

5.9. FURTHER LEASE TO MOSSMAN BOAT & FISHING CLUB INC. OVER PART OF LOT 382 ON SR864, RANKIN STREET NEWELL

REPORT AUTHOR(S) Graham Busby, Property Officer
GENERAL MANAGER Joanne Jacobson,
Acting General Manager Corporate Services
DEPARTMENT Governance

RECOMMENDATION

That Council:

- 1. Offers a further trustee lease to the Mossman Boat & Fishing Club Incorporated (lessee) over an area of approximately 800m² of lot 382 on SR864, Rankin Street Newell, for the purpose of a boat storage, a clubhouse and related community use, subject to but not limited to the following terms and conditions:**
 - a. for a term of ten (10) years to commence from a date to be determined;**
 - b. rent for the first year of the term to be \$110.00 (including GST) and subject to annual review in accordance with the Brisbane All Groups Consumer Price Index (CPI);**
 - c. lessee to be responsible for all rates and charges , including any costs of water usage on the premises;**
 - d. lessee to be responsible for all reasonable costs associated with the preparation and registration of the lease;**
 - e. the terms and conditions in Council's Standard Terms Document for Trustee Leases, registered under dealing number 717940164.**
- 2. Delegates authority to the 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.**

EXECUTIVE SUMMARY

The Mossman Boat & Fishing Club Inc (Club), previously held a twenty (20) year lease over part of trust land described as Lot 382 on SR864, Rankin Street Newell. At the time this lease expired in July 2016, Council officers enacted the holding over clause contained within the lease, pending the development of Council's standard terms document for trustee leasing.

Since registration of the new standard terms document in April 2017, Council officers have been liaising with the Club regarding the terms of the proposed new lease. The Club has now accepted the proposed terms and this report is prepared in order to gain Council approval to issue a further trustee lease to the Club.

BACKGROUND

Land described as Lot 382 on SR864, Rankin Street Newell is Reserve land, held in trust by Douglas Shire Council. Since August 1996, the Club has held tenure over approximately 800m² of this Reserve land for the purposes of boat storage and a clubhouse.

When the lease expired in July 2016, Council officers consented in accordance with the terms of the lease, to allow the Club to continue to occupy the premises on a monthly basis, until such time that the terms of a new lease could be developed and agreed upon by both parties.

Council's standard terms for trustee leasing were registered with the Department of Natural Resources & Mines (DNRM) in April 2017. Since that time, Council officers have been engaged in discussions with the Club regarding their acceptance of the proposed terms of a new lease. The Club has now notified their acceptance of the proposed terms and their preference for a minimum of ten (10) years with respect to the term of the new lease.

COMMENT

Currently the Club has 84 members, 24 of which are children. In 2016, the Club celebrated its 40th anniversary.

The Club's activities help to promote the important recreational activity of fishing and boating within the Douglas Shire community. Currently the Club holds monthly fishing competitions, along with regular fundraising sausage sizzles, raffles, a major annual raffle and end of year presentation of trophies. Furthermore, every two (2) years, the Club also holds a fishing fun day for children.

During the term of the previous lease, the Club maintained the premises in a sound and well presented condition and they actively sought grants to improve the clubhouse and assets belonging to the club. In recent years, such grants have helped the Club to acquire a fridge, freezer, bain marie, shade sail and club shirts. Furthermore, the Club through their own funds and help from a local contractor constructed a large concrete slab under the new shade sail and have erected new club signage, which was bought as part of the 40th anniversary celebrations.

The Club has indicated that should Council grant a new lease, they have plans to extend the concrete slab around the clubhouse and to undertake an external re-paint of the premises.

PROPOSAL

This report is prepared in order to obtain Council approval for the issue of a trustee lease to the Mossman Boat & Fishing Club Inc over part of Lot 382 on SR864, Rankin Street Newell for the purposes of boat storage and a clubhouse.

FINANCIAL/RESOURCE IMPLICATIONS

It is recommended that the Lessee will be responsible for reasonable costs associated with the preparation and registration of the lease.

Under the terms of the proposed new lease, the Lessee will be responsible for rates and charges including water usage associated with the premises. However, as the club is eligible for rates based financial assistance from the Council, 100% of the general rates levied each year is refunded to the Club. There are no sewerage charges applicable, as the property is on septic.

For the term of the expired lease, the Club paid a set annual rent of \$110.00 per annum (Incl GST). Under the terms of the new lease, it is proposed to commence the rent at \$110.00 (incl GST) per annum in the first year and then apply CPI increases in each subsequent year.

RISK MANAGEMENT IMPLICATIONS

Granting a new lease to the Club 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.

SUSTAINABILITY IMPLICATIONS

Economic: No associated cost to Council.

Environmental: There are no environmental sustainability implications

Social: Granting a lease to the Club will help enhance social 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 2014-2019 Initiatives:

Theme 5 – Governance

5.2.1 - Provide Councillors and community with accurate, unbiased and factual reporting to enable accountable and transparent decision-making.

