

LAND MANAGEMENT PLAN

RECREATION RESERVE



Version	Date	Author	Comment/Action
VERSION 1	14/04/2022	McKinlay Shire Council	DRAFT

LAND MANAGEMENT PLAN

INTRODUCTION

This Land Management Plan (LMP) applies to the Trust Land.

Trustee of the Trust Land:

- Trustee Name: McKinlay Shire Council (Council)
- Trustee Address: PO Box 177
JULIA CREEK QLD 4823
Phone: (07) 4746 7166
Fax: (07) 4746 7132
Website: www.mckinlay.qld.gov.au
Email: ceo@mckinlay.qld.gov.au

Trust Land Description:

- Trust Land Description: Kev Bannah Oval, CSA Building and Children's Community Hub
- Lot/Plan: LOT 2 ON JC55727 - Title Reference 49001659
- Locality: Julia Creek
- Local Government: McKinlay Shire Council
- Area of Land: 2.668 hectares
- Conditions of Tenure: The Trust Land has been placed under the control of Council as Trustee and is to be managed in accordance with the principles of the Land Act 1994.

Purpose of Trust Land:

- The Reserve (reserve for Recreation purposes) was reserved and set apart by Order-in-Council appearing in the Government Gazette of 1 February 1989, over Lot 2 on Crown Plan JC55727, under the control of Council as Trustee.
- If the use of the Trust Land is inconsistent with the purpose for which the Trust Land was dedicated, the Council as Trustee must comply with the requirements under the *Land Act 1994 (Qld)* (Act) and may be required to obtain the consent of the Minister administering the Act to any inconsistent use.
- Any inconsistent use, if approved, must not derogate from the purpose for which the Trust Land was dedicated and must not diminish the value of the Trust land.

Term of Land Management Plan:

- Duration: Ongoing

- Review:
 - Annually;
 - Major review every 5 years;
 - At the expiry or surrender of any current trustee leases;
 - Where a new trustee lease is to be entered into over part of the Trust Land;
 - Where a new use is proposed for all or part of the Trust Land that is inconsistent with the purpose for which the Trust Land was dedicated.
 - As requested by the Minister, subject to three (3) months' notice being given to the trustee of a requirement for review from the Minister in accordance with the *Land Act 1994*.
 - Minor amendments may be made by the trustee to improve operational efficiency of the plan with the amended land management plan being submitted for approval under the *Land Act 1994* within one (1) month of such amendment being made.

Responsibilities of the Trustee:

- Council as Trustee has statutory obligations under the Act and in particular Chapter 3 Divisions 5-7 of the Act.
- Council has responsibility for the management, development and use of the Trust land for recreational purposes. All persons or entities including Council representatives, any Trustee Lessee, licensee or other users must comply with statutory guidelines and use the Trust Land in a manner which is consistent with the Trust Land gazetted purpose.
- Council as the local authority in control of the McKinlay local government area has adopted local laws which regulate the use of Trust Land within the McKinlay local government area – see *Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2019* and *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2019*.
- Councils' obligations as a Trustee of Trust Land under the Act are to:
 - manage and control use of Trust Land in accordance with its obligations as Trustee under the Act;
 - provide appropriate public access to Trust Land for community purposes including active and passive recreation;

- to preserve features of the natural and built environment and other aspects of the amenity of Trust Land;
- to regulate activities on Trust Land to ensure appropriate standards of conduct and appropriate use to protect and enhance the purpose of the Trust Land.

Land Management Plan

- This LMP is prepared in accordance with:
 - *Land Act 1994 (Qld)*, and
 - *Land Regulation 1995 (Qld)*, and
 - McKinlay Shire Planning Scheme 2019;
 - McKinlay Shire Council Local Laws; and
 - Department of Natural Resources, Mines and Energy:
 - *Land Management Planning for Trust Land - Guidelines*; and
 - *Land Management Plans – Inconsistent Uses on Reserves 2015*; and
 - *Operational Policy – Secondary use of Trust Land under the Land Act 2 May 2017*.

1. EXISTING USES – PRIMARY AND SECONDARY

There are a number of existing uses on the Trust Land which are consistent with the purpose for which the Trust Land was set aside.

These existing uses are set out below:

1. Sports Field – managed by Council, available to hire and used for football, State School sporting carnivals and football training;
2. Grandstand – used in conjunction with the Sports Field;
3. Combined Sporting Association Building – managed by Council and used for a variety of reasons. The Building can be hired out by members of the public for events from conferences to performances. The Building includes amenities a kitchen and coldroom;
4. Skate Park – available to use by members of the public.

