ORDINARY MEETING 28 OCTOBER 2026	5.8

TENURE ARRANGEMENTS FOR COMMUNITY ORGANISATIONS

PGS | 55/2/3 | #7932526

RECOMMENDATION:

That Council:

1. **Applies exceptions under the *Local Government Regulation 2012* for the disposal of valuable non-current assets, other than by tender or auction, pursuant to section 236(1)(b)(ii) being for the purpose of negotiating tenure arrangements with the community organisations and associated land described below:**

    a. **A lease over land described as Lot 2 on SP363620, Trinity Beach Road, Trinity Beach, to Marlin Coast Rangers Football Club Inc;**
    b. **A lease over land described as Lot 2 on SP363620, Trinity Beach Road, Trinity Beach, to Baseball Cairns Inc;**
    c. **A lease over land described as Lot 191 on NR6528, 85-93 Oleander Street, Holloways Beach to DogzCairns Inc;**
    d. **A lease over land described as Lot 3 on RP701079, 28 Grove Street, Cairns North, to Cairns Italian Festival Inc;**
    e. **A lease over land described as Lot 1 on C198325, 152 Abbott Street, Cairns North, to Cairns Tennis Club Inc;**
    f. **A lease over land described as Lot 115 on NR800836, 2-40 Anderson Street, Manunda to ARC Disability Services Inc;**
    g. **A lease over land described as Lot 11 on SP346748, 271 Gatton Street, Westcourt to Cairns and District Senior Citizens Association Inc**
    h. **A lease over land described as Lot 1 on RP722073, Wolff Street, Edmonton, to Lions Club Edmonton Inc;**
    i. **A lease over land described as Lot 2 on RP729059, 48-52 Graham Street, Edmonton, to Play Matters Australia Ltd;**
    j. **A lease over land described as Lot 166 on NR7440, 18-20 Highleigh Road, Gordonvale, to Gordonvale Men's Shed Inc;**
    k. **A lease over land described as Lot 47 on NR7477, 22-24 Hives Street, Gordonvale, to Gordonvale Pony Club Equestrian Centre Inc;**
    l. **A lease over land described as Lot 2 on SP285528, 81-83 Sheppards Street, Gordonvale, to Southern Suburbs Junior Rugby League Club (Cairns) Inc;**
    m. **A lease over land described as Lot 2 on SP285528, 81-83 Sheppards Street, Gordonvale, to Cairns Southside Judo Club Inc; and**
    n. **A lease over land described as Lot 1 on RP809583, Mill Road, Babinda, to Babinda and District Pony Club Inc;**

o. A lease over land described as Lot 132 on SP246991, 17 King Street, Babinda, to Babinda and District Amateur Fishing Club Inc;

p. A lease over land described as Lot 9 on N15737, 1151R Thomson Road, Edmonton, to The Historical Society Cairns North Queensland Inc; and

q. A lease over land described as Lot 22 on C198406, Shop 5 and 7, 93-105 Lake Street, Cairns City, to The Historical Society Cairns North Queensland Inc;

2. Delegates authority to the Chief Executive Officer under section 257 of the *Local Government Act 2009* to negotiate, finalise and execute any and all matters in connection with the lease arrangements.

INTERESTED PARTIES:

1. Marlin Coast Rangers Football Club Inc
2. Baseball Cairns Inc
3. DogzCairns Inc
4. Cairns Italian Festival Inc
5. Cairns Tennis Club Inc
6. ARC Disability Services Inc
7. Cairns and District Senior Citizens' Association Inc
8. The Lions Club of Edmonton Inc
9. Play Matters Australia Ltd
10. Gordonvale Men's Shed Inc
11. Gordonvale Pony Club Equestrian Centre Inc
12. Southern Suburbs Junior Rugby League Club (Cairns) Inc
13. Cairns Southside Judo Club Inc
14. Babinda and District Pony Club Inc
15. Babinda and District Amateur Fishing Club Inc
16. The Historical Society Cairns North Queensland Inc

Note: Attachment 1 provides further details for committee members or point of contact. 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 to apply exceptions for the disposal of valuable non-current assets in accordance with section 236 of the *Local Government Regulation 2012* (the **LGR***)*. Applying an exception enables Council to issue leases over the described parcels of Council controlled land to the community organisations nominated in **Attachment 2** without the need to tender and at below market value.