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.

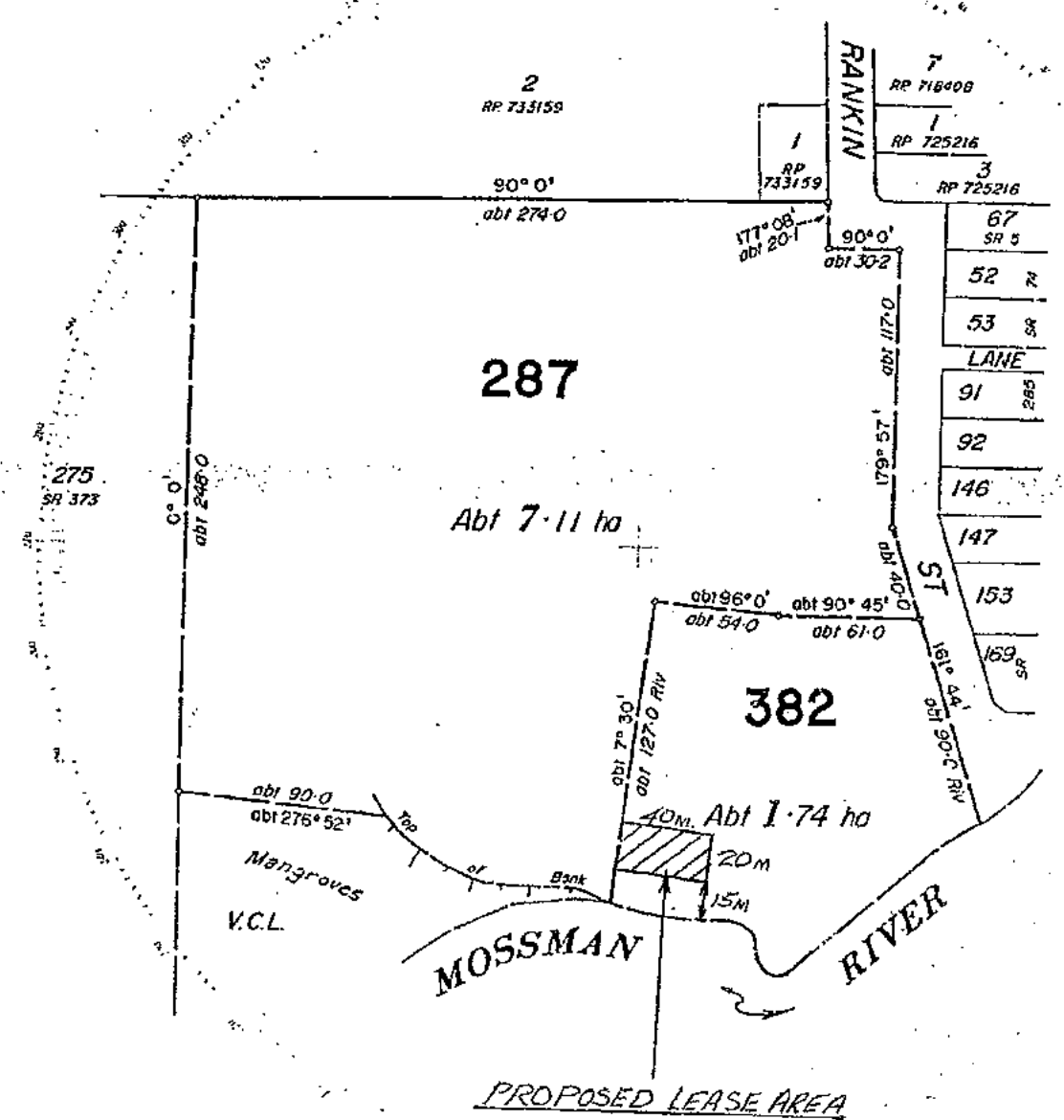
CONSULTATION

Internal: Acting General Manager Corporate Services

External: Mossman Boat & Fishing Club Inc

ATTACHMENTS

1. Sketch Plan of of proposed lease area - Mossman Boat & Fishing Club Inc **[5.9.1]**



PREVIOUS DESCRIPTION LOT 287 ÷ For 287 on SR404		LAND AGENTS DISTRICT CAIRNS		LOCAL AUTHORITY DOUGLAS S.C.	
COMPILED FROM Plans SR404 & Dept. of Harbours and Marine, plan H-344		PLAN OF Lots 287 & 382		TOWN/SUBURB/LOCALITY NEWELL	
I, Peter Stopford, hereby certify that I have made this plan pursuant to Regulation 28 of the Surveyors Regulations 1978 and that the plan is accurate.		SCALE 1: 2000		PARISH WHYANBEELE	
Peter Stopford 2-2-1988 Licensed Surveyor Date		MERIDIAN Mendon RP 733159		County Solander	
PLAN SR864		SL 09/29933		1955-22432	