal line extending from the end of the signature.

Paul Hickey
General Manager

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

2. Election of Chair

The Committee should elect a new Chair and decide if the term for the Chair should be 12 months or the term of the current Council (ie until September 2016). Either option is acceptable.

3. Declarations of Interest

4. Deputations

5.1 Ballina Hockey Club - Tenure Arrangements

5. Committee Reports

5.1 Ballina Hockey Club - Tenure Arrangements

Delivery Program Commercial Services

Objective To determine tenure arrangements for the Ballina Hockey Club for the use of a Crown Reserve being Kingsford Smith Park

Background

Council, as Reserve Trust Manager of the Ballina Kingsford Smith Reserve Trust issued a Crown Licence to Ballina Hockey Club (the "Club") for a period of ten years. This was done in consultation with the Department of Primary Industries (Crown Lands Division) who signed off on the Licence. The clubhouse and hockey field are situated on part Reserve 82164.

A special condition of the Licence was that the Club would only be able to obtain a Limited Licence - Multiple Functions for the sale of alcohol at the grounds. This Licence is the same licence that all sporting/community groups that lease/licence community and crown facilities are offered within the Shire. It enables groups to sell alcohol at the venue up to 52 nominated dates per year (with special conditions applicable).

The Club has subsequently received development consent to enable the facility to be used as a sporting club. This has enabled the Club to obtain an On-premises liquor licence, which is similar to the liquor licence held by the Ballina Seagulls Rugby Leagues Club. To activate the liquor licence the Crown has advised Council that the Club will be required to obtain a Trust Lease with current market rent (to be determined) less a 50% rebate taking into account the Club's not for profit status. Ballina Seagulls Rugby League Club have a lease direct with the Crown and are required to pay a market rent commensurate with the income generated by the Club.

Key Issues

- Market term and rent required for Crown facilities

Information

Council as Reserve Trust Manager of Ballina Kingsford Smith Reserve Trust endorsed the Licence to the Club for the use of clubhouse and sports field. Council supported a minimum statutory rent to be offered given the status of the Club, being not for profit. This is in line with other sporting groups using Crown Reserve facilities.

5.1 Ballina Hockey Club - Tenure Arrangements

A condition of the standard Crown Licence issued to the Club is:

"The supply and/or sale of alcoholic beverages upon the licensed area is strictly prohibited unless the licensee is licensed in accordance with Part 3, Division 7 of the Liquor Act 2007 for the supply and/or sale of alcoholic beverages within the confines of the licensed area and with the written consent of the Licensor."

This liquor licence allows sporting/community groups to obtain a liquor licence for up to 52 functions a year on nominated dates. This liquor licence has been issued to a number of sporting/community groups using community facilities and enables sporting/community groups to provide alcohol at certain functions.

Ballina Hockey Club have since obtained approval to have an on-premises sporting facility liquor licence, which allows the Club to supply/sell alcohol on any number of occasions. This licence is administered by the NSW Office of Liquor, Gaming and Racing. The Crown has now confirmed that the Club is will be required to hold a Trust Lease prior to operating the on-premises sporting facility liquor licence activities.

The Crown has also advised that they will be requesting a market rent less 50% rebate taking into account the Club's not for profit status, be charged to the Club (see **attached**). This is in line with single sporting group Crown Leases on Crown Land in NSW and is consistent with the Ballina Seagulls Rugby League Club who has a lease direct with the Crown.

Legal / Resource / Financial Implications

Council as Reserve Trust Manager for Ballina Kingsford Smith Reserve Trust is responsible for the maintenance and upkeep of Kingsford Smith Park. This includes the hockey facility at the Park.

It is acknowledged that the hockey facility will require regular maintenance and upkeep as well as replacement of the surface over its lifetime. Council is aware of this and proposes that any rental income received from the Club be quarantined for this purpose.

Consultation

Council has consulted with Department of Primary Industries and the Ballina Hockey Club Committee.

Options

Option 1

Apply to the Crown for a three year Crown lease with minimum statutory rent for Ballina Hockey Club on Part Reserve No. 82164, being Kingsford Smith Park.

This is not supported by the Crown who are endeavouring to be consistent across the board in applying a market rent less 50% rebate for single use sporting groups on Crown Reserves.

5.1 Ballina Hockey Club - Tenure Arrangements

Option 2

Apply to the Crown for a three year Crown lease with market rent to be assessed less a 50% rebate for Ballina Hockey Club taking into account their not for profit status on Part Reserve No. 82164.

This is the preferred option and is fully supported by the Crown.

RECOMMENDATIONS

1. That Council, as Reserve Trust Manager of Ballina Kingsford Smith Reserve Trust, approves an application to the Minister for Primary Industries for a three year Crown lease for Ballina Hockey Club with market rent to be assessed less a 50% rebate taking into account their not for profit status on Part Reserve 82164, being Kingsford Smith Park.
2. That Council approves the use of the Council seal for the lease documentation.

Attachment(s)

1. Advice from Department of Primary Industries (Crown Lands Division)

Leanne Harding

From: Libby Weldon [Libby.Weldon@lands.nsw.gov.au]
Sent: Wednesday, 1 August 2012 11:36 AM
To: Leanne Harding
Subject: RE: Ballina Hockey Club
Attachments: Draft Reserve Trust Lease - May 2012.DOC

Importance: High

Hi Leanne

As per email forwarded from Tony Porter, Ballina Hockey Club please find attached the latest version of the Draft Reserve Trust Lease template for your information and records.

