



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 22 March 2018 commencing at 11.00 am.**

Business

1. Acknowledgement of Country
2. Apologies
3. Declarations of Interest
4. Confirmation of Minutes
5. Deputations
6. Committee Reports

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

Paul Hickey
General Manager

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1. Acknowledgement of Country
 2. Apologies
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 5. Deputations
-

1. Acknowledgement of Country

In opening the meeting the Mayor provided an Acknowledgement of Country.

2. Apologies

An apology has been received from Cr Sharon Cadwallader.

3. Declarations of Interest

4. Confirmation of Minutes

A copy of the Minutes of the Reserve Trust Manager Meeting held on Thursday 22 February 2018 were distributed with the business paper.

RECOMMENDATION

That Council confirms the Minutes of the Reserve Trust Manager Meeting held on Thursday 22 February 2018.

5. Deputations

6.1 Use of Council Seal

6. Committee Reports

6.1 Use of Council Seal

RECOMMENDATION

That Council, as Reserve Trust Manager for the Tintenbar Recreation Reserve Trust (R54223) and the Lennox Head Williams Reserve Trust (R82927), affix the Common Seal in relation to the following documents:

Crown Temporary Licences as follows:

Tintenbar Tennis Club Inc for the use and occupation of the Tintenbar Tennis Courts and associated facilities at peppercorn rental for the period 14 March 2018 – 13 March 2019

Northern NSW Helicopter Rescue Service Limited for the use and occupation of part of Williams Reserve for the operation of a monthly community market at statutory minimum rental for the period 25 March 2018 – 24 March 2019

Attachment(s)

Nil

6.2 Sharpes Beach - Site Location for Mobile Food Vending

6.2 Sharpes Beach - Site Location for Mobile Food Vending

Delivery Program Strategic Planning

Objective To confirm arrangements for mobile food vending at Sharpes Beach.

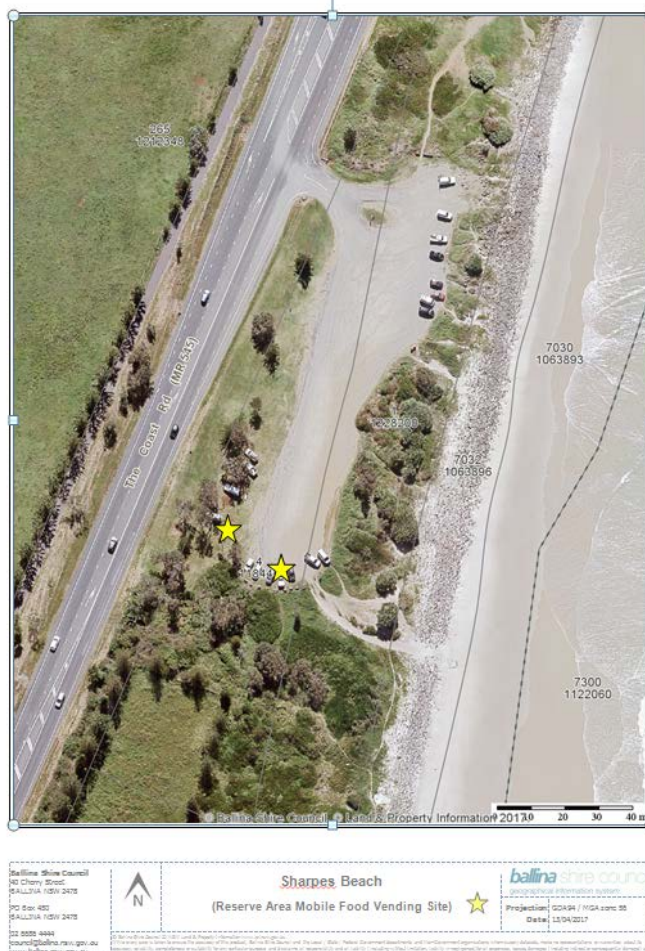
Background

Council at the Ordinary meeting held on 23 November 2017 resolved to adopt the Mobile Vending on Public Land Policy. The policy commenced operation on 1 February 2018.

The policy allows mobile vending on public land within roads and car parking areas and at specified locations on public reserves. Specified locations are Missingham Park, Pop Denison Park and Sharpes Beach.

Figure 1 is an extract from the Mobile Vending on Public Land Policy, which illustrates two areas at Sharpes Beach identified for mobile food vendor trading (designated by stars).

Figure 1: Extract from current Mobile Vending on Public Land Policy



6.2 Sharpes Beach - Site Location for Mobile Food Vending

The current mobile vending sites are located within the area leased from Dr & Mrs Stewart to Ballina Council (Lots 4 and 5 DP1184436).

