

ORDINARY MEETING 10 FEBRUARY 2015	5.2
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AMENDMENT TO LEASE DOUGLAS SHIRE MEALS ON WHEELS INC – LOT 148
ON SP102150, 11 MAXWELL STREET, MOSSMAN
Graham Busby: Property Officer #437702
Darryl Crees: General Manager Corporate Services

RECOMMENDATION:

That Council:

1. **Approve an amendment of lease dealing no. 711730918 being to Douglas Shire Meals on Wheels Inc. over Lot 148 on SP102150, 11 Maxwell Street, Mossman as follows;**
 - **Item 8 on the Schedule ‘Outgoings Payable by the Tenant’ be amended to read ‘All outgoings payable in respect to the land, excluding Council rates and charges’; and**
2. **Meets all costs associated with the amendment of the current lease agreement.**
3. **Delegates authority to the Mayor and Chief Executive Officer in accordance with Section 257 of the *Local Government Act 2009* to determine and finalise any and all matters associated with the lease amendment.**

EXECUTIVE SUMMARY:

In recognition of the essential role that the Douglas Shire Meals on Wheels Inc plays in maintaining both the health and wellbeing of the local community, it is recommended that Council amend the lease over Lot 148 on SP102150, 11 Maxwell Street Mossman, in order to remove the requirement to pay Council rates and charges.

BACKGROUND:

Lot 148 on SP102150, situated at Maxwell Street Mossman is Council freehold land with an area of 627m², the whole of which is leased to the Douglas Shire Meals on Wheels Inc.

The lease commenced on 1 January 2008 and is for a term of thirty (30) years, with an option of a further thirty (30) years.

Under the former Douglas Shire Council, Meals on Wheels received a 100% concession on Council rates and charges. During the amalgamated years, such a concession was not available under the Rates Based Financial Assistance Policy and the Cairns Regional Council Mayor, at that time, requested that Council pay all rates and charges. The proposed amendment to the lease will now formalise this arrangement.

PROPOSAL:

In recognising the importance of the work undertaken by Douglas Shire Meals on Wheels Inc in the local community, it is recommended that Council assist this organisation financially, by resolving to permanently remove from the lease, the requirement to pay Council rates and charges. This amendment is to take effect on and from 1 January 2015. Any and all State Government charges will remain the responsibility of the lessee.

The proposed amendment to the lease will require the preparation and registration against the title of a Form 13 Amendment. The requirement to complete a Form 13 Amendment is in accordance with the requirements of the *Land Title Act 1994*, *Land Act 1994* and the *Water Act 2000*.

CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE:

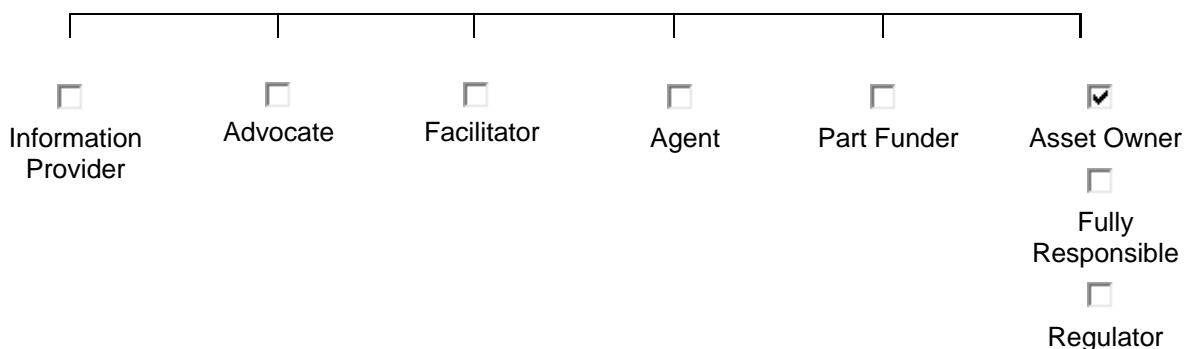
This report has been prepared in accordance with the following Corporate Plan 2014-2019 actions:

- 1.1.4 Support and encourage a healthy, active and capable region through sporting, cultural and recreational opportunities, and community wellbeing initiatives.*
- 1.1.5 Support local non-profit community, sporting and cultural organisations to build their capacity*
- 1.3.4 Provide and enhance community facilities and opportunities that cater for the arts, recreational and cultural pursuits.*

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:



Asset Owner: Meeting the responsibilities associated with owning or being the custodian of assets such as infrastructure.

FINANCIAL/RESOURCE IMPLICATIONS:

Should Council proceed with the recommendation of this report, foregone rates and charges per annum based on current levies would amount to \$2500.36. Water use charges over the past twelve (12) months have totalled \$127.74.

Furthermore, Council will meet the cost of registering the amendment of the lease with the land titles office. The associated fee for this registration is \$162.90.

RISK MANAGEMENT IMPLICATIONS:

No impact.

SUSTAINABILITY IMPLICATIONS:

ECONOMIC: Nil

ENVIRONMENTAL: Nil

SOCIAL: Support a Not For Organisation that provides a valuable service within the Douglas Communities..

INTERNAL/EXTERNAL CONSULTATION:

Consultation has occurred with the Queensland Titles Office and they have confirmed the process and applicable fee to amend the lease.

ATTACHMENTS:

Nil