I understand that the Club has no debts and the grant of a Trust Lease will enable them to generate funds through the sale of alcohol.

I have had numerous conversations with Mr Porter in relation to the requirements of the Trust Lease, which included the Trust obtaining an appropriate rental to assist with the maintenance and development of the reserve.

As previously advised the Minister for Regional Infrastructure and Services is willing to support approval in principal to a Trust Lease for Community and Sporting Club Facilities with the application of;

- a rebate of 50% of the market rent (Trust Licence),
- appropriate term (taking into consideration the proposed planning for the reserve), and
- \$20 Million public liability policy.

Once all of the negotiations for the tenure have been undertaken, can you please electronically forward,

- the completed draft Trust Lease for approval in principle,
- a copy of the Trust Report (which should include the method of calculation to determine market rent and application of any rebate), and
- a copy of the Trust Resolution.

Should you require any further information or clarification please contact me.

Regards

Libby Weldon | Property Management Project Officer, Catchments and Lands
Department of Primary Industries | Level 3, 49-51 Victoria Street | PO Box 272 | GRAFTON NSW 2460
T:02 6640 3424 | F:02 6642 5375 | E:libby.weldon@lands.nsw.gov.au
W:www.crownland.nsw.gov.au | www.dpi.nsw.gov.au

5.2 Ballina Lakeside Holiday Park - Encroachments

5.2 Ballina Lakeside Holiday Park - Encroachments

Delivery Program Open Spaces & Reserves

Objective To advise the Reserve Trust of encroachments from the Ballina Lakeside Holiday Park onto the adjacent Shaws Bay Crown Reserve and to seek direction on the management of the encroachments.

Background

A number of houses located in the Ballina Lakeside Holiday Park encroach onto the adjacent Shaws Bay Crown Reserve. The issue of encroachment has now come to a head with residents wishing to sell their homes. The residents have requested that Council, as Reserve Trust Manager, endorse the sale of the houses with the encroachments.

The purpose of this report is to provide details of the two different situations relating to encroachments and to seek a resolution to these matters.

Key Issues

- Encroachments on Crown Reserve

Information

Encroachment – Western Boundary

Encroachments on the western boundary of the Ballina Lakeside Holiday Park have been managed to date by providing short term leases to the owners of the encroaching houses, which has then provided them with time to remove the encroachments.

Attachment One shows a survey plan of the western boundary of the Ballina Lakeside Holiday Park dated 19 January 2001. Site 58 is marked on the plan and is the only encroachment left on this boundary. All other encroachments have now been removed.

The encroachment from site 58 consists of a deck that has been added to a house. The lease for this encroachment has expired and as yet Council has not been able to resolve this matter. The house owner has not responded to any of the three letters sent regarding the matter. The Crown has formally advised the following in relation to the encroachment from site 58:

- The lease for this encroachment is not renewable
- An Aboriginal land claim has been placed over the Crown land (Reserve 88004)

5.2 Ballina Lakeside Holiday Park - Encroachments

- Subject to resolution of the Reserve Trust, Council as Reserve Trust Manager can apply for a 'Licence for Encroachments' for a further term (NB if so, the draft agreement must be submitted to the Crown for review before execution); and
- If not applying for a Licence for Encroachments, then the Reserve Trust must submit a report to the Crown on the condition of the affected part of the Reserve and provide an explanation why tenure is not required.

In this case a licence could be prepared to manage the encroachment however if the owner of site 58 wishes to sell the house they will need to remove the encroachment as the licence is not transferable.

Encroachments – Southern Boundary

Attachment Two shows the encroachments on the southern boundary of the Ballina Lakeside Holiday. No licences are in place for these encroachments, primarily due to Council not being fully aware of the encroachments on this side of the park.

Owners of two of the houses encroaching on the Shaws Bay Reserve now wish to sell their houses but cannot do so while the encroachments are in place. Licences could be created to manage the existing encroachments but as the licences are not transferable they are of no benefit to people wishing to sell.

A letter has been received from The Honourable Andrew Stoner MP following representations on this matter from the owner of the Holiday Park and from the Hon. Don Page MP concerning a proposed boundary adjustment of the Ballina Lakeside Holiday Park to rectify the encroachments. A copy of this letter is included in this report as Attachment Three. This letter is somewhat ambiguous in that it is not clear that sale of the land is supported, albeit that it appears Mr Stoner has no objection to the sale.

Discussion

The residents of most of the houses that encroach on the Crown reserve are elderly and needing to sell their properties to enable them to move into supported living facilities. The inability to sell their houses is delaying this process and causing family distress. This matter is further complicated by the fact that the land is owned by the Ballina Lakeside Holiday Park and the houses are owned by the individual tenants.

There are two options available for tenants wishing to sell their properties. The first option is to relocate the house so that it is contained wholly within the Ballina Lakeside Holiday Park. This may be achieved if enough space is available within the Park to accommodate the relocated house. The cost of the relocation would need to be covered by the tenant or the owners of the Holiday Park. The cost of relocating the house is not known but would require the disconnection and reconnection of services as well as relocation of the buildings. The second option is to undertake a boundary re-alignment that would include all of the houses within the Ballina Lakeside Holiday Park.

5.2 Ballina Lakeside Holiday Park - Encroachments

The required boundary re-alignment would be minimal and would be enough to include only the encroachments. The approximate area included in this realignment would be approximately 500 square metres, albeit that a survey has not yet been completed. Overall the impact on the reserve is considered to be marginal as the encroachments are not impacting on the use of this large reserve.

