7.12. APPLICATION TO PURCHASE STATE LAND BEING PART OF LOT 5 SP288958

REPORT AUTHOR	Property Officer
EXECUTIVE	General Manager Corporate and Communities
DEPARTMENT	Corporate and Communities
TEAM	Community Services
DATE	27 October 2026

RECOMMENDATION

That Council:

1. **Declare that the operational reserve described as Lot 5 SP288958 is required for its dedicated purpose and to facilitate Council's service delivery functions.**

2. **Does not support an application to purchase State land, made by the trustee lessee that holds tenure over part of Lot 5 SP288958, described as Lease F under trustee lease instrument 711770040.**

3. **Advise the Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development that Council, as trustee of the operational reserve, does not support the application to purchase State land, by completion of Part C - Form LA30 Statement in relation to an application under the *Land Act 1994* over State land.**

EXECUTIVE SUMMARY

The Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development (the Department) requires Council's views, as trustee of the operational reserve described as Lot 5 SP288958 (Lot 5), relevant to an application to purchase State land made by Douglas Community & Sports Club Inc (the trustee lessee), commercially known as 'The Tin Shed'.

Retaining Lot 5 in its entirety under Council control, as trustee, gives Council the ability to manage the land in a manner that supports current and future service delivery functions, while also preserving community access.

Conversion of part of Lot 5 into freehold tenure would permanently reduce Council's ability to influence the future use of the land and may constrain opportunities to respond to changing community needs and Council service delivery functions.

PREVIOUS COUNCIL CONSIDERATIONS / RESOLUTIONS

At the Ordinary Meeting (closed session) held 11 October 2016, it was resolved to advise Port Douglas & District Combined Clubs (previous name of the trustee lessee) that Council does not support its proposed application to purchase State land.

REPORT/BACKGROUND

- The operational reserve was gazetted on 27 April 1978, with Douglas Shire Council appointed as trustee. The purpose of the reserve is 'Local Government' with a sub-purpose of 'Port and Harbour'. The reserve is comprised of the northern-most part of Dickson Inlet, The Tin Shed venue, and that part of the foreshore up to and including the Sugar Wharf. **[Attachment 1]**

- The trustee lessee holds tenure over part of Lot 5 by way of a 30-year trustee lease, with a lease area of approximately 1,226m^2, described as 'Lease F'. **[Attachment 2]** The trustee lease commenced 1 October 2009 and expires 30 September 2039.

- Council received a request from the Department on 30 July 2026 to complete an LA30 statement under the *Land Act 1994*, relevant to an application (by the trustee lessee) to purchase State land.

FINANCIAL AND RESOURCE IMPLICATIONS

Lot 5 is an operational reserve. These types of reserves are defined as being for the purposes and service delivery functions of a local government. When disposal of all or part of an operational reserve is undertaken by the State, the relevant local government will realise 50 percent of the sale price, less costs. This is in accordance with the Queensland Government Revenue Share Policy for Local Government Operational Trust Land SLM/2013/579.

Not supporting the trustee lessee's application to purchase State land means that Council will forgo the opportunity to receive 50 percent of the revenue from a potential sale. Council will, however, continue to generate rental revenue under the current trustee lease and any future trustee lease or leases at this location.

RISK MANAGEMENT IMPLICATIONS

If Council resolves to support the trustee lessee's application to purchase State land, and a sale ultimately eventuates (subject to approval by the Department), Council will lose any control it currently has over the land contained in the lease.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications associated with this report.

SOCIAL IMPLICATIONS

The waterfront land is considered to be a community asset. The trustee lessee operates The Tin Shed as a community-focused venue, providing a social and recreational outlet for residents and visitors to the region.

Retaining Lot 5 in its entirety, for its dedicated purpose, ensures ongoing use and access for Council and the community.

CORPORATE AND OPERATIONAL PLAN

This report has been prepared in accordance with the following:

Corporate Plan 2025-2030 Initiatives:

Theme 3 - Service Delivery
We deliver Council services effectively and efficiently to meet community expectations, focusing on the wellbeing of both the community and our employees.
3.5 - *Employ a proactive and preventative approach to asset management.*

Operational Plan 2026-2027 Actions:

Legislative requirement.