Uses – Consistent with the Purpose of the Dedication of the Trust Land

Trust Land may be dedicated by the Minister under the Act for community purposes including recreation.

The dedication is the primary purpose for which the Trust Land can be used and any use or activity on the Trust Land must be consistent with that primary purpose.

Written Authority No. 1 – Section 64 of the Land Act 1994 issued on 30 September 2020 by the Minister for Natural Resources, Mines and Energy grants a general authority to a local government which is a trustee of Trust Land to enter into trustee leases over the Trust Land provided that the Trustee Lease is:

- Issued for a purpose that is consistent with the purpose for which the Trust Land was dedicated;
- Is not for a period in excess of 30 years or 20 years where the trustee lease is with a community or sporting organisation; and
- Is not entered into as a construction trustee lease.

1. *Football Field and Grandstand*

This purpose is consistent with the purpose for which the Trust Land was dedicated.

2. *Combined Sporting Association Building*

This purpose is consistent with the purpose for which the Trust Land was dedicated.

3. *Skatepark*

This purpose is consistent with the purpose for which the Trust Land was dedicated.

1. Primary Uses – Recreation.

Any Trustee Lessee entering into a Trustee Lease with Council of the whole or any part of the Trust land will be required to ensure that it complies with the obligations of the Council under the Act and other applicable legislation including the requirement to maintain and renew public liability insurance cover, all licences, consents and registrations for carrying out any permitted use under the Trustee Lease so far as they may apply to the leased area.

Provided the purpose of the Trustee Lease is consistent with the purpose of the Trust Land i.e. recreation, the Council as Trustee may enter into the Trustee Lease subject to the Land Act and subject to other conditions it sees fit to impose.

2. Secondary Uses – Commercial Use of Trust Land Inconsistent with Primary Use.

If Trust Land is to be used for a secondary purpose, the *Operational Policy for the Secondary Use of Trust Land under the Land Act* as issued by Department of Natural Resources Mines and Energy on 2 May 2017 will apply.

If Trust Land is to be used for a commercial purpose, Ministerial approval must be sought and granted for the use.

An appropriate rental must be paid for use of Trust Land for a commercial purpose and the rental must be applied by the Trustee to the management and maintenance of the Trust Land.

Local Government Planning Scheme

The Trust Land is zoned 'Recreation and Open Space'.

The McKinlay Shire Planning Scheme 2019, provides that the purpose of the 'Recreation and Open Space' zone is to provide for:

- (a) A variety of cultural, educational, leisure, recreation and sporting uses and activities, including, for example:
 - a. Parks, playgrounds or playing fields for the use of residents and visitors;
 - b. Parks, or other areas, for the conservation of natural areas; and
- (b) Facilities and infrastructure to support the uses and activities stated in paragraph (a).

The Planning Scheme provides that the purpose of the Code will be achieved through the following outcomes:

- (a) Open space is accessible to the general public for a range of informal outdoor recreation activities at local, district and regional levels;
- (b) Where possible, development contributes to the provision of facilities for active sport and recreation to meet community needs including playing fields, equestrian facilities, outdoor cultural facilities, educational activities and outdoor courts;
- (c) Structures ancillary to outdoor sport and recreation uses, such as clubhouses, shelters, amenity facilities, may be provided where appropriate;
- (d) Development protects and enhances matters of state and local environmental significance, landscape values and ecological connectivity;
- (e) Facilities are sited, designed and operated to minimise adverse impacts on surrounding land; and
- (f) Design of built form and public spaces facilitates safe and secure environments and discourages antisocial behaviours.

The Assessment Benchmarks confirm that:

- (a) Development is compatible with the environmental, open space and recreation values of the zone;
- (b) The extent of built form is minimised to maintain the open space character, amenity and utility of the land in the zone;
- (c) Non – recreational uses only occur where they directly support the primary function of the site or are a compatible community-related activity; and
- (d) Development does not impede public access to and use of facilities.

These requirements ensure that the Trust Land is used and developed appropriately.

2. NATIVE TITLE STATUS

Native title implications will be assessed in accordance with the State's Native Title Work Procedures prior to any dealings being undertaken on the reserve.

3. PROPOSED USE/S OF THE SUBJECT LAND

Council intends to develop part of the Trust Land for the establishment of a Children's Community Hub which will also incorporate a kindergarten.

