

6.13. DAINTREE COAST COMMUNITY SHED INC - TENURE PART OF 69 TEA TREE ROAD DIWAN (LOT 45 RP739764)

REPORT AUTHOR	Helen Coulthard, Property Officer
MANAGER	Lisa Golding, Manager People and Community Services
DEPARTMENT	People and Community Services

RECOMMENDATION

That Council:

1. **Offers a freehold lease to Daintree Coast Community Shed Inc over part of 69 Tea Tree Road Diwan, formally described as Lot 45 on RP739764, for the purpose of a Community Shed with:**
 - a. **the location and dimensions to be as generally indicated in Attachment One (Daintree Coast Community Shed Inc Drawings 1 to 3), and subject to a Cadastral Survey Plan being prepared;**
 - b. **a term of ten (10) years from a date to be determined;**
 - c. **rental of \$132.00 (including GST) per annum, indexed annually on the anniversary of the commencement date in accordance with the Brisbane All Groups Consumer Price Index (CPI);**
 - d. **the lessee responsible for all reasonable costs associated with the preparation and registration of the lease (including surveying);**
 - e. **Council's Standards Terms Document for Freehold Leasing, registered under dealing number 717940168.**
2. **Delegates authority to the Chief Executive Officer in accordance with s 257 of the *Local Government Act 2009* to determine and finalise all matters associated with the lease.**

EXECUTIVE SUMMARY

A Decision Notice Approval (with conditions) was issued to Daintree Coast Community Shed Inc (DCCSI) on 27 April 2023 for a Development Permit for Material Change of Use for Community Use (Community Shed).

One of the conditions was DCCSI entering a lease agreement with Council for the use of the land prior to Development Approval for Building Works being issued.

This report seeks Council's approval to enter a freehold lease with Daintree Coast Community Shed Inc over part of 69 Tea Tree Road Diwan, formally described as Lot 45 on RP739764 for a term of ten years.

BACKGROUND

A Decision Notice Approval (with conditions) was issued to Daintree Coast Community Shed Inc on 27 April 2023 for a Development Permit for Material Change of Use for Community Use (Community Shed) - MCUI-2022-5139/1.

One of the conditions was DCCSI entering a lease agreement with Council for the use of the land prior to Development Approval for Building Works being issued.

As required under the Decision Notice, DCCSI provided plans detailing: the area of the site intended to form the lease agreement area; an appropriate curtilage around infrastructure and buildings associated with the development; sufficient set down area for deliveries and storage; and the lease area intended to be maintained by the Applicant.

Currently two leases are registered on the freehold land formally described as Lot 45 RP739764 (Lease A to The State of Queensland Department of Community Safety and Lease D to Alexandra Bay Sporting Club Inc). DCCSI's proposed lease boundaries do not encroach on existing leased areas nor the area for the future new Health Centre.

COMMENT

Daintree Coast Community Shed Inc was established 27 August 2020, and has been a charity registered with the Australian Charities and Not-for-profits Commission (ACNC) since 16 March 2023. Operating a Community Shed aims to advance health and social or public welfare and:

- improve the health of men and women who are at risk of health issues arising from loneliness and isolation;
- facilitate programs that address mental, physical and emotional health issues in men and women;
- provide meaningful activities where men and women can participate in the company of others to relieve isolation and loneliness;
- undertake charitable activities for the benefit of the broader community;
- help those in the Community overcome isolation and to feel connected;
- create a safe and healthy venue for all members to enjoy while encouraging the sharing of skills and knowledge;
- be open and transparent within our community and encouraging participation in our Association.

(Source: ACNC Website - Daintree Coast Community Shed Inc. - Model Rules May 2023)

Due to the recent adoption of Council's Tenure Policy at the 29 August 2023 Ordinary Council Meeting, tenure fees are yet to be adopted and listed in Council's Annual Fees and Charges Schedule.

To determine a consistent and equitable rental amount and tenure for the lease, a ten-year lease, with \$132 (GST Inclusive) per annum, indexed annually by CPI, is proposed, based on current users in similar circumstances.

