



**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 Reserves Trust Meeting Tuesday 26 June 2012**

held at Murwillumbah Cultural and Civic Centre  
commencing at 10.15am

**THIS PAGE IS BLANK**

## Items for Consideration of the Trust:

ITEM	PRECIS	PAGE
	CONFIRMATION OF MINUTES	5
1	[CONMIN] Confirmation of the Minutes of the Ordinary and Confidential Reserve Trust Meeting held Tuesday 16 November 2010	5
	REPORTS THROUGH THE EXECUTIVE MANAGER OF THE TRUST/GENERAL MANAGER	7
	REPORTS FROM DIRECTOR PLANNING AND REGULATION	7
2	[PR-RT] Approvals to Operate Markets - Kingscliff, Pottsville and Knox Park Murwillumbah	7
	REPORTS FROM ACTING DIRECTOR ENGINEERING AND OPERATIONS	11
3	[EO-RT] Lease of Premises to Murwillumbah Potters Inc and Fernvale Community Association - Fernvale Community Centre - Crown Reserve 91428 being Lot 181 in DP755698	11
4	[EO-RT] Crown Land - Tyalgum	15

**THIS PAGE IS BLANK**

## CONFIRMATION OF MINUTES

- 1 **[CONMIN] Confirmation of the Minutes of the Ordinary and Confidential Reserve Trust Meeting held Tuesday 16 November 2010**

## 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](http://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 Reserve Trust Meeting held Tuesday 16 November 2010 (ECM 36237408).
  2. **Confidential Attachment** - Minutes of the Confidential Reserve Trust Meeting held Tuesday 16 November 2010 (ECM 24300783).
-

**THIS PAGE IS BLANK**

## **REPORTS THROUGH THE EXECUTIVE MANAGER OF THE TRUST/GENERAL MANAGER**

### **REPORTS FROM DIRECTOR PLANNING AND REGULATION**

#### **2 [PR-RT] Approvals to Operate Markets - Kingscliff, Pottsville and Knox Park Murwillumbah**

**SUBMITTED BY:** Building and Environmental Health



**Supporting Community Life**



**Strengthening the Economy**

---

### **SUMMARY OF REPORT:**

The current approval to conduct the market at Knox Park Murwillumbah expires on 30 June 2012.

On 17 April 2012 the Tweed Reserves Trust resolved to call for Expressions of Interest from any person or group who wishes to be considered as a candidate to operate the markets from 1 July 2012, for a period of three (3) years.

The period for receipt of Expressions of Interest closed on 15 May 2012. Unfortunately no submission was received from any interested party willing to operate the market.

A separate detailed report on this matter will also be put to the Council for endorsement.

### **RECOMMENDATION:**

**That the Reserves Trust notes that no interested parties were identified during the public advertisement period which sought candidates to operate the Knox Park Murwillumbah markets from 1 July 2012.**

## **REPORT:**

The current approvals to conduct the markets at Knox Park Murwillumbah expire on 30 June 2012. On 17 April 2012 the Tweed Reserves Trust resolved to call for Expressions of Interest from any person or group who wishes to be considered as a candidate to operate the four markets from 1 July 2012, for a period of three years. The period for receipt of Expressions of Interest closed on 15 May 2012.

No submissions were received from any interested party seeking to operate the markets at Knox Park Murwillumbah.

It is noted that a 'farmer's market' has been operating for about 12 months each Wednesday morning and a 'traditional market' on the fourth Sunday at the Murwillumbah Showground, which may have provided an alternative opportunity to promote and sell local produce.

A separate detailed report will be put to Council for consideration.

## **OPTIONS:**

1. Council to operate and administer the markets.

Additional staffing resources would be necessary to achieve internal management of markets. It is highly unlikely that income would fund these costs. This is not necessarily a function which Council is seeking to perform and it can be performed adequately by the private sector or community based service organisations (where economic circumstances make such a market viable).

2. Issue no approval for the market.

Whilst the previous operator was a very experienced business and market manager unfortunately it appears that the current economy does not make the operation of the markets viable.

