

7.7. TENURE MATTER - PART OF CORONATION PARK - MOSSMAN SHOWGROUNDS LOT 92 SR81 - MOSSMAN PORT DOUGLAS SENIOR RUGBY LEAGUE CLUB INC

REPORT AUTHOR	Property Officer
MANAGER	Manager Community Services
DEPARTMENT	Community Services

RECOMMENDATION

That Council:

1. Apply an exception to the disposal of an interest in a valuable non-current asset under Section 236(1)(b)(ii) of the *Local Government Regulation 2012*, as the disposal is to a community organisation.
2. Offer a trustee lease to Mossman Port Douglas Senior Rugby League Club Inc over part of the land described as Lot 92 SR81, specifically, a lease area comprising the entire clubhouse facility through to and including the announcer's building located to the south-east and that area of land between both structures with the exact dimensions to be determined by survey.
 - a. For a term of ten (10) years.
 - b. For a rental amount of \$572 (including GST) for the first year of the term, with rent for each subsequent year of the term to be adjusted at the anniversary of the lease commencement date, in accordance with Council's Schedule of Fees and Charges in effect at the time of adjustment.
 - c. In accordance with Council's Standard Terms for a lease over trust land, registered under dealing number 720830775, and amended to:
 - (i) clearly define the maintenance and repair obligations of the trustee and trustee lessee;
 - (ii) remove the obligation of the trustee lessee for payment of Council rates and charges;
 - (iii) clearly define the temporary use, for a nominated period, of part of the lease area by the Mossman and District Show Society Inc for the conduct of the annual show.
 - d. With all reasonable costs associated with the preparation and registration of the lease, including surveying of the lease area, to be borne by the trustee lessee.

EXECUTIVE SUMMARY

Mossman Port Douglas Senior Rugby League Club Inc (Senior Sharks) seeks formal tenure of the clubhouse facility and announcer's building at Coronation Park.

BACKGROUND

- Rugby League has been played competitively in the shire since at least since 1928.
- The clubhouse was donated by the Mossman Bowls Club and relocated to Coronation Park in 1996.
- Historically, the Senior Sharks' occupancy of the clubhouse has not been secured by formal tenure, apart from a one-year trustee permit issued in November 2021.

- At the May 2024 General Meeting the Senior Sharks moved a motion, with all in favour, of pursuing the finalisation of the clubhouse lease with Council.
- In May 2024 the Senior Sharks applied to Council for tenure of the clubhouse.
- In August 2025 the Senior Sharks requested, in addition to tenure over the clubhouse, inclusion of the announcer's building and the area of land between both buildings. It is intended that this area will be used for the future construction of a referee room as well as female change room, toilets and ablution facility.
- A longstanding arrangement at Coronation Park is that organisations occupying the (Senior Sharks) clubhouse, WS Johnston Memorial Pavilion and Victor Crees Memorial Pavilion must vacate their respective areas for the temporary occupancy by the Mossman and District Show Society Inc, for the annual show. This arrangement will be formalised by amendment to Council's Standard Terms for a lease over trust land.