Under the terms of the current Lease, Dr and Mrs Stewart have decided not to provide written consent to Mobile Food Vending on the lease footprint.

The purpose of this report is to seek direction from the Council, as Reserve Trust Manager, on the alteration of the mobile food vending sites at Sharpes Beach to an alternative area at Sharpes Beach located within the Ballina Coastal Reserve (Lot 1 DP1228200).

Key Issues

- Suitable location
- Alternate mobile food vending sites within the Ballina Coastal Reserve

Information

The Mobile Vending on Public Land Policy commenced on 1 February 2018. Council has received two applications for mobile vending at the Sharpes Beach site location.

Discussions have been held with a further potential applicant however their application has not been received by Council as at the date of writing this report.

At the time of preparing this report Dr & Mrs Stewart have not provided their written consent to mobile vending under the provisions of the Lease.

The landowner has raised concerns relating to perceived car parking adequacy and waste disposal / rubbish generation as reasons for withholding consent.

The original proposed site locations within the leased land area, at the southern end of the car park, are considered the preferred sites from an overall public amenity viewpoint.

These sites are located away from the entrance / exit point to the Coast Road in what could be termed the quieter part of the car park.

However, given that Council's Policy has commenced and two applications have already been submitted, the Council, in capacity as Reserve Trust Manager for the Ballina Coastal Reserve, is invited to consider alternative food vending sites outside of the leased area as shown in Figure 2.

6.2 Sharpes Beach - Site Location for Mobile Food Vending

Figure 2 – Proposed Reserve Area Mobile Food Vending Site



Under the current policy, a mobile food vending permit holder is allowed to trade within 20m of a nominated site on a reserve to provide for flexibility for traders in the event that an on reserve site is occupied.

The policy also provides that when a nominated site becomes unavailable due to Council operational requirements (e.g. construction, reserve maintenance and repairs) for a period of more than four weeks, Council may identify an alternate site within the same reserve to enable authorised trading to continue.

Given the circumstances at the present time, it is recommended that the Trust endorses a variation to the Policy to enable the operation of mobile food vendors from the sites shown in Figure 2.

Temporary Licence

In the first instance it is proposed that mobile food vendors, otherwise complying with policy requirements, be issued with a Crown Temporary Licence for the period up to 30 June 2018.

During this initial trial period Council officers will be able to evaluate and seek to resolve any compliance and site management issues arising.

Subject to satisfactory operation, and no adverse site issues being identified, it is anticipated that an annual licence will then be considered for the period 1 July 2018 to 30 June 2019.

Legal / Resource / Financial Implications

There are no adverse resource or financial implications arising from the recommendations to this report.

Consultation

No public consultation has been undertaken in preparing this report. The land owner and lessor of the adjoining car parking area has been consulted prior to this report being prepared.

Options

1. Designate alternative sites for mobile food vending at Sharpes Beach within the Ballina Coastal Reserve, for an initial period of four (4) months up until 30 June 2018, in the locations shown in Figure 2.

This is the preferred option given that the consent of the land owner (lessor) has not been obtained for the sites designated within the Policy and two licence applications have been received.

This option will enable two alternative locations to be trialed for mobile food vending and options for further discussion with the landholder of the leased land to be further considered.

2. Not designate the alternative site locations for mobile vending on public Land at Sharpes Beach.

This primary consequence arising from this option is that there will be no mobile vending sites located at Sharpes Beach in the absence of an alternative arrangement with the landholder of the leased car park area.

This option is not recommended as it does not advance the objectives of the mobile vending on public land policy.

3. Defer the matter.

The Trust may defer consideration of the matter to seek additional information. Such information could be obtained through a briefing.

6.2 Sharpes Beach - Site Location for Mobile Food Vending

This approach is not recommended as it will result in further delays for potential mobile food vendors who have made applications under Council's adopted policy.

RECOMMENDATIONS

1. That the Trust designates two alternate mobile food vending sites in the general location depicted in Figure 2 in this report within the Ballina Coastal Reserve at Sharpes Beach.
2. That the Trust endorses the issue of a temporary licence for a period up to 30 June 2018 for mobile food vending proposals that are compliant with Council's Mobile Vending on Public Land Policy.
3. That the Trust endorses the issue of a licence of up to 12 months in duration for mobile food vending proposals that are compliant with Council's Mobile Vending on Public Land Policy from 1 July 2018 onwards.
4. That the seal of Council, as Reserve Trust Manager, is authorised to be affixed to any document required to give effect to this resolution including entering into mobile vending licence agreements and permits.

Attachment(s)

Nil