



Notice of Reserve Trust Manager Meeting

Notice is hereby given that a Reserve Trust Manager Meeting will be held in the Ballina Shire Council Chambers, 40 Cherry Street, Ballina on **Monday 24 June 2013 commencing at 4.00 pm.**

Business

1. Apologies
2. Declarations of Interest
3. Deputations
4. Committee Reports

A handwritten signature in black ink, appearing to read 'Paul Hickey', with a long horizontal line underneath.

Paul Hickey
General Manager

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1. Apologies
 2. Declarations of Interest
 3. Deputations
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1. Apologies

2. Declarations of Interest

3. Deputations

4.1 Crown Licence - Clubhouse - Williams Reserve, Lennox Head

4. Committee Reports

4.1 Crown Licence - Clubhouse - Williams Reserve, Lennox Head

Delivery Program Commercial Services

Objective To obtain Reserve Trust approval to issue a Crown Licence for the clubhouse at Williams Reserve to the Lennox Head Combined Sports Association

Background

Council is Reserve Trust Manager of the Lennox Head Williams Reserve Reserve Trust. As Reserve Trust Manager Council can offer leases/licences over Council controlled Crown Land.

The Lennox Head Combined Sports Association (LHCSA) Incorporated previously held a Crown Licence over the clubhouse building on Williams Reserve. This Crown Licence has now lapsed and is due for renewal.

Key Issues

- Finalisation of tenure arrangements for Williams Reserve

Information

Council as Reserve Trust Manager of the Lennox Head Williams Reserve Reserve Trust wrote to the LHCSA to determine if they wished to renew their Crown Land Licence over the clubhouse building at Williams Reserve. The previous licence had lapsed and not been renewed.

The Club has responded acknowledging that they wish to renew the Licence (see attached).

Legal / Resource / Financial Implications

Council as Reserve Trust Manager can apply to the Minister for Crown Lands for minimum statutory rent to be applied whereby the organisation has a not for profit status. In this case the Reserve Trust would be requesting a minimum statutory rent as it relates to a community group.

Consultation

Council has consulted with the LHCSA who have expressed a desire to renew the Crown Licence.

4.1 Crown Licence - Clubhouse - Williams Reserve, Lennox Head

Options

1. Council as Reserve Trust Manager can resolve to offer the Crown Licence to Lennox Head Combined Sports Association Incorporated with a minimum statutory rent based on their not for profit status.

This option is recommended as it offers the LHCSA security over the building.

2. Council as Reserve Trust Manager can decide not to offer the LHCSA a Crown Licence over the clubhouse building.

This is not the preferred option.

The term of the proposed licence is for five years, as any period in excess of five years requires a subdivision of the land, and all the related costs associated with that subdivision.

RECOMMENDATION

That Ballina Shire Council, as Reserve Trust Manager for the Lennox Head Williams Reserve Reserve Trust, approves a five year Crown Land Licence to the Lennox Head Combined Sports Association for the clubhouse building on Williams Reserve (R. 82927) at Lennox Head, with a minimum statutory rent taking into account the not for profit status of the organisation.

Attachment(s)

1. Email from Lennox Head Combined Sports Association
2. Locality Plan

Leanne Harding

From: Greg and Gayle [gmscore@hotmail.com]
Sent: Monday, 20 May 2013 1:56 PM
To: Leanne Harding, Northpoint
Subject: Williams Reserve clubhouse licence

Hi Leanne

In response to Council's letter and our recent conversation in relation to the licence for the Williams Reserve clubhouse, I advise the following:

- The Lennox Head Combined Sports Association at its meeting of Tuesday 14 May 2013 resolved to progress the negotiations concerning a renewal of the Crown licence over the Williams Reserve clubhouse, and
- The Association's certificate of incorporation number is Y0740535 - incorporated on 30/3/1989

Please advise if any additional information is required.

Thanks
Greg Downes
President



Locality Plan - Part Lot 473 DP 729088 - Lennox Head Sports Club,
Williams Reserve, Lennox Head - Aerial flown 2012



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21/5/2013

4.2 Tenure Arrangements - Ballina Surf Club

4.2 Tenure Arrangements - Ballina Surf Club

Delivery Program Commercial Services

Objective To obtain Reserve Trust approval for a Head Lease to Ballina Shire Council for the Ballina Surf Club land

Background

Council is nearing completion of the Ballina Lighthouse and Lismore Surf Lifesaving Club redevelopment project. The construction of this facility commenced in August 2012 and is expected to be completed by the end of June 2013. The land that the building sits on forms part of the Ballina Coastal Reserve. Council is Reserve Trust Manager for this Crown Reserve.

