

## **6.6. TRUSTEE LEASE PART OF LOT 92 ON SR81, 44 GROGAN STREET MOSSMAN - CORAL COAST JUDO CLUB INC**

<b>REPORT AUTHOR</b>	Property Officer
<b>MANAGER</b>	Manager Community Services
<b>DEPARTMENT</b>	Community Services

### **RECOMMENDATION**

**That Council:**

- 1. Resolves to apply an exception on the disposal of a valuable non-current asset under Section 236 (1)(b)(ii) of the *Local Government Regulation 2012* as the disposal is to a community organisation;**
- 2. Enters a trustee lease with Coral Coast Judo Club Inc. for the purposes of a training, competition and storage area over approximately 665m<sup>2</sup> being the Victor Crees Pavilion on Lot 92 on SR81, 44 Grogan Street Mossman, subject to but not limited to the following terms and conditions:**
  - a) for a term of ten (10) years from 1 March 2025 to 28 February 2035;**
  - b) with rent for the first year of the term being \$132.00 (GST Inc) and subject to annual review in accordance with the Brisbane All Groups Consumer Price Index (CPI);**
  - c) with the lessee responsible for all reasonable costs associated with preparing and registering the lease, including surveying;**
  - d) the standard terms document for trustee leasing registered under dealing number 720830775 and Schedule 3 of the *Land Regulation 2020*; and**
  - e) the trustee lease schedule includes variations to the standard terms document 720830775 removing rates charges normally levied by Council as trustee; and**
- 3. Enters a shared user agreement with Coral Coast Judo Club Inc over the amenities building change rooms; and**
- 4. Delegates authority under Section 257(1)(b) of the *Local Government Act 2009* to the Chief Executive Officer to negotiate, finalise and execute any and all matters associated with the trustee lease and shared user agreement.**

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### **EXECUTIVE SUMMARY**

Coral Coast Judo Club Inc (CCJC) occupies Victor Crees Pavilion, 44 Grogan Street Mossman, formally described as Lot 92 on SR81.

In accordance with Council's Tenure Policy adopted in August 2023, CCJC has requested a ten-year trustee lease over Victor Crees Pavilion. This report seeks the required resolutions to enter the trustee lease.

## BACKGROUND

A Reserve for the primary purpose of recreation, and sub-purpose of showgrounds, the 4.91-hectare site contains a rugby league oval, grandstand, Victor Crees and WS Johnston pavilions, canteen, amenities building, clubhouses, announcer's box, show society administration building, horse stables, cattle and bird sheds and areas of undercover seating.

CCJC, founded in 2002, has occupied Victor Crees Pavilion since 2019, previously holding one-year trustee permits for judo training and competitions. As the previous trustee permit has expired, CCJC now seeks a 10-year trustee lease to create a stable and secure training environment and apply for grants, with Council approval, to improve the facility.

Exclusive use is required due to the club's investment in the spring flooring, also used for judo and karate.

Shared use is also requested for the two change rooms in the amenities building currently used by Mossman Junior Rugby League Club Inc during their season, and Mossman & District Show Society during the Mossman Show.

## COMMENTS

Council's Sport & Recreation Officer and Building Facilities Officer have no objections to the lease.

The Mossman & District Show Society President has advised that tenants are requested to vacate pavilions two weeks prior to the Show date to give the Society time to hose, clean, dry and set up. Use of the pavilions reverts to the relevant groups on the Monday after the completion of the Show.

Based on feedback, Coronation Park trustee leases and shared user agreements will stipulate that facilities will need to be vacated in the two weeks prior to and including the Mossman Show, clearing equipment to the Show Society's requirements.

Due to a change to the *Land Act 1994* Council can now approve leases on trust land without having to use the Written authority no.1, Trustee lease over trust land. The trustee (Council) needs to ensure that any decisions about trust land are consistent with the Commonwealth *Native Title Act 1993* and the *Native Title (Queensland) Act 1993*.

The granting of the lease is consistent with the purpose of the Reserve and the lease will be entered into in accordance with section 24JA *Native Title Act 1993* (Cth) whereby the non-extinguishment principle applies.

