

5.04. REQUEST FOR PERMISSIBLE CHANGE - PUBLIC UTILITIES AND FACILITIES (BUNK HOUSE AND ANCILLARY RESTAURANT)

REPORT AUTHOR(S): Simon Clarke, Planning Officer
GENERAL MANAGER: Paul Hoyer, General Manager Operations
DEPARTMENT: Development Assessment and Coordination

PROPOSAL Request for Permissible Change – Public Utilities and Facilities (Bunk House and ancillary Restaurant)

APPLICANT Port Douglas Surf Life Saving Club
c/o Bolt Burchill Tranter Lawyers
PO Box 616
Port Douglas QLD 4877

LOCATION OF SITE Esplanade, Port Douglas

PROPERTY Lot 2 on SR886

LOCALITY PLAN



LOCALITY Port Douglas and Environs

PLANNING AREA	Community and Recreational Facilities
PLANNING SCHEME	Douglas Shire Planning Scheme 2006
REFERRAL AGENCIES	Not Applicable
NUMBER OF SUBMITTERS	Not Applicable
STATUTORY ASSESSMENT DEADLINE	Not Applicable
APPLICATION DATE	18 February 2016

RECOMMENDATION

- A. That Council approves the request for permissible change, in part, to the development permit for Public Utilities and Facilities (Bunk House and ancillary Restaurant) over land described as Lot 2 on SR886, located at the Esplanade, Port Douglas, in accordance with the following:

1. Condition 25 (Management) be deleted;

25. ~~The management agreement between the Port Douglas Surf Club and any third party operating the proposed bistro/restaurant is to be forwarded to Council's Corporate Services Department for approval prior to the signature of either party to the agreement and prior to the use commencing. The Agreement is to ensure that the proposed bistro/restaurant is to operate as part of the Surf Club and is not a sub-lease arrangement with a third party.~~

- B. The request for a permissible change to delete condition 9 (Road works) and condition 13 (Car parking) be refused. However, the conditions are to be amended as follows:

9. In the event that the use of the existing access to Lot 2 increases significantly and/or the existing track is causing an amenity nuisance (for example, dust, ponding of water), The developer is to construct 6m wide sealed road in the location of the existing access in accordance with the requirements of the FNQROC Development manual. Kerbing and channelling is not required to be provided.

13. The existing informal on site car parking arrangement is to be maintained to a standard that does not cause an amenity nuisance.

In the event that the use of the existing access to Lot 2 increases significantly and/or the existing track is causing an amenity nuisance (for example, dust, ponding of water), A formal car parking area on-site is to be provided on site with a minimum of seven (7) spaces including a space for disable parking, one (1) motor cycle and five (5) bicycle spaces shall be constructed, sealed, drained and line marked in accordance with the relevant Australian Standard, and the approved plan of development and maintained thereafter.

- C. All other conditions contained in Council's Amended Negotiated Decision Notice dated 9 October 2007 remain unchanged.

EXECUTIVE SUMMARY

Council is in receipt of a request for a permissible change for a number of conditions contained within a development permit for Public Utilities and Facilities (Bunk House and ancillary Restaurant) for the Surf Life Saving Club at Port Douglas. The conditions relate to the construction standard of the driveway, on-site car parking and to a management agreement with respect to sub-leasing the restaurant.

The conditions relating to the driveway and on-site car parking are not recommended to be deleted, but recommended for modification to defer the sealing of the car park if the informal car parking arrangement causes an amenity nuisance in the future. The management condition is recommended to be deleted as this is not a matter of planning concern and is better managed through other processes involving Council's Property Unit and the Department of Natural Resources and Mines.

TOWN PLANNING CONSIDERATIONS

Background

The site is located on the corner of the Esplanade and Mowbray Street, Port Douglas and is described as Lot 2 on SR886. The land is developed as the Port Douglas Surf Life Saving Club which consists of club facilities and a restaurant. The latest development permit for the site was granted on 30 August 2007 to permit the use of the land for Public Utilities and Facilities (Bunk House and ancillary Restaurant) as additional uses to the Surf Life Saving activities conducted on the land. Council subsequently approved a request for a Negotiated Decision on 9 October 2007, and further amended conditions on 30 October 2007, via an amended Negotiated Decision Request dated 9 October 2007 (see Attachment 1).

Proposal and comments

The current application is a request for a permissible change to amend conditions contained in Council's approval dated 30 August 2007. However, given that amended conditions were issued at a later date, the request is in fact a change to the amended Negotiated Decision Notice approved by Council on 30 October 2007.

The applicant is seeking to amend three conditions of approval as follows:

Condition 9 (Road works)

Condition 9 states:

'The developer is to construct 6m wide sealed road in the location of the existing access in accordance with the requirements of the FNQROC Development manual. Kerbing and channelling is not required to be provided.'

Applicant's representation

The club has limited funding and is unable to bear the financial burden of carrying out the road works which are tentatively assessed at between \$30 000 - \$40 000.

Council will note that the development application was issued in 2007 and we are now in 2016. The construction of the road from Mowbray Street in accordance with condition 9 is problematic given that the road will traverse through Jalumbu Park and will require a road opening.

