

5.04. LAND MANAGEMENT PLAN-CORONATION PARK MOSSMAN SHOWGROUNDS

REPORT AUTHOR(S): Robert Donovan, Property Officer
GENERAL MANAGER: Darryl Crees, General Manager Corporate Services
DEPARTMENT: Governance

RECOMMENDATION

That Council:

- 1. endorses the Land Management Plan for Lot 92 and Lot 129 on SR81 known as Coronation Park, Mossman Showgrounds, Reserve for Recreation Purpose R1269.**
- 2. resolves that all current and future user groups will be required to enter into a standard Department of Natural Resources and Mines Trustee Lease with Council;**
- 3. resolves that the trustee leases are to have an initial term of 5 years with 2 x 5 year renewable options and the lessee will be responsible for all reasonable costs of the preparation, execution and registration of the trustee lease;**
- 4. resolves that a Coronation Park User Group be formed and will report to Council as required;**
- 5. resolves that the Land Management Plan will be registered on the title at Council's cost; and**
- 6. delegates authority to the Chief Executive Officer in accordance with section 257 of the Local Government Act 2009 to finalise all matters associated with the lodgment of the trustee leases and lodgment of the Land Management Plan.**

EXECUTIVE SUMMARY

Douglas Shire Council is Trustee to Lot 92 and Lot 129 on SR81 parish of Victory, county of Solander known as Coronation Park, Mossman Showgrounds. The allotments are Reserves for Recreation (Showgrounds) Purposes R1269.

Section 48(a) of the *Land Act 1994* provides that the trustee of the land trust must, if asked by the Minister, prepare and provide to the Minister a management plan for the trust land. The Minister has requested that Douglas Shire Council (Council) provide a Land Management Plan (LMP) for the allotments.

BACKGROUND

Coronation Park has been occupied for many years by a range of community and not-for-profit groups participating in formal and informal recreation and sporting activities on a casual basis. The trust land also supports use by a range of groups participating in outdoor recreational and sporting pursuits and is accessible to the general public. School sporting activities are also conducted on the trustee land. The current permanent users are;

- Mossman Show Association
- Mossman Sharks Senior Rugby League Club
- Mossman Sharks Junior Rugby League Club
- Children's Play Group
- Fitness Centre

All seasonal activities are managed by the Trustee (Council) by way of seasonal park bookings.

Currently all the above users except for the fitness centre have no formal tenure agreements in place. The fitness centre was issued a trustee permit by Cairns Regional Council which expired in March of this year. The fitness centre is prepared to enter into a long term arrangement by the way of a Trustee Lease with Council.

With the adoption of the Land Management Plan (LMP) by Council all user groups of the facility will be asked to enter into a formal agreement as required under the *Land Act 1994* by the way of a standard Department of Natural Resources and Mines (DNRM) Trustee lease with Council. These leases will give the user groups security of tenure which will allow them to seek external funding/grants to enhance the facility infrastructure (which is normally outside Councils responsibility). The Trustee Leases with Council will also provide clarity around the responsibility associated with the leases.

To maximize and improve the use of the facility, Council staff propose the establishment of a Coronation Park User Group. The group will be composed of at least one member of each group plus a Council staff member. The group will meet every 3 months or as required to discuss future use and any issues that arise that require direction. The outcome of these meetings will be reported to Council.

COMMENT

In the management of the trust land the Trustee (Council) will observe its duty of care for the trust land and fulfil its statutory obligations in accordance with the *Land Act 1994*.

DNRM have approved the Land Management Plan for Coronation Park Mossman Showgrounds

PROPOSAL

It is proposed that Council adopt the LMP as required under the Land Act 1994 and set up a Coronation Park User Group to ensure that the usage of the Trust Land is used as its purpose, that is Reserve for Recreation.

FINANCIAL/RESOURCE IMPLICATIONS

The cost of the leases to be borne by the trustee lessees and registered on the title as an encumbrance. Council will be responsible for the payment of \$164.90 to have the LMP registered on the title as an administrative advice.