The total cost of the building project is expected to be approximately \$5.8 million of which Federal Government funding was received from the Department of Regional Australia for \$2.3 million. A condition of the Federal Government funding agreement is that the lease for the Crown land and the club facilities must have been completed and signed by the end of the project. This report seeks approval for the lease to allow the funding agreement to be finalised.

Key Issues

- Tenure arrangements for the various components of the building

Information

Council, as Reserve Trust Manager of the Ballina Coastal Reserve, approached the Department of Trade and Investment Crown Lands Division, for in-principle support to a 20 year lease between the Ballina Coastal Reserve Trust and Council for the land. This is the preferred tenure from Crown Lands for buildings of this type. A letter from Crown Lands has now been received (see **attached**) giving support to the term of tenure for the surf club. Upon receiving the Head Lease between the Ballina Coastal Reserve Trust and Ballina Shire Council, Council (acting as Council and not as the Reserve Trust) is then in a position to offer a sub-lease to the preferred café operator as well as a sub-licence to the Ballina Lighthouse and Lismore Surf Lifesaving Club.

Legal / Resource / Financial Implications

To fulfil the obligations of the funding agreement and obtain the final payment of \$200,000 Council needs to resolve the tenure arrangements.

4.2 Tenure Arrangements - Ballina Surf Club

Consultation

Council has been consulting with Department of Regional Australia and Department of Trade and Investment Crown Lands regarding tenure arrangements.

Options

1. Council as Reserve Trust Manager of the Ballina Coastal Reserve offer a 20 year head Lease to Ballina Shire Council for a nominal rent.

This is the preferred option.

2. Council as Reserve Trust Manager of the Ballina Coastal Reserve can resolve not to apply for the head lease over the Ballina Surf Club land. In this case the Reserve Trust would actually be considered to be the owner of the building and any sub-leases or sub-licenses would be offered by the Reserve Trust. As the building is a Council owned asset the preferred approach is option one, as under option one the building is considered to be a Council owned asset, albeit that it is located on Crown land.

This is largely a bureaucratic process however as the building is on Crown Land it is necessary for Council to have a lease over the Crown Land, which in turn allows Council to offer leases and licenses for the use of the building.

The proposed terms and conditions in respect to the sub lease and license to the café operator and surf club form part of the Commercial Services Committee meeting which follows this meeting.

RECOMMENDATION

That Ballina Shire Council, as Reserve Trust Manager for the Ballina Coastal Reserve Trust, approves a 20 year lease to Ballina Shire Council for the premises referred to as the Ballina Lighthouse and Lismore Surf Lifesaving Club, with a minimum statutory rent.

Attachment(s)

1. Letter from Department of Trade & Investment Crown Lands
2. Locality Plan



The General Manager
Ballina Shire Council
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BALLINA NSW 2478

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PO Box 2185 DANGAR NSW 2309
Ph: (02) 66403410
Fax: (02) 66425375
e-mail: Nessbit.Hurcum@lands.nsw.gov.au

Contact Officer: Nessbit (Bert) Hurcum
Your Ref:
Our Ref: 12/00345

Attention: Mr Paul Hickey

Dear Sir

MANAGAEMENT OF SURF CLUBS ON CROWN LAND

Thank you for your letter of 15 May 2013 to Mr Graham Harding, former General Manager of Crown Lands Division regarding the management of surf clubs operating on Crown lands in New South Wales. The Executive General Manager of Crown Lands Division, Alison Stone, has requested that I reply to you directly.

As stated in your letter Crown Lands Division is in the process of finalising a policy for dealing with surf club tenures, a process that began sometime ago and has involved considerable consultation with local government and the surf club movement. In anticipation of the policy, Crown Lands Division has been recommending that Trust managers issue only short term or temporary licences to surf clubs upon expiration of existing tenures. I confirm that these recommendations will continue in general cases until such time as the surf clubs' tenure policy is finalised.

However, with respect to the Ballina Lighthouse and Lismore Surf Lifesaving Clubhouse at Lighthouse Beach, East Ballina, given the level of capital investment in the project I will support a recommendation from the Ballina Coastal Reserve Trust that a longer term tenure for a term of up to twenty years be progressed for consideration by the Minister. I believe that a tenure of this nature should satisfy the Federal Government's grant conditions.

Should you have any enquiries with respect to this matter please do not hesitate to the Acting Senior Manager at Grafton, Nessbit (Bert) Hurcum, on 6640 3410 or by e-mail at Nessbit.Hurcum@lands.nsw.gov.au.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'David'.

David McPherson
Director East
Crown Lands Division
27 May 2013



4.2 Tenure Arrangements - Ballina Surf Club



		<p>Locality Plan - Part Lot 379 DP 755684 - Ballina Lighthouse & Lismore Surf Club, 65 Shelly Beach Road, East Ballina - Aerials flown 2013</p>	
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