The informal access that has been adopted over the past 30 years has proved serviceable.

Further the area of Jalumbu Park around the toilet block and access to the Surf Club is currently used by the public as a car park and will be continued to be utilised as such only to a greater extent if there is a road off Mowbray Street making it apparent to motorists that parking is available. The additional usage of the car parking area and the additional usage of the road will place an added maintenance burden on the Council.

At present the area is graded from time to time and access is available to the Club and to the public without significant cost to either the Council or the Club.

In addition, the Club is operational from Easter to the end of November, a period of only 8 months and on those occasions generally only on a Sunday. Consequently, the use of the road and car park is predominantly, and will be predominantly, public orientated.

Condition 13 (Car park)

Condition 13 states:

'A car parking area on site is to be provided with a minimum of seven (7) spaces including a space for disable parking, one (1) motor cycle and five (5) bicycle spaces shall be constructed, sealed, drained and line marked in accordance with the relevant Australian Standard, and the approved plan of development and maintained thereafter.'

Applicant's representation

When the premises were renovated in 2007 into the bistro as it currently exists, substantial road works were carried out in accordance with condition 14 with the provision of ten (10) on-street, lined and sealed car parking spaces.

The sealed car parking spaces were placed in an area on Mowbray Street which was previously unsealed and ungraded. The cost of such works was approximately \$30 000.

When the Esplanade was redeveloped under the Cairns Regional Council, the car parking constructed in accordance with condition 14 was removed without any compensation to the Club.

The proposal to provide formal on-site car parking has been addressed by the Club Committee and Council has responded to the request via correspondence dated 27 October 2015 (see Attachment 2). Attached to that letter is a copy of a plan which will provide a piecemeal sealing of the current car park and access area. This will produce a hotchpotch effect to that designated area which currently looks relatively uniform and as with the access is graded by the Club from time to time and is serviceable.

The quote obtained by the Club associated with the plans submitted to Council is \$18 000 and this is not affordable to the Club.

Comments on Condition 9 and 13

It can be seen from the history of the current development permit, that the car parking arrangements for the Surf Life Saving Club bistro has been poorly managed from Council's (Cairns Regional Council) perspective. The Surf Life Saving Club has expended its resources to construct car park spaces for the bistro and fulfilled its obligations with respect to condition 14 of the development approval (see below).



Figure 1: Car parking (Condition 14) as constructed in 2008

These car parking spaces were subsequently removed for landscaping works during the period of amalgamation with Cairns Regional Council without any recompense for the lost car parking spaces to the Club.

In addition, the condition requiring the road access works to the car park (condition 9) and the internal car park itself (condition 13) relate to existing access and car parking arrangements that existed prior to the development approval for the Public Utilities and Facilities (Bunk House and ancillary Restaurant). The access driveway also traverses and adjoining allotment and which was never part of the application for the Public Utilities and Facilities (Bunk House and ancillary Restaurant).

The on-site car park at the rear of the club has functioned without any known operational problems for approximately 30 years. A recent site inspection reveals that this car park has low-level usage (inspected Friday, midday) and although showing some wear to turf areas, remains serviceable for its current use levels.

It is not proposed to remove the condition as this would set an undesirable precedent. However, the condition could be modified to defer works until such time that the use of the car park and its access warrants sealing, either due to increased usage and/or the car parking is causing an amenity nuisance (for example, due to dust or ponding of water). In this way, the onus of ensuring that the informal on-site car is adequately maintained will remain with the Club. It is noted that two formal disabled car parking spaces are located outside the public toilets adjacent to the Surf Club that provide wheel-chair access to the Club.

Condition 25 (Management)

Condition 25 states:

'The management agreement between the Port Douglas Surf Club and any third party operating the proposed bistro/restaurant is to be forwarded to Council's Corporate Services Department for approval prior to the signature of either party to the agreement and prior to the use commencing. The Agreement is to ensure that the proposed bistro/restaurant is to operate as part of the Surf Club and is not a sub-lease arrangement with a third party.'

Applicant's representation

The reasons for the request to remove this condition are set out in the letter to Council dated 11 September 2014 (see Attachment 3).

In short, if this clause can be deleted and the Club allowed to sub-lease the bistro, the Supporters Club can be abolished which would be a financial relief to the Club and an administrative relief to the Committee members who are small in number and also play a dual role as the Committee of the Surf Life Saving Club.

Comment

There is no valid town planning reason to continue to include condition 25 in the development permit. The management of property matters is better dealt with via Council's Property Unit. Decisions regarding sub-leasing are then a matter for subsequent Ministerial and Council approvals. Council's letter dated 16 January 2015 foreshadows the need to remove condition 25 from the development permit prior to Council determining any application to sub-lease the restaurant (see Attachment 4).

It should also be noted that the restaurant is approved as an ancillary use to the Surf Life Savers Club (i.e. it cannot operate as a sole restaurant land use on the site: the Surf Life Savers Club must be the dominant land use).

Additional representations from the Club

The Surf Life Saving Club is an important element of the Douglas Shire Community and it provides a valuable service to the region. We have previously explained how other organisations benefit from the use of the Club premises and this is more relevant now with completion of the amenities block.