There would be costs associated with a boundary adjustment and the land would need to be purchased by the owner of the Ballina Lakeside Holiday Park. The sale of this land may also be complicated by an Aboriginal Land Claim which may add costs to the purchase of the land.

Legal / Resource / Financial Implications

There are legal and financial implications relating to this matter. The encroachments are contrary to the *Crown Lands Act 1989* and the cost of any boundary realignment will incur costs.

Consultation

Consultation has been carried out with the some of the house owners that have residences that encroach on the Crown reserve, the manager and the owner of the Ballina Lakeside Holiday Park.

Options

Site 58 Encroachment

1. Council as Manager of the Ballina Shaws Bay Reserve Trust can pursue the owner of the house on site 58 and enforce the removal of the encroaching veranda on the basis of the executed lease agreement.
2. Alternatively, as suggested by the Crown, Council as Manager of the Shaws Bay Reserve Trust can negotiate a Licence for Encroachments with Mrs Trotter, and forward the draft agreement to the Crown for consideration.

This is the recommended option. Subject to Crown consent, the Licence for Encroachments could be structured such that it is (i) non-transferable; and (ii) that if the mobile home situated on site 58 is sold within the licence period, the veranda, or encroaching part, is to be removed from the Crown Reserve and the agreement terminated. If the Reserve Trust Committee agree to this recommendation, a market rental determination will be required for the approximate 15.45m² area of the encroachment.

Southern Encroachments

1. Council as Manager of the Ballina Shaws Bay Reserve Trust may resolve to not support the request for a boundary re-alignment and so require the owners of houses to remove the encroaching portions of the house from the Crown reserve. The advice from the Ballina Lakeside Holiday Park is that this is not feasible as there is insufficient space in the park, without the relocation impacting on other residents.

5.2 Ballina Lakeside Holiday Park - Encroachments

2. Alternatively, Council as Manager of the Ballina Shaws Bay Reserve Trust may resolve to support a boundary re-alignment. If the boundary re-alignment is supported this will enable the land sale and boundary re-alignment process to commence.

Overall option two is considered to be the preferred option in that it will allow the elderly residents to sell their properties, it appears to have no strong objection from the State Government and the sale will not impact on the overall use of the reserve.

Any sale would need to be at an independently valued price and the recommendation is to obtain an external valuation. It is uncertain whether the Ballina Lakeside owners are prepared to purchase the land at the market price and if they are unwilling to proceed then the fall back position is to approve licences for the encroachments. This will not allow the sale by the home owners to proceed, however it will formalise the existing encroachments. This will then be a matter for the Lakeside Holiday Park owners and tenants to resolve.

Finally Section 377 of the Local Government Act does not allow the sale of land to be delegated by a council. As this is a meeting of the Reserve Trust, if the decision to sell is supported, a further report will need to be submitted to an Ordinary meeting of Council confirming the Reserve Trust's position.

RECOMMENDATIONS

1. That Council as Manager of the Ballina Shaws Bay Reserve Trust (Reserve 88004) approves a Licence for Encroachments with the owner of site 58, and, subject to Crown consent, said Licence shall be non-transferable, and should the owner of the house on site 58 or their personal representative decide to sell the mobile home located upon site No. 58 at the Ballina Lakeside Caravan Park, that the encroachment must be removed from the Crown Reserve. Subject to the matters referenced in this point, approval is granted for the use of the Council Seal upon the Licence for Encroachment.
2. That Council as Manager of the Ballina Shaws Bay Reserve Trust (Reserve 88004) supports the re-alignment and sale of a minimum area of the southern boundary adjoining the Ballina Lakeside Caravan Park that ensures all existing Crown Reserve encroachments are contained within the Ballina Lakeside Caravan Park. The area of this realignment and sale is estimated to be approximately 500 square metres.
3. That all costs associated with the boundary re-alignment and sale are the responsibility of the owner of the Ballina Lakeside Caravan Park, with an independent valuation to be obtained to ensure that the sale price is at market value. Any agreement to sell the land will need to be ratified at an Ordinary meeting of Council, due to the Reserve Trust Committee not having delegated authority to sell land due to the limitations of Section 377 of the Local Government Act.
4. That should the owner of the Ballina Lakeside Caravan Park decline the option to purchase the land then Council, as the Reserve Trust, approves the creation of Licences for Encroachment, which also requires the removal of any encroachments at time of sale of the houses. If this option is pursued then approval is granted for the use of the Council Seal upon the Licences for Encroachment.

