

19.3 TERM LEASE - 21A EMMETT DRIVE CLEVELAND

Objective Reference:**Authorising Officer:** Louise Rusan, General Manager Community & Customer Services**Responsible Officer:** Graham Simpson, Group Manager Environment & Regulation**Report Author:** Damien Jolley, Senior Property Officer**Attachments:** 1. Locality map 21A Emmett Drive

The Council is satisfied that, pursuant to Section 275(1) of the *Local Government Regulation 2012*, the information to be received, discussed or considered in relation to this agenda item is:

- (h) *other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.*

PURPOSE

To determine the future tenure of Lot 1 on SL9166, 21A Emmett Drive Cleveland (the premises – refer Attachment 1).

BACKGROUND

Council acquired the premises as part of the purchase of the CSIRO land at Toondah Harbour in 2011. The tenure of the premises is via a land lease with the State that expires in November 2019.

The premises were used by the CSIRO as a marine facility and include a boat ramp, slip way and jetty.

The premises have not been used, or needed, operationally by Council since being acquired and earlier attempts to sublease the premises proved to be unsuccessful potentially due to the depth of the water limiting vessel size that could access the premises.

ISSUES**Current tenure**

The current land lease with the State expires in November 2019 and prior to applying for a further lease term, advice was sought [redacted] to determine if the premises were still required to remain in Council control [redacted]

[redacted] advised, after consulting with EDQ, that there is no requirement for Council to retain the premises [redacted]

The premises were dredged mid-2019 as part of normal maintenance, resulting in SeaLink who operate ferry/water taxis services from Toondah Harbour, expressing an interest to use the premises.

Council has the option, currently, to sublease the premises but could only do so after a tender or auction process has been undertaken in accordance with the *Local Government Regulation 2012*.

It is considered however, that unless Council retains the premises via negotiating a new lease, there is limited benefit to Council or potential sublessees in undertaking this process given the time remaining before the land lease expires in November 2019.

Future tenure

The premises are not required for operational purposes [REDACTED] and there is limited to no benefit for Council to retain the premises.

There is a requirement under the terms of the land lease that may require Council to remove all improvements, [REDACTED]

It is likely that if Council allows the lease to expire, that tenure for the parties that may now wish to use the premises would be managed by the State directly [REDACTED]

STRATEGIC IMPLICATIONS

Legislative Requirements

Disposal, if required, to be undertaken in accordance with the requirements of the *Local Government Regulation 2012*.

Risk Management

There are no identified risks.

Financial

Current consideration for the lease to the State is \$4548.47 per quarter. Not renewing the lease will save that cost to Council.

People

There are no staff implications.

Environmental

There are no environmental implications identified

Social

There are no social implications identified

Alignment with Council's Policy and Plans

No non-alignment with Council Policy and Plans has been identified.

CONSULTATION

Consulted	Consultation Date	Comments/Actions
Snr Engineer Marine & Water Assets	19 July 2019	Identified no operational need to retain the lease

OPTIONS

Option One

That Council resolves as follows:

1. That the premises are surplus to Council requirements.
2. The land lease should not be renewed.
3. That this report and attachment remain confidential, subject to maintaining the confidentiality of legally privileged, private and commercial in confidence.