These exceptions are recommended to enable streamlined negotiations to renew tenure arrangements with community organisations who hold a current lease and with community organisations who have been identified as most suitable to hold a lease over other vacant Council assets. The application of these exceptions to enable negotiations is considered low risk, given the proposed organisations are either existing occupants with established compliance records or have been identified through consultation with the relevant Asset Manager as suitable community users of the facility.

This streamlined approach provides a coordinated, consistent, and efficient renewal process that supports the continuation of services to the community while reducing administrative burden for both Council and the relevant community organisations.

Subject to Council endorsement, each organisation will be required to submit a conforming application and undergo assessment in consultation with the relevant Asset Manager. Applications will be assessed having regard to the organisation's capacity to meet lease obligations, compliance history (where applicable), and consistency with Council policy. Where supported, lease arrangements may be finalised under delegated authority; where requirements cannot be satisfied, further consideration may be required, including alternative disposal processes.

Several tenure arrangements are proposed to be renewed prior to expiry to address administrative matters, align lease terms with external funding arrangements, or support access to grant funding opportunities.

BACKGROUND:

The specified land and associated facilities noted within the resolution of this report are currently leased, or have previously been leased, to community organisations.

It is anticipated that the community organisations who have a current tenure arrangement will make an application to renew their existing lease if they have not already done so.

Community organisations that have a current lease and have demonstrated they can operate and maintain the asset in accordance with the lease conditions, are generally given preference to renew their lease and invited to make an application in accordance with the Cairns Regional Council's *"Community leasing of Council-owned land and facilities guidelines"* which is available on the Council website.

COMMENT:

A review of Council's current leases with community organisations has identified:

1. Seven existing leases are due to expire on or before 30 June 2027:
    a. DogzCairns Inc;
    b. Cairns Italian Festival Inc;
    c. Cairns Tennis Club Inc;
    d. The Lions Clubs of Edmonton Inc;
    e. Gordonvale Men's Shed Inc;
    f. Babinda and District Amateur Fishing Club Inc; and
    g. The Historical Society Cairns North Queensland Inc.

2. Two existing leases are due to expire after 30 June 2027:
    a. Gordonvale Pony Equestrian Centre Inc; and
    b. Babinda and District Pony Club Inc.

Should Council resolve to negotiate tenure arrangements with these two community organisations, the organisations will be able to pursue larger grant funding opportunities for proposed improvement works. Where appropriate, Council will provide letters of support to assist the lessees in meeting grant eligibility criteria for works within their respective leased areas.

3. Two existing leases require early renewal as they were not appropriately registered with Titles Queensland when originally established:
   a. Marlin Coast Rangers Football Club Inc; and
   b. Baseball Cairns Inc.

   The proposed surrender and renewal of these leases will address the registration issues and formalise the existing tenure arrangements, with no changes proposed to the current community use of the land.

4. One lessee has requested that their current leases be surrendered and renewed to enable them to apply for grants to carry out works on the premises, being:
   a. Cairns and District Senior Citizens' Association Inc;

5. Three current trustee permit holders to transition to a trustee lease at the expiry of their current permits being:
   a. ARC Disability Services Inc;
   b. Southern Suburbs Junior Rugby League Club (Cairns) Inc; and
   c. Cairns Southside Judo Inc.

6. One new lease is proposed for Play Matters Australia Ltd over premises previously leased to Act for Kids Ltd. The organisation intends to establish a community hub providing early childhood and family support services, enabling the continued use of the Council-owned facility to deliver services and programs that benefit local children and families;

7. One lessee being The Historical Society Cairns North Queensland Inc has requested their current lease be surrendered and renewed to align the lease with their new Resource and Performance Agreement term and secondary lease agreement term.

Attachment 2 provides further details including the lot description, asset location, permitted use as well as current tenure details including the community organisation name, tenure commencement and expiry dates where applicable.

Applications for a lease will be assessed in conjunction with the relevant Asset Manager and in accordance with the provisions of '*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. If supported, a new tenure arrangement will be issued under the delegated authority to the CEO.

