

**Richmond**  
**Valley**  
**Council**



## **Minutes**

**Reserve Trust Meeting**

**Tuesday, 17 October 2017**

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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, 17 OCTOBER 2017 AT 4.48 P.M.**

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**PRESENT**

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Crs Robert Mustow (Mayor), Steve Morrissey (Deputy Mayor), Sam Cornish, Robert Hayes and Jill Lyons.

Vaughan Macdonald (General Manager), Angela Jones (Director Infrastructure and Environment), Ryan Gaiter (Chief Financial Officer/Manager Mid-Richmond), Andrew Leach (Manager Asset Planning) and Roslyn Townsend (Corporate Support Officer) were also in attendance.

**1 ACKNOWLEDGEMENT OF COUNTRY**

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In opening the meeting the Mayor provided an Acknowledgement of Country by reading the following statement on behalf of Council:

*"Council would like to show its respect and acknowledge all of the traditional custodians of land within the Richmond Valley Council area and show respect to elders past and present."*

**2 APOLOGIES**

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Apologies were tendered on behalf of Cr Humphrys and Cr Simpson.

**RT171017/ 1 RESOLVED** (Cr Morrissey/Cr Hayes)

That such apologies be accepted and leave of absence granted.

FOR VOTE - All Council members voted unanimously.

ABSENT. DID NOT VOTE - Cr Humphrys, Cr Lyons, Cr Simpson

**3 DECLARATION OF INTERESTS**

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Nil.

**4 MATTERS FOR CONSIDERATION**

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**4.1 EVANS HEAD MARINE RESCUE LICENCE - RESERVE NO 86541 - PART LOT 10 IN DP 824498 2-10 OCEAN DRIVE EVANS HEAD BEING PART OF PADDON PARK****Responsible Officer:**Andrew Leach (Manager Asset Planning)

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**RECOMMENDATION**

Recommended that:

1. the Trust note the procedure for Temporary Licences (for a period of 12 months) from 1 July 2016 to 30 June 2017 and 1 July 2017 to 30 June 2018 for the Operation of Evans Head Marine Rescue.
2. Council work with the Department of Industry (Lands & Forestry) to investigate the ability to enter into an agreement under the Local Government Act 1993 as an option to a future Trust Licence for a period of 10 years.

**RT171017/ 2 RESOLVED (Cr Hayes/Cr Cornish)**

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.

ABSENT. DID NOT VOTE - Cr Humphrys, Cr Lyons, Cr Simpson

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**Report**

Evans Head Marine Rescue is currently operating under Temporary Licence for part of Lot 10 in DP 824498, 2-10 Ocean Drive, Evans Head, Reserve No 86541 which is part of Paddon Park, Evans Head. The purpose of the reserve is to allow Marine Rescue to house their equipment and boat in a shed, providing security as well as harbour access. The map below shows the location of Reserve No 86541.



This report is to notify the Trust of the procedure undertaken for the renewal of this licence and of the intention to investigate a long term agreement, either as a Trust Licence, or as a Department of Lands suggested alternative, a Lease under the Local Government Act 1993 – Div2.

Following recent discussions with local Department of Industry (Lands & Forestry) officers, it has been suggested that a more efficient way for Council as Reserve Trust Managers to manage Crown Land is to utilise the Local Government Act and enter into agreements with community users who hold tenure over Council managed land. While this will require the phasing in of Plans of Management over the next two to three years for such reserves, it does reduce the need for an approval process through Department of Industry – requiring notification only. This will also allow the establishment of long term leases, hopefully reducing the temporary licence process, and reducing administration requirements for Council on an annual basis.

### **Consultation**

Council Officers have met with Department of Industry (Lands & Forestry) officers in Grafton to initiate discussions regarding Lease and Licence options relevant to the change of legislation to the Crown Lands Act. A Department of Industry (Lands & Forestry) information sheet relevant to Council's management of Crown Land and the legislative changes has been included with this report.

### **Conclusion**

Following discussions with Department of Industry (Lands & Forestry) officers it is proposed that the Trust note the tenure of the temporary licence process and that Council Officers work to establish a suitable long term arrangement with Evans Head Marine Rescue.



Department  
of Industry

Lands & Forestry

## MANAGING CROWN LANDS

# An update for councils

JUNE 2017

*With the new legislation coming into effect next year, this update will provide information on how we will work with you to deliver improved management of the State's vast Crown land.*

### Overview

Following the passing of the *Crown Land Management Act 2016* (the Act) in November 2016 and the *Crown Land Legislation Amendment Act 2017* in May 2017, a consolidated, modern piece of legislation will govern the management of Crown land in NSW.