Option Two

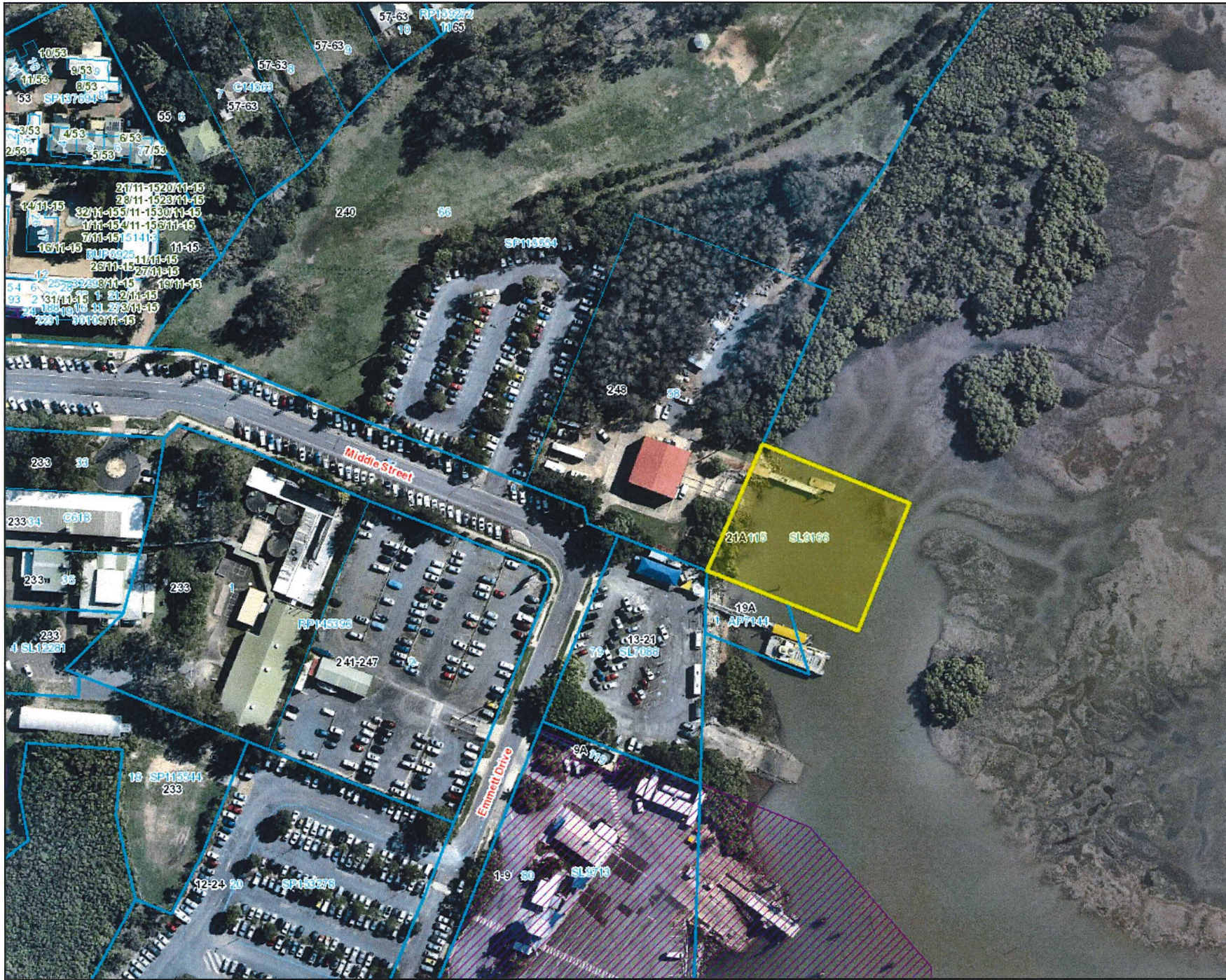
That Council resolves as follows:

1. To make application to renew the lease.
2. Dispose of the premises by inviting written tenders to sublease the premises under section 228 of the *Local Government Regulation 2012*.
3. Delegate the Chief Executive Officer under s.257(1)(b) of the *Local Government Act 2009* to negotiate, make, vary and discharge a sub-lease for the premises to the successful tender.
4. That this report and attachment remain confidential subject to maintaining the confidentiality of legally privileged, private and commercial in confidence.

OFFICER'S RECOMMENDATION

That Council resolves as follows:

1. That the premises are surplus to Council requirements.
2. That the land lease should not be renewed.
3. That this report and attachment remain confidential, subject to maintaining the confidentiality of legally privileged, private and commercial in confidence.



Red-e-map Plot

Legend

Land

Lease Lots

- Lease

Current Land

- Current Lot

Scale:
1:1303

Date:
23/07/2019

Redland
CITY COUNCIL

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