LEGISLATION AND POLICY

- *Land Act 1994.*
- Douglas Shire Council Tenure Policy.
- Queensland Government Revenue Share Policy for Local Government Operational Trust Land SLM/2013/579.

CONSULTATION

Internal Consultation:

- Councillors
- Executive Leadership Team
- Asset Accounting Team
- Planning Team

External Consultation:

- Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development.
- Management and committee representatives of the Douglas Community & Sports Club Inc.
- David Kempton MP, Member for Cook.

CONCLUSION

Retaining Lot 5 in its entirety under Council control, as trustee, gives Council the ability to manage the land in a manner that supports current and future service delivery functions, while also preserving community access.

Conversion of part of Lot 5 into freehold tenure would permanently reduce Council's ability to influence the future use of the land and may constrain opportunities to respond to changing community needs and Council service delivery functions.

It is for these reasons that the recommendation to Council is to not support the trustee lessee's application to purchase State land and to advise the Department accordingly.

ATTACHMENTS

1. Identification of Lot 5 S P 288958 [**7.12.1** - 1 page]
2. Identification of Lease F within Lot 5 S P 288958 [**7.12.2** - 1 page]

IDENTIFICATION OF LOT 5 SP288958

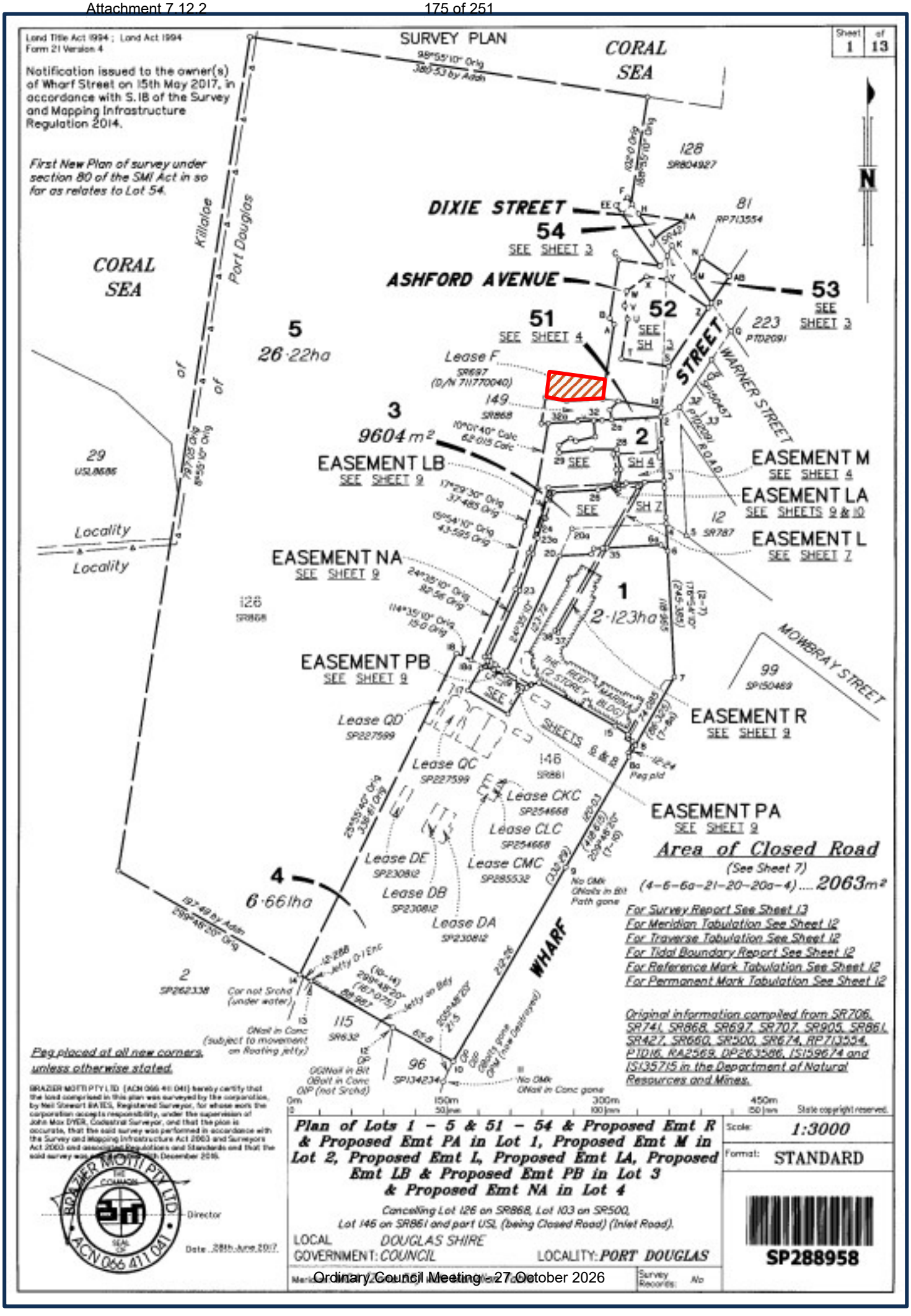


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100 m

Scale = 1:4154.220

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In consideration of these agencies permitting use of this data you acknowledge and agree that these agencies give no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accept no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.


Land Title Act 1994 ; Land Act 1994
Form 21 Version 4
SURVEY PLAN
Sheet 1 of 13
Notification issued to the owner(s) of Wharf Street on 15th May 2017, in accordance with S.18 of the Survey and Mapping Infrastructure Regulation 2014.
First New Plan of survey under section 80 of the SMI Act in so far as relates to Lot 54.
CORAL SEA
DIXIE STREET
ASHFORD AVENUE
WARNER STREET
MOWBRAY STREET