Such events that utilise the Club amenities are:

- Coral Coast Triathlon – 600 competitors;
- Reef to Rainforest mountain bike ride – 500 competitors;
- Keely Outrigger Challenge – 200 competitors;
- Cairns Triathlon – 300 competitors;
- Crocodile Trophy – 120 competitors, plus support crew and international television coverage;
- Reef Marathon – 1 200 to 1 500 competitors.

The newly completed Club amenities block was heavily utilised by the Reef Marathon competitors and supporters and provides a facility that would not have otherwise been able to cope with the high usage required on the day of the marathon.

In addition, the Club is available to other groups by request.

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 area outlines where Council has a clear responsibility to act:

Regulator: Meeting the responsibilities associated with regulating activities through legislation or local law.

Under the *Sustainable Planning Act 2009* and the *Sustainable Planning Regulation 2009*, Council is the assessment manager for the application.

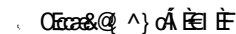
CONSULTATION

Internal: Property Unit

External: Not applicable

ATTACHMENTS

- Attachment 1 – Amended Negotiated Decision approved by Council 30 October 2007
- Attachment 2 – Council's letter 27 October 2015
- Attachment 3 – Surf Life Saving Letter to Council 11 September 2014
- Attachment 4 – Council's letter 16 January 2015



OUR REF: MCUI 004/07
YOUR REF:

Port Douglas Surf Life Saving Club
Best Overend and Associates
4/25 Langley Road,
PORT DOUGLAS QLD 4877

9 October 2007

**INTEGRATED PLANNING ACT
AMENDED NEGOTIATED DECISION NOTICE
DEVELOPMENT APPLICATION**

Applicant's Name	:	Port Douglas Surf Life Saving Club
Owner's Name	:	Department of Natural Resources, Mines and Water
Proposal	:	Material Change of Use – Impact Assessment for the purpose of Public Utilities and Facilities (bunk house and ancillary Restaurant)
Application Number	:	MCUI 004/07
Site Address	:	“Surf Club Park”, The Esplanade (corner of The Esplanade and Mowbray Street), Port Douglas
Property Description	:	Lot 2 on SR886, Parish of Salisbury, County of Solander

This Amended Negotiated Decision Notice replaces the Negotiated Decision Notice dated 11 October 2007. Condition 13 has been amended. All other conditions remain unchanged.

A. Decision:	Decision Date:
Approved subject to Conditions	30 October 2007

B. Type of Development Approval:

Material Change of Use

Development Permit

.../2.

C. Referral Agency:

Nil

D. Conditions

Plan of Development

1. The approved development and the conduct of the approved use, the carrying out of any works on the premises and the construction of any buildings on the premises associated with the development must generally be in accordance with the details of the application and the following approved Plan/s of Development attached to this approval: -

Title	Plan No.	Date
Site Plan	-	-
Ground Floor Plan – Bunkhouse and Trailer Store	-	-
First Floor Plan – Bunkhouse and Trailer Store	-	-
Elevations - Bunkhouse and Trailer Store	-	-
Ground Floor – Bistro/Restaurant	-	-
Elevations of proposed dining deck & Bistro	-	-

Except where such plans are modified by the terms of this approval.

Currency Period

2. This development approval lapses four (4) years after the day that the development approval takes effect, unless extended under Section 3.5.22 of the Integrated Planning Act 1997.

Landscaping

3. The owner/developer shall prepare a detailed landscaping plan for the subject site. This landscaping plan is to be designed in accordance with the requirements of the Planning Scheme and Planning Scheme Policy No 7 – Landscaping. This plan shall be submitted to Council and approved prior to the commencement of any use on site. The approved landscaping is to be installed in the off-season and completed by 14 March 2008. Landscaping is to be maintained by the applicant for the term of the approved use.

The proposed landscape plan is to incorporate landscaping along the Esplanade frontage in front of the restaurant. Maintenance of this area is to be undertaken by the applicant.

4. The owner/developer shall be responsible for all maintenance work on external works for a period of twenty-four (24) months. Council will not accept the landscaping off maintenance until it meets the requirements of Council's Engineering Services.
5. Irrigation for external landscaping shall be transferred to Council's reticulated water system prior to landscaping being accepted as off maintenance.

6. Sewerage plans for the development are to, designed in accordance with the Plumbing and Drainage Act 2002, are required to be submitted to Council's Plumbing Inspector at the time of lodgement of application for building work and are to be approved and constructed prior to the commencement of the use.
7. No additional external structural loads are permitted to be applied to Council's existing sewer as a consequence of the approved development.
8. There is to be provided within the development an area for a washdown bay design such that the area is to be:
 - a) imperviously paved and drained to a suitable silt trap; and
 - b) discharged to sewer to the satisfaction of the General Manager Engineering Services; and
 - c) provided with a suitable hose cock with backflow prevention device and hose; and
 - d) roofed or provided with a suitable automatic diversion valve (or other approved method) designed to prevent the ingress of stormwater to sewer.

9. The developer is to construct 6m wide sealed road in the location of the existing access in accordance with the requirements of the FNQROC Development Manual. Kerbing and channelling is not required to be provided.
10. All damage to the road and/or road reserve adjacent to the site as a result of, or in connection with this development must be repaired by the developer, at their expense, prior to completion of works associated with the development.