## PROPOSAL

The proposal is for Council to:

1. Resolve to apply an exception on the disposal of a valuable non-current asset under Section 236 (1)(b)(ii) of the *Local Government Regulation 2012* as the disposal is to a community organisation;

2. Enter a trustee lease with Coral Coast Judo Club Inc. for the purposes of a training, competition and storage area over approximately 665m<sup>2</sup> being the Victor Crees Pavilion on Lot 92 on SR81, 44 Grogan Street Mossman, subject to but not limited to the following terms and conditions:
  - a) for a term of ten (10) years from 1 March 2025 to 28 February 2035;
  - b) with rent for the first year of the term being \$132.00 (GST Inc) and subject to annual review in accordance with the Brisbane All Groups Consumer Price Index (CPI);
  - c) with the lessee responsible for all reasonable costs associated with preparing and registering the lease, including surveying;
  - d) the standard terms document for trustee leasing registered under dealing number 720830775 and Schedule 3 of the Land Regulation 2020; and
  - e) the trustee lease schedule includes variations to the standard terms document 720830775 removing rates charges normally levied by Council as trustee; and
3. Enter a shared user agreement with Coral Coast Judo Club Inc over the amenities building change rooms; and
4. Delegate authority under Section 257(1)(b) of the *Local Government Act 2009* to the Chief Executive Officer to negotiate, finalise and execute any and all matters associated with the trustee lease and shared user agreement.

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

## RISK MANAGEMENT IMPLICATIONS

Lessees must maintain public liability insurance according to the standard terms document of the trustee lease.

## SUSTAINABILITY IMPLICATIONS

<b>Economic:</b>	Trustee Leases provide security of tenure for a local sporting club to apply for external funding if desired. Improved club facilities assist in attracting and retaining members, contributing to membership fee income as well as being a desirable venue for competitions, bringing people into the Shire.
<b>Environmental:</b>	The proposed lease area is over an existing building.
<b>Social:</b>	CCJC has approximately 70 participants, three State coaches, one international Judo Federation Accredited Coach and several national title holders. Sport and recreation organisations provide opportunities to participate in activities, bringing residents, and competitors from outside the Shire together.

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

This report has been prepared in accordance with the following:

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

#### **Theme 2 - Fostering Sustainable Economic Growth**

A robust economy is at the heart of a thriving community and enables investment in environmental protection. While our remoteness is a key attribute, it also presents challenges for attracting new business and investment. We must also meet the challenges of fierce competition in the tourism sector. Council will partner with industry to build, diversify and promote the Douglas economy. Council will design and deliver infrastructure, strategies and services that support the local economy and businesses.

***Goal 3 - We will develop strategies that seek to diversify the Shire's economic base.***

#### **Theme 4 - Inclusive Engagement, Planning and Partnerships**

In delivering for our communities, economy and environment, Douglas Shire will ensure open and transparent engagement and communication. We will develop robust strategic plans and we will partner with our community and key stakeholders.

***Goal 1 - We will implement transparent decision making through inclusive community engagement and communication.***

#### **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.***

### **Operational Plan Actions:**

Legislative requirement.

## **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:

<b>Custodian</b>	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.
<b>Facilitator</b>	Council often brings stakeholders together on important issues, projects or for service delivery. In this role, Council can act as a mediator, connector, collaborator or initiator.
<b>Service Provider</b>	Council provides many services to the community from roads and waste services to libraries and recreational facilities. Services evolve over time and it is the Council's mission to ensure that these services are appropriate, delivered efficiently, and designed with the customer at the centre.

## CONSULTATION

**Internal:** Councillors (Workshop 11 February 2025)  
Sport & Recreation Officer  
Building Facilities Officer

**External:** Coral Coast Judo Club Inc  
Mossman & District Show Society Inc

## COMMUNITY ENGAGEMENT

Prior to Council adopting the Port Douglas Sports Complex & Coronation Park Master Plan in November 2020, key stakeholders were consulted while developing the Draft Plan. Public consultation was carried out on the Draft Plan prior to finalising the Plan for adoption by Council. The adopted Plan is available on Council's website at [www.douglas.qld.gov.au/port-douglas-sports-complex-coronation-park-master-plan/](http://www.douglas.qld.gov.au/port-douglas-sports-complex-coronation-park-master-plan/).

