

TITLE: [CNR-CM] SALT Surf Life Saving Club

SUBMITTED BY: Recreation Services

Valid



Supporting Community Life

LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:

- 2 Supporting Community Life
- 2.1 Foster strong, cohesive, cooperative, healthy and safe communities
- 2.1.3 Provide opportunities for residents to enjoy access to the arts, festivals, sporting activities, recreation, community and cultural facilities

SUMMARY OF REPORT:

Council issued consent to the SALT Surf Life Saving Club on 23 September 2013 for the partial demolition of the existing clubhouse adjacent to SALT Central Park, and extensions for new facilities at Kingscliff.

The current clubhouse is located on Lot 173 DP 1075495, and the extensions will extend eastwards into adjacent Council community land, Lot 901 DP 1066477.

Construction is nearly complete, and to provide tenure for the Club to operate from the new facility, it is now necessary to enter into lease with the Club for the building footprint over Lot 901.

It is recommended that Council approves publishing a notice of intention of granting a lease to the SALT Surf Life Saving Club upon occupation of the new facility, in accordance with the requirements of the Local Government Act 1993.

RECOMMENDATION:

That Council approves publishing a notice of Council's intention of entering into a lease with SALT Surf Life Saving Club over all of Lot 173 DP 1075495 and part Lot 901 DP 1066477 for a term of 10 years and an option, in favour of the lessee, for a further 10 years.

REPORT:

Council issued consent to the SALT Surf Life Saving Club for the partial demolition of an existing storage and first aid facility with public toilets, adjacent to SALT Central Park, and extensions for new facilities at Kingscliff.

The current facility is located on Lot 173 DP 1075495, being Council operational land, and the extensions will extend eastwards into Council community land, Lot 901 DP 1066477.

Figure 1 below shows the location of the existing surf lifesaving facility within Lot 173, the hatched area is Lot 901, where the proposed works will extend into:

Figure 1

Background information

The existing facility is located within Lot 173 and the Club operates from the site under a lease dated 17 December 2004. This lease was for a term of ten years, between Council and Salt Developments Pty Ltd ("Salt"), who constructed the facility. This lease commenced on 4 January 2005 and expired on 3 January 2015.

Clause 14 of the lease allowed for Salt to sub-let to Surf Life Saving NSW Incorporated (or related entity) or Surf Life Saving Services Pty Ltd (or related entity) for the sole purpose of providing surf lifesaving services as required under condition 15 of the consent for the facility.

Concurrently with this lease, Council entered into a Deed with Salt Developments which effected an indemnification required under consent condition 16, to cover the costs of the provision of surf lifesaving services for the beach bordering the SALT development.

Clause 28 of the lease provides that if Council allows the Lessee to use the site after the expiry date, then the lease will roll over into a monthly tenancy. This is the current status of the Club's tenure.

In light of the proposed extensions and the provision of tenure for the extension into Lot 901, it is appropriate to include consideration of the leasing of Lot 173.

As noted earlier in the report, Lot 173 is operational land, so there are no statutory restrictions to be considered when determining lease terms.

However, Lot 901 is a public reserve and is classified as community land, which falls within the constraints for leasing within the Local Government Act 1993.

A Plan of Management was adopted for Lot 901 in June 2010, which identifies the use of that part of Lot 901 contiguous with Lot 173 for the expansion of the existing surf lifesaving facility, and that the parcel could be leased/licensed for such purpose, but the total lease term must not exceed 21 years (inclusive of any options).

The latter constraint emanates from section 46 of the Local Government Act 1993, which provides that if a lease exceeding 5 years is contemplated, then in accordance with section 47, Council must give public notice of such intention, and provide a submission period of not less than 28 days.

To ensure ongoing surf lifesaving services are provided for the adjacent beach, a term of ten years, with an option for a further ten years is recommended.

In this regard, pursuant to section 47, Council is also required to resolve to give notice of its intention to lease the land to the Club.

It is recommended that Council approves the publication of a notice of intention to enter into a lease with the SALT Surf Life Saving Club upon occupation of the new facility.

OPTIONS:

1. To provide the SALT Surf Life Saving Club tenure for the occupation of Council land for surf lifesaving services to the Kingscliff community and visitors.

2. To not approve the provision of tenure to the SALT Surf Life Saving Club for the occupation of Council land for surf lifesaving services.

CONCLUSION:

In light of the acceptance and adoption of the Plan of Management in 2010, which set down the foundation for the expanded facilities at this location, it is recommended that Council approves the granting of tenure, and to publish a notice of Council's intention to enter into a lease with the SALT Surf Life Saving Club as recommended.

COUNCIL IMPLICATIONS:

a. Policy:

Not applicable.

b. Budget/Long Term Financial Plan:

No financial implications arise as a result of this report

c. Legal:

The Local Government Act, 1993, requires, at section 47, that Council gives public notice of its intention to lease Council land for any period over five years.

d. Communication/Engagement:

Consult-We will listen to you, consider your ideas and concerns and keep you informed.

Appropriate notification of Council's intention to issue a long term lease to the Club will provide for public submissions.

UNDER SEPARATE COVER/FURTHER INFORMATION:

Nil.