11. All stormwater run-offs from non-permeable surfaces and roof areas occurring on the site is to be discharged into the adjoining Council reserve for camping.

12. The applicant will not be required to pay Council's headworks contribution for water and supply of water in accordance with Council's Local Planning Policy given the application is for a public utilities and facilities (bunk house and ancillary restaurant).

13. A car parking area on site with a minimum of seven (7) vehicle spaces including disabled car parking space, one (1) motorcycle space and five (5) bicycle spaces shall be constructed, sealed, drained and line marked in accordance with the relevant Australian Standard, and the approved plan of development and maintained thereafter.

With regard to the provision of the aforementioned vehicle parking, the applicant can elect to either: -

- (a) Construct vehicle parking prior to the commencement of the approved uses; or
- (b) To guarantee the satisfactory completion of the vehicle parking, the developer shall lodge with the Council a cash bond or guarantee to the value of the estimated cost of works. Such guarantee shall be lodged prior to the commencement of the approved uses. The Council may call up this guarantee to complete all or any part of the vehicle parking in accordance with the conditions of this approval, should the developer fail to do so prior to the commencement of the approved uses; or
- (c) The owner/developer shall pay to Council, a car parking contribution in lieu of providing vehicle parking in accordance with Planning Scheme Policy No Three (3). A fee for spaces shall apply at the rate prescribed in the fees and charges schedule at the time of payment.

The proposed on site parking area is to be setback three (3) m from the northern boundary and the setback area is to be landscaped. Details of the landscaping is to be provided as part of the proposed landscape plan to be submitted to Council and approved prior to the commencement of any use on site.

14. The applicant is to extend the existing seal of Mowbray Street along the site frontage to The Esplanade to create ten (10) additional line marked and sealed car spaces

Refuse

15. There is to be provided within the development an area for the storage and washing of all refuse containers in accordance with the *Environmental protection (Interim Waste) Regulation 1996*. Such area is to be:
- (a) sufficient in size to be able to house all mobile garbage (wheelie) bins including recycling bins
 - (b) situated so as not to cause an odour nuisance to any adjacent properties; and
 - (c) imperviously paved and drained to a suitable silt trap; and
 - (d) discharged to sewer to the satisfaction of the General Manager Engineering Services; and
 - (e) provided with a suitable hose cock with backflow prevention device and hose; and
 - (f) roofed or provided with a suitable automatic diversion valve (or other approved method) designed to prevent the ingress of stormwater to sewer.

Refuse Collection

16. Where a refuse collection service is to be provided to collection points within the development, the internal road construction should allow for use by multi axle trucks with a total capacity of 24 tonnes. A minimum road width of 3.5m is required, with a minimum turning circle of 10.3 m and an adequate corner curve are to be included suitable for the passage of such vehicles. Vehicle pull off bays are to be provided at an interval of one every 20m for the full length of the access drive on the road reserve.

Compliance

17. All conditions shall be complied with prior to the occupancy of the building for the approved use or commencement of the approved use on the land. Any developer security, associated with this approval will not be released until all conditions of approval are complied with.

Lighting

18. Night lighting is to be provided and is not to have an adverse effect on the amenity of adjacent areas and uses.

Amenity

19. The approved use must not be conducted so as to cause a nuisance or annoyance to person not associated with the business and so as not to adversely affect any other property.
20. The layout of the parking area provides a high degree of amenity and accessible for different uses in accord with the Australian Standards.
21. The approved use must not be conducted so as to cause a nuisance or annoyance to person not associated with the business and so as not to adversely affect any other property.

Advertising Devices

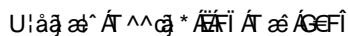
22. No advertising device is permitted to be erected without an approval for Operational Works in accordance with Council's Planning Scheme. No signage has been submitted or approved with this development.

