



# **RICHMOND VALLEY COUNCIL**

## **Minutes**

### **Reserve Trust Meeting**

**Tuesday, 13 December 2011**

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**MINUTES OF THE RESERVE TRUST MEETING OF RICHMOND VALLEY  
COUNCIL, HELD IN THE COUNCIL CHAMBERS, CNR WALKER STREET AND  
GRAHAM PLACE, CASINO, ON TUESDAY, 13 DECEMBER AT 9.00 A.M.**

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**PRESENT**

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Crs. C.J. Sullivan (Mayor), C.J. Cox, O. Crawford, S.A. George, B.J. Jeffery, D.A. Kinnish, S.E. Morrissey, R.A. Mustow and S.N. Wheatley.

The General Manager, Director Corporate Services, Director Works, Director Environmental Development Services and Executive Assistant (Annette Phelps) were also in attendance.

**1 APOLOGIES**

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Nil.

**2 DECLARATION OF INTERESTS**

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**2.1 DECLARATION OF INTEREST - RESERVE TRUST MEETING 13  
DECEMBER 2011**

Cr. Kinnish declared a non-pecuniary (significant conflict) interest in Item 3.3 - Evans Head Scout Hall (Member of Mid Richmond Neighbourhood Committee).

**RT131211/ 1 RESOLVED** (Cr. Mustow/Cr. Wheatley)

That the declaration of interest of Cr. Kinnish be noted.

FOR VOTE - All Council members voted unanimously.

**3 REPORTS**

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**3.1 EVANS HEAD RECREATION RESERVE - NEW YEARS EVE  
ARRANGEMENTS**

**Reference:** Parks and Reserves - Security, Service Provision,  
Usage; P1001587

**Prepared by:** Director Corporate Services

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**Background**

In the past, the Reserve Trust as Trust Manager of the Evans Head Recreation Reserve (incorporating the Silver Sands Holiday Park) (Reserve 82910) has funded measures to be put in place covering the Christmas holiday period and in

particular, New Years Eve, to ensure the public safety of holiday park clients and other users of the reserve are not at risk, due to potential anti-social behaviour. As the Trust is aware, North Coast Accommodation Trust (NCAT) has now taken over the control of the Silver Sands Holiday Park which in the past funded the security measures put in place to control anti-social behaviour.

## **Report**

### ***Issues***

A request was received from the Police Service in regard to holding a meeting to discuss the measures to be put in place for New Years Eve 2011 and representatives from NCAT, Ambulance Services, Security Firms, Silver Sands Holiday Park Managers, Police and Council Staff attended a meeting on 23 November 2011 to discuss the matter. NCAT had been previously advised that the measures put in place to control anti-social behaviour had previously been funded through the Silver Sands Holiday Park as the activities took place on the reserve.

There is no budget allocation from the Trust to fund the engagement of youth workers, implement traffic control measures, security guards and Council Rangers, provision of toilet facilities or waste management in the Trust's budget. NCAT also advised that there were no funds available in their budget for such activities, however they would consider providing some funds for activities that may take place on the areas of the reserve under the control of NCAT. It was indicated at the meeting that no funding would be provided for youth workers.

Currently negotiations are being undertaken between NCAT and Council staff to endeavour to provide some facilities and control measures on the reserve on New Years Eve.

### ***Social***

There is some concern that if funding is not provided, particularly for New Years Eve, that there could be a negative impact on users of the Reserve and the Evans Head Community in general, as the anti-social control measures will not be provided.

### ***Consultation***

Consultation has been undertaken with all parties previously involved with New Years Eve anti-social control measures previously undertaken in the Reserve.

### ***Financial Implications***

It is hoped that NCAT will be able to provide funding for the New Years Eve control measures to prevent anti-social behaviour as the Trust does not have any funds available. As in the past, it is considered that funds should be made available from the Silver Sands Holiday Park as all such control measures and provision of facilities are undertaken in the Reserve and there is a direct nexus.

## **Conclusion**

It is hoped that current negotiations with NCAT will lead to a satisfactory outcome.

## **RECOMMENDATION**

Recommended that Council continue negotiations with the North Coast Accommodation Trust (NCAT) to ensure that the users of the Evans Head Recreation Reserve are provided with adequate control measures to ensure public safety over the 2011 New Years Eve period.

**RT131211/ 2 RESOLVED** (Cr. Morrissey/Cr. Jeffery)

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.

### **3.2 EVANS HEAD PRE-SCHOOL LEASE**

**Reference:** Council Properties - Leasing Out, Usage; Parks and Reserves - Agreements, Trusts; P40618, P40298

**Prepared by:** Director Corporate Services

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## **Background**

The Evans Head Pre-School operates on Crown Reserve 89407 and Council staff have for many years been of the opinion that the care, control and management was delegated by the Crown to the private Trust of the Evans Head Pre-School. The Department of Primary Industries has recently advised that following a further examination of their records, it has been revealed that Richmond Valley Council is the Reserve Trust Manager as Evans Head Kindergarten (R89407) Reserve Trust.

## **Report**

### ***Issues***

In regard to this advice, the Department of Primary Industries, Catchment and Lands has requested that the Reserve Trust enter into a lease with the Evans Head Pre-School. The Department's requirements in regard to tenure include a rental based on market value and the Trust will be required to obtain an assessment from a realtor or certified valuer in this regard. The Pre-School may be eligible for a rebate of 50% or may be able to qualify for the statutory minimum rent (currently \$432.00), however this will require supporting documentation and be subject to approval from the Department.

