

ORDINARY MEETING	<b>3</b>
8 NOVEMBER 2023	

**TENURE ARRANGEMENTS FOR EARLVILLE TENNIS CLUB INC. OVER LOT 1 ON RP731489 AND WOREE TENNIS CLUB INC. OVER LOT 636 ON SP331531 – DIVISIONS 3 AND 4**

19/28/76 | #7272839

**RECOMMENDATION:**

That Council:

1. Applies the exception in accordance with section 236(1)(b)(ii) of the *Local Government Regulation 2012* pursuant to section 236(2) for the disposal of valuable non-current assets, other than by tender or auction to community organisations, to allow freehold lease and trustee permit offers to be made over lot 1 on RP731489 being 534 Mulgrave Road, Earlville and lot 636 on SP331531 being 81-97 Windarra Street, Woree;
2. Approves to make a freehold lease offer, with amended and increased lease area, to Earlville Tennis Club Inc. subject to:
  - a. Surrender of the existing freehold lease to Earlville Tennis Club Inc.; and
  - b. Change of name to The Henley Street Tennis Club Inc.;
3. Approves to make a trustee permit offer to Woree Tennis Club Inc.; and
4. Delegates authority to the Chief Executive Officer under section 257 of the *Local Government Act 2009*, to negotiate and finalise any and all matters relating to the tenure arrangements.

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**INTERESTED PARTIES:**

Earlville Tennis Club Inc. (to be renamed The Henley Street Tennis Club)  
 Woree Tennis Club Inc.  
 Tennis Queensland

*Note: The identification of interested parties is provided on a best endeavours basis by Council Officers and may not be exhaustive.*

**EXECUTIVE SUMMARY:**

This report seeks approval to renew the tenure arrangement with the Earlville Tennis Club Inc. with a freehold lease with ten (10) year term, subject to the lessee surrendering the existing freehold lease and finalising a change of name to The Henley Street Tennis Club; and renew the trustee permit to Woree Tennis Club Inc. for a further one (1) year term upon expiry in February 2024.

It is proposed to increase the lease area for the Earlville Tennis Club (to be renamed as The Henley Street Tennis Club) to include the four newly constructed tennis courts. Please refer to Appendix 1 for the current lease plan and Appendix 3 for the proposed lease plan.

The permit area for the Woree Tennis Club remains unchanged as per the Sketch Plan at Appendix 2.

### **BACKGROUND:**

To enable the successful completion of the Rigg/Windarra intersection upgrade project several years ago, and address the outcomes of the Jeff Pezzuti Park Masterplan, Council committed to the relocation of the Woree Tennis Club from Jeff Pezzuti Park.

The intersection upgrade project saw the number of courts utilised by Woree Tennis Club reduce from four to two. For the Club to conduct its activities to the same level, access to more than two courts is required.

Subsequently, at Council's Ordinary Meeting held on 7 December 2022, a resolution was passed to construct an additional four tennis courts and carpark at Lions Park, Earlville thereby extending and upgrading the existing tennis facilities currently leased to the Earlville Tennis Club Inc.

The Earlville and Woree facilities are located within 1,500m of each other and historically participation numbers do not allow both clubs to be prosperous simultaneously. Officers proposed that a co-location of the two entities would ensure the sustainable continuation of tennis within the Woree/Earlville catchment.

Council has worked closely with Woree and Earlville Tennis Clubs, alongside Tennis Queensland, to transition both clubs to an upgraded facility at Lions Park, Earlville and broker a merger of the clubs. It is intended that the new joint facility will acknowledge the tradition and history of both clubs.

At recent Club Committee meetings, both Clubs resolved to 'merge' the committee of the Earlville Tennis Club, which now has 3 members from each club.

To celebrate the new facilities, recognise the new joint partnership of the two clubs and newly elected merged committee, the Earlville Tennis Club has made an application to change its name to The Henley Street Tennis Club.

To maintain and maximise use of the Woree courts and to assist with the merger of the two clubs, Council has agreed that the Woree Tennis Club may continue to use the existing courts at Jeff Pezzutti Park until they are either removed as part of redevelopment of the park or are no longer required by the Woree Tennis Club.

The existing facility at Lions Park is currently leased to Earlville Tennis Club who hold a freehold lease over part of lot 1 on RP731489 for a 10 year term which expires on 31 December 2028. Please refer to Appendix 1 for the Lease Plan of the current leased area.

Woree Tennis Club hold a one year trustee permit over part of lot 636 on SP331531 which expires on 28 February 2024. Council proposes to renew the one year trustee permit to Woree Tennis Club upon expiry. Please refer to Appendix 2 for the Sketch Plan of the current leased area.