RISK MANAGEMENT IMPLICATIONS

The Trustee, in leasing the whole or part of the trust land, will ensure that it is conditional that any lessee is required to maintain and renew all licenses, consents and registrations for the carrying out the permitted use and to comply with all requirements of any statute, regulation, ordinance or local law so far as they apply to the trust land.

SUSTAINABILITY IMPLICATIONS

Economic: Nil

Environmental: Nil

Social: The endorsement of the Land Management Plan will allow scope for Council to issue permits to a larger range of activities that will benefit the wider community.

CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE

This report has been prepared in accordance with the following:

Corporate Plan 2014-2019 Initiatives:

Theme 5 - Governance

5.2.1 - Provide Councillors and community with accurate, unbiased and factual reporting to enable accountable and transparent decision-making.

Operational Plan 2015-2016 Actions:

G6 - Implement Land Management Plans for Coronation Park, Mossman and the Port Douglas Sports Complex.

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:

Asset-Owner Meeting the responsibilities associated with owning or being the Custodian of assets such as infrastructure.

CONSULTATION

Internal: General Manager Corporate Services, Manager Governance

External: Department of Natural Resources and Mines

COMMUNITY ENGAGEMENT

To be undertaken with all stakeholders with the endorsement of the LMP.

ATTACHMENTS

Attachment 1 - Land Management Plan Coronation Park Mossman Showgrounds.



LAND MANAGEMENT PLAN

**RESERVE FOR RECREATION (SHOWGROUNDS)
PURPOSES R1269**

**CORONATION PARK
MOSSMAN SHOWGROUNDS**

APRIL 2015

DOUGLAS SHIRE COUNCIL

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VERSION HISTORY

Version	Date	Comment
v1	27 August 2013	draft version
v2	9 September 2013	submitted for approval under the <i>Land Act 1994</i>
v3	10 April 2015	<i>Final Version</i>

1. INTRODUCTION

Subject Land: Lots 92 and 129 on SR81, parish of Victory, county of Solander

1.1 Land Management Plan Duration

Duration: Ongoing

Review: Review of the Land Management Plan will occur:

- at the expiry of current trustee leases;
- when a request is received for secondary use; or
- earlier as required 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*.

1.2 Compliance with legislation, planning schemes

In the management of the trust land the Trustee will observe its duty of care for the trust land and fulfil its statutory obligations in accordance with the Land Act 1994

The Trustee, in leasing the whole or part of the trust land, will ensure that it is conditional that any lessee is required to maintain and renew all licences, consents and registrations for the carrying out the permitted use and is to comply with all requirements of any statute, regulation, ordinance or local law so far as they apply to the trust land.

Any future trustee “registered secondary interest” will be conditioned to ensure development approvals are obtained to comply with the Douglas Shire Planning Scheme and all legislative requirements are complied with.

2. TRUSTEE DETAILS

Trustee’s Name Douglas Shire Council

Trustee’s Address 64-66 Front Street
PO Box 723
Mossman QLD 4873

3. EXISTING TENURE OF THE SUBJECT LAND

Trust Land Description:	Reserve for Recreation (Showgrounds) purposes R1269
Lot / Plan:	Lots 92 and 129 on SR81
Parish / County:	Parish of Victory, County of Solander
Local Government:	Douglas Shire Council
Area of Land:	4.91 ha (Surveyed)
Conditions of Tenure:	N/A

4. EXISTING DESCRIPTION OF THE SUBJECT LAND

4.1 History of the Subject Land

The Reserve for Recreation (Showgrounds) purposes R1269 described as lots 92 and 129 on SR81 was created on 15 May 1992 with the Douglas Shire Council as trustee.

The trust land is zoned as Community and Recreation Facilities under the Douglas Shire Planning Scheme.

The subject land is located within the Mossman Township and is known as Coronation Park (Mossman Showgrounds).

The trust land has been used for its dedicated purpose since its creation on a casual basis, by a range of community and not for profit groups participating in formal and informal recreation and sporting activities.