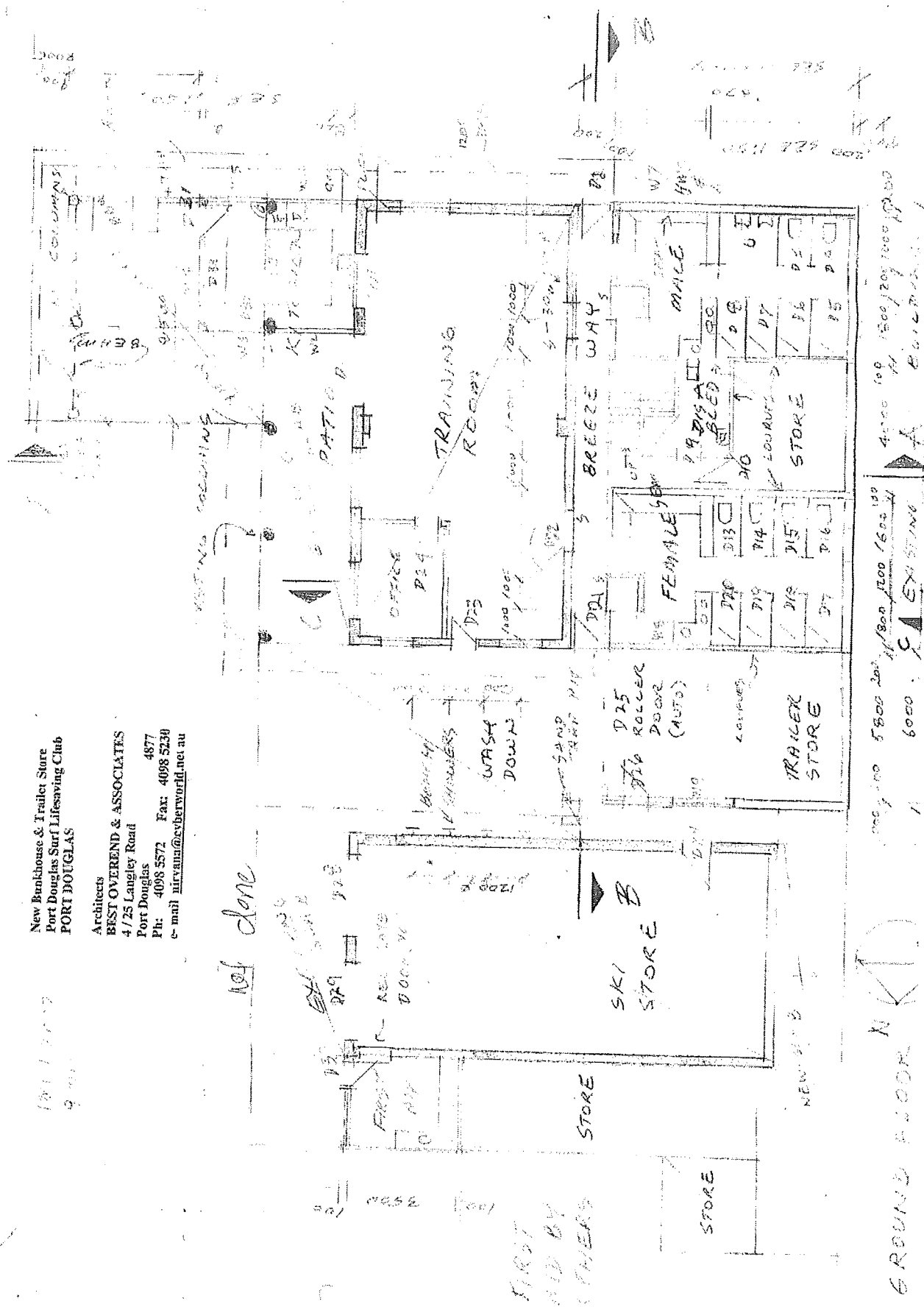
Traffic Management

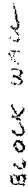
23. The Ingress/egress to the site shall be provided with a physical means of speed control. Such speed control device shall be shown on any plans submitted for approval for building works and shall be constructed and maintained at all times.
24. The developer shall provide bollard lighting at the property boundary to indicate access to the carparking area at the time of applying for a Building Permit.

Management arrangements associated with Bistro/Restaurant

25. The management agreement between the Port Douglas Surf Club and any third party operating the proposed bistro/restaurant is to be forwarded to Council's Corporate Services Department for approval prior to the signature of either party to the agreement and prior to the use commencing. The Agreement is to ensure that the proposed bistro/restaurant is to operate as part of the Surf Club and is not a sub-lease arrangement with a third party.







WEST ELEVATION

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NORTH ELEVATION

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Figure 1. Schematic diagram of the experimental setup. The subject is seated in a chair and views the target through a video camera. The target is a light source that is controlled by a computer. The subject's hand is positioned over the target. The target is a light source that is controlled by a computer. The subject's hand is positioned over the target. The target is a light source that is controlled by a computer. The subject's hand is positioned over the target.

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Concentration of Inhibitor (M)	Rate of Polymerization (mol/L.s)
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0.0001	0.0005
0.0002	0.00033
0.0005	0.0002
0.001	0.0001