To formalise tenure over both subject areas, the following dealings are required:

1. Earlville Tennis Club to surrender their existing 10 year freehold lease;
2. Finalise the change of name application from Earlville Tennis Club Inc. to The Henley Tennis Club Inc.;
3. Offer a 10 year freehold lease to The Henley Tennis Club Inc.;
4. Amend the lease area of the Henley Tennis Club Inc. to include the four newly constructed courts. Please refer to Appendix 3 for the Sketch Plan of the proposed leased area, which will be subject to survey plan.
4. A new trustee permit, with a 1 year term, be offered to the Woree Tennis Club to formalise the club's continued use of the remaining two Jeff Pezzutti Park tennis courts and clubhouse pending redevelopment of the site. Should the Woree Tennis Club wish to utilise the courts at Jeff Pezzutti Park for a further term, Council may consider a request to renew at that time subject to the Jeff Perzutti Masterplan works/ sequencing.

It should be noted that Woree Tennis Club Inc. will dissolve as an entity once their use of Jeff Pezzutti Park is finalised.

#### **COMMENT:**

Officers propose to renew tenure arrangements with the existing lessee and trustee permit holder, both of whom are not for profit community organisations.

Subject to section 236(1)(b)(ii) of the *Local Government Regulation 2012* (LGR), Council may dispose of an interest in land other than by tender or auction if the asset is disposed of to a community organisation; and if the local government has decided by resolution that the exception may apply (section 236(2)).

Section 236(3) of the LGR states that a local government may dispose of an interest in land under this section if the consideration for the disposal would be equal to, or more than, the market value of the land or the interest in land, unless the interest in land is disposed of to a community organisation (section 236(4)).

The proposed lessee and trustee permittee are incorporated associations and can be defined as "community organisations", thereby satisfying the requirements of section 236 of the LGR. Furthermore, Council's Schedule of Fees and Charges for NFP organisations will apply to each tenure arrangement, which also satisfies the requirements of section 236(4) of the LGR.

As the lessee and trustee permit holder have met the conditions of their respective tenure arrangements and there have been no breaches noted, there is no reason not to consider applications from the incumbent lessee and permittee for amendment and renewal of the current tenure arrangements.

**OPTIONS:****Option 1: (Recommended)**

That Council:

1. Applies the exception in accordance with section 236(1)(b)(ii) of the *Local Government Regulation 2012* pursuant to section 236(2) for the disposal of valuable non-current assets, other than by tender or auction to community organisations, to allow freehold lease and trustee permit offers to be made over lot 1 on RP731489 being 534 Mulgrave Road, Earlville and lot 636 on SP331531 being 81-97 Windarra Street, Woree;
2. Approves to make a freehold lease offer, with amended and increased lease area, to Earlville Tennis Club Inc. subject to:
  - a. Surrender of the existing freehold lease to Earlville Tennis Club Inc.; and
  - b. Change of name to The Henley Street Tennis Club Inc.;
3. Approves to make a trustee permit offer to Woree Tennis Club Inc.; and
4. Delegates authority to the Chief Executive Officer under section 257 of the *Local Government Act 2009*, to negotiate and finalise any and all matters relating to the tenure arrangements.

**Option 2:**

That Council does not support these recommendations and adopts an alternate course of action.

**CONSIDERATIONS:****Risk Management:**

There is minimal risk associated with the recommendations of this report. Both Earlville and Woree Tennis Clubs have maintained their individual facilities well, have grown the membership of their respective clubs and have managed their statutory responsibilities credibly. It is therefore expected that the upgraded facilities at Earlville will also be well maintained and the 'merged' clubs will continue to responsibly manage the club and associated facilities.

Furthermore, both committees have resolved to work together as a merged committee, which provides a wealth of operational experience which will support the profile and growth of tennis in the area.

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### Council Finance and the Local Economy:

Council's Standard Fees and Charges for Not for Profit organisations will apply to the tenure arrangements and each organisation may apply for a concession for rates, water and sewerage charges in accordance with the Rates Based Financial Assistance Policy for Not for Profit Recreation, Sporting and Community Groups. Charges for all other services remain the responsibility of the lessee/permittee.

Council will bear the cost of a survey plan for the new leased area at Earlville together with surrender and lease registration lodgement fees estimated at no more than \$5,000.

### Community:

The Earlville and Woree facilities are currently located within 1,500m of each other and it has been difficult for both clubs to be prosperous simultaneously. A co-location of the two entities ensures the sustainable continuation of tennis within the Woree/Earlville catchment.

Earlville was chosen as the most suitable location for the clubs to be co-located as the Earlville Tennis Club is located on freehold land, is flat and not prone to flooding and has ample space to allow for future expansion of the facility.

Furthermore, both the Tennis Queensland State Infrastructure Plan and the Jeff Pezzutti Park Masterplan recommend the co-location of clubs at Earlville because the site presents an opportunity for a district level facility with up to eight courts and the joint use facilities will create advantages for the sport through efficiencies in governance and the opportunity to host larger fixtures and events.