PROPOSAL

The proposal is for Council to:

1. Offer a freehold lease to Daintree Coast Community Shed Inc over part of 69 Tea Tree Road Diwan, formally described as Lot 45 on RP739764, for the purpose of a Community Shed with:
 - a. the location and dimensions to be as generally indicated in Attachment One (Daintree Coast Community Shed Inc Drawings 1 to 3), and subject to a Cadastral Survey Plan being prepared;
 - b. a term of ten (10) years from a date to be determined;
 - c. rental of \$132.00 (including GST) per annum, indexed annually on the anniversary of the commencement date in accordance with the Brisbane All Groups Consumer Price Index (CPI);

- d. the lessee responsible for all reasonable costs associated with the preparation and registration of the lease (including surveying);
 - e. Council's Standards Terms Document for Freehold Leasing, registered under dealing number 717940168.
2. Delegate authority to the Chief Executive Officer in accordance with s 257 of the *Local Government Act 2009* to determine and finalise all matters associated with the lease.

FINANCIAL/RESOURCE IMPLICATIONS

In line with other lessees of Council-owned and controlled land and buildings, the lessee will be responsible for reasonable costs preparing and registering the lease. A surveyor is required to peg lease boundaries and prepare a Cadastral Survey Plan suitable to accompany the lease for Titles Office registration.

External services are ineligible for Council in-kind support and costs cannot be waived, so Titles Office registration and surveying fees will be invoiced to the lessee for reimbursement.

RISK MANAGEMENT IMPLICATIONS

Without a lease, Daintree Coast Community Shed Inc cannot meet one of the conditions in the Decision Notice for the Development Permit for Material Change of Use for Community Use (Community Shed).

Prior to a Development Approval for Building Works being issued a lease must be entered into.

Lessees must maintain Public Liability Insurance according to the standard terms document of the lease.

SUSTAINABILITY IMPLICATIONS

Economic:	Annual rental will be charged under the lease. Security of tenure may also be a requirement for some government and philanthropic grant applications.
Environmental:	Building works will be required to comply with legislation and codes of practice.
Social:	Objectives of operating a Community Shed are to advance health and social or public welfare in accordance with DCCSI's model rules.

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.
Regulator	Council has a number of statutory obligations detailed in numerous regulations and legislative Acts. Council also makes local laws to ensure that the Shire is well governed. In fulfilling its role as regulator, Council will utilise an outcomes based approach that balances the needs of the community with social and natural justice.

CONSULTATION

Internal:	Departmental managers Councillors (Workshop 3 October 2023)
External:	Daintree Coast Community Shed Inc Surveyor

COMMUNITY ENGAGEMENT

The original development application for a Material Change of Use was Impact Assessable so public notification was required as part of the development assessment process.

ATTACHMENTS

1. 69 Tea Tree Road Diwan - Proposed Site, Lease and Lease Area Plans - Daintree Coast Community Shed Incorporated [6.13.1 - 3 pages]
2. 69 Tea Tree Road Diwan - Aerial Map [6.13.2 - 1 page]
3. 69 Tea Tree Road Diwan - Locality Map [6.13.3 - 1 page]