EAST ELEVATION

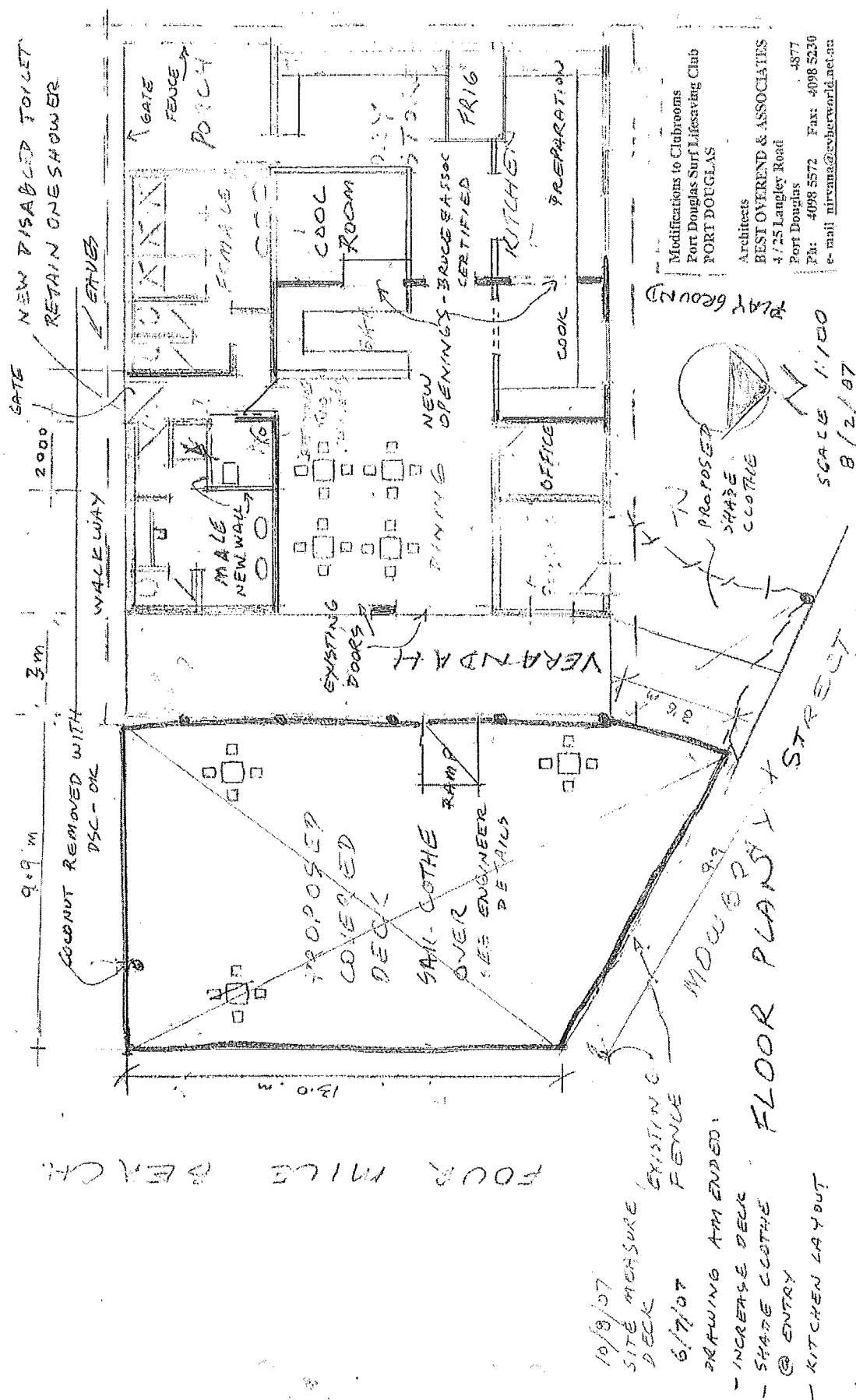
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ATTENTION
CUH HAS ORIGINALS -
INFORMATION

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2 1/107
SCALE 1/

**New Bunkhouse & Trailer Store
Port Douglas Surf Lifesaving Club
PORT DOUGLAS**

Architects

Architects
BEST OVEREND & ASSOCIATES
4 / 25 Langley Road
Port Douglas 4877
Ph: 4098 5572 Fax: 4098 5230
e-mail nirvana@everworld.net.au



YOUR REF: PDSLSC Car park
OUR REF: 731607

Email rec'd 19 December 2015

Brian Markham
markhamtimbers@optusnet.com.au

Dear Brian

RE : Port Douglas Surf Life Saving Club Carpark

I refer to your letter dated 9 September 2015, seeking advice on plans for the proposed Port Douglas Surf Life Saving Club Carpark (PDSLSC) carpark.