OPTIONS:

Option 1: (Recommended)

That Council:

1. Applies exceptions under the *Local Government Regulation 2012* for the disposal of valuable non-current assets, other than by tender or auction, pursuant to section 236(1)(b)(ii) being for the purpose of negotiating tenure arrangements with the community organisations and associated land described below:

    a. A lease over land described as Lot 2 on SP363620, Trinity Beach Road, Trinity Beach, to Marlin Coast Rangers Football Club Inc;
    b. A lease over land described as Lot 2 on SP363620, Trinity Beach Road, Trinity Beach, to Baseball Cairns Inc;
    c. A lease over land described as Lot 191 on NR6528, 85-93 Oleander Street, Holloways Beach to DogzCairns Inc;
    d. A lease over land described as Lot 3 on RP701079, 28 Grove Street, Cairns North, to Cairns Italian Festival Inc;
    e. A lease over land described as Lot 1 on C198325, 152 Abbott Street, Cairns North, to Cairns Tennis Club Inc;
    f. A lease over land described as Lot 115 on NR800836, 2-40 Anderson Street, Manunda to ARC Disability Services Inc;
    g. A lease over land described as Lot 11 on SP346748, 271 Gatton Street, Westcourt to Cairns and District Senior Citizens Association Inc
    h. A lease over land described as Lot 1 on RP722073, Wolff Street, Edmonton, to Lions Club Edmonton Inc;
    i. A lease over land described as Lot 2 on RP729059, 48-52 Graham Street, Edmonton, to Play Matters Australia Ltd;
    j. A lease over land described as Lot 166 on NR7440, 18-20 Highleigh Road, Gordonvale, to Gordonvale Men's Shed Inc;
    k. A lease over land described as Lot 47 on NR7477, 22-24 Hives Street, Gordonvale, to Gordonvale Pony Club Equestrian Centre Inc;
    l. A lease over land described as Lot 2 on SP285528, 81-83 Sheppards Street, Gordonvale, to Southern Suburbs Junior Rugby League Club (Cairns) Inc;
    m. A lease over land described as Lot 2 on SP285528, 81-83 Sheppards Street, Gordonvale, to Cairns Southside Judo Club Inc; and
    n. A lease over land described as Lot 1 on RP809583, Mill Road, Babinda, to Babinda and District Pony Club Inc;
    o. A lease over land described as Lot 132 on SP246991, 17 King Street, Babinda, to Babinda and District Amateur Fishing Club Inc;
    p. A lease over land described as Lot 9 on N15737, 1151R Thomson Road, Edmonton, to The Historical Society Cairns North Queensland Inc; and
    q. A lease over land described as Lot 22 on C198406, Shop 5 and 7, 93-105 Lake Street, Cairns City, to The Historical Society Cairns North Queensland Inc;

2. Delegates authority to the Chief Executive Officer under section 257 of the *Local Government Act 2009* to negotiate, finalise and execute any and all matters in connection with the lease arrangements.

Option 2:

That Council does not apply exceptions under Section 236(2) of the *Local Government Regulation 2012* for these sites and manages each tenure arrangement individually.

CONSIDERATIONS:

Council Finance and the Local Economy:

Section 236 of the LGR allows local government to dispose of land (or an interest in the land) to a community organisation without the need to tender or auction and for less than market value. As such, costs associated with lease arrangements will be applied in accordance with Councils adopted fees and charges for not for profit organisations.

These organisations are also generally eligible for concessions associated with rates, water and sewerage charges in accordance with the General Policy for "*Rates Based Financial Assistance Policy for Not for Profit Recreation, Sporting and Community Groups"*. Relevant fees and charges for all other services remain the responsibility of the lessee.

The Asset Manager for each site noted within **Attachment 2** will absorb reasonable costs associated with the preparation and registration of the tenure arrangements.

Community and Cultural Heritage:

The provision of land and / or facilities for community organisations provides numerous opportunities for people to participate and engage in activities and programs that improve the overall health and well-being of the community.

Corporate and Operational Plans:

This report aligns with Council's Corporate Plan 2025-2030 focus areas relating to:

1. Focus 3 - A place-based approach that celebrates our community;
2. Focus 4 - Community and culture; Fostering a vibrant, healthy and inclusive community; and
3. Focus 5 - Delivering for community through strong governance and informed decision making.