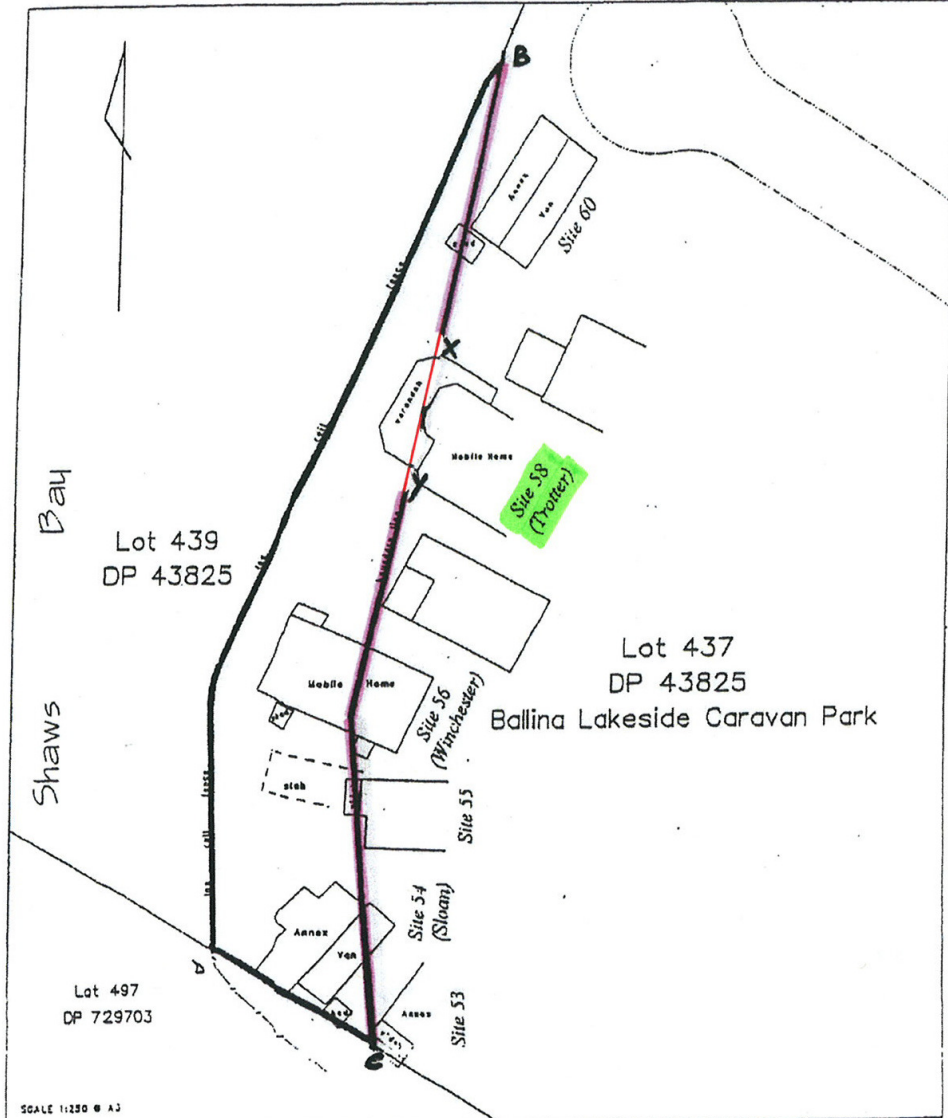
5.2 Ballina Lakeside Holiday Park - Encroachments

Attachment(s)

1. Survey - Western Boundary Ballina Lakeside Holiday Park
2. Survey - Southern Boundary Ballina Lakeside Holiday Park
3. Letter - Hon. Andrew Stoner MP

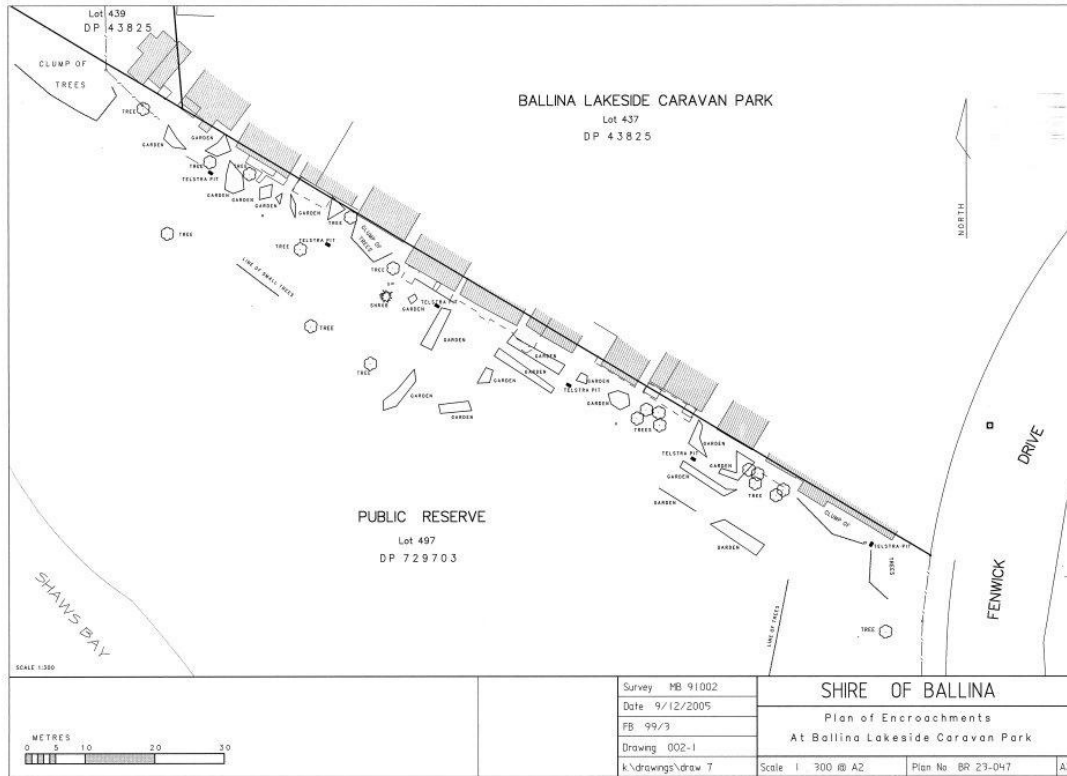
5.2 Ballina Lakeside Holiday Park - Encroachments

