



TWEED
SHIRE COUNCIL

Chair: Tr Barry Longland

Trustees: P Youngblutt (Deputy Chair)
D Holdom
K Milne
W Polglase
K Skinner
J van Lieshout

Agenda

Tweed Coast Reserve Trust Meeting Tuesday 13 December 2011

held at Murwillumbah Cultural and Civic Centre
commencing at 3.15pm

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Items for Consideration of the Trust:

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CONFIRMATION OF MINUTES

- 1 [CONMIN] Confirmation of the Ordinary Tweed Coast Reserve Trust Meeting held on Tuesday 16 August 2011

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 Tuesday 16 August 2011 (ECM 37653849).
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REPORTS THROUGH THE EXECUTIVE MANAGER OF THE TRUST/GENERAL MANAGER

REPORTS FROM DIRECTOR ENGINEERING AND OPERATIONS

2 [EO-TCRT] Licence to Council for Construction Purposes - SES Facility at Pottsville

ORIGIN:

Director Engineering and Operations

FILE REFERENCE: DA08/0881

SUMMARY OF REPORT:

Council has obtained development consent for State Emergency Service (SES) office/training facilities and 3 bay shed within Crown Reserve 140048 for Pottsville Bush Fire Brigade Purposes and Rescue Station comprised within Lot 508 in DP 728257 at Centennial Drive, Pottsville.

A construction certificate was issued on 23 November 2011 and construction will commence in the near future.

When the Crown Lands Division signed the development application granting owner's consent to the application, it noted that the consent to the lodgement of the application was "*given on the understanding that the manager of the reserve trust has in place appropriate tenure arrangements with the user/occupier of the site*".

When amendments to the application were required, the letter from Crown Lands granting owner's consent to the amendment stated that the consent to the lodgement of the application was "*subject to a lease being put in place. Works may not commence until the lease is commenced. Land owner's consent does not constitute approval to any such lease*".

In discussions with Crown Lands, Council was advised that the Trust should make application to the Crown for approval to issue a section 102A tenure to Council without the Minister's prior approval or endorsement.

Such an approval allows the Trust to issue a 20 year lease to Council without the requirements for advertising and payment of rental. This approval can be granted where the proposed occupier's activities conform with the reservation of the land.

An application for the Crown's approval was lodged on 25 October 2011 and verbal advice was given on 29 November that the Crown no longer issues approvals for s102A leases. Crown Lands have advised that they are currently considering the provision of tenures over Crown Land to allow Councils to hold tenure for SES purposes.

Under section 17 of the *State Emergency Services Act 1989* local government authorities must provide suitable training facilities, storage and office facilities to the SES to operate within the local government areas. The SES advise that they are of the view that it is not necessary for them to enter into lease/licence arrangements with the Council, as the obligation to provide premises to SES is a statutory obligation.

This conflicts with the Crown's requirement that the user/occupier of the site must enter into tenure arrangements, and in light of this conflict the Crown are currently considering how such users can operate on Crown Land.

To enable construction to commence so that the SES facilities are in place in time for the coming wet/storm season, it is imperative that construction commences immediately.

As the SES facility conforms with the reservation of the land, it is recommended that the Tweed Coast Reserves Trust approve the granting of an interim licence for construction purposes for 12 months.

Crown Lands have been requested to provide their approval to the Trust to issue the licence, and approval has been granted.

It is recommended that the Trust resolve to issue an interim licence for construction to Council for 12 months so that Council can abide by its obligations under section 17 of the *State Emergency Services Act 1989* to provide suitable training facilities, storage and office facilities to the SES.

The interim licence allows the commencement of construction and is within the power of the Trust under the *Crown Lands Act 1989*.

The licence will comply with the standard licence requirements for Crown Land with no rental, and a copy of the licence will be provided to Crown Lands.

It is also necessary to resolve to execute the licence under the Common Seal of Council.

RECOMMENDATION:

That:

- 1. The Tweed Coast Reserve Trust approves the issue of a twelve month licence to Council for construction purposes over Crown Reserve 140048 comprised in Lot 508, DP 728257 for the construction of office /training facilities and a three (3) bay shed for the State Emergency Services; and**
- 2. All documentation be executed under the Common Seal of Council.**

REPORT:

As per Summary of Report, the land that is subject to this report is shown outlined below:



LEGAL/RESOURCE/FINANCIAL IMPLICATIONS:

As detailed within the report.

POLICY IMPLICATIONS:

Nil.

UNDER SEPARATE COVER:

UNDER SEPARATE COVER/FURTHER INFORMATION:

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Nil.

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CONFIDENTIAL MATTERS

Nil.

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