WHARF
Killaloe
Port Douglas
Locality
54
SEE SHEET 3
53
SEE SHEET 3
51
SEE SHEET 4
52
5
26·22ha
3
9604 m²
2
1
2·123ha
4
6·66ha
EASEMENT LB
SEE SHEET 9
EASEMENT NA
SEE SHEET 9
EASEMENT PB
SEE SHEET 9
EASEMENT M
SEE SHEET 4
EASEMENT LA
SEE SHEETS 9 & 10
EASEMENT L
SEE SHEET 7
EASEMENT R
SEE SHEET 9
EASEMENT PA
SEE SHEET 9
Lease F
SR697
(D/N 711770040)
Lease QD
SP227599
Lease QC
SP227599
Lease CKC
SP254668
Lease CLC
SP254668
Lease CMC
SP285532
Lease DE
SP230812
Lease DB
SP230812
Lease DA
SP230812
Area of Closed Road
(See Sheet 7)
(4-6-6a-21-20-20a-4) 2063m²
For Survey Report See Sheet 13
For Meridian Tabulation See Sheet 12
For Traverse Tabulation See Sheet 12
For Tidal Boundary Report See Sheet 12
For Reference Mark Tabulation See Sheet 12
For Permanent Mark Tabulation See Sheet 12
Original information compiled from SR706, SR741, SR868, SR697, SR707, SR905, SR861, SR427, SR660, SR500, SR674, RP713554, PTD16, RA2569, DP263586, ISI59674 and ISI35715 in the Department of Natural Resources and Mines.
Peg placed at all new corners, unless otherwise stated.
BRAZIER MOTTI PTY LTD (ACN 066 411 041) hereby certify that the land comprised in this plan was surveyed by the corporation, by Neil Stewart BATES, Registered Surveyor, for whose work the corporation accepts responsibility, under the supervision of John Max DYER, Cadastral Surveyor, and that the plan is accurate, that the said survey was performed in accordance with the Survey and Mapping Infrastructure Act 2003 and Surveyors Act 2003 and associated Regulations and Standards and that the said survey was completed on 8th December 2016.
BRAZIER MOTTI PTY LTD
ACN 066 411 041
Director
Date 28th June 2017
Plan of Lots 1 – 5 & 51 – 54 & Proposed Emt R & Proposed Emt PA in Lot 1, Proposed Emt M in Lot 2, Proposed Emt L, Proposed Emt LA, Proposed Emt LB & Proposed Emt PB in Lot 3 & Proposed Emt NA in Lot 4
Cancelling Lot 126 on SR868, Lot 103 on SR500, Lot 146 on SR861 and part USL (being Closed Road) (Inlet Road).
LOCAL GOVERNMENT: DOUGLAS SHIRE COUNCIL
LOCALITY: PORT DOUGLAS
Survey Records: No
Scale: 1:3000
Format: STANDARD
SP288958
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