



KEMPSEY
Shire Council

DIRECTOR SHIRE SERVICES REPORT

3rd February 2009

DSS3	REQUEST FOR ONGOING DONATIONS FROM HAT HEAD COMMUNITY DUNE CARE GROUP FILE: LA 8505 CC: 3 KLB {Folio No. *}
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SUMMARY:

Reporting on a letter received from the Hat Head Community Dune Care Group requesting Council permit connection of services to Dune Care shed and waive all charges (connection and ongoing) such as rates and usage.

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DESCRIPTION:

Glen Brown, President of the Hat Head Community Dune Care Group, has written requesting permission be given to connect services to the Dune Care Shed located in the Crown Reserve at Hat Head. Mr. Brown hopes *'that Council would see fit to waive all charges, connection or ongoing, such as rates, usage etc'*. Mr. Brown envisages storing some SES equipment in the shed in the future. Mr. Brown believes that the services could be connected by volunteers.

Mr. Brown's proposals in detail are:

- That the Council, Tennis Club and Rural Fire Service cooperate to connect the three buildings to an existing sewer pot at the corner of Ward and Perry Streets thus sharing the cost of installation between them and notes that the three buildings are only used at infrequent intervals.
- An electricity connection to the Dune Care shed via a sub-board connected underground from the Rural Fire Service shed thus relieving Dune Care of charges. Mr Brown believes that Council pays the power for the Rural Fire Service. He has been advised that this is not the case.
- Installing a rainwater tank for the Dune Care shed that would save Dune Care the cost of connecting to the water supply and save Council the cost of their water.

The Dune Care shed is the old Tennis Clubhouse from Smithtown which was not considered suitable for a public toilet without extensive upgrades. Given the lengthy delays experienced in removing the timber building from the Smithtown site to the Hat Head site by the Dune Care Group, Mr. Brown may be overly optimistic in believing utility connections can be made by volunteers at no cost to Council.

Mr. Brown was asked to provide some additional information in support of his request and has advised the following:

- There are about fifteen volunteers in the Hat Head Dune Care Group;
- The Shed would only be used at night by SES if needed, not by Dune Care;
- There are five SES volunteers at Hat Head;
- The power would be used to run a refrigerator and kettle and to do maintenance work on machinery if needed;
- The Dune Care volunteers work on Tuesday and a Work for the Dole crew come on Wednesday to clean and maintain the boardwalks over the dunes;
- The Shed is plumbed and wired and only external connections are needed;
- Mr Brown has asked Country Energy to assist with the electricity supply and hopes that Council will pay for usage through the SES account as they may store SES equipment there in the future or through the RFS account as they hope to 'piggy back off the RFS meter'.

The Hat Head Community Dune Care Group was asked to provide further information and corroboration from SES, the Tennis Club and the RFS about the proposals, however this has not been forthcoming.

The Hat Head Community Dune Care Group was recently successful in obtaining a \$5,000 grant from Coastline Credit Union to build an extension to the shed to house the tractor and trailer.

Council Report DSS11 of 12 September 2006 indicated that if land were made available for the erection of a storage shed a lease agreement would need to be negotiated and a development application submitted. Whilst the Development Application was eventually approved there is no lease agreement in place and the Dune Care Group is not paying to occupy the land. The land is Crown Reserve 91713 (LA8505) and will be the subject of a Plan of Management as will all Crown Reserves in the Shire under Council's management. A formal lease agreement will need to be in place as part of the preparation of the Plan of Management. Department of Lands representative has indicated that it is expected that occupiers of Crown land will pay a lease fee.

Mr. Brown's requests are not supported. The Development Approval was for a building to store Dune Care equipment including a tractor and two trailers. Expanding the use beyond those terms will affect other users of the reserve and adjacent residents. It should be noted that identifying a site at Hat Head for the location of the shed that did not engender objections from adjoining residents and users such as the Tennis Club was difficult. Even at the final location, the Approval was conditioned to address the concerns of residents and other users of the Reserve. The need for power, water or sewer connections to the storage shed is minimal, and should not be at Council's cost nor should ongoing charges.

RECOMMENDATION IMPLICATIONS:

- ***Environmental***

Nil

- *Social*

The number of active members of the group is relatively small and social gatherings could continue to be held at private residences.

- *Economic (Financial)*

A nominal lease fee paid to Council for occupancy of a portion of the Crown Reserve.

- *Policy or Statutory*

Nil

- *Director's Review*

Nil

RECOMMENDATION:

1. That Council does not accede to the request from the Hat Head Dune Care Group for the waiving of all charges, connection or ongoing such as rates and usage in relation to the Dune Care Storage Shed.
2. That Council advise the Hat Head Dune Care Group that the connection of utilities is a matter for the group and appropriate applications will need to be lodged with fees needing to be met by the group.
3. That Council advise the Hat Head Dune Care Group that a lease will need to be actioned for the Storage Shed site, with a lease fee as approved by the Department of Lands payable by the Group.

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Bruce Morris
DIRECTOR SHIRE SERVICES