



Business Paper

**EXTRAORDINARY MEETING
OF COUNCIL**

Wednesday

18 January 2017

3.00 pm

1. LICENCE AGREEMENT (R520094) RESERVE TRUST – TRANGIE RUGBY UNION CLUB

Introduction

The purpose of this report is to advise Council of the need to approve a Licence Agreement for Trangie Rugby Union Club for occupation of Burns Oval for sporting activities and purposes connected therewith.

Background

Council's Director of Infrastructure and Engineering has been asked to assist the Trangie Rugby Union Club with their grant application for funding of \$692,815 through the ClubGrants Fund for the Trangie Sporting Fields Re-development.

When going through their Expression of Interest and the requirements of the Grant Application, it became apparent to her that the Trangie Rugby Union Club needed some type of tenure over the crown reserve to be eligible to apply for the grant in their name. They also need to attach a copy of the evidence of the tenure (ie a Lease or Licence over the land) to the grant application. Narromine Shire Council is the Trust Manager of the Trangie Public Recreation (R520094) Reserve Trust, part of which is Burns Oval.

The Trustees of the Trangie Tennis Club have a similar type Licence Agreement for Occupation of Land for Tennis Activities and Purposes Connected Therewith on the same Reserve. Their current Licence Agreement is for a term of 11 years. The Licence Agreements for the Narromine Turf Club and Show Society for occupation of Narromine Showground Reserve Trust are similar but have terms of 5 years each.

Issues

Council has the power as Trustee of the Trangie Public Recreation (R520094) Reserve Trust to agree to a Licence for Trangie Rugby Union Club to occupy Burns Oval for sporting activities and purposes connected therewith. This Licence Agreement would also need Ministerial Consent. The Minister for Lands has delegated the power to consent to Leases/Licences to the Group Leader of Property Management Services at the Dubbo Crown Lands Office so once Council has signed off on the Agreement, it will be forwarded to Crown Lands Dubbo Office to be signed off on behalf of the Minister. This should not hold up the process. Once the Licence Agreement is returned, then it can be attached to the grant application to fulfil that requirement.

The Licence Agreement will have a standard format acceptable to Crown Lands however Schedule 1 outlines the specific details for the Licensee and there is provision for Schedule 2 which includes Special Conditions to apply to the Licence Agreement.

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(Cont'd)**

The Licence Agreement will give the Club the right to occupy the land for sporting activities and purposes connected with that activity however does not give them exclusive use of the land. There will be a clause in the 'Special Conditions' in Schedule 2 to state "The Licensee shall not interfere with any other person authorised by the Licensor to use the reserve or any part thereof".

It will be necessary to also determine the term of the Licence Agreement. Possibly a five year term would be sufficient to commence the Licence Agreement. It is also advisable for all user groups ie other sporting clubs who use Council's sporting fields (not just Burns Oval) to be granted a Licence to use the facilities. Strictly speaking, all users of Crown Land should be authorised to occupy the land and should pay a fee for its use. In the case of the Narromine and Trangie Showgrounds for instance, hirers of the facilities have to sign a 'Temporary Licence Agreement' which covers them for the function they hold at the Showground. Long term users like the Narromine Turf Club, Show Society, Pony Clubs, Trangie Campdraft Association, Macquarie Picnic Race Club etc all have five year Licence Agreements which are renewed each five years. The annual rental charged to them for the use of the crown land is set by Council each year in the Fees and Charges.

The sporting clubs already pay Council for the use of the facilities each year so that is the figure that would be used in Schedule 1 of the Licence Agreement as the 'market rent' payable under the Licence. There would be no additional cost to the sporting clubs under the Licence Agreement other than what they are already paying.

Keeping all other Licence Agreements to a five year term would keep consistency with all users of the Crown Land Reserves under Council's control and is desirable for that reason.

Assessment

a) Legal implications Including Directives and Guidelines

Crown Lands Act 1989

b) Financial Implications/Considerations

There are no financial implications other than what is already occurring.

c) Strategic Implications

This report relates to item C3.1.1. of the Community Strategic Plan ensure appropriate provision, management and effective use of open space and public recreation facilities and L3.1.1. Meet all governance and regulatory requirements in the conduct of Council's operations.

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Conclusion

There is a need for all sporting bodies who use Council's sporting fields to be licensed by Council to use the facilities. These will be attended to in the near future.

The immediate need is for Council to approve the Licence for the Trangie Rugby Union Club so the deadline for the grant application can be met. It is desirable that the Licence Agreement has a term of five years which can be renewed each five years if the Club is still operational at that time.

RECOMMENDATION

- 1 That Council as the Trust Manager of the Trangie Public Recreation (R520094) Reserve Trust approve a Licence Agreement for the Trangie Rugby Union Club for Occupation of part of Reserve R520094 known as Burns Oval for sporting activities and purposes connected therewith.
- 2 That the term of the Licence be 5 years with the right to renewal at the conclusion of the term.
- 3 That the 'market rental' fee to be charged to be the fee set in the Fees and Charges each year for use of sporting facilities by sporting bodies.
- 4 That the Licence not confer exclusive use of the area and the Licensee shall not interfere with any other person or group authorised by the Licensor to use the reserve or any part thereof.
- 5 That the General Manager and Mayor be authorised to sign the Licence on behalf of Council as the Trustees of the Trangie Public Recreation (R520094) Reserve Trust.

Vas Roberts

Director, Corporate, Community and Regulatory Services