This Is A Reprint Of A Scanned Image
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SCALE 1:250 @ A3		SHIRE OF BALLINA	
Survey	DMK 91002	Plan showing some encroachments on lot 439 by	
Date	19-01-2001	Ballina Lakeside Caravan Park	
FB	98/4 LB	Shaws Bay - East Ballina	
Drawing	sbay5	Scale	1:250 @ A3
K:\drawings2\sbay5		Plan No.	BR 23-035
			A3

4.2 Ballina Lakeside Holiday Park - Encroachments





The Hon. Andrew Stoner MP
Deputy Premier
Minister for Trade and Investment
Minister for Regional Infrastructure and Services

IM12/9651

The General Manager
Ballina Shire Council
PO Box 450
BALLINA NSW 2478

RECORDS SCANNED
29 MAY 2012
Doc No.....
Batch No.....

24 MAY 2012

Dear Sir

I refer to recent representations by the Hon. Don Page MP, Member for Ballina, Minister for the North Coast and Minister for Local Government concerning a proposed boundary adjustment by the Ballina Lakeside Holiday Park to rectify encroachments onto a Crown reserve .

Mr Elton Stone, a director of Danepond Pty Ltd ,park owner of the Holiday Park, has written seeking a boundary adjustment to assist resolving encroachment issues that would allow residents of the park to on-sell their properties.

The relevant Crown reserve is under the care, control and management of Ballina Council as Reserve Trust Manager. I note that Council's Manager of Open Spaces and Reserves has written to Minister Page indicating in principle support, subject to Trust resolution, for a boundary adjustment to rectify the encroachments.

A Reserve Trust is able to sell or lease an area of the reserve it manages with my consent as the Minister administering the *Crown Lands Act 1989* (the Act). It will be necessary for the Trust to comply with the provisions of Section 102 of the Act if it resolves to proceed with this course of action.

The Trust will need to demonstrate that the proposal to sell or lease the land enjoys community support and does not unreasonably reduce the public right of access and enjoyment of the reserve.

I have asked that Mr Brad Crispin, Group Leader Property Services and Natural Resources be available to discuss this matter further with you. Mr Crispin may be contacted on 02 6640 3432 or email Brad.Crispin@lands.nsw.gov.au

Yours sincerely

The Hon. Andrew Stoner MP
Deputy Premier
Minister for Trade and Investment
Minister for Regional Infrastructure and Services

Level 30, Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000
Phone: (61 2) 9228 5209 Fax: (61 2) 9228 5970 Email: office@stoner.minister.nsw.gov.au

5.3 Richmond River Foreshores - Proposed Land Swap

5.3 Richmond River Foreshores - Proposed Land Swap

Delivery Program Open Spaces & Reserves

Objective To advise the Reserve Trust of a request for a land swap in the Crown reserve known as the RSL Park, Ballina and to seek direction in the management of this request.

Background

Council was appointed Reserve Trust Manager of the Crown reserve known as Captain Cook Park and RSL Park, Ballina on 27 July 2012.

Ballina Council, acting as the Reserve Trust Manager, has received a request to consider a land swap which involves a change in the location of the boundary between the park known as the RSL Park and the land owned by the Ballina RSL Club that is currently used as a car park. The proposed land swap is shown in Attachment 1 and Option 2 being the option requested by the RSL Club.

Key Issues

- Details and merits of the proposed land swap

Information

The park known as the RSL Park is located to the west of the Ballina RSL Club in Grant Street, Ballina. Members of the Ballina RSL Sub-branch have an interest in the park as it is the site of their Cenotaph and many of their memorial ceremonies are conducted in the park. The Sub-branch requested assistance from Council to address a number of issues relating to the park and its future use and development.

Staff have been working with members of the Ballina RSL Sub-branch to address their concerns which include:

- Relocation of the Cenotaph
- Management of Fig Tree roots
- Vegetation maintenance
- Lighting in the park
- Accommodation of increasing ANZAC Day crowds and
- Plans that will enable a grant application to be submitted to carry out works.

In partnership with the sub-branch a draft masterplan for the park has been prepared to address these issues and provide for the future use of the park as a memorial park. A copy of the draft masterplan is included as Attachment One.

5.3 Richmond River Foreshores - Proposed Land Swap

With the possibility of grants becoming available for the Centennial celebrations in 2015 the masterplan has been prepared to enable grant applications to be submitted.

During the course of preparing the masterplan the Ballina RSL Club and the Ballina RSL Sub-branch requested that Council consider a land swap that would re-align the northern park boundary and place in public ownership access to the river. The land swap would benefit both the park and Ballina RSL Club. The new boundary alignment would provide the club with a site that is better suited to redevelopment of the current car park. Options for a land swap were prepared and are shown in Attachment Two.

Option Two was nominated by the Ballina RSL Club as it provides a swap of equal areas of land. As can be seen from the land swap plan this option places in public ownership a section of the river front that is required to enable future extension of the bike path along the river edge. The land swap will also result in the park having more useable space and enable the relocation of the Cenotaph to maximise public access to the park.

In order for this matter to progress a resolution is required from the Reserve Trust supporting the land swap.

Legal / Resource / Financial Implications

There will be costs associated with the land swap and it is recommended that the costs be evenly shared as both parties can benefit from this proposal.