COMMENTS

- Council is trustee of the reserve encompassing Lot 92 SR81, Coronation Park. Council, as trustee, must maintain and manage the land in a manner consistent with achieving the purpose of the trust land. The original purpose of the reserve is 'recreation' with a sub-purpose of 'showgrounds'. Amendments to the *Land Act 1994* in 2024 simplified the list of community purposes for trust land from 34 specific uses to 6 community purpose categories; existing trust land purposes are now 'taken to be' one of the 6 community purpose categories. The purpose of the reserve is 'taken to be' both 'community facility' and 'parks and recreational'.
- Sport and recreation are the primary activities undertaken by the Senior Sharks, thus their tenure at Coronation Park can be considered consistent with the purpose of the reserve.
- Council as trustee is responsible for ensuring any actions it takes on trust land (including granting a trustee lease or trustee permit) are consistent with the *Native Title Act 1993* (Cth), the *Native Title (Queensland) Act 1993*, and s28 of the *Land Act 1994*. There is no Native Title determination relevant to Lot 92 SR81.
- Under Section 236(1)(b)(ii) of the *Local Government Regulation 2012*, Council may dispose of an interest in a valuable non-current asset other than by tender or auction, if disposed of to a community organisation. A community organisation is defined in the Regulation as 'an entity that carries on activities for a public purpose', or 'another entity whose primary object is not directed at making a profit'.
- In accordance with Council's 2025-2026 Schedule of Fees and Charges, the Senior Sharks are categorised as a Not-for-Profit Organisation with paid employees, attracting an Annual User Fee of \$572 (including GST) that applies to lease and tenure arrangements of Council land and facilities.
- In accordance with Council's Standard Terms for a lease over trust land, maintenance and repair responsibilities for the premises are incumbent upon the lessee. Recognising the ageing facilities at Coronation Park, the trustee (Council) will undertake responsibility for capital repairs to the premises that are structural in nature, during the term of the lease.
- Council rates and charges are not levied against facilities at Coronation Park.
- To satisfy the requirements of the Registrar of Titles, a lease over part of a lot requires a survey plan identifying the part of the land being leased.

PROPOSAL

That Council:

1. Apply an exception to the disposal of an interest in a valuable non-current asset under Section 236(1)(b)(ii) of the *Local Government Regulation 2012*, as the disposal is to a community organisation.
2. Offer a trustee lease to Mossman Port Douglas Senior Rugby League Club Inc over part of the land described as Lot 92 SR81, specifically, a lease area comprising the entire clubhouse facility through to and including the announcer's building located to the south-east and that area of land between both structures with the exact dimensions to be determined by survey.
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 - (ii) remove the obligation of the trustee lessee for payment of Council rates and charges.
 - (iii) clearly define the temporary use, for a nominated period, of part of the lease area by the Mossman and District Show Society Inc for the conduct of the annual show.
 - d. With all reasonable costs associated with the preparation and registration of the lease, including surveying of the lease area, to be borne by the trustee lessee.

FINANCIAL/RESOURCE IMPLICATIONS

Formal tenure of the Coronation Park facilities divests Council of responsibility for ordinary maintenance and repairs during the term of the lease.

RISK MANAGEMENT IMPLICATIONS

The Senior Sharks apply for Community Liquor Permits for their relevant events through the Office of Liquor, Gaming and Racing (OLGR). Currently, in the absence of formal tenure, the Senior Sharks must first obtain Council consent for inclusion with their application to the OLGR. Council's Standard Terms for a lease over trust land can be amended to carry forward this requirement whereby Council consent must first be sought and granted prior to the issue of Community Liquor Permits. This provision provides incentive for the Senior Sharks to implement measures to mitigate noise and other disturbances that may arise from liquor permitted events. Retaining this level of oversight affords Council the opportunity to withdraw its consent or engage with the OLGR about any such matters where noise and other disturbances are not suitably managed.

SUSTAINABILITY IMPLICATIONS

Economic:	A trustee lease provides security of tenure for the Senior Sharks with access to a wider range of external funding opportunities, which can be used to upgrade the clubhouse and establish new facilities. Improved club facilities assist in attracting and retaining members.
Environmental:	Nil
Social:	Current club membership is 250+. Continuation of rugby league in the shire promotes the physical and social wellbeing of participants and provides a social opportunity for patrons that attend game days.

CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE

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 2025-2026 Actions:

Legislative requirement.

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.
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CONSULTATION

Internal: Sport and Recreation Officer

External: Mossman and District Show Society Inc

COMMUNITY ENGAGEMENT

Nil

ATTACHMENTS

1. General Lease Area [7.7.1 - 1 page]

General lease area. Official lease area to be determined by survey plan.

Attachment 7.7.1

56 of 115



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Scale = 1:1598.940

20-August-2025

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Ordinary Council Meeting - 30 September 2025