The legislation implements reforms identified through the comprehensive review of Crown land management and follows over four years of engagement with the community on the future of Crown land.

The new framework will ensure that the Crown Estate continues to support and generate significant social, environmental and cultural benefits to the people of NSW.

### What does it mean for councils?

The new Act will reduce red tape, duplication and the administrative burden on councils in their public land management role. It also provides councils with greater certainty about the legal requirements for managing Crown land.

It is anticipated that the majority of the Act will commence in early 2018.

There are no immediate changes. All current legislation remains in place until the new Act commences. Crown land and all Crown reserves will continue to be

administered in accordance with current legislation.

The Department of Industry, Lands & Forestry Division will regularly communicate with councils prior to the commencement of the Act.



Figure 1. Council Crown land managers will be authorised to manage land in accordance with the *Local Government Act 1993*

### Council management of Crown land

In response to concerns from councils about inconsistencies between management of Crown land and council owned land, the new Act allows councils to manage Crown land under the provisions of the *Local Government Act 1993* (LGA) for public land.

This will reduce the duplication and drain on resources experienced by councils resulting from the current dual legislative frameworks.

### Categorising land use

Crown reserves managed by councils will generally be classified as community land under the LGA and categorised under the LGA, with the Minister for Lands' approval.



## Managing Crown land – an update for councils

With the Minister's consent councils may seek to classify Crown land which they manage as operational, where the land does fall within the categories of community land under the LGA or where classification as operational is required to allow the current land use to continue. This may be required in circumstances such as where Crown land is being used for long term residential accommodation or cemeteries.

Generally, councils will not need the Minister for Lands and Forestry's approval for dealings on Crown reserves. Instead, in most cases local councils will manage these reserves under the requirements for community land under the LGA.

### Plans of management

The requirement under the LGA to have plans of management for each reserve will be phased in over time.

Additionally, financial assistance will be available to assist with the costs of preparing plans of management. Further information about the funding assistance will be provided in the coming months.

### Ministerial powers

Although local councils will generally be managing land under the LGA, the Minister for Lands and Forestry will retain important rights and powers including the ability to:

- make rules with which local councils must comply
- put conditions in local councils' appointment instruments, when appointing them as reserve managers
- remove local council managers.

### Funding

To support the management and up-keep of reserves, councils will continue to be eligible to apply for grants from the Crown Reserves Improvement Fund (formerly the Public Reserve Management Fund Program).

### Local ownership of Crown land

A key finding of the Crown Lands Management Review was that the NSW Government should continue to manage land of State significance. However, land of local importance should be subject to local level decision-making and this is best achieved by transferring these lands to local councils.

The new legislation allows land that is identified as being primarily land of local community value, for example local parks and sporting grounds, to be vested in councils.

The identification of land of local significance will be guided by local land criteria which is available on the website. It will also be detailed in regulations published later this year.

There are a number of safeguards associated with these legislative provisions.

- The Act explicitly requires council consent to any transfers. There will be no forced transfers of Crown land to council ownership – it will be entirely voluntary and by agreement. Councils will have the opportunity to consider the values of the land, including any resourcing implications, before agreeing to any voluntary land transfers.



Figure 2. Crown land that is considered likely to be local land includes land used mainly by the local community, such as parks, local sports fields and recreation centres.

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### Managing Crown land – an update for councils

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- Any land subject to an undetermined Aboriginal land claim may only be vested in a local council with the consent of the claimant (either Local Aboriginal Land Council or the NSW Aboriginal Land Council).
- The Act allows for covenants to be placed on title to land. There may be circumstances where it is appropriate to put covenants on title to land that is vested in councils to restrict how the land is used and managed into the future. This will be considered on a case by case basis, as land is put forward for transfer of ownership, and will be subject to council agreement.

Once land is transferred, it is no longer Crown land and is held by council in freehold. Any income generated by that land will then be retained by the council.

#### Land negotiation program

In practice, vesting of local land to councils will be progressed through voluntary three-way negotiations involving the state, local councils and Aboriginal land councils under the Land Negotiation Program. This program is built on the findings of a Local Land Pilot program conducted in 2015.

Under the Land Negotiation Program, local councils and Aboriginal land councils will be invited to participate through an expression of interest process. Further details regarding the Land Negotiation Program will be provided as the program develops.