## **CONCLUSION:**

That the Reserves Trust notes that no interested parties were identified during the public advertisement period which sought candidates to operate the Knox Park Murwillumbah markets from 1 July 2012.

## **COUNCIL IMPLICATIONS:**

### **a. Policy:**

Vending of Food on Public Reserves Version 1.1.

### **b. Budget/Long Term Financial Plan:**

Nil income to be received from the operation of markets at Knox Park Murwillumbah.

### **c. Legal:**

Not Applicable.



**d. Communication/Engagement:**

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

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 2 Supporting Community Life
  - 2.1 Foster strong, cohesive, cooperative, healthy and safe communities
    - 2.1.6 Provide social, economic and cultural initiatives which enhance access, equity and community well-being
- 3 Strengthening the Economy
  - 3.1 Expand employment, tourism and education opportunities
    - 3.1.6 Support creative practitioners and entrepreneurs to access professional and business development opportunities, to enhance their contribution to the creative economy
      - 3.1.6.1 Creative economy

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

---

**THIS PAGE IS BLANK**

## REPORTS FROM ACTING DIRECTOR ENGINEERING AND OPERATIONS

- 3            **[EO-RT] Lease of Premises to Murwillumbah Potters Inc and Fernvale Community Association - Fernvale Community Centre - Crown Reserve 91428 being Lot 181 in DP755698**

**SUBMITTED BY:** Design

**FILE REFERENCE:** PF2040/415



**Civic Leadership**

---

### SUMMARY OF REPORT:

A lease agreement for the Fernvale Community Centre located within Crown Reserve 91428 and managed by Tweed Shire Council (Fernvale Community Centre Reserve Trust) held jointly by Murwillumbah Potters Inc and Fernvale Community Association Inc expired on 31 August 2011.

Correspondence has been received indicating that both groups would like to renew the lease of the Crown Reserve for their respective community programs.

A lease agreement is to be completed using the new Crown Lands lease template and then approved by Land and Property Management Authority as land owner. Upon approval by Land and Property Management Authority, the lease is required to be signed by the Murwillumbah Potters Inc. and the Fernvale Community Association, along with Tweed Shire Council as Trust Managers of Reserve 91428.

### RECOMMENDATION:

**That the Tweed Reserves Trust:**

1. **Approves entering into a lease agreement for a term of ten years, at the minimum annual rental, over Crown Reserve 91428, comprising the Fernvale Community Centre, with Murwillumbah Potters Incorporated and Fernvale Community Association Incorporated; and**
2. **All necessary documentation be executed under the Common Seal of Council.**

**REPORT:**

A lease agreement for the Fernvale Community Centre located within Crown Reserve 91428 and managed by Tweed Shire Council (Fernvale Community Centre Reserve Trust) held jointly by Murwillumbah Potters Inc and Fernvale Community Association Inc expired on 31 August 2011.

Correspondence has been received indicating that both groups would like to renew the lease of the Crown Reserve for their respective community programs.

Previously the rental amount payable was \$70 per annum however in their letter dated 22 November 2006 Land and Property Management indicated that after the expiration of the current lease the rental amount would return to the minimal rental as determined under the Crown Lands Act 1989.

