



TWEED SHIRE COUNCIL

AGENDA

TWEED COAST RESERVE TRUST MEETING

Tuesday 17 February 2009

Chairman: Tr J van Lieshout

Trustees:
Tr B Longland, Deputy Mayor
Tr D Holdom
Tr K Milne
Tr W Polglase
Tr K Skinner
Tr P Youngblutt



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ITEMS FOR CONSIDERATION OF THE TRUST:

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CONFIRMATION OF MINUTES

Minutes of the Tweed Coast Reserve Trust Meeting held Tuesday 13 November 2007

UNDER SEPARATE COVER/FURTHER INFORMATION:

*To view any "**non confidential**" attachments listed below, access the meetings link on Council's website www.tweed.nsw.gov.au or visit Council's offices at Tweed Heads or Murwillumbah (from Friday the week before the meeting) or Council's libraries (from Monday the week of the meeting).*

1. Minutes of the Ordinary Tweed Coast Reserve Trust Meeting held Wednesday 13 November 2007 (ECM 1705347).
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REPORTS THROUGH THE EXECUTIVE MANAGER OF THE TRUST/GENERAL MANAGER

REPORTS FROM DIRECTOR ENGINEERING & OPERATIONS

1 [EO-TCRT] Fingal Surf Club - Lease of Part Crown Reserve 1001008 and part Crown Reserve 1001012

ORIGIN:

Design

FILE NO: DA08/0903

SUMMARY OF REPORT:

The Fingal Surf Life Saving Club has recently submitted an application to Council to make improvements to their clubhouse. The existing building has been built within Crown Reserve 1001012 (reserved for Caravan Park) and encroaches onto adjacent Crown Reserve 1001008 (reserved for Public Recreation and Coastal Environment Protection). The application requires the Department of Lands, as landowner, to provide owner's consent.

The Club does not have a lease with the Reserve Trust or the Department of Lands and the Department advises that they will not provide owner's consent until the Club's tenure has been formalised.

The Department of Lands advise that first and foremost, the Club needs to formalise their tenure on the land over the two Crown reserves. The Department requires the Club to prepare a plan showing the area of the existing clubhouse, the proposed area for extensions and where boats and equipment are stored.

The Department also stated that it will be necessary for the Reserves Trust to approve entering into a lease with the Club before the Department will agree to the lease.

The Department will agree to a ten year lease under section 34A of the *Crown Lands Act*, which provides the Minister with the discretion to grant a lease for any purpose, which expands the use of the Crown Land by the Club which does not comply with the purpose of the reservation.

It is also recommended that the Trust accept the statutory minimal rent, currently \$400 per annum, as the Club is a non-profit organisation and provides a vital community service. In this regard, the Department will require copies of financial and audit statements from the Club to show that the organisation is not for profit.

RECOMMENDATION:

That:-

- 1. The Tweed Coast Reserves Trust approves entering into a lease with the Fingal Surf Club for part of Crown Reserve 1001008 pursuant to section 34A of the *Crown Lands Act* for a term of ten years at the statutory minimal rental; and**
- 2. All documentation is executed under the Common Seal of Council.**

REPORT:

As per Summary of Report.

The aerial photo below shows the area used by the Surf Club building within the Crown Reserves. The area outlined in red is within Crown Reserve 1001012 and the area outlined in yellow is within Crown Reserve 1001008.



LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

Legal implications are dealt with in the body of the Report.

POLICY IMPLICATIONS:

Nil.

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Nil.



CONFIDENTIAL MATTERS

Nil.