Consultation

Consultation has been carried out with the Ballina RSL Club and Sub-branch.

Options

1. The Reserve Trust may resolve to decline this request for a land swap and leave the reserve in its current configuration. This does not take advantage of the opportunity to place in public ownership access to the river and improve the layout of the park.
2. The Reserve Trust may resolve to agree to the land swap as shown in Attachment 2, Option 2. The Reserve Trust may determine that the costs associated with the land swap be paid by the Ballina RSL Club as the club will benefit from the land swap or evenly shared, or the Reserve Trust pay.

Overall this is an even land swap with both parties able to benefit. On this basis the recommendation is to provide support for the land swap with costs to be evenly shared between the parties involved.

Finally Section 377 of the Local Government Act does not allow the sale, or transfer of land to be delegated by a council. As this is a meeting of the Reserve Trust, if the decision to swap is supported, a further report will need to be submitted to an Ordinary meeting of Council confirming the Reserve Trust's position.

5.3 Richmond River Foreshores - Proposed Land Swap

That report will be presented to the Ordinary meeting of Council once all the finer details such as costs, timeframes etc are determined between the various parties.

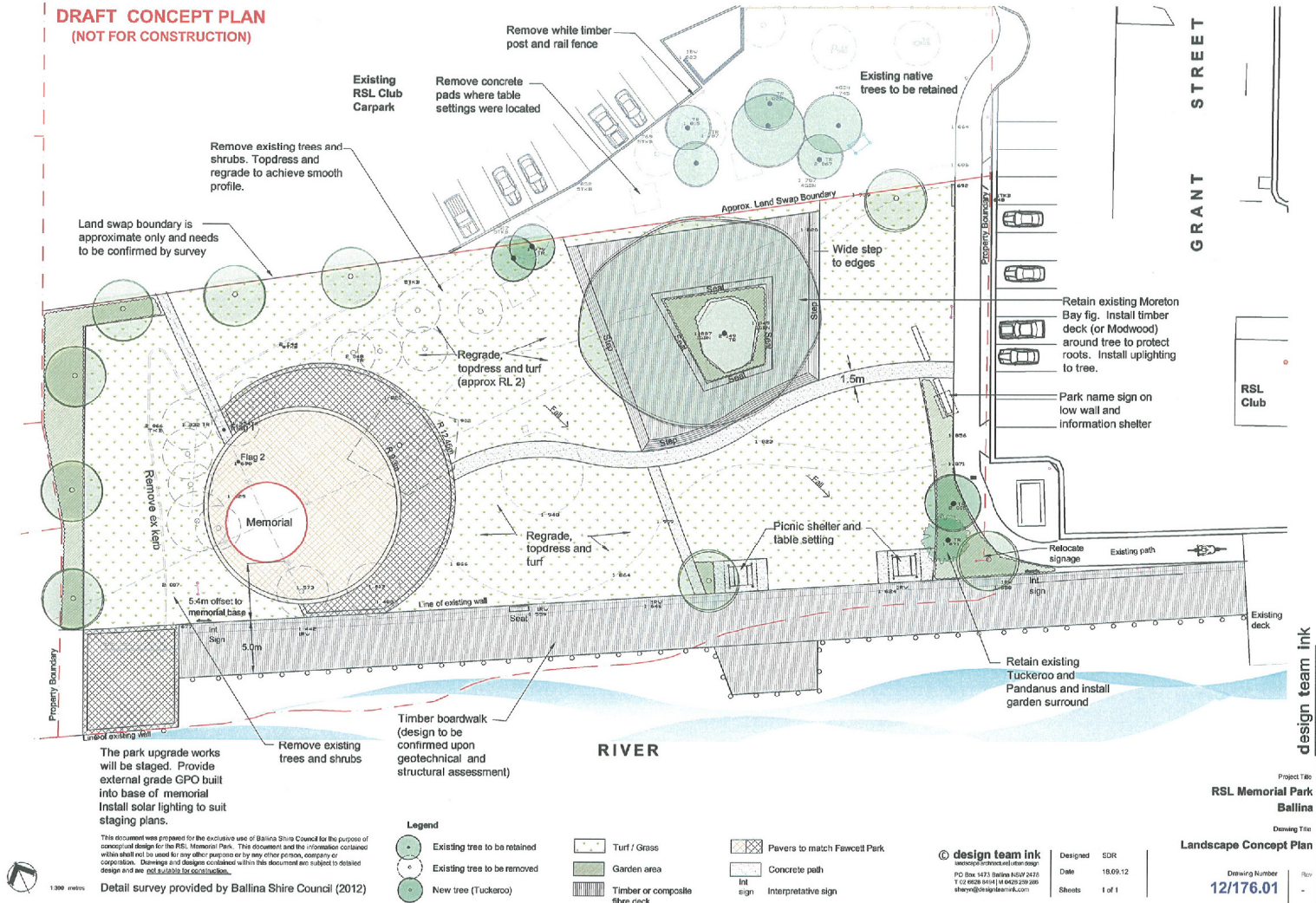
RECOMMENDATIONS

1. That Council, as the Reserve Trust Manager, provides in principle support for the proposed land swap and re-alignment of the boundary between the RSL Park (Lot 546, DP 821,908) and land owned by the Ballina RSL Club (Lot , DP 866,388) as detailed within this report.
2. That the cost of the land swap be shared evenly between Council, as the Reserve Trust Manager and the Ballina RSL Club.