Lot 92 consists of an area of 4.88 hectares

Lot 129 consists of an area of 354m² and is situated in the far north east corner of the trust land. This lot was previously leased to Scouts Australia, until the time of its surrender on 24 October 2007. This lot now remains vacant and is within the boundaries of Coronation Park.

4.2 Local Area Description

The trust land, known as Coronation Park, is located within the Mossman Township and is the site of the Mossman Showgrounds. It fronts Jack and Grogan Streets and is surrounded by low density residential and rural properties.

4.3 Existing Uses – Primary and Secondary

Primary Use

The trust land is primarily used for recreation and showground purposes. The trust land can support use by a range of groups participating in sporting, community and recreational pursuits and is accessible by the general community and visitors alike.

Historically the Mossman Show Association have informally occupied various pieces of infrastructure on the trust land for approximately a two (2) week period, prior to and after the Mossman Show which is held over two (2) days during July each year. During this two (2) week period, all other users both formal and informal, are required to provide reasonable assistance to the Show Association, including the requirement to satisfy a period of restriction from using the trust land.

Secondary Use

The trust land has been and continues to be used by the community for recreational and sporting activities, such as junior and senior rugby league games and school sporting activities. These uses are managed by the Trustee by way of seasonal park bookings.

It's My Time – Fitness for Women has a Trustee Permit for a women's fitness club over an area of 199.3m², situated within the trust land area under the main grandstand.

The trust land also supports use by a range of groups participating in outdoor recreational and sporting pursuits and is accessible by the general public. Existing informal users include:

- Mossman Sharks Senior Rugby League Club Inc.
- Mossman Sharks Junior Rugby League Club Inc.
- Children's Play Group
- Mossman Show Association Office

The Mossman Sharks Senior Rugby League Club Inc. have occupied a building on part of the trust land since 1998 under an informal agreement with the Douglas Shire Council. Council is in discussions with the club who have now requested more formal arrangements be put in place. Council proposes to formalise this arrangement by way of a trustee lease.

Similarly a children's playgroup has had long term use of an area within the Showgrounds. It is Council's intention to formalise by way of a Management Agreement, the use by the children's play group of the basketball court area on the trust land.

In addition, since 1989 Family Day Care, which is a community not for profit organisation, have occupied a premises on a small area at the front of the trust land. While this arrangement is currently on an informal basis and not considered to be consistent with the dedicated purpose of the trust land, Council intends to seek approval under the Land Act 1994 to issue a trustee "registered secondary interest" lease for an inconsistent purpose, as

this use does not diminish the overall use of the land, as determined by the dedicated reserve purpose.

4.4 Existing Interests

There is currently a Trustee Permit No 714892610 in place over the trust land, in respect to the women's fitness club which is operated by It's My Time – Fitness for Women. This permit is for a term of two (2) years, terminating on 29 February 2016. Before the existing permit expires Council will investigate the issuing of a Trustee "registered secondary interest".

4.5 Exclusivity and Restrictions of Existing Interests

It's My Time – Fitness For Women with a membership of over 200 persons occupy the area situated underneath the main grandstand building and is open to the general public. When not in use, this area is locked and not accessible to the public, to ensure the security of the contents. During the Mossman Show in July each year, the Permittee is required to vacate their premises for approximately one (1) week, in order to allow their permit area to be used for Show purposes.

The Mossman Sharks Senior Rugby League Club Inc. who have a large membership but unfortunately the exact number is unknown has been using a building on the trust land for some time under an informal arrangement and is open to the general public. When not in use, the building is locked and not accessible to the public for security reasons. The Mossman Sharks Junior Rugby League Club Inc. currently share the use of this same building on an casual basis, through a mutual arrangement with the Sharks Senior Club.

The Mossman Show Association, Children's Playgroup and Family Day Care facilities located on the site and are generally open to the general public. When not in use the facilities are locked ensure the security of the contents.