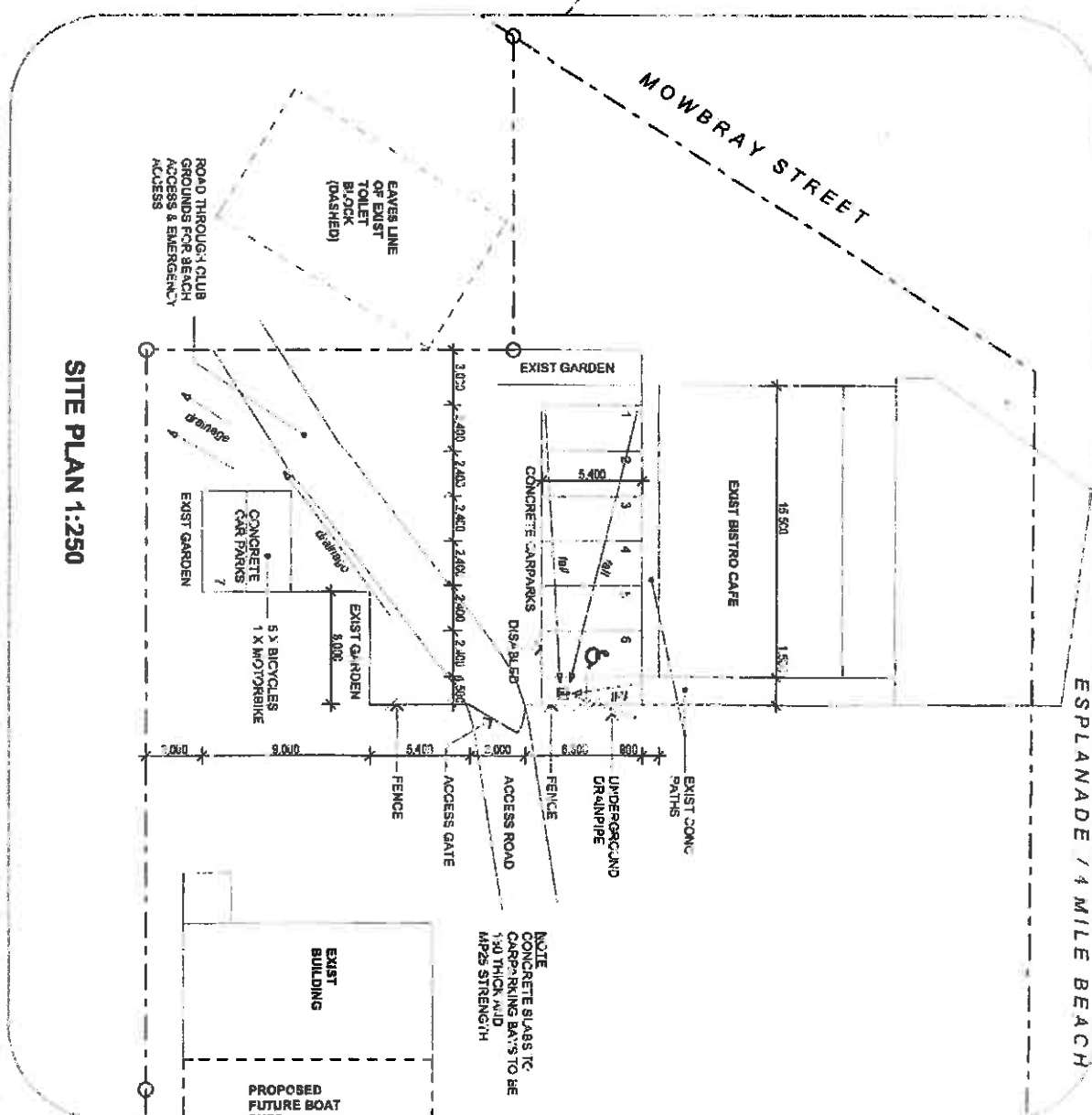
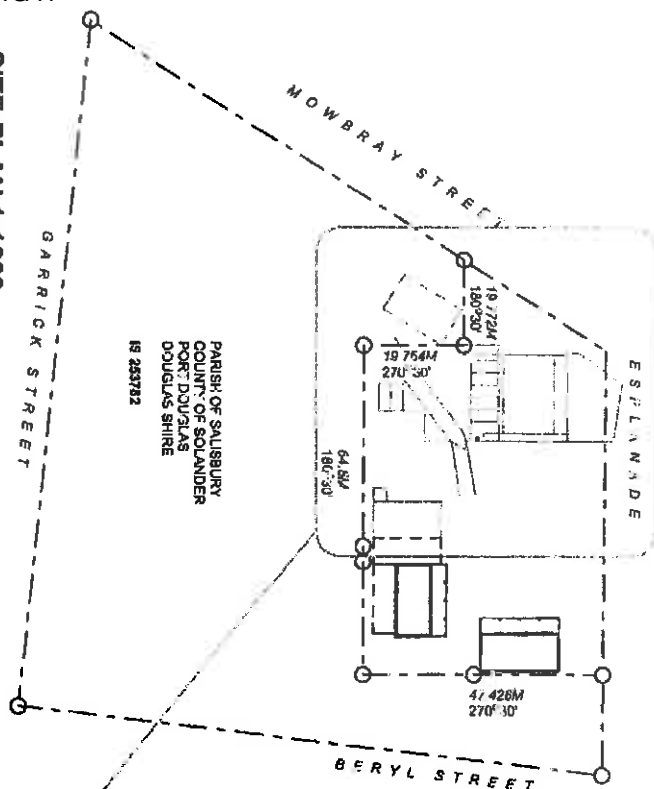
Council Officers from the Infrastructure Group have reviewed your proposed carpark plans and have been on-site to confirm existing features and additional information is required in order for Council to provide an operational works approval as per conditions of the development approval MCUI 004/07.

- A detailed 'for construction' engineering design plan is required for the construction of a 6 metre wide sealed access driveway from the edge of the existing bitumen to the proposed carpark. The design is to be in accordance with the Far North Queensland Regional Organisation of Councils (FNQROC) specifications and certified by a Registered Professional Engineer of Queensland (REPQ);
- Landscaping plan in accordance with the development approval letter and FNQROC specifications;
- A detailed 'for construction' engineering design for the proposed carpark in accordance with the FNQROC specifications and certified by an REPQ;
- Disabled parking bay needs to be modified as the current layout does not comply with the Australian Standards;
- The existing stormwater pit on the south-east corner of the carpark appears to be shown in the wrong location on the proposed layout plan. Please confirm if the existing pit is to be moved to a new location and also detail the proposed plans for the upgrade of the stormwater piped and overland drainage and pit; and
- Delivery vehicle parking area and turn path plots need to be identified in the 'for construction' engineering design plan. It is not acceptable for delivery vehicles to reverse onto the road and service vehicles must enter and exit the carpark in a forward gear.