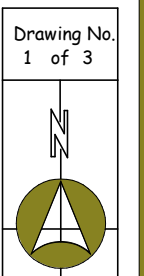
SITE PLAN
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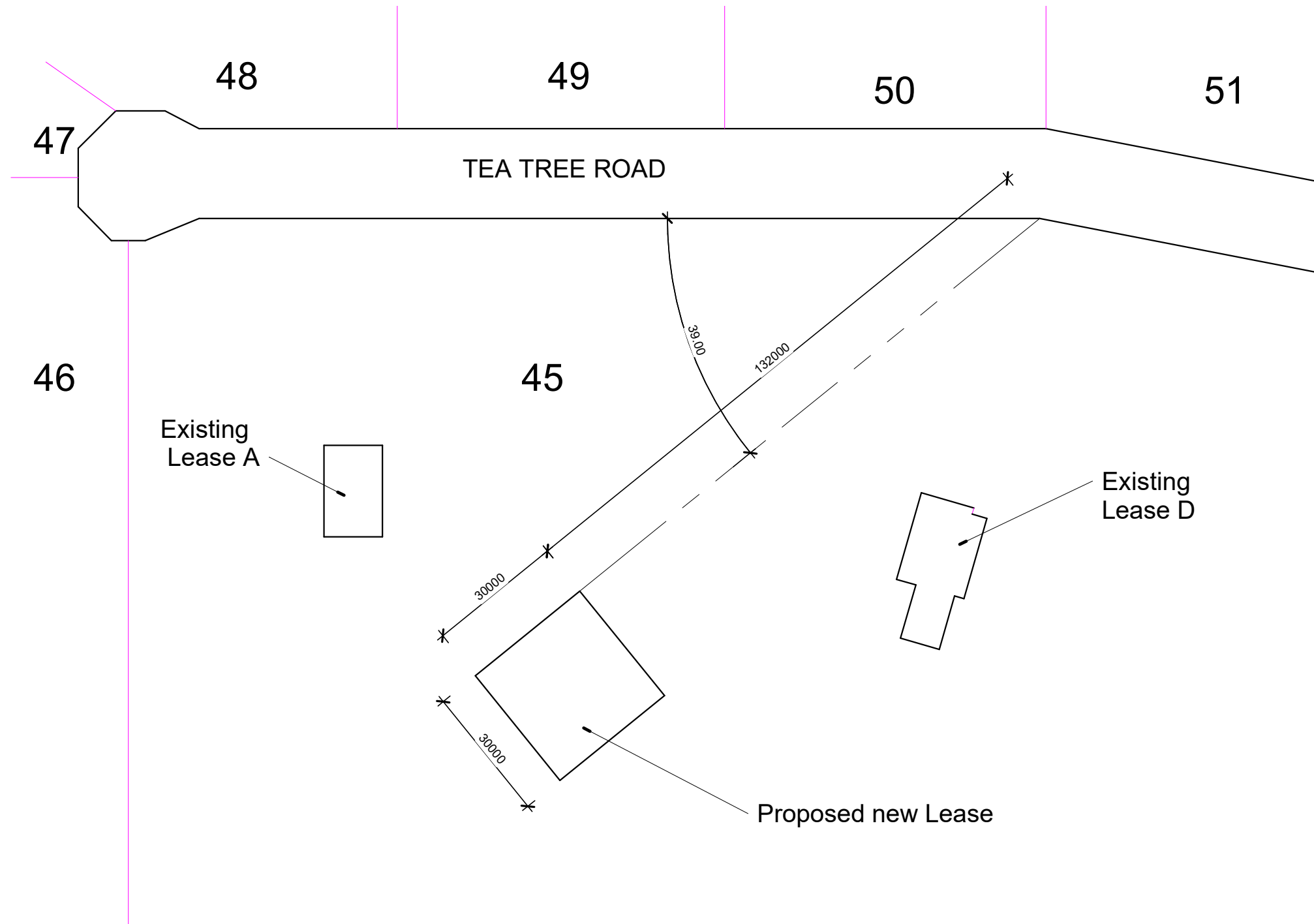


Lease Application

Client: Daintree Community Shed Inc.
Address: Lot 45, Tea Tree Rd. Diwan
Drawn: DF
Date: August 2023

