

5.5. FURTHER LEASE TO DOUGLAS SHIRE COMMUNITY SERVICES ASSOC INC OVER PART OF MOSSMAN SHIRE HALL, LOT 2 ON RP706269 MILL STREET MOSSMAN

REPORT AUTHOR Property Services

MANAGER Lisa Golding, Manager People and Community Services

DEPARTMENT People and Community Services

RECOMMENDATION

That Council:

- 1. Offers a further freehold lease to Douglas Shire Community Services Association Inc over part of Lot 2 on RP706269 (identified as Lease A & Lease B on the attached drawings) Mossman Shire Hall, Mill Street Mossman, for the purpose of an office, youth centre and associated youth-based activities:**
 - **for a term of five (5) years from a date to be determined with the option of one (1) consecutive five (5) year term;**
 - **rent for the first year of the term to be \$827.13 (including GST) and subject to annual review in accordance with the Brisbane All Groups Consumer Price Index (CPI);**
 - **lessee to be responsible for all reasonable costs associated with the preparation and registration of the lease;**
 - **the lease to be issued as per Council's Standard Terms Document for Freehold Leasing, registered under dealing number 717940168 and amended as detailed in this report.**
- 2. Delegates authority to the Chief Executive Officer in accordance with Section 257 of the *Local Government Act 2009* to determine and finalise all matters associated with the lease.**

EXECUTIVE SUMMARY

The Douglas Shire Community Services Association Inc (DSCSA) previously held a five year lease with an option for a further five years over Council freehold land described as part of Lot 2 on RP706269, Mill Street Mossman (Mossman Shire Hall). The term of the five year option expired on 23 November 2021.

Council's standard terms document for freehold leasing will need to be amended in order to reflect maintenance and repair responsibilities of the Lessee, with respect to the exterior of the heritage listed building and the common area toilets at the rear of the leased area.

This report is prepared in order to gain Council approval to issue a further freehold lease to DSCSA.

BACKGROUND

Lot 2 on RP706269, Mill Street Mossman is Council freehold land which houses a heritage listed building known as the Mossman Shire Hall. While the Mossman Youth Centre has been operating from these premises since 2001, it has only been since November 2011, that DSCSA has held tenure over two former shops on the ground floor of this building, for the purpose of an office, youth centre and associated youth-based activities.

When the five year option associated with the lease expired in November 2021, Council officers consented, in accordance with the terms of the lease, to allow DSCSA to continue to occupy the premises on a monthly basis, until the terms of the new lease could be agreed upon by both parties.

Since mid 2021, Council officers have been communicating with DSCSA regarding the expiring lease and agreement has now been reached on the proposed terms of the new lease.

COMMENT

The activities undertaken at the Mossman Youth Centre provide invaluable support to youth in the Mossman Community.

DSCSA describes the operations of the Youth Centre as:

- The Youth Centre is open from 10.00 am – 6.00 pm Monday to Thursday. Currently up to 35 children attend the Centre each day;
- The Youth Centre provides a safe, inviting and inclusive space for youth aged 12-21. Children aged from 8 and up are welcome, if they have family with them; and
- The aim is to empower the youth to feel confident and connected as community members, taking pride and responsibility in themselves and the community in which they live.

In the past, the Youth Centre has initiated or contributed to the following community activities:

- Youth week celebrations.
- Child protection week activities.
- Reconciliation week activities including a community lunch, with a welcome to country and attended by the High School, Community and Elders.
- NAIDOC celebrations.
- Domestic abuse awareness art competition.

Some examples of the services and facilities provided at the Mossman Youth Centre are:

- Internet, TV and DVDs;
- Pool table and table tennis;
- Musical instruments;
- A music program with a qualified music teacher;
- A swimming program facilitated by bronze qualified mentors;
- Art and craft activities;
- Nutritious meals and snacks;
- Cooking facilities;
- Clothes washing and drying facilities; and
- Chill out room.