### Corporate and Operational Plans:

This report aligns with Council's Corporate Plan 2021 - 2026 with particular emphasis on:

Focus Four: Community and Culture  
 Strategy: Fostering a vibrant and healthy community where everyone can feel they belong.

### Statutory:

The leases will be renewed in accordance with the provisions of section 236(1)(b)(ii) and 236(4) of the *Local Government Regulation 2012* and will be issued in accordance with the *Land Title Act 1994* and *Native Title Act 1993 (Cth)*.

### Policy:

The tenure arrangements will be prepared in accordance with Council's 'Tenure Arrangements and Disposal of Council Property General Policy', in particular part 1 of the associated administrative instruction which provides for use by not for profit community groups.

**CONSULTATION:**

Council has undertaken extensive stakeholder engagement with both tennis clubs and will continue to partner with Tennis Queensland to facilitate the transition of Woree Tennis Club to Earlville and monitor the ongoing operation of the facility.

**ATTACHMENTS:**

Appendix 1 – Earlville Tennis Club – Freehold Lease Sketch Plan (current)

Appendix 2 – Woree Tennis Club – Trustee Permit Sketch Plan

Appendix 3 – The Henley Street Tennis Club – proposed lease Sketch Plan



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Executive Manager Licensing & Compliance



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Director Planning, Growth & Sustainability

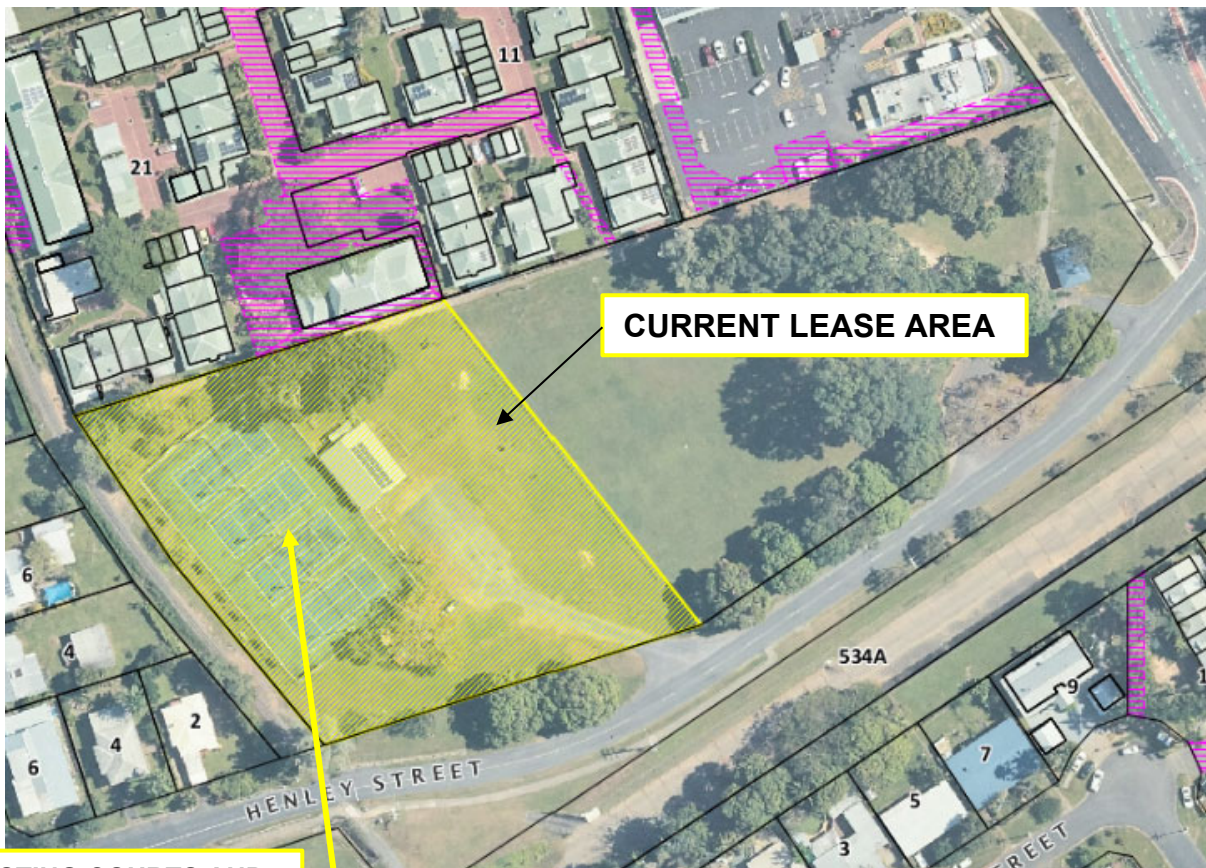


### Appendix 2 – Woree Tennis Club Inc. – Trustee Permit Sketch Plan





### Appendix 3 – The Earlville Tennis Club – current and proposed lease area



**EXISTING COURTS AND CLUB HOUSE**