DAVID FERGUSON
0415442212 dfseax@gmail.com





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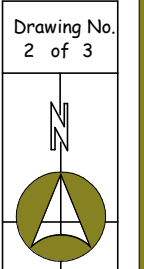
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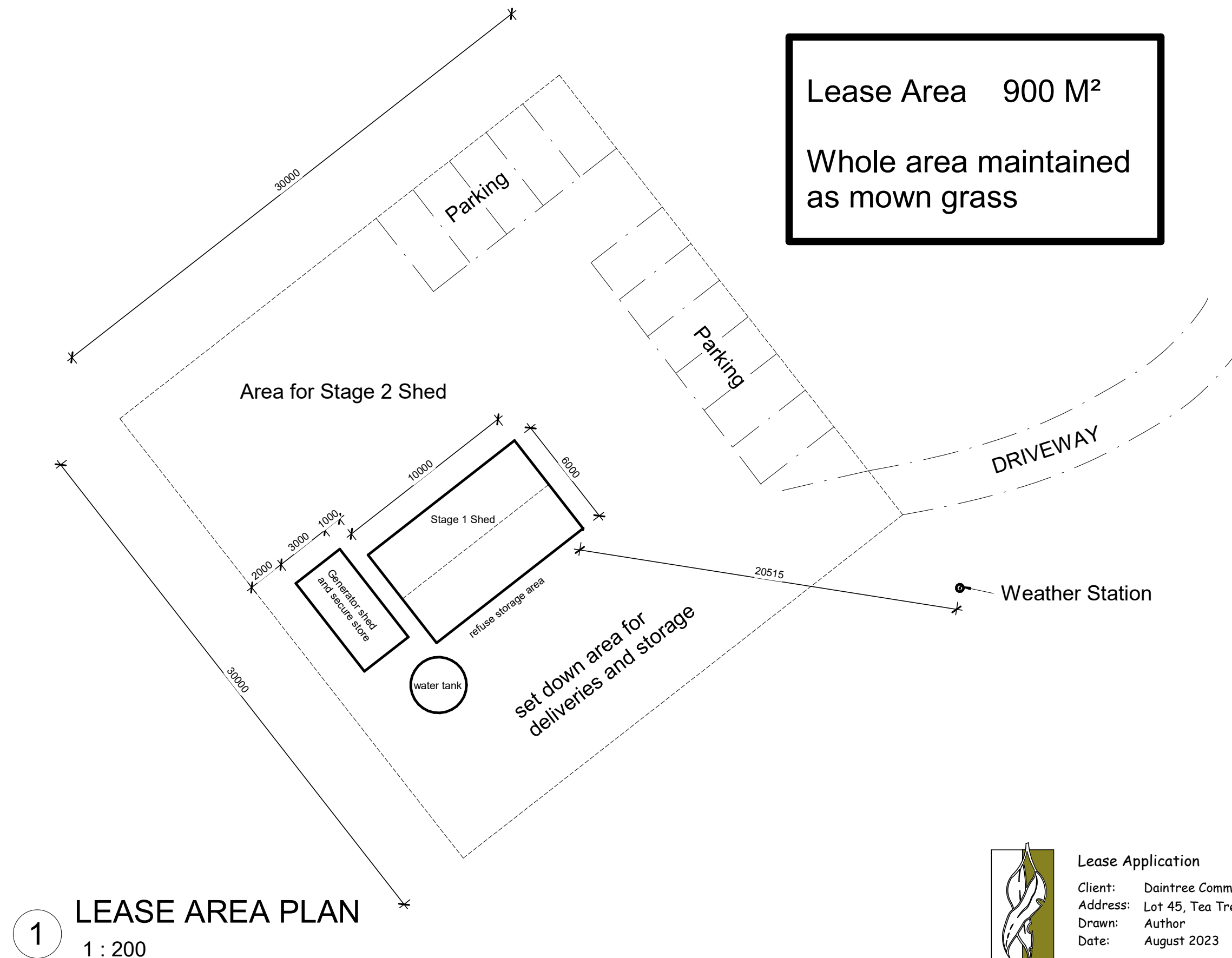
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**Lease Application**

