



TWEED
SHIRE COUNCIL

Chair: Tr K Milne

Trustees: G Bagnall (Deputy Chair)
C Byrne
B Longland
W Polglase
P Youngblutt

Agenda

Tweed Coast Reserve Trust Meeting Thursday 10 December 2015

held at Murwillumbah Cultural and Civic Centre
commencing at 5.00pm

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Items for Consideration of the Trust:

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CONFIRMATION OF MINUTES

- 1 [CONMIN-TCRT] Confirmation of Minutes of Ordinary Tweed Coast Reserve Trust Meeting held Thursday 19 November 2015

SUBMITTED BY: Corporate Governance



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
 - 1.2 Improve decision making by engaging stakeholders and taking into account community input
 - 1.2.2 Decisions made relating to the allocation of priorities will be in the long-term interests of the community
-

SUMMARY OF REPORT:

The Minutes of Ordinary Tweed Coast Reserve Trust Meeting held Thursday 19 November 2015 are attached for information and adoption by the Trust.

RECOMMENDATION:

That the Minutes of Ordinary Tweed Coast Reserve Trust Meeting held Thursday 19 November 2015 be adopted as a true and accurate record of proceedings of that meeting.

REPORT:

As per Summary.

COUNCIL IMPLICATIONS:

a. Policy:

Code of Meeting Practice Version 2.5.

b. Budget/Long Term Financial Plan:

Not applicable.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

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).*

Attachment 1

Minutes of Ordinary Tweed Coast Reserve Trust Meeting held Thursday 19 November 2015 (ECM 3869189).

REPORTS THROUGH THE EXECUTIVE MANAGER OF THE TRUST

REPORTS FROM DIRECTOR ENGINEERING

2 [E-TCRT] Licence to Cudgen Surf Life Saving Club - Lot 100 DP 1117102 and Part Lot 2 DP 1122062 being part of Crown Reserve R1001008

SUBMITTED BY: Design

Valid



Civic Leadership

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 1 Civic Leadership
- 1.4 Strengthen coordination among Commonwealth and State Governments, their agencies and other service providers and Statutory Authorities to avoid duplication, synchronise service delivery and seek economies of scale
- 1.4.1 Council will perform its functions as required by law and form effective partnerships with State and Commonwealth governments and their agencies to advance the welfare of the Tweed community

SUMMARY OF REPORT:

At its meeting held on 19 November 2015, the Tweed Coast Reserves Trust received a report relating to the addition of part of R93876 to R1001008.

Following the approval of the Trust to this addition, a notice has been placed in the Government Gazette of 4 December 2015 to effect the addition to R1001008.

As discussed in that report, the addition was a pre-requisite for dealing with the Cudgen Surf Life Saving Club's tenure on Lot 100 DP1117102.

The Club currently hold a lease directly with the Crown for R93876 concurrently with a licence for the car park and area beachside of the Club issued by the Trust, both agreements will expire on 31 December 2015.

It was intended to issue a lease to the Club upon finalisation of the NSW Surf Club Policy, as required by the Crown.

Pending the finalisation of the NSW Surf Club Policy, it is recommended that the Trust approves issuing a licence, pursuant to section 108 of the Crown Lands Act, to the Cudgen Surf Life Saving Club for a term of five (5) years pending the anticipated finalisation of the NSW Surf Club Policy.

RECOMMENDATION:

That:

- 1. The Tweed Coast Reserves Trust approves entering into a licence with Cudgen Surf Life Saving Club over Lot 100 in DP 1117102 and Part Lot 2 in DP 1122062 for a term of five (5) years pursuant to section 108 of the Crown Lands Act 1989.**
- 2. All documentation is executed under the Common Seal of Tweed Shire Council.**

REPORT:

At its meeting held on 19 November 2015, the Tweed Coast Reserves Trust received a report relating to the addition of part of R93876 to R1001008.

Following the approval of the Trust to this addition, a notice was published in the Government Gazette on 4 December 2015 to effect the addition to R1001008.

As discussed in that report, the addition was a pre-requisite for dealing with the Cudgen Surf Life Saving Club's tenure on Lot 100.

The Club currently hold a lease directly with the Crown for R93876 concurrently with a licence for the car park and area beachside of the Club issued by the Trust, both agreements will expire on 31 December 2015

It was intended to issue a lease to the Club upon finalisation of the NSW Surf Club Policy, as required by the Crown, and to issue a temporary licence to the Club, pursuant to section 108 of the Crown Lands Act 1989 until the Policy is finalised.