**Legal**

The Trust is required to enter into tenure arrangements for the Reserve under the requirements of the Crown Lands Act. The draft tenure documents are required to be forwarded to the Department prior to execution.

**Consultation**

Discussions have taken place between Reserve Trust staff and the Evans Head Pre-School Manager and a draft lease will be forwarded to the Pre-School for assessment and negotiation.

**Financial Implications**

Costs will be incurred in obtaining a market valuation and staff time will be involved and funded under existing votes.

**Conclusion**

Entering into a tenure arrangement with the Evans Head Pre-School will satisfy Council's legal requirements.

**RECOMMENDATION**

Recommended that the Evans Head Kindergarten (R89407) Reserve Trust enter into a lease with Evans Head Pre-School commencing on 1 July 2011 for a period of 10 years. Further that all necessary action, including the affixing of Council's Common Seal, be authorised.

**RT131211/ 3 RESOLVED** (Cr. Cox/Cr. Wheatley)

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.

Cr. Kinnish, having previously declared an interest in the following matter, retired from the meeting at this stage, the time being 9.09 a.m.

**3.3 EVANS HEAD SCOUT HALL**

**Reference:** Council Properties - Leasing Out, Usage; Governance - Council Meetings; P1002660

**Prepared by:** Governance Officer

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**Background**

The Evans Head Scout Hall located at 22 Mangrove Street, Evans Head (Lot 7309, DP 1159410) has been operating for many years and has had various users over this period of time. The Evans Head Scout Hall Section 355

Committee has recently met and there is a requirement that the previous arrangement be formalised through an Agreement with the Mid Richmond Neighbourhood Centre and Council as Reserve Trust Manager, following which this Committee would be dissolved.

## **Report**

### ***Issues***

The Mid Richmond Neighbourhood Centre operates the Evans Head Playgroup, as one of its funded programs, who use the hall for playgroup activities for children and parents. In order to formalise this arrangement, it has been requested by the Evans Head Scout Hall Committee that a User Agreement be negotiated with the Mid Richmond Neighbourhood Centre.

### ***Legal***

By entering into an Agreement, the legal requirements of the Crown Lands Act will be satisfied.

### ***Asset***

The future care control and management of the Hall will be ensured by completion of an Agreement.

### ***Social***

The Hall is already being used by Evans Head Playgroup and a formalised Agreement will ensure a continuation of this service to the community.

### ***Consultation***

Discussions have already taken place between the Evans Head Scout Hall Committee and the Mid Richmond Neighbourhood Centre and a Draft Agreement is currently being negotiated.

### ***Financial Implications***

The former Evans Head Scout Hall Committee was a Section 355 Committee of Council and retained some minor funds which will be used for the purpose of finalising any outstanding outgoings and any future maintenance and repair issues which may arise when negotiating the User Agreement with the Neighbourhood Centre.

## **Conclusion**

Completion of the Agreement will satisfy the Trust's requirements under the Crown Lands Act.

**RECOMMENDATION**

Recommended that:

1. The Reserve Trust enter into negotiations with the Mid Richmond Neighbourhood Centre to formulate an Agreement for the care control and management of the Evans Head Scout Hall.
2. The former Evans Head Scout Hall Committee be dissolved upon completion of an Agreement with the Mid Richmond Neighbourhood Centre.
3. Any funds from the former Evans Head Scout Hall Committee be set aside for future outgoings and maintenance of the building and grounds.

**RT131211/ 4 RESOLVED** (Cr. Cox/Cr. Wheatley)

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.  
ABSENT. DID NOT VOTE - Cr. Kinnish

Cr. Kinnish returned to the meeting, the time being 9.10 a.m.

**3.4 SUMMARY OF THE CORAKI PUBLIC RECREATION RESERVE BOARD MEETING HELD ON 8 AUGUST AND 10 OCTOBER 2011**

**Reference:** Parks and Reserves - Design and Construction, Meetings, Meetings, Service Provision, Trusts; Laws and Enforcement - Standards; P42846

**Prepared by:** Governance Officer

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**Background**

The Coraki Public Recreation Reserve Board met on 8 August and 10 October 2011.

The Board has the function of care, control and management of Coraki Caravan Park and to provide input to the Reserve Trust in respect of the Caravan Park and other Public Recreation Reserves in Coraki.

**Report****Issues**

The Coraki Public Recreation Reserve Board considered the following matters at its meetings:

8 August 2011:

- Van Registration
- Site Delineation
- Treasurer's Report
- Maintenance Matters
- Signage
- Solar Hot Water.

10 October 2011:

- Van Registration
- Site Delineation
- Maintenance Matters (Signage and Solar Hot Water)
- Additional Slabs
- Treasurer's Report
- Aquatic Rowing Regatta
- Maintenance Issue (Dangerous Power Pole)
- Mowing Contribution 2011
- Bookings for 2011
- Christmas Dinner.

A copy of the Minutes of the Coraki Public Recreation Reserve Board Meetings held on 8 August and 10 October 2011 have been circulated separately to each Councillor.

**Conclusion**

This report provides information in relation to the Coraki Public Recreation Reserve Board Meetings held in August and October 2011. No specific recommendations from the Meeting require consideration by the Trust.

**RECOMMENDATION**

Recommended that the information be received and noted.

**RT131211/ 5 RESOLVED** (Cr. Morrissey/Cr. Wheatley)

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.

The Meeting closed at 9.11 a.m.

**CONFIRMED - 20 December 2011**

**CHAIRMAN**