The location of the Trust Land is considered to be ideal given its current under-utilisation. It will be ideally located to a number of additional sporting facilities including the pool and indoor sports centre. It will be in close proximity to the primary school and town centre (which will assist to facilitate walking excursions to the park or library). The local roads are not heavily trafficked and there is no industrial activity nearby.

It is intended that the Hub will be utilised for:

- (a) Childcare services;
- (b) Before and after school care;
- (c) Vacation care; and
- (d) Other associated services.

Council currently co-ordinates limited after school care programs, one of which focusses on sporting and recreational pursuits including, netball, swimming, triathlon training, cricket and soccer.

The development of the Hub will enhance the primary use of the Trust Land through the continuation of programs similar to the above and the establishment of additional recreational based programs. This enhancement will be supported by the delivery of associated services at the Hub.

4. COMMUNITY CONSULTATION

Council will consult with the community for a period of two (2) weeks by undertaking the following;

- * Placing a notice on Council's website, Facebook, Community Email, Library and Council Administration Office
- * Copies of draft Land Management Plan will be available for the public to view and provide comment at the Library and Council Administration Office

Any issues/comments raised by the public during the consultation phase will be recorded and referenced in the LMP.

5. SUMMARY AND RECOMMENDATIONS

Use of the Trust Land will be managed in accordance with this Land Management Plan and the obligations set out under the Act and applicable legislation.

The primary use of the Trust land is consistent with the provisions of the Act and otherwise compliant with other applicable legislative requirements.

1. APPENDICES

Appendix 1 – Title Search Lot 2 on Crown Plan JC55727

Appendix 2 – Survey Plan 319363

Appendix 3 – QLD Globe Map

Appendix 4 – Zoning Map

Appendix 1



Current Reserve Search

Queensland Titles Registry Pty Ltd
ABN 23 648 568 101

Title Reference:	49001659
Date Reserve Gazetted:	21/05/1927
Page:	1750

Search Date:	03/03/2022 10:01
Request No:	40324109

DETAILS

Opening Ref: RES 1611
Purpose: RECREATION
Sub-Purpose:
Local Name:
Address: JULIA ST, MATHEWS ST
County (R) No: R33
File Ref: RES 4090

LAND DESCRIPTION

LOT 2 CROWN PLAN JC55727 GAZETTED ON 01/02/1989
Local Government: MCKINLAY
Area: 2.668000 Ha. (SURVEYED)