Statutory:

Section 236 of the LGR allows Council to apply exceptions to dispose of a valuable non-current assets without the need to tender or auction. This section also allows Council to issue leases to community organisations for less than market value which would not apply in the absence of an exception.

The Chief Executive Officer, Director Planning, Growth & Sustainability and Executive Manager Licensing & Compliance have delegated authority under this provision where an exception for the disposal has been applied by Council resolution.

All leases will be prepared in accordance with the requirements of the *Land Act 1994, Land Title Act 1994, Local Government Act 2009* and *Local Government Regulation 2012*.

Policy:

All tenure arrangements are processed under delegation and in accordance with Council's '*Tenure Arrangements and Disposal of Council Property General Policy*'.

CONSULTATION:

Discussions have occurred with the relevant Asset Managers, who have provided preliminary in-principle support to apply an exception by Council resolution for the land identified in the recommendation. This support is subject to:

- a satisfactory inspection of each premises before the lease is renewed;
- receipt of a satisfactory tenure application; and
- the club being registered with Go Clubs (where applicable).

Officers will consult with the proposed lessees and relevant stakeholders during the application assessment process and progress the recommendations from the relevant Asset Manager for each site in accordance with the delegated authority under Council resolution.

ATTACHMENTS:

Attachment 1 – Committee member and/or point of contact
Attachment 2 – Existing and new lessees, land and tenure arrangement details

Amy Patterson
Executive Manager – Licensing and Compliance

Sean Lisle
A/Director – Planning, Growth and Sustainability

Attachment 1 – **Committee member and/or point of contact**

	Organisation Name	Committee Contact 1	Committee Contact 2	Committee Contact 3
1.	Marlin Coast Rangers Football Club Inc	Caroline Gould	Alistar Pavey	Kristy Jennings
2.	Baseball Cairns Inc	Anne Kippin	Rick Doo	Anthony van Fleet
3.	DogzCairns Inc	Sharon Daniels	Jana Weston	Mike Hayes
4.	Cairns Italian Festival Inc	Claudio Di Bartolomeo	Maree Mazur	
5.	Cairns Tennis Club Inc	Roger Glover & T Potter	Karen Hales	John Magoffin
6.	ARC Disability Services Inc	Benjamin Keast	Daniel Kruger	Seranie Eecen
7.	Cairns and District Senior Citizens Association Inc	Keith Foster	Nancy Redman	Rosalind Phillips
8.	The Lions Club of Edmonton Inc	Debbie Keeling	Barry Donnelly	Peter Taifalos
9.	Play Matters Australia Ltd	Paula Castle	Caroline Macaulay	Dr. Kate Williams
10.	Gordonvale Men's Shed Inc	Albert (Bert) Bakker	Jeffrey (Jeff) Hall	Glenn Pope
11.	Gordonvale Pony Club Equestrian Centre Inc	Zoe Macor	Kristen Bodkin	Michelle Krsticevich
12.	Southern Suburbs Junior Rugby League Club (Cairns) Inc	Melissa French	Charlie Piccolo	Jasmine Toohey
13.	Cairns Southside Judo Club Inc	Richard Lawrence		
14.	Babinda and District Pony Club Inc	Lois Dawes	Marina Sues	Eileen Kenderdine
15.	Babinda and District Amateur Fishing Club Inc	Scott Brand	Justin Benvenuti	Christina Marks
16.	The Historical Society Cairns North Queensland Inc	Dr Clive Skarott	Jan Wegner	Dr Sandi Robb