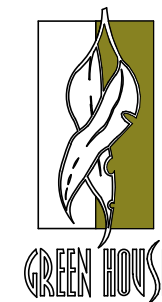
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 Drawn: Author
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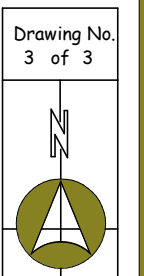
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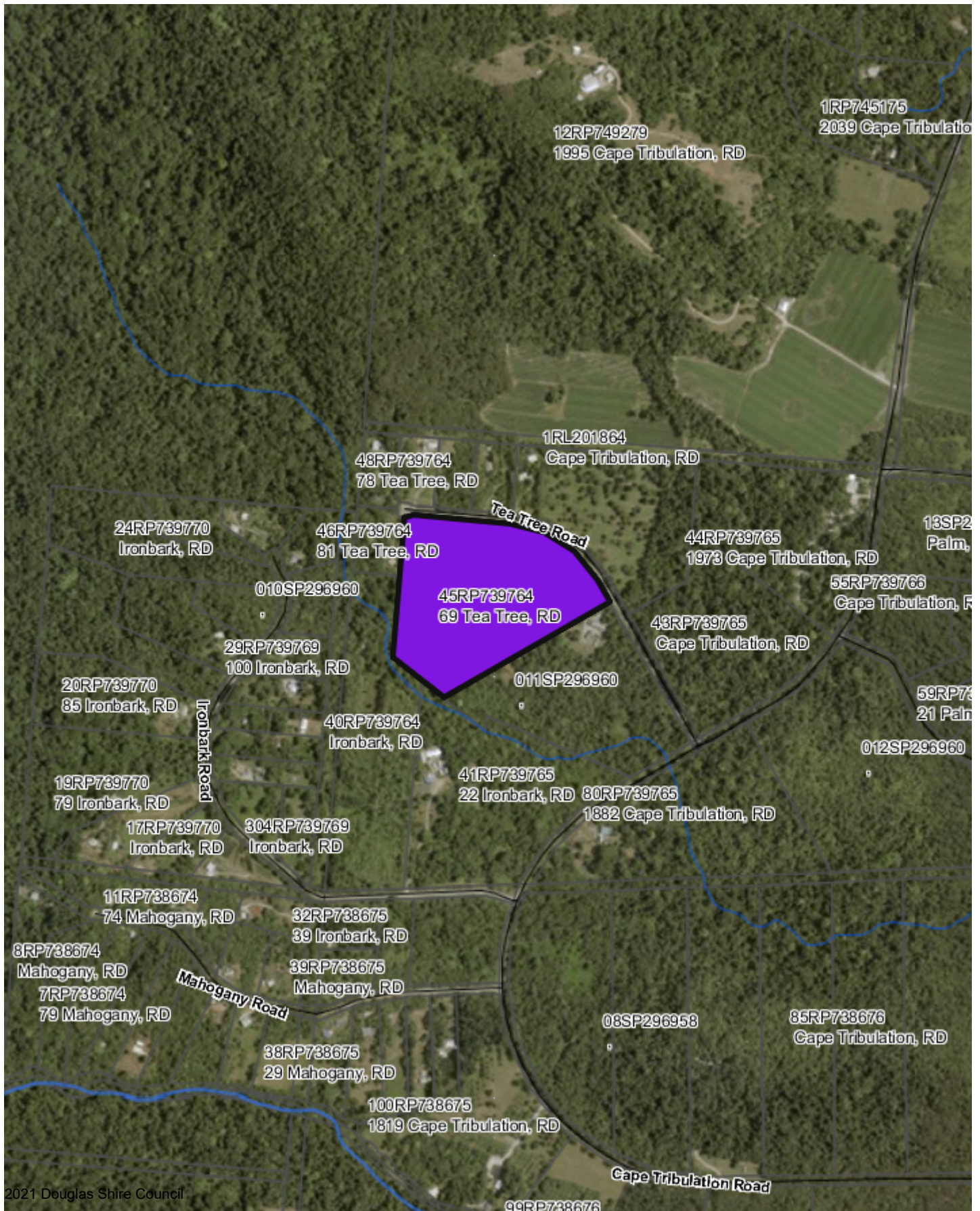


69 Tea Tree Road Diwan

Attachment 6 13.2

385 of 435





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200 m

Scale = 1:10000

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