4.6 Existing Infrastructure

The trust land contains an oval which caters for the needs of the community. In addition to this the following infrastructure is located on the trust land:

- Clubhouse
- Basketball courts
- Horse Stables
- Grandstand with gym underneath
- 3 x Pavilion's
- Offices
- Canteen
- Timekeepers premises
- Shade Structures
- 2 x Toilet blocks
- 8 x Powered caravan sites with concrete slabs

4.7 Detailed Site Description

The trust land is situated in an accessible area for use by the community and visitors alike. It consists of flat open land, bordered by some mature vegetation and has been principally developed for sporting and community use activities, and is also available for passive recreational opportunities.

It is bounded by Jack and Grogan Streets to the east, consisting of residential properties. To the west is another Reserve under Council's control as trustee. Along part of the south boundary lies a parcel of cleared Council freehold land which is currently ear marked for an Aged Care Facility. The balance of the south boundary as well as the northern boundary is joined by a large parcel of partially cleared and undeveloped rural residential land, which currently contains a section of sugar cane adjacent to the northern boundary.

4.8 Native Title Status

Native title rights and interest could be extinguished over lot 129 on SR81 by way of previous grants and vesting's of exclusive possession as " a public work " prior to 23 December 1996 as defined under section 253 of the Native Title Act 1993 has been undertaken. Lot 129 on SR81 was previously held by Scouts Australia as Special Lease 200766.

In relation to lot 92 on SR81, it is noted that the trust land was dedicated in 1992 with Council as trustee, Council is unaware if there was a previous extinguishing tenure. Council can established that " a public work " prior to 23 December 1996 as defined under section 253 of the Native Title Act 1993 has been undertaken on the trust land by clearing the site and constructing an oval, clubhouse building, basketball courts, horse stables, grandstand, three (3) pavilions, office, canteen, timekeepers premises, shade structures, two (2) toilet blocks and eight (8) powered caravan sites with concrete slabs.

Native Title will be suitably addressed for any dealings and development on the reserve.

5. PROPOSED USE/S OF THE SUBJECT LAND

5.1 Proposed Use/s of the Subject Land

The trust land will continue to be used in accordance with its primary function which is for showground purposes and to also provide suitable sporting, community and recreation opportunities to the local community and visitors alike through formalised secondary use tenure arrangements.

5.2 Is the Proposed or Existing Secondary Use consistent with the Primary Use of the Trust Land?

The existing formal and informal uses of the trust land are considered to be consistent with the dedicated purpose of the land, with the only exception being Family Day Care. Though this use may be considered inconsistent with the purpose of the Reserve, as Trustee Council

does not consider that it diminishes the use of the trust land. This is a long established community service organisation that is well regarded within the community and provides a valuable service. It utilises a small area of the Showgrounds that is purpose built for its operations.

The Mossman & District Gymnastics Club Inc. has indicated an interest to formalise a similar tenure arrangement, subject to them obtaining the relevant funding to construct a clubhouse building on part of the trust land.

The trustee proposes to formalise use of the trust land by Mossman Sharks Senior Rugby League Club Inc., Mossman & District Gymnastics Inc. and Family Day Care by issuing trustee leases over parts of the trust land.

Through the process of placing Family Day Care on a trustee lease, the trustee intends to seek approval under the *Land Act 1994*, due to the use by Family Day Care being considered an inconsistent use of the trust land as this does not diminish the overall purpose and use of the land, as determined by the dedicated reserve purpose.

5.3 Constraints and Opportunities of the Proposes Uses/s (existing and future)

The proposed trustee “registered secondary interests” to the Mossman Sharks Senior Rugby League Club Inc., Mossman & District Gymnastics Inc. and Family Day Care will not constrain use of the trust land, as the remainder of the trust land will still be able to accommodate community recreational use. The existing Trustee Permit to It’s My Time – Fitness for Women is considered to have the same impact. Family Day Care has been at the site since 1989. This is accepted by the community which is a valuable service and does not diminish the overall reserve use and purpose.

5.4 Development Intended

The trust land is developed to the extent to support community recreational and sporting activities. The intent in the future is to further develop the subject site to deliver and achieve optimal use in a sport and recreation context and to maximise use by the community. As such, it is envisaged that the proposed trustee “registered secondary interests” to the Mossman Sharks Senior Rugby League Club Inc. and the Mossman & District Gymnastics Inc. will help achieve this objective.