Prior to Council adopting the Tenure Policy in August 2023, the draft policy was circulated for review and feedback on tenure arrangements over Council-owned and controlled land. The adopted policy is available on Council's website at <https://douglas.qld.gov.au/download/Tenure-Policy.pdf>.

## ATTACHMENTS

1. Coronation Park - Part of Lot 92 on SR81 - Proposed Exclusive Use - Victor Crees Pavillion - Coral Coast Judo Club Inc [6.6.1 - 1 page]
2. Coronation Park - Part of Lot 92 on SR81 - Proposed Shared Use - Amenities Building - Change rooms - Coral Coast Judo Club Inc [6.6.2 - 1 page]



# Coronation Park - Part of Lot 92 on SR81 - Proposed Tenure Area Coral Coast Judo Club Inc

Attachment 6.6.1

54 of 83



(c) Douglas Shire Council



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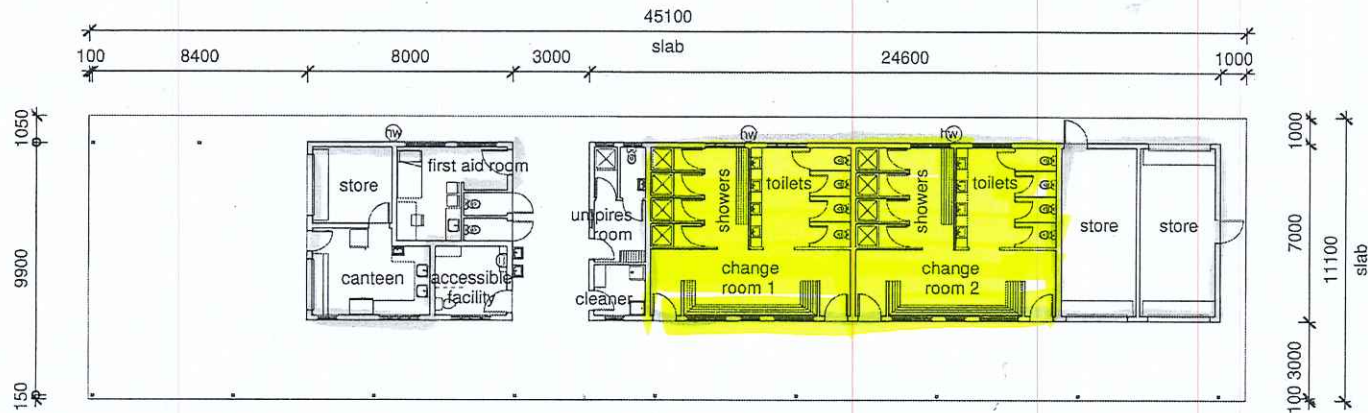
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23-October-2024

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Ordinary Council Meeting - 18 February 2025



1 Floor Plan O/All Dimensions  
1 : 200

#### AREAS

Buildings	228m <sup>2</sup>
Roof Line	445m <sup>2</sup>
Roof Area	506m <sup>2</sup>
Slab Area	501m <sup>2</sup>

STRUCTURAL DETAILS  
ADEQUATE AS CERTIFIED

RODGERS CONSULTING ENGINEERS  
H P Rodgers RPEQ 7859

JOB NO:

DATE:

NOT FOR CONSTRUCTION

**GREG SKYRING**  
*Design* and DRAFTING Pty. Ltd.

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PROJECT

Proposed Amenities at Mossman Showground,  
off Jack and Grogan Streets, L92 SR81  
MOSSMAN

CLIENT

Douglas Shire Council

WIND CLASS

PLAN NUMBER

111-19

SHEET

4 of 9

SCALES

18 February 2025  
1 : 200

PLAN TITLE

Floor Plan O/All Dimensions

DATE OF ISSUE

prelim  
08.12.20

REV

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