Discussions between the Crown, the Club and Council identified that there were three tenure options available to the Club following expiry of the lease and licence:

1. Request amalgamation of the Club's current tenures from 1 January 2016 to be issued by the Tweed Coast Reserves Trust; or
2. Request amalgamation of the Club's current tenures from 1 January 2016 to be issued by Crown Lands; or
3. Request a new lease from 1 January 2016 to be issued by Crown Lands and a new Trust licence from the Trust.

The Crown recommended that the Trust approve Option 1, and the report to the Trust considered at 19 November 2015 meeting proposed the amalgamation by the addition to R1001008 to progress Option 1. Attachment 1 to this report is a copy of the letter from the Crown discussing these options, and Figure 1 below is an excerpt from the letter discussing Option 1.

Options for consideration for continued use and occupation of subject lands upon expiry of Lease 390733 and Trust Licence

No	Options	Information/Requirements	Comments
1	Request amalgamation of the Club's current tenures from 1 January 2016 (shown by blue and purple edging on Status Diagram) to be issued by Tweed Coast Reserve Trust (managed by Tweed Shire Council)	<ul style="list-style-type: none"> • Club will not be required to provide a proposal for Direct Negotiation of a new Trust Lease. • New Trust Lease will be for land only, improvements remain the property of the Club whilst held under Trust Lease. • May result in reduced financial implications to the Club; <ul style="list-style-type: none"> ○ no application fees for Trust Lease, ○ depending on the Trust providing assistance with associated costs and required survey for a new Trust Lease, ○ a Trust Lease is subject to a market rent and standard application of CPI adjustments to the rent and redetermination of rent every 3 years, ○ until the release of NSW Surf Club Policy the Trust is in a position to consider the application of a rebate on market rent down to Statutory Minimum (currently \$464.00 + GST), and ○ a Trust may apply for funding through a loan or grant from the Public Reserves Management Fund and other fund providers. • May require in principle support from Westpac Banking Corporation as Mortgagee. • Will require in principle support from Tweed Shire Council as corporate manager of Tweed Coast Reserve Trust. • Club provides written request to Crown Lands to amalgamate current tenures held by the Club into one tenure to be issued by the Trust and include support from Trust and if required Westpac. • The Trust will negotiate a Trust Lease with the Club and forward to Crown Lands for relevant approval and endorsement. 	<p>Based on the information provided by the Club to date, Crown Lands is in a position to consider the progression of this option.</p> <p>Low impact on time and resources (including financial) for the Club to progress this option.</p> <p>Rationalises the status and management of the subject lands. The Club will only have one Lessor, being Tweed Coast Reserve Trust.</p> <p>Aligns the use and occupation of the subject lands by the Club with the draft NSW Surf Life Saving Club Policy.</p> <p>Trust has the capacity to source and obtain funding from a broader range of fund providers.</p>

Figure 1

It is recommended that the Trust approves issuing a licence to the Cudgen Surf Life Saving Club for a term of five (5) years. This licence will reconcile the areas under the previous lease and licence and result in a single agreement. The plan below shows the area to be licensed in Figure 2, which is a consolidation of the blue and purple edging referred to in the Options discussion above.



Figure 2

The commencing rental for the licence will be the statutory minimum rental of \$464 + GST per annum, pending the finalisation and release of the NSW Surf Club Policy, and acknowledging the community service the Club provides to the Kingscliff community and its visitors.

OPTIONS:

1. To approve the Tweed Coast Reserves Trust entering into a licence for 5 years with Cudgen Surf Life Saving Club.
2. To not approve the Tweed Coast Reserves Trust entering into a licence for 5 years with Cudgen Surf Life Saving Club.

CONCLUSION:

The Club has provided surf lifesaving services to the Kingscliff community over an extensive number of years, and have invested in improvements to the Clubhouse to continue providing their services.

The reconciliation of tenure for the Club by a single licence from the Trust removes administrative duplication and allows direct discussions between the Trust Manager and the Club.

It is recommended that the Trust approves entering into a licence with the Club for five years pending the finalisation the NSW Surf Club Policy, which will provide direction for a whole of state approach to the provision of surf club support.

COUNCIL IMPLICATIONS:

a. Policy:

Corporate Policy Not Applicable.

b. Budget/Long Term Financial Plan:

The minimal rent allows the community benefit to continue at this location pending the finalisation of the NSW Surf Club Policy.

c. Legal:

Not Applicable.

d. Communication/Engagement:

Inform - We will keep you informed.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Attachment 1.

Letter from Crown Lands dated 11 June 2015 (ECM 3706720).