Council officers have been liaising with DSCSA regarding the terms contained in Council's standard terms document for freehold leasing. DSCSA has accepted the proposed terms, subject to the following agreed amendments:

- As the Mossman Shire Hall is a heritage listed building, the Lessor (Council) will be responsible for the maintenance and repair of the exterior of the leased area; and
- As the Common Area (toilets) at the rear of the leased area are shared jointly with other occupants of the building, the Lessee must maintain the common areas in a clean and tidy condition at all times at its cost. Consumables required for use in the Common Areas are the responsibility of the Lessee jointly with other occupants of the building.

PROPOSAL

This report is prepared in order to obtain Council approval for the issue of a freehold lease to Douglas Shire Community Services Association Inc, over part of Lot 2 on RP706269, Mill Street Mossman for the purpose of an office, youth centre and associated youth-based activities.

FINANCIAL/RESOURCE IMPLICATIONS

It is recommended that the Lessee be responsible for reasonable costs associated with the preparation and registration of the new lease, in accordance with the costs borne by other sporting and community organisations on Council leases.

Survey drawing costs of \$1,190.00 and title registration fees of \$234.00 would apply.

It should be noted that the lease cannot be registered at the Titles Office without simultaneously lodging the survey drawings, which are attached to this report.

These are not internal fees that can be waived as in-kind sponsorship, but fees to external bodies that, if the Lessee does not pay, must be borne by Council.

RISK MANAGEMENT IMPLICATIONS

Granting a new lease to DSCSA will have no impact on Council's liability exposure. Council's Property Section undertakes annual lease compliance inspections at all leased facilities. At the time of these inspections, facilities are inspected from a health and safety perspective and Lessee insurances are also checked to ensure they are current.

Should Council resolve not to offer a further lease to DSCSA for the purpose of a youth centre at the subject premises, it is anticipated that this would have a detrimental impact not only upon the youth of Mossman, but also upon the local Mossman community as a whole.

SUSTAINABILITY IMPLICATIONS

- Economic:** No associated cost to Council.
- Environmental:** There are no environmental sustainability implications.
- Social:** Granting a further lease to DSCSA will help to promote and enhance youth based activities, which are available to the local community.

CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE

This report has been prepared in accordance with the following:

Corporate Plan 2019-2024 Initiatives:

Theme 5 - Robust Governance and Efficient Service Delivery

Strong governance and financial management are the foundations of the way in which Council will conduct its business and implement the initiatives of the Corporate Plan.

Goal 1 - We will conduct Council business in an open and transparent manner with strong oversight and open reporting.

COUNCIL'S ROLE

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

The following areas outline where Council has a clear responsibility to act:

- Custodian** Council owns and manages infrastructure, facilities, reserves, resources and natural areas. In fulfilling its role as custodian, Council will be mindful of the community, the economy, the environment, and good governance.