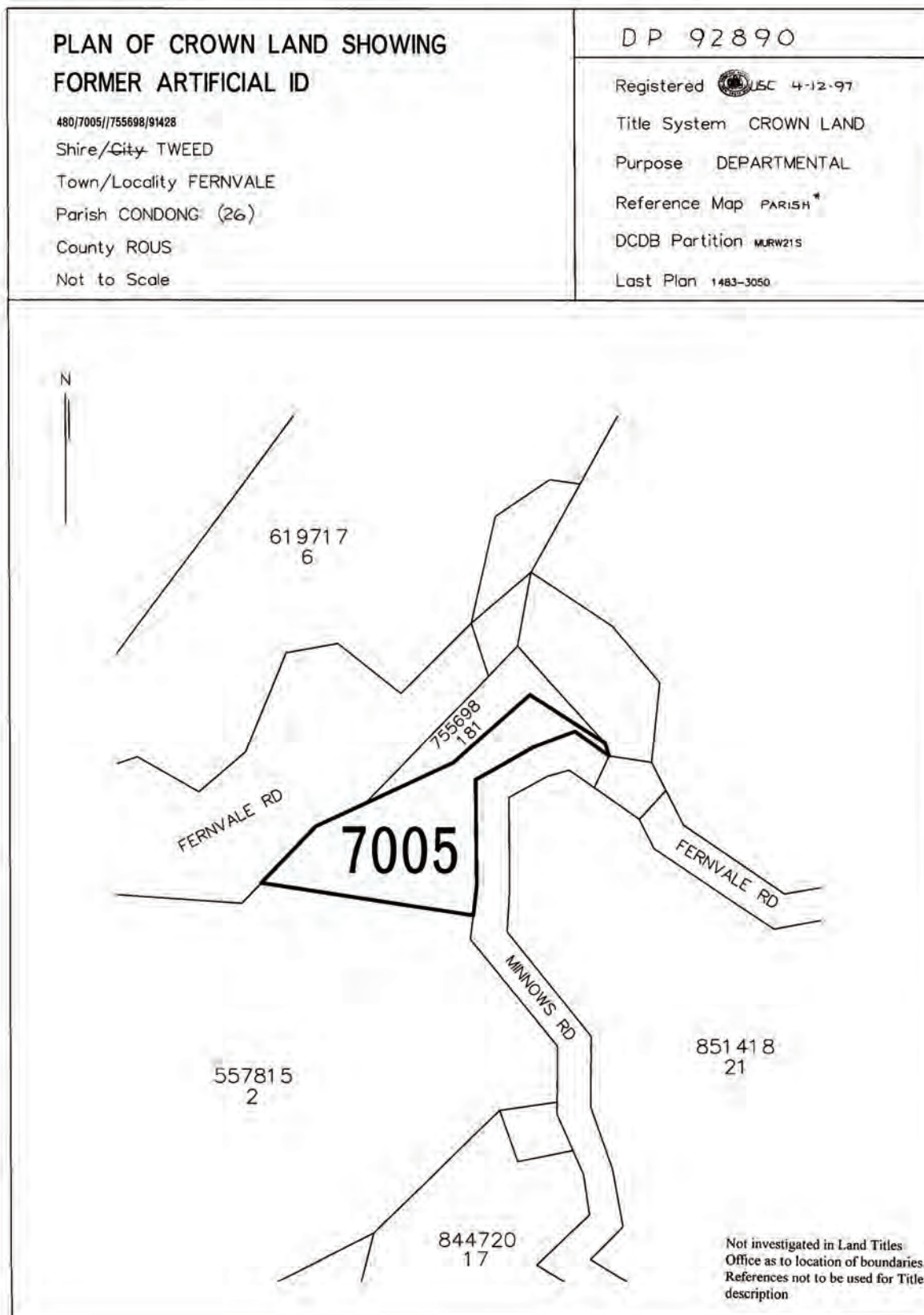
The current minimal rental amount payable as of 28 July 2011 is \$429 per annum.

Both the Murwillumbah Potters Inc and the Fernvale Community Association Inc. have proven to be reliable and satisfactory tenants and have abided by the terms and conditions of the previous lease agreement.

A lease agreement is to be completed using the new Crown Lands lease template and then approved by Land and Property Management Authority as land owner. Upon approval by the Authority the lease is required to be signed by the Murwillumbah Potters Inc. and the Fernvale Community Association Inc. along with Tweed Shire Council as Trust Managers of Crown Reserve 91428.

Below is a plan showing Lot 7005 DP 92890 and Lot 181 DP 755698 being the Fernvale Community Centre – Crown Reserve 91428:

Req:R047521 /Doc:DP 0092890 P /Rev:11-Dec-1997 /Sts:OK,OK /Prt:05-Jan-2007 09:05 /Pgs:ALL /Seq:1 of 1  
Ref:vb /Src:M



**OPTIONS:**

Not Applicable.

