



## **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 11 September 2013 commencing at 4.45 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 line underneath.

Paul Hickey  
**General Manager**

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

**2. Declarations of Interest**

**3. Deputations**

#### **4.1 Temporary Licence - Ballina Surf Club**

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### **4. Committee Reports**

#### **4.1 Temporary Licence - Ballina Surf Club**

**Delivery Program** Commercial Services

**Objective** To provide the Ballina Lighthouse and Lismore Surf Lifesaving Club with a twelve month temporary Crown Licence

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#### **Background**

Council as Reserve Trust Manager resolved at its meeting of 24 June 2013:

*“That Ballina Shire Council, as Reserve Trust Manager for the Ballina Coastal Reserve Trust, approves a 20 year lease to Ballina Shire Council for the premises referred to as the Ballina Lighthouse and Lismore Surf Lifesaving Club, with a minimum statutory rent.”*

At Council’s Ordinary Meeting of 27 June 2013 Council also resolved:

*“That Council confirms the minutes of the Commercial Services Committee meeting held 24 June 2013 and that the recommendations contained within the minutes be adopted, subject to the following amendment to item 4.1 - (Ballina Surf Club - Management and Funding Update):*

- 1. That in respect to the occupation of the Ballina Surf Club building, Council approves the offer of a 20 year sub-licence to the Ballina Lighthouse and Lismore Surf Lifesaving Club, based on the standard terms and conditions as outlined within this report. Council approves the attaching of the Council seal to this sub-licence.*
- 2. That Council confirms, subject to further discussion, that this sub-licence agreement will entitle the Ballina Lighthouse and Lismore Surf Lifesaving club the use of the upstairs function / meetings room without paying a hire charge (other costs such as cleaning still applicable) based on one week night per month (Monday to Thursday) and three nights per annum (Friday or Saturday) for presentation etc. and that the use of the upstairs rooms be monitored.*
- 3. That Council notes the occupation of the café and kiosk will be the subject of a further report once the expressions of interest process closes.*
- 4. That Council notes the contents of the current status of the budget for the Ballina Surf Club building.*
- 5. That Council gives in-principle support to the kiosk rental being directed to the Ballina Lighthouse and Lismore Surf Club with this matter to be resolved once Council assesses the expressions of interest for the café and kiosk.*

## 4.1 Temporary Licence - Ballina Surf Club

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6. *That due to the high demand for community meeting space in Ballina that the General Manager hold further discussions with the Ballina Lighthouse and Lismore Surf Club regarding the feasibility of relocating the gym from the first floor of the Ballina Surf Lifesaving Club building to the proposed boat shed. This relocation will assist in providing a far clearer delineation of responsibilities between Council (first floor including café) and the Surf Club (ground floor and storage shed)."*

As per the Reserve Trust's recommendation of 24 June 2013 staff have been working with the Department of Trade and Investment, Crown Lands Division to fulfill the necessary details required to enable the Head Lease between Ballina Coastal Reserve Trust and Ballina Council issued. It is envisaged that the whole process may take at least six months to be resolved. This means it is necessary to provide some interim arrangements for the Surf Club.

### Key Issues

- Interim tenure arrangements

### Information

Council, as Reserve Trust Manager of the Ballina Coastal Reserve resolved to issue a 20 year Head Lease to Ballina Council for the land at East Ballina known as proposed Lot 1 resub of part Lot 7028 DP 1064315, part Lot 379 DP 755684 and part Lot 1 DP 758047, 65 Lighthouse Parade, East Ballina upon which the Ballina Surf Club sits.

Once the Head Lease is issued to Council for the land, Council will arrange for a sub-lease to be offered to the proposed café operator and a sub-license to the Ballina Lighthouse and Lismore Surf Lifesaving Club (BLLSLC).

The BLLSLC will be commencing their summer patrol season within the next month and arrangements for occupation of the building are being sought.

Council staff propose that Council as Reserve Trust Manager of the Ballina Coastal Reserve offer the BLLSLC a Crown temporary licence for twelve months for occupation of the downstairs areas as highlighted on the **attached** plan, until such time as Council is able to offer the BLLSLC the 20 year sub-licence as per Council's Resolution of 27 June 2013. The rental amount is also recommended to be minimum statutory rent recognising the not for profit status of the BLLSLC.

### Legal / Resource / Financial Implications

Council is proposing to offer the Crown temporary licence for 12 months at minimum statutory rent recognizing the not-for-profit status of the BLLSLC.

### Consultation

Council staff have met with BLLSLC's solicitor and also liaised with Crown Lands.

## **4.1 Temporary Licence - Ballina Surf Club**

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### **Options**

1. Ballina Shire Council, as Reserve Trust Manager of the Ballina Coastal Reserve No. 1010068 offer Ballina Lighthouse and Lismore Surf Lifesaving Club a Crown temporary licence for 12 months to allow them to occupy the downstairs area (see attached plan) of the Ballina Surf Club.

This is the preferred option as it allows the Ballina Lighthouse and Lismore Surf Lifesaving Club to relocate into the new Ballina Surf Club for the commencing summer patrol season.

2. Not offer Ballina Lighthouse and Lismore Surf Lifesaving Club a Crown temporary licence and not allow them to occupy the building until such time as the sub-licence is issued.

This is not preferred as it would mean that the Ballina Lighthouse and Lismore Surf Lifesaving Club would be required to remain in occupation for the upcoming summer patrol season at Shelly Beach.

### **RECOMMENDATION**

That Ballina Shire Council, as Reserve Trust Manager of the Ballina Coastal Reserve No. 1010068 approves a Crown temporary licence with minimum statutory rent for a period of 12 months to Ballina Lighthouse and Lismore Surf Lifesaving Club, for the area as per the attachment to this report.

### **Attachment(s)**

1. Proposed licence area plan

Common area  
proposed  
licence  
area

