

ORDINARY COUNCIL MEETING 10 FEBRUARY 2015	5.6
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PORT DOUGLAS COMMUNITY SERVICE NETWORK INC.- SURRENDER TRUSTEE LEASE NO. 714134651 ON PART OF LOT 99 SP 150469 PORT DOUGLAS

Robert Donovan: Property Officer #438884

Darryl Crees: General Manager Corporate Services

RECOMMENDATION:

That Council

1. **advise the Port Douglas Community Service Network Inc. that Council has no objections to the surrender of Trustee Lease No. 714134651 on part of Lot 99 SP150469 County of Solander Parish of Salisbury**
2. **advise the Port Douglas Community Service Network Inc. that all fees and charges associated with relinquishing the lease will be their responsibility**
3. **approve a 50% refund of current lease payment amounting to \$322**
4. **delegates authority to the Mayor and Chief Executive Officer in accordance with section 257 of the *Local Government Act 2009* to negotiate determine or resolve any and all matters associated with the relinquishing of the Trustee lease.**

EXECUTIVE SUMMARY:

The Port Douglas Community Service Network Inc. have requested to surrender Trustee Lease No. 714134651 on part of Lot 99 SP150469, Mowbray Street Port Douglas, approximately 1,400 square meters in area of which Douglas Shire Council is Trustee. The Port Douglas Community Services Network Inc. has held the present lease from 20/07/2011 with expiry due 19/07/2021.

BACKGROUND:

The Port Douglas Community Services Network Inc. has occupied the above site since 20/12/2011. This area of the site was to be utilised to establish a community garden to provide access to nutritious food, share skills and local history and knowledge to grow fruit, vegetables and flowers.

The decision to surrender the Trustee Lease has been made due to the uncertainty associated with grants and the unavailability of staff to lead the project.

COMMENT:

The site leased to the Port Douglas Community Services Network Inc. was used as a domestic landfill by Douglas Shire Council from 1972 to 1990. A site Management Plan prepared by Department of Environment and Heritage Protection recommended that planting of any fruiting vegetation must be restricted to;

- *Sealed planter boxes*
- *Specially constructed areas of imported clean soil underlain by a drainage layer and low permeable barrier layer constructed above the existing cap.*

Edible or fruiting vegetation roots and gardening methods must not penetrate the existing capping layer.

PROPOSAL:

To agree to the surrender of the Trustee Lease by the Port Douglas Community Services Network Inc. and to incorporate the Site Management Plan issued by the Department of Environment and Heritage Protection into the Douglas Shire Council's Land Management Plan for Lot 99 SP150469

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.

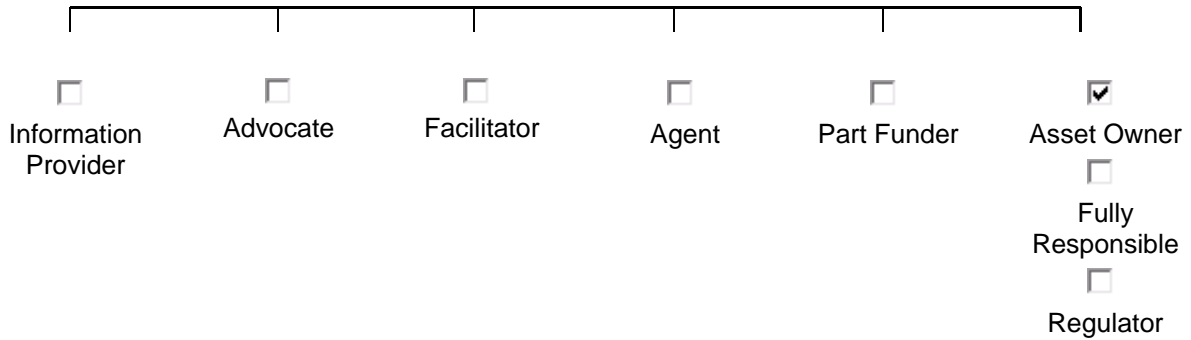
1.1.5 Support local non-profit community, sporting and cultural organisations to build their capacity.

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.
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FINANCIAL/RESOURCE IMPLICATIONS:

The Port Douglas Community Services Network Inc. is currently and have been paying an annual lease rental for the allotment. The latest Tax Invoice of \$644.11 (GST Inclusive) was issued on the 20/07/14 for the lease of the allotment to 19/07/15 has been paid for the full period.

The Port Douglas Community Services Network Inc. are requesting a 50% refund of the current lease payment.

RISK MANAGEMENT IMPLICATIONS:

Not Applicable

SUSTAINABILITY IMPLICATIONS:

ECONOMIC: No Impact.

ENVIRONMENTAL: No Impact.

SOCIAL: No impact.

INTERNAL/EXTERNAL CONSULTATION:

Department of Environment and Resource Management advised that Minister's approval is not required for the surrender of the lease.

ATTACHMENTS:

Attachment 1: Letter of request to rescind lease.

Attachment 1 – Letter of request to rescind lease



DOUGLAS SHIRE COUNCIL	
Received	
File No. 15	CP/Acd/Lease
Document No.	
- 7 JAN 2015	
Attention:	RJD
Information	

President Ray Legg
 Secretary Annie
 Richardson
 Treasurer Shona
 Barbour

P.O. Box 106 Port
 Douglas 4877
 Tel: 07 4099 5518
 Fax: 07 4099 4941
 E-Mail:
 committee@pdnc.org.au
 www.pdnc.org.au
 ABN 920815119

January 5th 2015

To: Douglas Shire Council

Attention: L. Cardew

At our recent Management Committee Meeting, Members concluded a lengthy discussion regarding the Community Garden Issue.

It was unanimously decided to rescind the lease held by PDCSN Inc. to the Council so that they may find another organisation better equipped to start the Community Garden Project.

The monies raised by the original Garden Members (approx. \$6000.00) will be held by PDCSN until the lease is taken over by another group.

This decision has been taken due to the uncertainty associated with grants and therefore the non availability of staff to lead the project

Refund of 50% of our current lease payment would be appreciated.

Regards,

A handwritten signature in black ink, appearing to read 'Ray Legg'.

Ray Legg,

President PDCSN