

## **6.5. TRUSTEE LEASE - STATE OF QUEENSLAND (REPRESENTED BY THE QUEENSLAND POLICE SERVICE) LOT 51 SP288958, 37 WHARF STREET PORT DOUGLAS (VOLUNTEER MARINE RESCUE SQUADRON)**

<b>REPORT AUTHOR</b>	Property Officer
<b>MANAGER</b>	Manager Community Services
<b>DEPARTMENT</b>	Community Services

### **RECOMMENDATION**

**That Council:**

- 1. Resolves to apply an exemption on the disposal of a valuable non-current asset under Section 236(1)(b)(i) of the *Local Government Regulation 2012* as the disposal is to a government agency;**
- 2. Enters a Trustee Lease with The State of Queensland represented by the Queensland Police Service (QPS) over Lot 51 on SP288958, 37 Wharf Street Port Douglas, for the purpose of marine rescue services and storing flares and associated flammable materials, subject to but not limited to the following terms and conditions:**
  - i) a term of thirty (30) years from 30 April 2025 to 29 April 2055;**
  - ii) rent of \$110 (GST Inc) for the first year and subject to annual review in accordance with the Brisbane All Groups Consumer Price Index (CPI);**
  - iii) lessee responsible for all reasonable costs associated with preparing and registering the lease;**
  - iv) the Standard Terms Document registered under dealing number 720830775 and Schedule 3 of *Land Regulation 2020*; and**
- 3. Delegates authority under Section 257(1)(b) of the *Local Government Act 2009* to the Chief Executive Officer to negotiate, finalise and execute any and all matters associated with the trustee lease.**

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### **EXECUTIVE SUMMARY**

Marine Rescue Port Douglas occupies 37 Wharf Street Port Douglas, formally described as Lot 51 on SP288958.

The one-year trustee permit to The State of Queensland, represented by the Queensland Police Service (QPS), expires 29 April 2025.

Council received a request from QPS for a trustee lease of thirty (30) years.

Certainty of tenure is required to ensure continued operations of marine rescue services in the Shire.

This report seeks the required resolutions to enter a trustee lease.

## BACKGROUND

Since 2017 Council has entered one-year trustee permits with various State Government departments during the transition process from two volunteer marine rescue organisations, (Australian Volunteer Coast Guard Association and Volunteer Marine Rescue Association) to a single integrated marine rescue service, Marine Rescue Queensland.

Marine Rescue Queensland Transition Framework Agreement between the State of Queensland (through) Queensland Police Service and Marine Rescue Douglas Shire Inc (MRDSI) was executed in November 2024. MRDSI is a Volunteer Marine Rescue Association Queensland Inc (VMRAQ) affiliated squadron providing marine search and rescue services.

## COMMENTS

QPS requests a 30-year Trustee Lease, the maximum term under Section 61(1) of the *Land Act 1994*.

Under Council's Tenure Policy, the maximum term for a trustee lease is 10 years. Greater terms may be offered where the lessee has invested, or will invest, significant funds towards the development of the site, buildings, or facilities.

Marine rescue, integral to the Shire's fishing and boating communities, has serviced our coast for nearly 50 years with Council receiving applications to build on the site in 1978 and extend the building in 1991.

While QPS is not aware of plans for future capital expenditure, the request for a long lease is based on MRDSI having provided an essential service to the maritime community for many years, by volunteers. As such, maintaining security of tenure over this site into the longer term is strategically essential to the community.

Due to a change in the *Land Act 1994* Council can now approve leases on trust land without having to use the written authority no.1, Trustee lease over trust land. The trustee (Council) needs to ensure any decisions about trust land are consistent with the Commonwealth *Native Title Act 1993* and the *Native Title (Queensland) Act 1993*.

The granting of this lease is consistent with the purpose of the Reserve and the lease will be entered into in accordance with section 24JA *Native Title Act 1993* (Cth) whereby the non-extinguishment principle applies.

## PROPOSAL

The proposal is for Council to:

1. Resolve to apply an exemption on the disposal of a valuable non-current asset under Section 236(1)(b)(i) of the *Local Government Regulation 2012* as the disposal is to a government agency;
2. Enter a Trustee Lease with The State of Queensland represented by the Queensland Police Service (QPS) over Lot 51 on SP288958, 37 Wharf Street Port Douglas, for the

purpose of marine rescue services and storing flares and associated flammable materials, subject to but not limited to the following terms and conditions:

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  - c) lessee responsible for all reasonable costs associated with preparing and registering the lease;
  - d) the Standard Terms Document registered under dealing number 720830775 and Schedule 3 of *Land Regulation 2020*; and
3. Delegate authority under Section 257(1)(b) of the *Local Government Act 2009* to the Chief Executive Officer to negotiate, finalise and execute any and all matters associated with the trustee lease.

### FINANCIAL/RESOURCE IMPLICATIONS

Council previously resolved to waive rent during the marine rescue transition process.

Now the governing body is in place with long-term tenure, the trustee lessee will pay rent on commencement of the trustee lease, reviewed annually, indexed by CPI.

### RISK MANAGEMENT IMPLICATIONS

In mid-2024 Marine Rescue Queensland (MRQ) commenced service as the State's primary marine rescue service.

If Council offered a trustee lease to VMRAQ before the Blue Water Review outcome there was a risk of AVCGA seizing assets, compromising MRDSI's ability to adequately provide marine rescue services to the community.

Now that MRQ is operational, tenure has been reviewed to consider a longer-term arrangement.

### SUSTAINABILITY IMPLICATIONS

- Economic:** A service based in our Shire, under secure tenure, is closer to the local boating community, saving time and resources to attend to rescues.
- Environmental:** Rescue boats may not need to travel as far if based in our Shire, where secure tenure is offered.
- Social:** Security of tenure to the marine rescue service will ensure continued safety services to the local maritime community.

### CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE

This report has been prepared in accordance with the following:

## Corporate Plan 2019-2024 Initiatives:

### Theme 5 - Robust Governance and Efficient Service Delivery

Strong governance and financial management are the foundations of the way in which Council will conduct its business and implement the initiatives of the Corporate Plan.

**Goal 1** - *We will conduct Council business in an open and transparent manner with strong oversight and open reporting.*

### COUNCIL'S ROLE

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

The following areas outline where Council has a clear responsibility to act:

**Custodian** Council owns and manages infrastructure, facilities, reserves, resources and natural areas. In fulfilling its role as custodian, Council will be mindful of the community, the economy, the environment, and good governance.

### CONSULTATION

**Internal:** Councillor Workshop – 31 January 2025

**External:** Queensland Police Service - November 2024

### COMMUNITY ENGAGEMENT

Nil

### ATTACHMENTS

1. 37 Wharf Street Port Douglas ( L 51 S P 288958) - Marine Rescue [6.5.1 - 1 page]

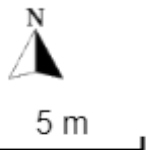
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Attachment 6.5.1

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5-November-2024



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Ordinary Council Meeting - 18 February 2025