

7.8. TRUSTEE PERMIT - PORT DOUGLAS SURF LIFE SAVING CLUB INC

REPORT AUTHOR	Team Leader Property
MANAGER	Manager Community Services
DEPARTMENT	Community Services

RECOMMENDATION

That Council:

In relation to tenure dealings for Port Douglas Surf Life Saving Club Inc relevant to trust land described as Lot 2 SR886 and located at 2 Esplanade, Port Douglas, undertake the following actions:

- 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 Permit to Port Douglas Surf Life Saving Club Inc over the whole of the land described as Lot 2 SR886 and the facilities located thereon:**
 - a. For a term of one (1) year commencing on 1 January 2026.**
 - b. For a rental amount of \$572 (including GST).**
 - c. In accordance with Council's Standard Terms for a lease over trust land, registered under dealing number 720830775 and amended, as necessary, to more clearly define the duties, obligations and responsibilities of the trustee permittee, under the Trustee Permit.**
 - d. All reasonable costs associated with the preparation of the Trustee Permit will be borne by the trustee permittee.**

EXECUTIVE SUMMARY

The offer of a Trustee Permit for a period of one (1) year to Port Douglas Surf Life Saving Club Inc (the Surf Club) is intended as a temporary measure to enable various other factors affecting the land to be suitably resolved prior to consideration of more long-term tenure arrangements.

BACKGROUND

The Surf Club occupies and has formal tenure, by way of a trustee lease, over the whole of Lot 2 SR886 (Lot 2) located at the corner of Mowbray Street and Esplanade, Port Douglas. The current trustee lease, with an original term of 20 years, expires on 31 December 2025. Before consideration can be given to future tenure arrangements over the land there are a number of matters that require attention and resolution. The granting of a Trustee Permit will afford Council the necessary time to address the issues, as identified below.

- Formalisation of an encroachment into the unconstructed road area (part of the Esplanade) fronting the property and primarily consisting of a large shade sail and deck utilised as a dining area.
- Formalisation of legal access to the rear of the property by opening part of the adjoining reserve land described as Lot 1 SR886 (containing public toilets and Splash Park) as road.
- Undertaking a management plan for the reserve (Lot 2) to formalise an inconsistent commercial

land use, i.e. the bistro, that has operated at this location for a period of years.

COMMENTS

The primary consideration is to have a Trustee Permit in place, in the first instance, to enable continuity of tenure for the Surf Club while resolution of other matters is undertaken.

PROPOSAL

That Council:

In relation to tenure dealings for Port Douglas Surf Life Saving Club Inc relevant to trust land described as Lot 2 SR886 and located at 2 Esplanade, Port Douglas, undertake the following actions:

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 Permit to Port Douglas Surf Life Saving Club Inc over the whole of the land described as Lot 2 SR886 and the facilities located thereon:
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 - b. For a rental amount of \$572 (including GST).
 - c. In accordance with Council's Standard Terms for a lease over trust land, registered under dealing number 720830775 and amended, as necessary, to more clearly define the duties, obligations and responsibilities of the trustee permittee, under the Trustee Permit.
 - d. All reasonable costs associated with the preparation of the Trustee Permit will be borne by the trustee permittee.

FINANCIAL/RESOURCE IMPLICATIONS

Initially, the financial implications for Council with the issue of a Trustee Permit to the Surf Club will be minimal as there will be no change to the current configuration of Lot 2, i.e. no survey costs, and no need to lodge any documentation with Titles Queensland. Council will receive an increased rental amount, as per its 2025/26 Schedule of Fees and Charges, currently \$572 (including GST). The current lease has a nominal rent amount of \$1 per annum and the Surf Club does pay rates and charges reflective of its mixed use of the land.

RISK MANAGEMENT IMPLICATIONS

As mentioned, provision of a Trustee Permit will afford Council the time necessary to rectify the previously identified issues. Ultimate inclusion of the encroachment into a reconfigured Lot 2 (subsequent to the road closure process) will mean that Council's liability exposure will be diminished as the structure will then be included into a lease area with the risk component falling to the trustee lessee.

The rear access arrangement and inconsistent use caused by the operation of the bistro have existed for many years with what is deemed to be minimal risk exposure (to Council). The processes of road opening and provision of a management plan will merely formalise both of these uses.

SUSTAINABILITY IMPLICATIONS

Economic:	A process for the continuity of tenure will provide confidence to allow for the continued operation of Surf Club activities.
Environmental:	Nil.
Social:	The operation of the bistro/dining area facility at the Surf Club will continue to provide a social venue, at an optimal location, for both locals and visitors alike in addition to the services provided by the Surf Club for the provision of surf life saving activities at Four Mile Beach.

CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE

This report has been prepared in accordance with the following:

Corporate Plan 2025-2030 Initiatives:

Theme 2 - Prosperity

Council plans, builds and maintains the infrastructure required to improve our lifestyle and promote economic growth, working actively to support local businesses.

2.6 - Recognise the contribution of established local industries.

Operational Plan 2025-2026 Actions:

2.1.1 - Encourage local business and industry.

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:	Councillors Workshop held on 18 November 2025 Manager Community Services Planning Team Project Management Team
External:	Port Douglas Surf Life Saving Club Inc Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development.

COMMUNITY ENGAGEMENT

There has been no community engagement process undertaken, at this stage, as there currently is no need given the proposed action is merely administrative so as to establish a temporary tenure status to enable further actions to be completed.

ATTACHMENTS

Nil