**CONCLUSION:**

It is recommended that the Tweed Reserves Trust approves entering into a Lease agreement for a term of ten years over Crown Reserve 91428, Fernvale Community Centre, with Murwillumbah Potters Inc. and Fernvale Community Association Inc.

**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy not applicable.

**b. Budget/Long Term Financial Plan:**

Income from annual rental.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

**Inform** - We will keep you informed.

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

- 1 Civic Leadership
- 1.3 Delivering the objectives of this plan
- 1.3.1 Council's organisation will be resourced to provide the essential services and support functions to deliver the objectives of this Plan
- 1.3.1.16 Provision of property and legal services for internal clients
- 1.3.1.16.3 Provide Leasing and Licensing services to clients

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

---

**4 [EO-RT] Crown Land - Tyalgum**

**SUBMITTED BY: Recreation Services**



**Supporting Community Life**

---

**SUMMARY OF REPORT:**

Council has received a request from the Department of Primary Industries to consider a proposal from the Tyalgum Recreation and Flora Reserves Trust, a community based Crown Reserves Trust, to have the all of the Crown land in Tyalgum amalgamated under its management.

Tweed Shire Council is Trustee of two portions of Crown Land in Tyalgum being Reserve No 95559 reserved for Caravan and Camping, and Reserve No 88308 reserved for Public Recreation.

**RECOMMENDATION:**

**That the Tweed Reserves Trust supports the Tyalgum Recreation and Flora Trust's proposal to have the Crown Land in Tyalgum incorporated under its management. This specifically includes the reserves for which Council is Trustee being Crown Reserve No 88308 and Crown Reserve No 95559.**

## **REPORT:**

Council has received a request from the Department of Primary Industries to consider a proposal from the Tyalgum Recreation and Flora Reserves Trust; a community based Crown Reserves Trust, to have the Crown Land in Tyalgum amalgamated under its management.

The email request from the Department of Primary Industries and the proposal from the Tyalgum Recreation and Flora Reserves Trust are included in this report.

Tweed Shire Council is Trustee of two portions of Crown Land in Tyalgum (refer attached map) being:

- Reserve No 95559 - Reserve purpose: Caravan and Camping.

This is essentially a cleared paddock with no improvements and for which Council has no plans

- Reserve No 88308 - Reserve purpose: Public Recreation.

This is a small parcel of land that appears to mainly consist of river bank and adjoins Norco Park (Community Land).

The Tyalgum Recreation and Flora Reserves Trust has actively managed the majority of Crown land in Tyalgum for many years. The proposal for the community trust to assume management of all of the Crown Land in the Tyalgum township has been discussed at a number of community meetings and is reported to have community support. A plan for the use of the land has been developed and also has community support.

As noted above, Council has not actively managed the Crown Lands in Tyalgum of which it is Trustee and has no current plans for these areas.

Facilitating the management of the land by the local community through the amalgamation of Crown Lands under the management of a Community Trust, including those for which Council is Trustee would appear to be a logical approach to public land management in the area.

## **OPTIONS:**

As noted in the email from Karen Hembrow, Director North, Catchment and Lands, Department of Primary Industries, the Crown Lands Act now provides a number of Trust management options including more than one Trust Manager with responsibilities for distinct areas of the reserve or functions. Alternatively Council may wish to be appointed Trust Manager and appoint the community as a management committee. Should Council wish to increase its presence in Tyalgum one of these options may be considered appropriate. However it would seem likely that dual management roles for single reserves may serve to complicate the management of the reserves and potentially complicate the implementation of the community's plan.



Another option is to retain the status quo with Council as Trustee of the reserves, although this is not the preferred option of the community.

The recommended option is to support the community proposal to have the Crown Land in Tyalgum incorporated under its management. This specifically includes the reserves for which Council is Trustee being Crown Reserve No 88308 and Crown Reserve No 95559.

## **CONCLUSION:**

As noted above, Council has not actively managed the Crown Lands in Tyalgum of which it is Trustee and has no current plans for these areas.

Facilitating the management of the land by the local community through the amalgamation of Crown Lands under the management of a community Trust, including those for which Council is Trustee would appear to be a logical approach to public land management in the area.