Yours Sincerely

M. Friedman

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Mt Demi Plaza
53 Front Street
(PO Box 353)
Mossman Qld 4873

Ph: 07 4030 4500
Fax: 07 4098 2511

ABN 23 733 269 276

11 September 2014

Chief Executive Officer
Douglas Shire Council
MOSSMAN QLD 4873

Dear Madam

Re: Lease of Port Douglas Surf Life Saving Club, Esplanade, Port Douglas

We act on pro bono basis for the Port Douglas Surf Life Saving Club (the Surf Club).

The Surf Club holds tenure over the land at the esplanade pursuant to a lease from the Douglas Shire Council. A copy of the lease and Registration Confirmation Statement is attached noting a commencement date of 1 January 2006 and an expiry date of 31 December 2025.

The Surf Club desires to sublease the bistro area of the property to Fasingo Pty Ltd (Fasingo), a company operated by Jason Fasano, a current life member of the Surf Club and former active member.

Fasingo has been managing the bistro on the premises since 2007 on behalf of the Supporters Club which holds a liquor licence over the premises.

Historically the Supporters Club is the fund raising arm of the Surf Club and as such holds the liquor licence. The Surf Club attends to the patrolling of beaches, training of nippers and bronze medallion holders, awards and the like.

In small clubs in Queensland and particularly with the Port Douglas Club the committees for the 2 clubs are often the same people. This has meant a doubling of the work load in order to operate the Surf Club.

In recent times the Mackay Surf Life Saving Club, the Sarina Surf Life Saving Club and the Perigian Surf Life Saving Club have leased part of their club premises out to 3rd party operators and have been able to wind down and close their Supporters Clubs.

This is the course of action that the Port Douglas Club seeks to take and to do this we require the consent of the Council as trustee and the State Government to sublease part of the land to the third party operator, Fasingo.

The benefits to the Surf Club in closing down the Supports Club are:

1. Administration requirements will be reduced by approximately 40%
2. We will not be required to lodge annual audits for the Supporters Club which generally cost around \$3,000.00.

3. The liquor licence will no longer be held by the Supporters Club consequently any breaches of the liquor licence will not be the responsibility of the Supporters Club and will not reflect upon the Surf Life Saving Club.

At present Fasingo pays to the Surf Club a donation on an annual basis of approximately \$37,000.00 by monthly instalments for the management rights and it contributes to the payment of rates and insurance which helps with the functioning of the Surf Club as insurance costs are approximately \$20,000.00 per year and rates and water charges are approximately \$10,000.00 per year.

It is intended that a sublease to Fasingo would provide for a rental amount similar to that above as with the obligations as to outgoings.

The sublease would also provide for a market review of rent and CPI increases of rent in the non-market review years.

The change of structure to enable a sublease will greatly benefit the Surf Club which will be able to save money as noted above and direct resources more effectively to much needed training, equipment and general maintenance.

Would you please provide us with a response from Council as to Council's attitude as to this proposal. We will then submit a draft sublease to council for consideration.

Yours faithfully
Bolt Burchill Tranter Lawyers



Michael Bolt
mbolt@bbtranter.com.au

Our ref: MB:TF:140000
Contact: Teneal Fabiani
Email: reception.mossman@bbtranter.com.au

Liability limited by a scheme approved under professional standards legislation.

Administration Office
64 - 66 Front St Mossman
P 07 4099 9444
F 07 4098 2902

YOUR REF: Michael Bolt

OUR REF: 428759

16 January 2015

Mr. Michael Bolt
Bolt Burchill Tranter Lawyers
PO Box 353
Mossman QLD 4873

Dear Mr Bolt

**RE: Proposed Sub-lease Of Existing Trustee Lease - Port
Douglas Surf Life Saving Club**

I refer to your letter dated 11 September 2014 expressing the Port Douglas Surf Life Saving Club's desire to sub-lease the bistro area of the property to a third party.

Under the amended negotiated decision notice of the Development Application dated 9 October 2007 (copy enclosed) clause 25 of the Development Application states;

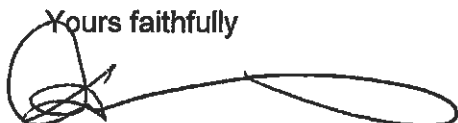
"The Management Agreement between the Port Douglas Surf Club and any third party operating the proposed bistro/restaurant to be forwarded to the Council's Corporate Services Department for approval prior to the signature of either party to the agreement and prior to the use commencing. The Agreement is to ensure that the proposed bistro/restaurant is to operate as part of the surf Club and is not a sublease arrangement with a third party".

As the current Development Application approval, does not allow for a third party lease of the bistro/restaurant area, Council at this point in time cannot consider this request.

Notwithstanding this the Port Douglas Surf Life Saving Club can submit a Development Application to Council requesting that Clause 25 be removed or amended so as the Club can pursue the sub-lease of the bistro/restaurant area.

Should you have any more queries regarding this matter please contact Robert Donovan, Councils Property Officer on (07) 4099 9478

Yours faithfully



Darryl Crees
GENERAL MANAGER CORPORATE SERVICES