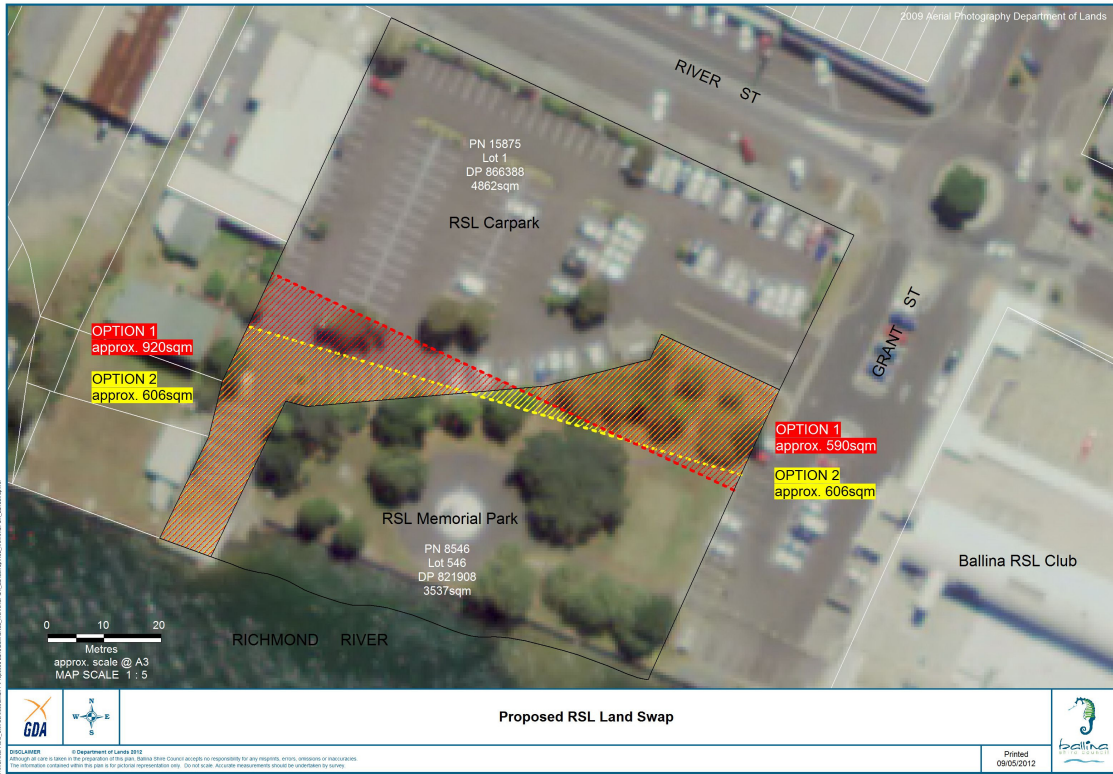
Attachment(s)

1. RSL Park Draft Masterplan
2. Aerial Photo - Land Swap Options

5.3 Richmond River Foreshores - Proposed Land Swap



5.3 Richmond River Foreshores - Proposed Land Swap



5.4 Shelly's on the Beach Cafe - Amendment to Licence Agreement

5.4 Shelly's on the Beach Cafe - Amendment to Licence Agreement

Delivery Program Commercial Services

Objective To obtain Reserve Trust approval to increase the licence area to accommodate an awning overhang for Shelly's on the Beach Cafe.

Background

Council at its Commercial Services Meeting of 19 November 2012 reviewed the tenure arrangements for Shelly's on the Beach due to the Lessee Fishheads@Byron P/L (Fishheads) lodging a Development Application for redevelopment of the site at Lot 1 DP 1095427 and Ballina Coastal Reserve (Reserve No. 1010068).

The recommendation from that meeting was

"That Council, as Reserve Trust Manager, recommends to the Crown to vary Fishheads' current licence to include the additional area of 66.75m², i.e. a total of 148.45m² at an initial annual licence fee of \$19,343 p.a. + GST. All other terms and conditions of the current licence agreement shall prevail.

That Council authorises the General Manager to finalise negotiations with the Crown, and approve the use of the Council Seal to be affixed to the Licence Agreement and any other associated documentation."

This decision will now go before Council's Ordinary Meeting of 22 November 2012 for confirmation.

To comply with the requirements of the Department of Primary Industries it is also necessary to obtain a resolution from Council as Reserve Trust Manager.

Key Issues

- Obtain Reserve Trust approval

Information

Council at the Commercial Services Meeting of 19 November 2012 discussed the options of purchasing Crown Land on which the Café sits or varying Fishheads current licence agreement to include the additional area of 66.75m² which is the awning overhang proposed on the development of the Shelly's on the Beach Café.

Full details on this matter are included in that meeting agenda, which is available on Council's web site.

Should Council, as Reserve Trust Manager of the Ballina Coastal Reserve be in favour of the proposed variation to the Licence Agreement, an application to vary the Agreement must be submitted to the Minister for Primary Industries.

Legal / Resource / Financial Implications

5.4 Shelly's on the Beach Cafe - Amendment to Licence Agreement

Council as Reserve Trust Manager is required to endorse the application for amendment to the Crown Licence agreement for Shelly's on the Beach Café.

Consultation

Council staff have consulted with Department of Primary Industries staff and Mr Ralph Mamone of Fishheads.