## **ATTACHMENTS:**

Email from Karen Hembrow, Director North, Catchment and Lands, Department of Primary Industries:

*"I refer to our telephone conversation a couple of weeks ago, sorry for the delay in sending you this information.*

*Thomas George is championing the local community to ensure that the Crown land in the town is managed appropriately. To this end the community have held a number of meetings and provided the attached information.*

*Before any actions are commenced to consider the views of the community I would seek Council's views and the level of involvement Council would like in relation to the proposal. As I mentioned on the phone the Crown Lands Act now provides a number of Trust management options including more than one Trust Manager with responsibilities for distinct areas of the reserve or functions. Alternatively Council may wish to be appointed Trust Manager and appoint the community as a management committee.*

*There may also be potential, as a component of this proposal to address and potentially improve the informal camping that takes place in Tyalgum. Council may also wish to increase its presence at Tyalgum by providing additional community infrastructure such as the walking track or children's playground identified.*

*Stewart if you would please discuss this proposal further within Council and advise if Council has any desire to be involved or if it supports the proposal or sees any issues that would need to be further considered."*

18 April 2012

## TYALGUM RESERVES PLAN

The Tyalgum community has for many years held the desire to have the unused crown land in the village come under the management of the long established Tyalgum Recreation and Flora Trust.

The purpose in having the land managed by the local trust is to insure that the USE of these unused crown lands does not become something that is disagreeable to the community. The community wants to legally utilise the land and to have facilities for their own enjoyment, to be able to address issues concerning the land locally and to attract visitors to the village.

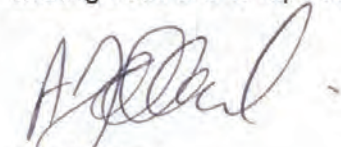
The land identified in Proposal 1 borders the existing Recreation and Flora Reserve and is also adjacent to the main street, Coolman Street, across from the local businesses. The community desires this land to be an expansion of the existing Recreation and Flora Reserve.

Tweed Shire Council has already prepared plans and specifications for a long (wheelchair friendly) walkway commencing at the area near the shops. Unfortunately, funding has not been obtained to construct the walkway.

It is desired to have the area opposite the shops as a 'Picnic and Play' area for community members, particularly for young families with children. An arboretum for the conservation of local flora is proposed for the land further north from Coolman Street towards Oxley River to cover the old cattle dip site, with facilities for local youth recreation (which currently occupies one of the tennis courts) to be established to the west of this section.

The community wishes to retain the panoramic view of Limpinwood Nature Reserve (a residual ridge from the caldera erosion process) to the north of the village. This view is from Coolman Street across Proposal 1 and across the existing Recreation and Flora Reserve.

The land identified in Proposal 2 is flood prone and is at the entrance to Tyalgum from Murwillumbah. A walkway around this reserve is proposed as an extension to the already planned walkway through Proposal 1 and a 'Picnic and Play' area as an extension of that in Proposal 1. An arboretum for the conservation of 'Tall Gums' (supposed origin of the name Tyalgum), is proposed here for flora conservation and beautification purposes, to supplement existing trees and to replace noxious camphor laurel trees.