Attachment 2 – Existing and new lessees, land and tenure arrangement details

	Proposal	Lot and Plan number	Property Address	Organisation Name	Current Tenure Commencement Date	Current Tenure Expiry Date	Type of Agreement		Current Permitted Use
1.	Surrender current lease and renewal application process	Lot 2 on SP363620	Trinity Beach Road, Trinity Beach	Marlin Coast Rangers Football Club Inc	01/04/2021	31/03/2031	Unregistered Freehold lease		Sport and recreation grounds and clubhouse
2.	Surrender current lease and renewal application process	Lot 2 on SP363620	Trinity Beach Road, Trinity Beach	Baseball Cairns Inc	01/03/2021	28/02/2031	Unregistered Freehold lease		Baseball Club and ancillary purposes
3.	Renewal application process	Lot 191 on NR6528	85-93 Oleander Street, Holloways Beach	DogzCairns Inc	01/07/2024	30/06/2027	Unregistered Freehold lease		Storage purposes only.
4.	Renewal application process	Lot 3 on RP701079	28 Grove Street, Cairns North	Cairns Italian Festival Inc	26/03/2024	25/03/2027	Unregistered Freehold lease		Club and ancillary community hall
5.	Renewal application process	Lot 1 on C198325	152 Abbott Street, Cairns North	Cairns Tennis Club Inc	01/07/2017	30/06/2027	Trustee Lease		Clubhouse, tennis courts and associated purposes
6.	New application process	Lot 115 on NR800836	2-40 Anderson Street, Manunda	ARC Disability Services Inc	01/12/2021	25/06/2025	Current: Trustee permit	Proposed: Trustee lease	Community garden
7.	Surrender current lease and renewal application process	Lot 11 on SP346748	271 Gatton Street, Westcourt	Cairns and District Senior Citizens Association Inc	01/10/2018	30/09/2028	Freehold lease		Promoting and holding activities specifically for the mature-aged population and making the facility available to the community
8.	Renewal application process	Lot 1 on RP722073	Wolff Street, Edmonton	The Lions Club of Edmonton Inc	01/01/2016	31/12/2026	Freehold lease		Storage

	Proposal	Lot and Plan number	Property Address	Organisation Name	Current Tenure Commencement Date	Current Tenure Expiry Date	Type of Agreement		Current Permitted Use
9.	New application process	Lot 2 on RP729059	48-52 Graham Street, Edmonton	Play Matters Australia Ltd	N/a (new lease with proposed tenure term of 5 years)	N/a (proposed expiry date being 5 years from commencement date)	Freehold lease		Premises formerly leased by Act for Kids Ltd. Proposed use is community hub for early childhood and family support.
10.	Renewal application process	Lot 166 on NR7440	18-20 Highleigh Road, Gordonvale	Gordonvale Men's Shed Inc	01/03/2017	28/02/2027	Freehold lease		Meetings, workshop and ancillary purposes
11.	Renewal application process	Lot 47 on NR7477	22-24 Hives Street, Gordonvale	Gordonvale Pony Club Equestrian Centre Inc	01/07/2019	30/06/2029	Trustee Lease		Horse and pony club related activities
12.	New application process	Lot 2 on SP285528	81-83 Sheppards Street, Gordonvale	Southern Suburbs Junior Rugby League Club (Cairns) Inc	01/12/2025	30/11/2026	Trustee permit (Current)	Trustee lease (Proposed)	Junior Rugby League Club house and other related purposes
13.	New application process	Lot 2 on SP285528	81-83 Sheppards Street, Gordonvale	Cairns Southside Judo Club Inc	01/12/2025	30/11/2026	Trustee permit (Current)	Trustee lease (Proposed)	Judo training and other related purposes
14.	Renewal application process	Lot 1 on RP809583	Mill Road, Babinda	Babinda and District Pony Club Inc	01/09/2017	31/08/2027	Trustee lease		Horse and pony club and related purposes
15.	Renewal application process	Lot 132 on SP246991	17 King Street, Babinda	Babinda and District Amateur Fishing Club Inc	01/07/2021	30/06/2027	Trustee lease		Clubhouse and Associated purposes
16.	Surrender current lease and renewal application process	Lot 9 on N15737	1151R Thomson Road, Edmonton	The Historical Society Cairns North Queensland Inc	13/02/2019	12/02/2029	Freehold lease		Storage and ancillary purposes

	Proposal	Lot and Plan number	Property Address	Organisation Name	Current Tenure Commencement Date	Current Tenure Expiry Date	Type of Agreement	Current Permitted Use
17.	Renewal application process	Lot 22 on C198406	Shops 5 & 7, 93-10 Lake Street, Cairns City	The Historical Society Cairns North Queensland Inc	01/04/2017	31/03/2027	Trustee Lease	Museum purposes in particular collection, classification, preservation, display of historical records relating to the history of North Queensland, including operation of associated retail outlet