

## **5.4. AMENDMENT TO COUNCIL RESOLUTION - SALE OF LOT 83 SR596 CAPE TRIBULATION ROAD**

<b>REPORT AUTHOR</b>	Robert Donovan, Team Leader Property
<b>MANAGER</b>	Terry Farrelly, Manager People and Community Services
<b>DEPARTMENT</b>	People and Community Services

### **RECOMMENDATION**

**That Council amend the resolution from 10 August 2020 Special Meeting by deleting the following:**

- **Resolves to delegate its power pursuant to section 257 and 262 of the *Local Government Act 2009* to the Chief Executive Officer to sell Lot 83 SR596, Cape Tribulation Road, Cape Kimberley to Queensland Trust for Nature and Rainforest Rescue for the sale price of \$725,000 (Ex GST), the purchase price Council paid for the land in October 2019;**

**And by substituting the following**

- **Resolves to delegate its power pursuant to section 257 and 262 of the *Local Government Act 2009* to the Chief Executive Officer to sell Lot 83 SR596, Cape Tribulation Road, Cape Kimberley to Landscapes Queensland Limited as trustee for the Queensland Trust for Nature for the sale price of \$725,000 (Ex GST), the purchase price Council paid for the land in October 2019;**

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### **EXECUTIVE SUMMARY**

In a Special Council Meeting dated 28 August 2019, Council resolved to purchase lot 83 SR596 (Lot 83) Cape Tribulation Road. On the 3 October 2019 Council purchased lot 83 SR596 for \$725,000 excluding GST. At Special Council meeting on the 10 August 2020 Council resolved to sell the allotment for \$725,000 excluding GST to Queensland Trust for Nature (QTFN) and Rainforest Rescue (RR) as advised by both parties.

The parties still intend on developing the land for;

- a nature reserve;
- restore the degraded aspects of the property to full rainforest 80 hectares to be restored;
- conduct nursery operations;
- engage with Traditional Owners; and
- conduct ranger, training and learning activities with Jabalbina Yalanji Aboriginal Corporation

### **BACKGROUND**

Council had resolved at a Special Council Meeting on 10 August 2020 to sell Lot 83 to both Queensland Trust for Nature and Rainforest Rescue for \$725,000 excluding GST.

As per Council's resolution, Council Officers instructed Preston's Law to draw up the contract of sale with joint ownership of equal shares between Queensland Trust for Nature and Rainforest Rescue. At this stage Council was notified that QTFN would be the sole purchaser. Landscapes Queensland Limited (LQL) are the trustees for QTFN and that they would be the sole purchaser.

## COMMENT

As LQL is the trustee for QTFN and are registered with the Australian Securities and Investment Commission's as a Unlisted Public Company- Non-Profit Company and QTFN are registered under the Australian Charities and Non-For-Profit Commission Council can negotiate directly without contravening the Local Government Regulations.

Legal advice sought advises Council is free to decide to sell Lot 83 to the QTFN. This group is a community organisation as defined in Schedule 8 of the *Local Government Regulation 2012*. As a consequence, Council can use exception in s236(1)(b)(ii) of the *Local Government Regulation 2012* to avoid the need to sell the property on the open market.

## PROPOSAL

That Council amend the resolution from 10 August 2020 Special Meeting by deleting the following

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## FINANCIAL/RESOURCE IMPLICATIONS

Transfer costs and stamp duty will be the responsibility of LQL

## RISK MANAGEMENT IMPLICATIONS

By passing a resolution to amend the original resolution Council will ensure that Douglas Shire Council is fully compliant with the Local Government Act and Regulation

## SUSTAINABILITY IMPLICATIONS

**Economic:** The purchase of the land to Landscapes Queensland Limited as trustee for the Queensland Trust for Nature may have economic benefits to the local community and local Aboriginal groups through employment, volunteering and training.

**Environmental:** The sale of the land will directly contribute to nature conservation through establishment of a nature reserve.

**Social:** Sale of land to Landscapes Queensland Limited as trustee for the Queensland Trust for Nature will have social benefits including training and educational activities in the Daintree area.

## **CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE**

This report has been prepared in accordance with the following:

### **Corporate Plan 2019-2024 Initiatives:**

#### **Theme 3 - Leading Environmental Stewardship**

Our visitors and residents deeply value the unparalleled environment in which we live. We recognise our responsibility in protecting and preserving our natural world for generations to come. We understand the strong link between the environment and the economy: they are interdependent. Douglas Shire will be at the forefront of environmental protection by developing strategies, setting policies, and working with all stakeholders to become the envy of and to inspire locations across Australia and the World.

**Goal 1 - We will protect our sensitive environment and plan for the impact of climate change.**

**Goal 2 - We will implement programs that reduce and offset our environmental footprint**

**Goal 3 - We will continue to build water infrastructure so that the Douglas Shire may enjoy water security and water quality.**

**Goal 4 - We will partner with the community to educate and monitor.**

**Goal 5 - We will recognise the contribution that Traditional Owners make to the protection of the environment.**

### **Operational Plan 2020-2021 Actions:**

**3.2.1 - Following community consultation on Council's desired position for managing its carbon footprint and outcomes from the Daintree Ferry, consider options for the land including revenue generating activities and potential sale to interested parties.**

## **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:** Council Executive Staff

**External:** Preston's Law  
Landscapes Queensland Limited as trustee for the Queensland Trust for Nature  
Rainforest Rescue

## ATTACHMENTS

1. QTFM advice of sole ownership of Lot 83 [5.4.1 - 1 page]
2. Rainforest Rescue working with QTFN [5.4.2 - 1 page]



9<sup>th</sup> September 2020

Mr. Robert Donovan  
Team Leader Property  
People & Community Services  
Douglas Shire Council

via Email [Robert.Donovan@douglas.qld.gov.au](mailto:Robert.Donovan@douglas.qld.gov.au)

Dear Robert,

**RE: Lot 83 SR595 Cape Tribulation Road.**

As per our conversation this morning, I wish to inform you that Queensland Trust for Nature (QTFN) will be the sole purchaser of Lot 83 from the Douglas Shire Council. Both Rainforest Rescue and QTFN have agreed that due to the short time frame for the property transfer, the most efficient way was for QTFN to take the lead and the financial commitment.

Rainforest Rescue and QTFN will take on joint management of the property and continue the project plan to build a new nursery and restore the land in partnership with the Traditional Owners and local community for the benefit of all.

Yours sincerely,

A handwritten signature in black ink that reads 'Stephen J. Lacey'.

Stephen J. Lacey  
Chief Executive Officer  
Queensland Trust for Nature

Queensland  
Trust for Nature

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Robert Donovan  
Team Leader Property  
People & Community Services  
Douglas Shire Council  
64-66 Front St, Mossman Qld 4873

Wednesday, 9 September 2020

Dear Robert,

As per your message of 7 Sept 2020, Rainforest Rescue wishes to confirm that Queensland Trust for Nature (QTFN) will be the sole purchaser of Lot 83 in the Daintree with our permission and approval.

QTFN and RR will work together to manage and restore the land with the stated intention of establishing a nursery for Daintree restoration provision and support, and to work with the Traditional Owners as well as the local community for best outcomes.

For the rainforests,

A handwritten signature in blue ink, appearing to be "Branden Barber", with a long horizontal line extending to the right.

Branden Barber  
CEO Rainforest Rescue