

## **ADDITIONAL ITEM**

24 November 2010  
To the Ordinary Meeting

Director's Report  
Corporate Services Department

### **0.0 Proposed Lease to Girl Guides Australia of Guide Hall over part of Lot 38 DP 849208 Narambi Road, Buff Point**

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TRIM REFERENCE: F2010/02037 - D02441729

AUTHORS: SB

#### **SUMMARY**

Budgewoi Guides in conjunction with Girl Guides Australia has requested a lease of the Guide Hall situated on Lot 38 DP 849208, 48-52 Narambi Road, Buff Point, and is also seeking Council's endorsement, as owner, of a Development Application for the purposes of extending the Guide Hall.

#### **RECOMMENDATION**

- 1 That Council approve a lease of the existing Guide Hall building on Lot 38 DP 849208 Narambi Road, Buff Point to Girl Guides Australia for a period of 21 years at nominal rent of \$10 per annum and, subject to a development consent being granted for the extension of the Guide Hall, approve a lease of the extension.**
- 2 That Council endorse, as owner, a development application by Girl Guides Australia to extend the Guide Hall for the purpose of including internal toilet facilities.**
- 3 That Council authorise the Common Seal of Wyong Shire Council to be affixed to the Lease between Wyong Shire Council and Girl Guides Australia.**
- 4 That Council authorise the Mayor and the General Manager to execute all documents relating to the Lease.**

#### **BACKGROUND**

Budgewoi Guides auspiced by Girl Guides Australia ("the Guides") currently occupy the Guide Hall located on Lot 38 DP 849208 Narambi Road, Buff Point owned by Council, and have been in occupation of this building for some time without any formal tenure with Council as owner.

The Guides are the sole occupant and exclusive user of the Guide Hall. It is WSC's usual policy in those circumstances to require the occupant to lease the premises from Council which will authorise exclusive use and protect Council from any liability arising from the use of the premises by the Guides. The lessee is also responsible for maintenance and insurance of the premises.

**0.0 Proposed Lease to Girl Guides Australia of Guide Hall over part of Lot 38 DP 849208 Narambi Road, Buff Point (contd)**

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The Guides now have plans to extend the Guide Hall to allow the inclusion of internally accessible toilet facilities for the purpose of ensuring safety of users. The current toilet facilities are separate from the Guide Hall building and access by Guide Hall users on their own at night is a safety issue. Girl Guides Association Australia has now requested that Council as owner of the land upon which the Guide Hall is situated, sign the development application.

On the basis that no current arrangement exists between the Girl Guides Australia and Council for occupation of the land, WSC sees the proposal by the Guides to lodge a development application as an opportunity to formalise those arrangements through the grant of a lease.

The Girl Guides Australia has now also requested a lease of the existing Guide Hall building and, if development consent is granted, for the additional area to be occupied by the extension for the toilet facilities.

The land is zoned 2A Residential and has a total area of 5212m<sup>2</sup> the Guide Hall has a floor area of approximately 123m<sup>2</sup>.

**THE PROPOSAL**

The proposal is to lease the Guide Hall area of the land to the Girl Guides Australia for use as a Guide Hall and activities associated therewith.

If the Development Application is approved for the extension of the Guide Hall, including internal toilet amenities, the Guides will be required to enter into a lease with Council. If development consent is not granted the lease of the area for the extension will not proceed.

The proposed lease will provide that the lessee, the Girl Guides Australia, will be responsible for maintenance and repairs, building and public liability insurance.

An application for development may only be made with the consent of the owner and WSC is the owner of the land in this case. Regardless of whether the extension is approved Council will need to formalise existing arrangement by granting of a lease.

Council's endorsement of the DA as the owner should not be interpreted as the application being viewed favourably by Council. The development application will require a comprehensive assessment under Section 79C of the Environmental Planning & Assessment Act which will also include public notification. If the proposed uses are ancillary to existing activities it is anticipated that there will be no significant constraints in assessing the application.

A lease of 21 years at nominal rent is recommended and is consistent with other leases to the Girl Guides Australia over other Council owned properties. The Girl Guides Australia provides an important service to the younger generation of the community. The lease requires membership of the Guides to be open to reputable members of the public. The property is not currently subject to rates however, will be subject to water and sewer charges.

## OPTIONS

Council may authorise a lease of the existing Guide Hall building which will formalise the existing use of the building by the Guides.

Council may authorise a lease of the area to be occupied by the proposed extension and endorsement of the associated Development Application to all what may be an important community facility to proceed.

Council may refuse to grant a lease or sign the DA and the current unauthorised occupation and use by the Guides will continue and the proposed extensions will not proceed.

## STRATEGIC LINKS

### Annual Plan

<i>Principal Activity</i>	<i>Strategy or Program</i>	<i>Financial Line Item No and Description</i>
A More Sustainable Community	To provide Facilities and Services for recreation, culture, health and education.	Nil impact.

### Contribution of Proposal to the Principal Activity

On the basis that the facility is proposed to provide recreation and health education opportunities for youth and other residents of Wyong Shire, the proposal is likely to contribute to a more sustainable community.

### Link to Shire Strategic Vision

<i>Priority Objective</i>	<i>How the proposal contributes or links to the Priority Objectives in Shire Strategic Vision and Annual Plan</i>
<b>Facilities and Services</b> - Communities will have access to a diverse range of affordable and coordinated facilities, programs and services.	The proposal will provide a local facility for the recreation, health and education of youth and other Shire residents.

**Financial Implications**

The proposal is to be funded by the Budgewoi Guides from fund raising activities and the Federal Government by way of a Grant. The Guides will be responsible for future maintenance and insurance in association with the lease of that part of the land that the Guide Hall is situated on.

**Principles of Sustainability**

The proposal will have a positive effect on the development of a healthy, equitable, active and involved community.

**CONSULTATION**

The Budgewoi Guides has requested a lease for the Guide Hall area and has agreed to Council's terms. If its Development Application is approved, the Budgewoi Guides has agreed to lease the area of the extension.

**GOVERNANCE**

The land is classified Community land pursuant to The Local Government Act 1993 and Plan of Management No. 5 applies which authorises leasing.

**CORPORATE RISKS**

Nil Impact.



## CONCLUSION

Approval is sought for Council to authorise a lease of the existing Guide Hall building situated at 48-52 Narambi Road, Buff Point subject to a development consent being granted for the extension of the Guide Hall. Approval will formalise the existing use of the building by the Guides and allow the community facility to proceed.

## ATTACHMENTS

*Nil.*