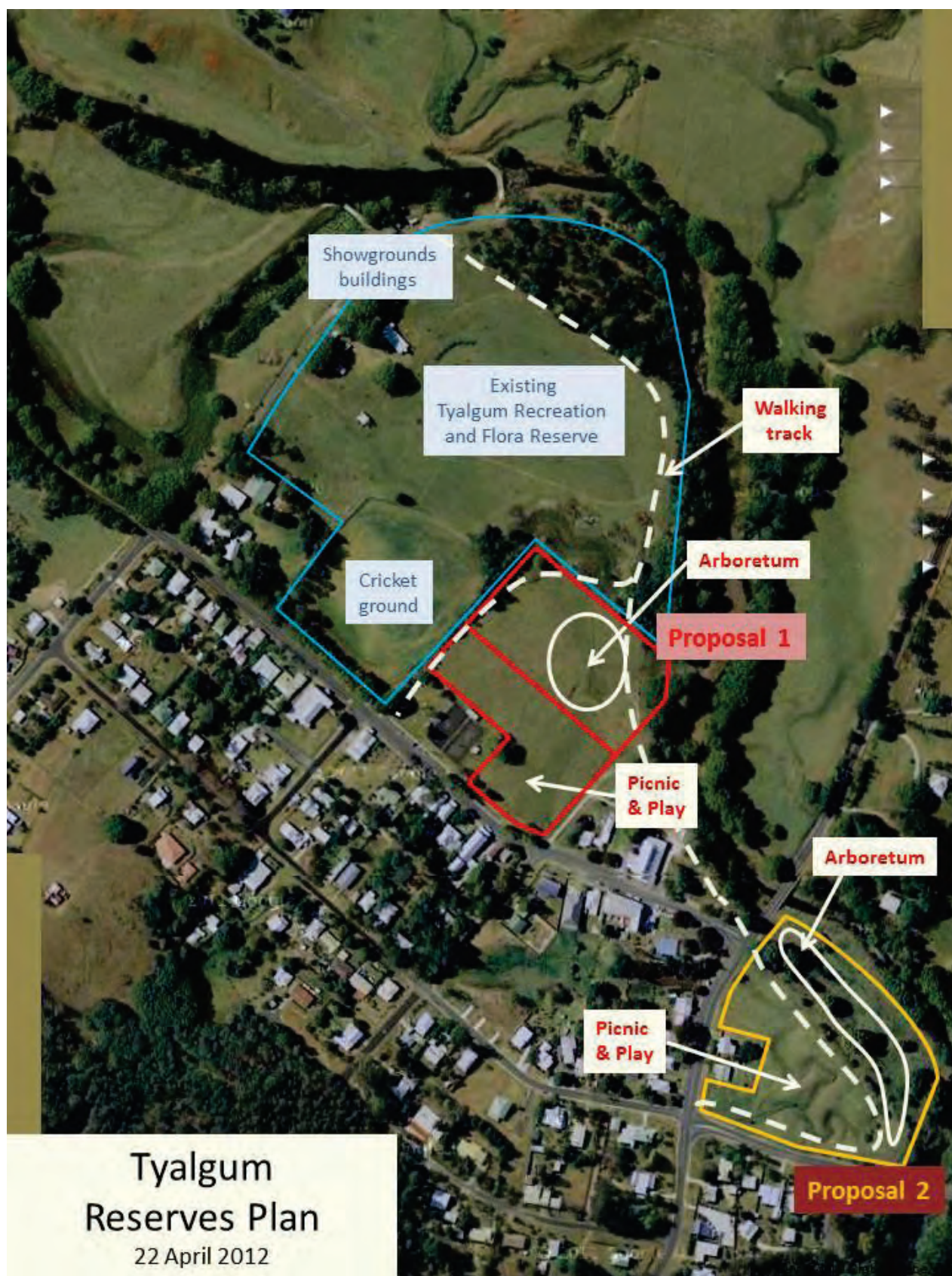
Allan Gallard,  
President Tyalgum  
Recreation and Flora Trust,



Bruce Bartrim,  
President Tyalgum  
Community Hall Association,

The sponsors of the proposals and the public meeting held on 15 November 2011









**COUNCIL IMPLICATIONS:**

**a. Policy:**

Corporate Policy Not Applicable.

**b. Budget/Long Term Financial Plan:**

Not Applicable.

**c. Legal:**

Not Applicable.

**d. Communication/Engagement:**

Not Applicable.

**LINKAGE TO INTEGRATED PLANNING AND REPORTING FRAMEWORK:**

2 Supporting Community Life

2.3 Provide well serviced neighbourhoods

2.3.6 Provide conveniently placed and well equipped parks, sporting, recreational, cultural and community facilities

2.3.6.2 Provide conveniently placed and well equipped community facilities

**UNDER SEPARATE COVER/FURTHER INFORMATION:**

Nil.

---

**THIS PAGE IS BLANK**