CONSULTATION

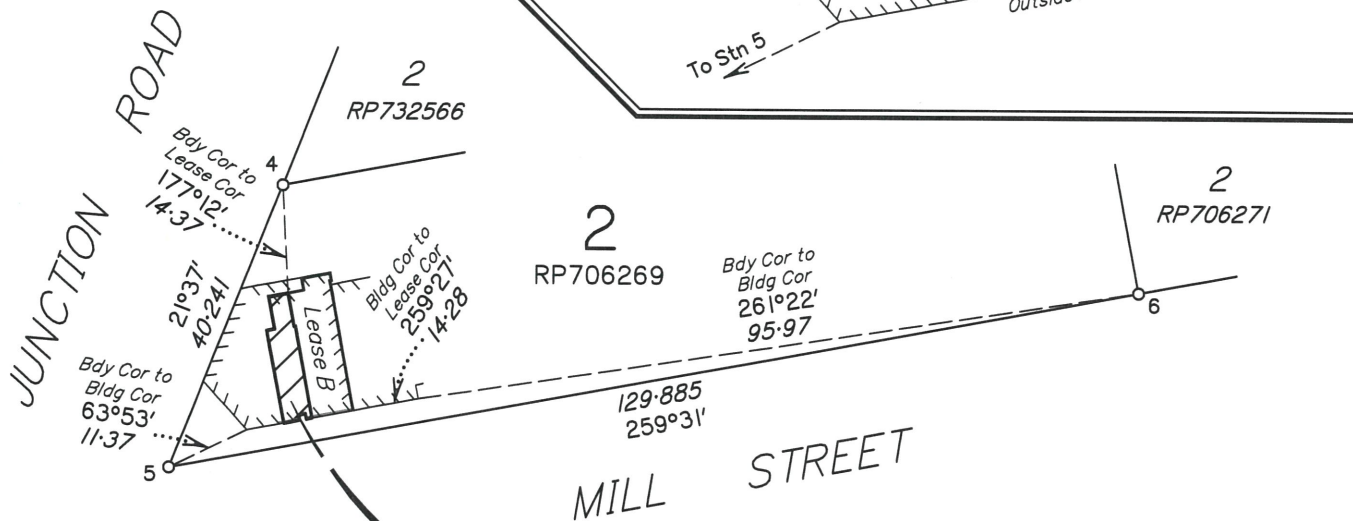
- Internal:** People and Community Services, Infrastructure, Water and Wastewater, Environment and Planning, Project Office, Finance and Corporate Services and Governance
- External:** Douglas Shire Community Services Association Inc

ATTACHMENTS

1. Survey Drawing Lease A part of Lot 2 R P 706269 [5.5.1 - 1 page]
2. Survey drawing Lease B part of Lot 2 R P 706269 [5.5.2 - 1 page]

GROUND FLOORDIAGRAM 506 of 727
1:200

Sheet 1 of 1

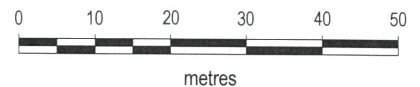
**IMPORTANT NOTE**

This plan was prepared for lease purposes and the exclusive use of Douglas Shire Council and is not to be used for any other purpose or by any other person or corporation. RPS Australia East Pty Ltd accepts no responsibility for any loss or damage suffered howsoever arising to any person or corporation who may use or rely on this plan for any other purpose.

This plan was prepared for lease purposes only, and as such is not examined for registration by the office of the Registrar of Titles. Subsequent registered or other surveys in this area may affect the boundary definition shown on the plan. Any differences so caused to the boundary definition shown on this plan are beyond the control of RPS Australia East Pty Ltd who can accept no responsibility for such differences.

This plan may not be photocopied unless this note is included.

LEASE A
SEE DIAG A



SCALE 1:1000 IS APPLICABLE ONLY TO THE ORIGINAL SHEET SIZE. (A4)

RPS Australia East Pty Ltd
(ACN 140 292 762) hereby certify that the details shown on this sketch are correct.

Jan Daint
.....
Authorised Delegate

10.12.21
.....
Date



RPS Australia East Pty Ltd : ACN 140 292 762
135 Abbott St : PO Box 1949 : CAIRNS QLD 4870
T +61 7 4031 1336 : F +61 7 4031 2942
W rpsgroup.com.au

PLAN OF

LEASE A

being part of the ground floor of a building
situated on Lot 2 on RP706269

MERIDIAN
RC102144

SCALE
1:1000

ENDORSED
ACCREDITED

NOTES

Lease area shown hachured.
Plan not to be reduced or enlarged for registration.
Lease Area is Gross Lettable Area - Retail (GLAR) as defined by Property Council of Australia (Revision 1997).

LOCALITY **MOSSMAN**

LOCAL GOVERNMENT **DOUGLAS SHIRE**

CAD **PR151180_01.DWG**

SHEET SIZE **A4**

DRAWING No. **PR151180_01**

AMENDED
ISSUE