Options

1. Council, as Reserve Trust Manager can resolve to apply to the Crown to vary Fishheads' current Crown licence to include the additional awning overhang area of 66.75m² i.e. a total of 148.45m² at an initial annual licence fee of \$19,343 p.a. + GST. All other terms and conditions of the current licence agreement shall prevail.

This option is recommended as it would allow Fishheads to redevelop the site to its potential and create a showcase restaurant for the Shire. It is also consistent with the recommendation from the Commercial Services Committee meeting.

2. Council as Reserve Trust Manager can resolve not to apply to Department of Primary Industries to increase the Crown licence area of Shelly's on the Beach Café and maintain the current Crown licence area of 81.7m².

This option is not recommended as it will not allow the current redevelopment plans for Shelly's on the Beach Café to progress.

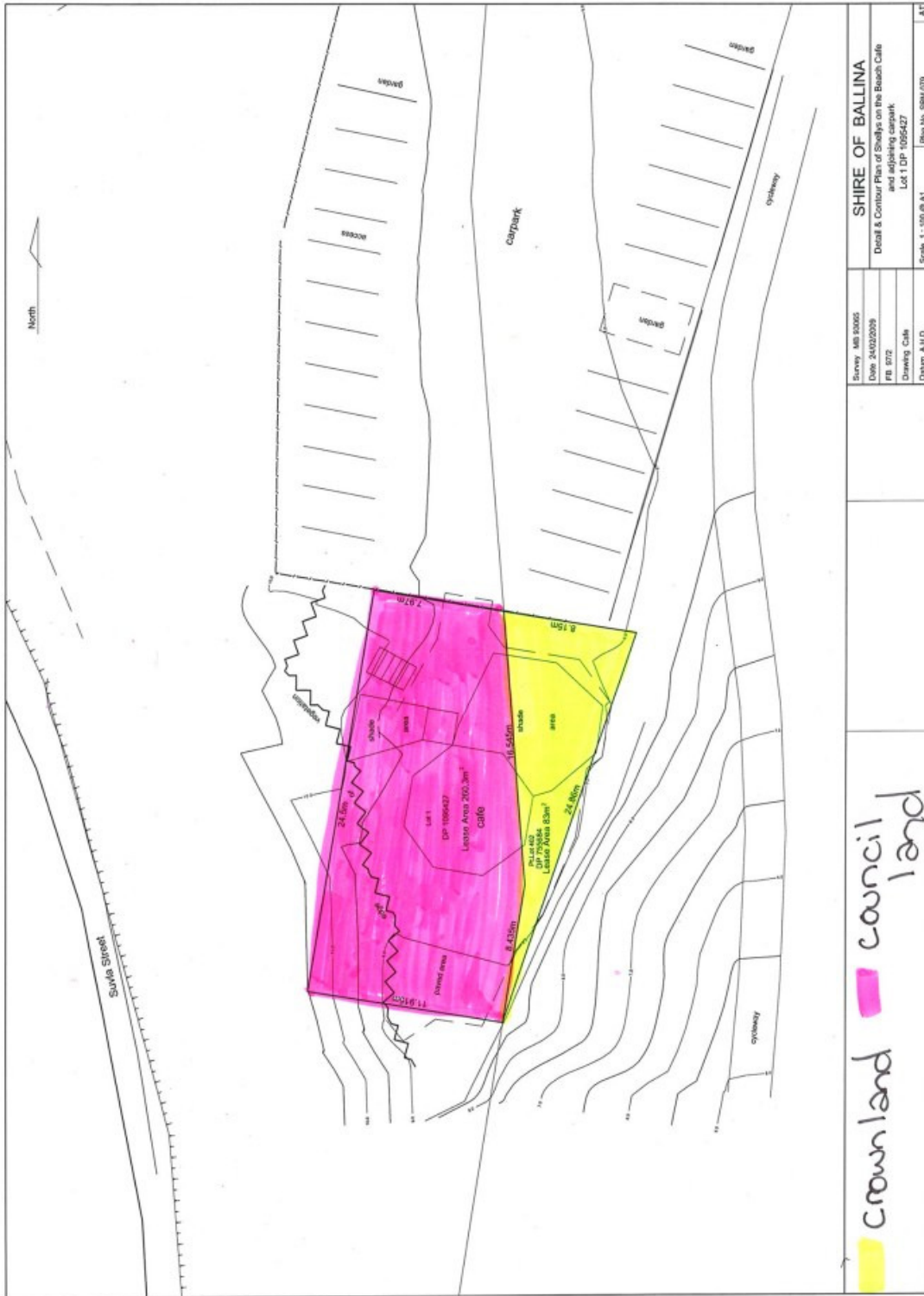
RECOMMENDATIONS

1. That Council, as Reserve Trust Manager, apply to the Department of Primary Industries to vary the current licence between Council as Reserve Trust Manager and Fishheads@Byron Pty Ltd as current Licensee for Shelly's on the Beach Café to include the additional awning overhang area of 66.75m² to a total licence area of 148.45m² with all other terms and conditions of the current licence agreement prevailing.
2. Should the Department of Primary Industries agree to vary the current licence agreement as requested, Council as Reserve Trust authorises the General Manager to finalise negotiations with Fishheads@Byron Pty Ltd and attach the Common Seal of Council.

Attachment(s)

1. Shelly's on the Beach Lease & Licence Area
2. Shelly's on the Beach Awning Overhang Area

5.4 Shelly's on the Beach Cafe - Amendment to Licence Agreement



5.4 Shelly's on the Beach Cafe - Amendment to Licence Agreement