TRUSTEES

MCKINLAY SHIRE COUNCIL GAZETTED ON 29/10/1932 PAGE 1449

EASEMENTS AND ENCUMBRANCES

NIL

ADMINISTRATIVE ADVICES

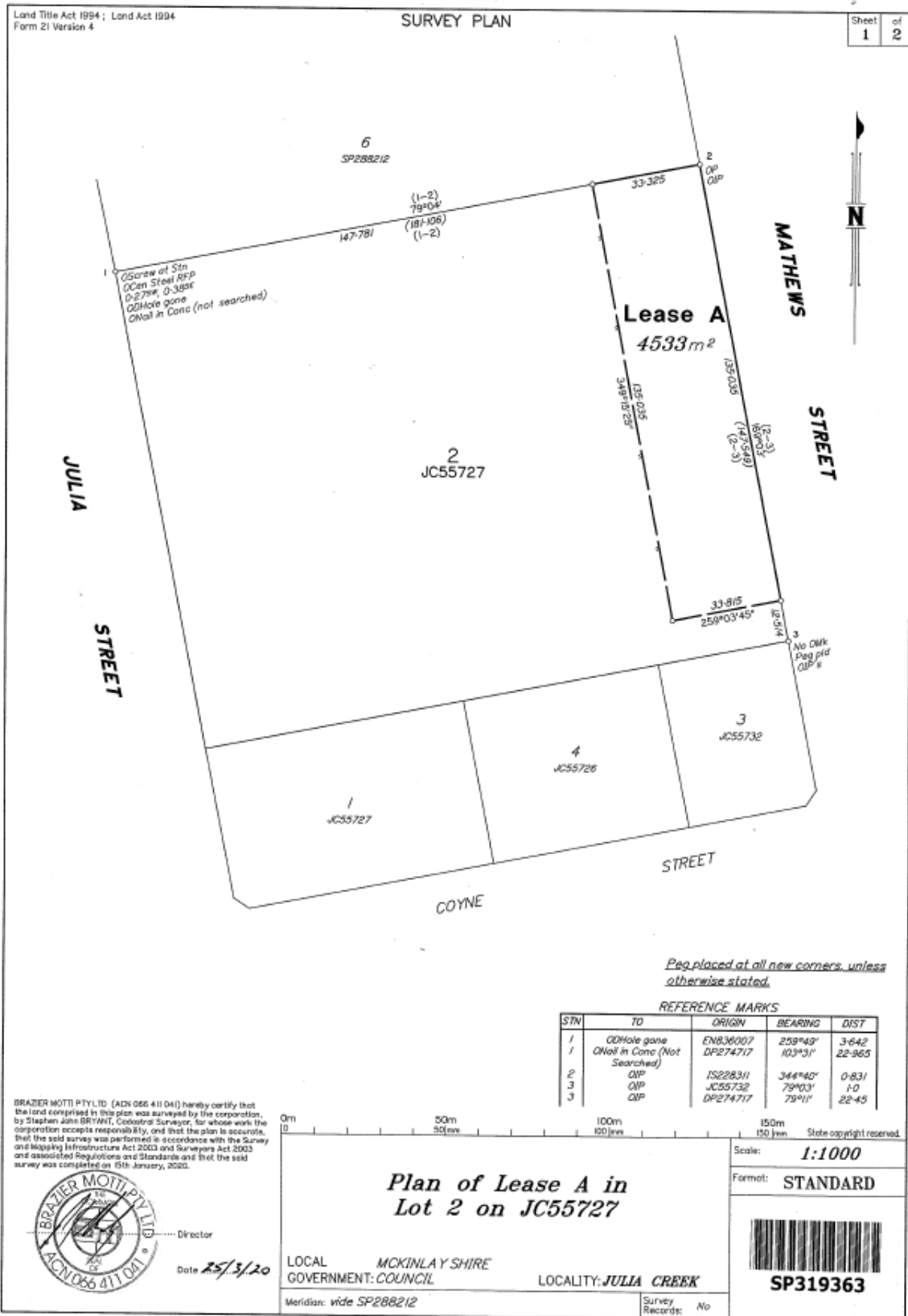
NIL

UNREGISTERED DEALINGS

NIL

** End of Current Reserve Search **

Appendix 2



WARNING : Folded or Mutilated Plans will not be accepted.
Plans may be rolled.
Information may not be placed in the outer margins.

(Dealing No.)

5. Lodged by

(Include address, phone number, reference, and Lodger Code)

1. Certificate of Registered Owners or Lessees.

I/We **MCKINLAY SHIRE COUNCIL GAZETTED**
ON 29/10/1932 PAGE 1449

Title Reference	Existing		Created		
	Description	New Lots	Road	Secondary Interests	
49001659	Lot 2 on JC55727	—	—	—	Lease A

(Names in full)

* as Registered Owners of this land agree to this plan and dedicate the Public Use Land as shown hereon in accordance with Section 50 of the Land Title Act 1994.

* as Lessees of this land agree to this plan.

[Signature]

Signature of *Registered Owners *Lessees

Survey Report

Stations 2 and 3 have been reinstated from the OIP's. Station 1 was reinstated from the original screw at the corner. Lines 1-2 and 2-3 have good agreement with previous surveys.

* Rule out whichever is inapplicable

2. Planning Body Approval.

*
heraby approves this plan in accordance with the:
%

Dated this day of

..... #

..... #

* Insert the name of the Planning Body.
Insert designation of signatory or delegation

% Insert applicable approving legislation.

3. Plans with Community Management Statement :

CMS Number :

Name :

4. References :

Dept File :
Local Govt :
Surveyor : 42256/001-01 SUR
42256_001A 03/20

Lots	Orig

7. Orig Grant Allocation :

8. Passed & Endorsed :

By : BRAZIER MOTI PTY LTD
Date : 25/1/20
Signed : *[Signature]*
Designation : Liaison Officer

9. Building Format Plans only.

I certify that :
* As far as it is practical to determine, no part of the building shown on this plan encroaches onto adjoining lots or road.
* Part of the building shown on this plan encroaches onto adjoining * lots and road

Coastal Surveyor/Director * Date
* Delete words not required

10. Lodgement Fees :

Survey Deposit	\$
Lodgement	\$
..... New Titles	\$
Photocopy	\$
Postage	\$
TOTAL	\$

11. Insert Plan Number **SP319363**

42256/001 SUR

Appendix 3



20°39'23\"/>

20°39'23\"/>

A product of


Legend located on next page



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 For more information, visit
<https://qldglobe.information.qld.gov.au/help-info/Contact-us.html>



Appendix 4