#### Upcoming updates

Our next update will include information on:

- native title
- provisions in the *Roads Act 1993* for Crown roads and council roads
- engaging the community on key decisions
- how we will engage with councils on implementation arrangements.

#### More information

For more information contact the Department of Industry, Lands & Forestry Division on 1300 886 235 or email [legislation@crownland.nsw.gov.au](mailto:legislation@crownland.nsw.gov.au).

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#### 4.2 CASINO GOLF CLUB LICENCE - PART LOT 7021 IN DP 1059188 WEST STREET CASINO BEING PART OF RICHMOND PARK

**Responsible Officer:**

Andrew Leach (Manager Asset Planning)

#### RECOMMENDATION

Recommended that Council work with the Department of Industry (Lands & Forestry) to investigate the ability to enter into an agreement under the Local Government Act 1993, as an option to a future Trust Licence for the Casino Golf Club for a period of 20 years.

**RT171017/ 3 RESOLVED** (Cr Morrissey/Cr Hayes)

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.

ABSENT. DID NOT VOTE - Cr Humphrys, Cr Lyons, Cr Simpson

#### Report

Casino Golf Club has had an agreement with Council as Reserve Trust for 20 years and this agreement expires on 1 January 2018. The map below shows the location of the property.



This report is to notify the Trust of the intention to investigate a long term agreement, as a Department of Industry (Lands & Forestry) suggested alternative to a Reserve Trust Licence, a Lease under the Local Government Act 1993 – Div2.

Following recent discussions with local Department of Industry (Lands & Forestry) Officers, it has been suggested that a more efficient way for Council as Reserve Trust to manage Crown Land is to utilise the Local Government Act and enter into agreements with users who hold tenure over Council managed community land. While this will require the phasing in of Plans of Management over the next two to three years for such reserves, it does reduce the need for an approval process through Department of Industry (Lands & Forestry) – requiring notification only. This will also allow the establishment of long term leases, hopefully reducing the temporary licence process, and reducing administration requirements of Council and the Trust on an annual basis.

### **Consultation**

Council Officers have met with Department of Industry (Lands & Forestry) staff in Grafton to initiate discussions regarding Lease/Licence options relevant to the change of legislation to the Crown Lands Act. A Department of Industry (Lands & Forestry) information sheet relevant to Council's management of Crown Land and the legislative changes has been included with this report.

### **Conclusion**

Following discussions with Department of Industry (Lands & Forestry) staff it is proposed that the process of entering into a 20 year agreement with Casino Golf Club under the Local Government Act 1993 be investigated, and proceed to a draft stage prior to the expiration of the current agreement on 1 January 2018.

Officers will inform Council and the Trust of the progress of this process as it is formalised.



Department  
of Industry

Lands & Forestry

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Cr Lyons arrived at the meeting at this stage, the time being 4.50pm.

**4.3 CASINO CROQUET CLUB LICENCE RENEWAL - RESERVE NO 75018 - PART LOT 7304 IN DP 1130499 LENNOX STREET CASINO BEING PART OF CORONATION PARK**

**Responsible Officer:**

Andrew Leach (Manager Asset Planning)

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**RECOMMENDATION**

Recommended that the Reserve Trust note the Temporary Licence renewal of the Casino Croquet Club Inc. for Reserve No 75018 being part of Coronation Park, Casino for the period 1 July 2017 to 30 June 2018.

**RT171017/ 4 RESOLVED** (Cr Cornish/Cr Morrissey)

That the above recommendation be adopted.

FOR VOTE - All Council members voted unanimously.

ABSENT. DID NOT VOTE - Cr Humphrys, Cr Simpson

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**Report**

This brief report is to notify the Trust of the licence renewal of the Casino Croquet Club Inc. (Part Lot 7304 in DP 1130499, Lennox Street Casino), Reserve No 75018 - Park: Part of Coronation Park, Casino. The map below shows the location of Reserve No 75018.



The licence is a Temporary Licence (for a period of 12 months) from 1 July 2017 to 30 June 2018. This licence is renewed each year and a copy sent to Department of Industry (Lands & Forestry) for their records. A Plan of Management will be required so a Trust Licence can be entered into for a longer period (up to 10 years) and Council officers will work with Casino Croquet Club Inc. into the future to draft a Plan of Management for approval.

**Conclusion**

The renewal of this Temporary Licence is procedural and is presented to the Trust for noting.

The Meeting closed at 4.53pm.

**CONFIRMED - 21 November 2017**

**CHAIRMAN**