

Items for Consideration of the Trust

| | |
|---|----------|
| Reports from Executive | 5 |
| 1. ORIGIN: Executive Manager | 5 |
| Proposed Changes to Fingal Kiosk Lease | 5 |

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C O N F I D E N T I A L

| | |
|---|---|
| Reports from Executive in Committee | 5 |
| 1. ORIGIN: Executive Manager | 5 |
| Holiday Park Computers | 5 |
| 2. ORIGIN: Executive Manager | 7 |
| Operating Report for the Period 1 July 2000 to 31 March 2001 | 7 |

Reports from Executive

- 1. ORIGIN:** Executive Manager
FILE REF: GC3/8/2; TCHP0104

REPORT TITLE:

Proposed Changes to Fingal Kiosk Lease

SUMMARY OF REPORT:

Proposed termination of existing Fingal Kiosk lease and concurrent commencement of new lease.

RECOMMENDATION:

That the Tweed Coast Holiday Parks Reserve Trust:-

1. Approves the termination of the existing Fingal Kiosk lease in the names of Mr Colin Fishlock and Mrs Pamela Fishlock
2. Executes a new lease for the Fingal Kiosk in the names of Mr Simon David Nance and Mrs Genevieve Elizabeth Nance
3. Seeks the approval of the Department of Land and Water Conservation and the endorsement of the Minister for the new lease
4. Terminates the Fishlock lease concurrently with the commencement date of the Nance lease.
5. Authorises the execution of all necessary documentation, including affixing of the Common Seal of Council as required.

Reports from Executive

REPORT:

Mrs Pamela Fishlock recently contacted the Executive Manager advising that her husband, Mr Colin Fishlock, had recently suffered a heart condition, and as a consequence of this and following doctors instruction has been seeking to assign this lease.

The existing lease allows for assignment and has a termination date of 16 March 2002.

Recently Mrs Fishlock contacted the Executive Manager advising that a party interested in taking over the Kiosk had approached her. Following advice that sale terms had been agreed, subject to the Trust and Department of Land and Water Conservation approval, the Executive Manager requested the Trusts solicitor prepare draft legal agreements to provide for both the termination of the existing (Fishlock) lease, and the concurrent commencement of a new lease for Mr and Mrs Nance. Note the tentative termination and commencement date is 1 May 2001.

This action recognises the Fishlock's position and provides greater certainty to Mr and Mrs Nance. It also avoids double handling from the Trusts perspective, as a new lease would be required in less than 12 months on the expiry of the current agreement.

Given that time is of the essence the Executive Manager and Council's Director of Corporate Services conducted an interview with Mr Simon Nance and Mrs Genevieve Nance to determine whether the applicants are deemed to be suitable lessees.

The proposed lessees present as a hard working committed couple that are seeking a change in life style. They appreciate that the Kiosk is a seven-day a week business and in previous positions are used to working long hours. References provided by Mr and Mrs Nance have been checked and disclose no negative advice that would cause concern.

In light of the above the Executive Manager recommends the Trust approve the termination of the existing (Fishlock) lease and the execution of a new lease with Mr and Mrs Nance, subject to endorsement by the Minister for Land and Water Conservation.