5.5 Exclusivity and Restrictions of Proposed Use and Associated Development

The facilities onsite are currently locked when not attended to ensure security of the building and contents.

There is no intention or proposal at this stage to further restrict the primary use of the trust land other than that is already constrained by the existing and proposed secondary uses.

5.6 Commerciality

There are no proposals at this stage to allow commercial opportunities to occur on the trust land. All current or proposed uses are community or sporting organisations of a not for profit nature.

6. COMMUNITY CONSULTATION

The Mossman Sharks Senior Rugby League Club Inc. has been using the building on the trust land for a number of years. Furthermore, the Mossman & District Gymnastics Club Inc. is well established within the community and provides a valued recreational activity to the local community and visitors alike. Family Day Care has been at the site since 1989, is accepted by the community, as it is a valuable service and does not diminish the overall reserve use and purpose.

The trustee has not received any concerns from the community in relation to the current uses of the trust land. In view of this, the trustee considers that community consultation is not required for the offer of the proposed trustee “registered secondary interests” to the Mossman Sharks Senior Rugby League Club Inc., Mossman & District Gymnastics Club Inc. and Family Day Care, which will then formalise their respective uses of the trust land.

7. GOALS OF THE LAND MANAGEMENT PLAN

The goal of the Land Management Plan, which is ongoing for the life of the trust land, is to maintain a suitable facility which caters for the needs of the local community in relation to sport and recreational activities.

Goal Statement <i>(These goals need to reflect the trust lands capabilities and the communities priorities and allow the trust land to be developed and maintained in accordance with its gazetted purpose)</i>	Issue/s Goal is to Solve or Manage	Relevant Actions <i>(To ensure compliance with the plans goals and to mitigate possible negative impacts – how the trust land will be managed, eg. relevant policies and arrangements)</i>	Key Performance Indicators <i>(To demonstrate that the goal has been achieved)</i>	Who is Responsible for the action	Completed by (Date)

Goal Statement <i>(These goals need to reflect the trust lands capabilities and the communities priorities and allow the trust land to be developed and maintained in accordance with its gazetted purpose)</i>	Issue/s Goal is to Solve or Manage	Relevant Actions <i>(To ensure compliance with the plans goals and to mitigate possible negative impacts – how the trust land will be managed, eg. relevant policies and arrangements)</i>	Key Performance Indicators <i>(To demonstrate that the goal has been achieved)</i>	Who is Responsible for the action	Completed by (Date)
To maintain a suitable facility, which caters for the needs of the local community in relation to sport and recreational activities.	Reserve is maintained as a suitable facility for sport and recreational activities. Reserve is maintained in a clean and tidy state.	Regular mowing by trustee. Removal of noxious weeds. Annual site inspections undertaken by trustee. All activities will be regulated through Council’s Local Laws, relevant legislation and the <i>Land Act 1994</i> .	The subject land is used in accordance with the terms and conditions of permits and trustee leases and the primary purpose of the trust land. Increased use by the community and the type and level of sporting and recreational opportunities available. Compliance with relevant legislation as detailed in section 1 of this Plan	The Trustee The “registered secondary interests”/Permittees	Ongoing while there are formal tenure arrangements in place upon the Trust land

8. BUDGET STATEMENT

On-going management of the trust land is supported through the normal Council budget processes and subject to availability of staff, resources and Council priorities. There is no individual budget for management of the trust land.

9. MONITORING AND REVISION

The trustee will continually and regularly monitor via annual inspections, the on-going use of the trust land in accordance with the terms and conditions of any formal tenure arrangements in place and the primary purpose of the trust land.

10. SUMMARY AND RECOMMENDATIONS

Upon approval in terms of the *Land Act 1994* of this land management plan, the trustee is able to issue trustee leases for consistent use of the trust land. Any proposed inconsistent trustee leasing

of the trust land that does not diminish use of the trust land for its dedicated purpose will be submitted by the trustee for approval in terms of the *Land Act 1994*.

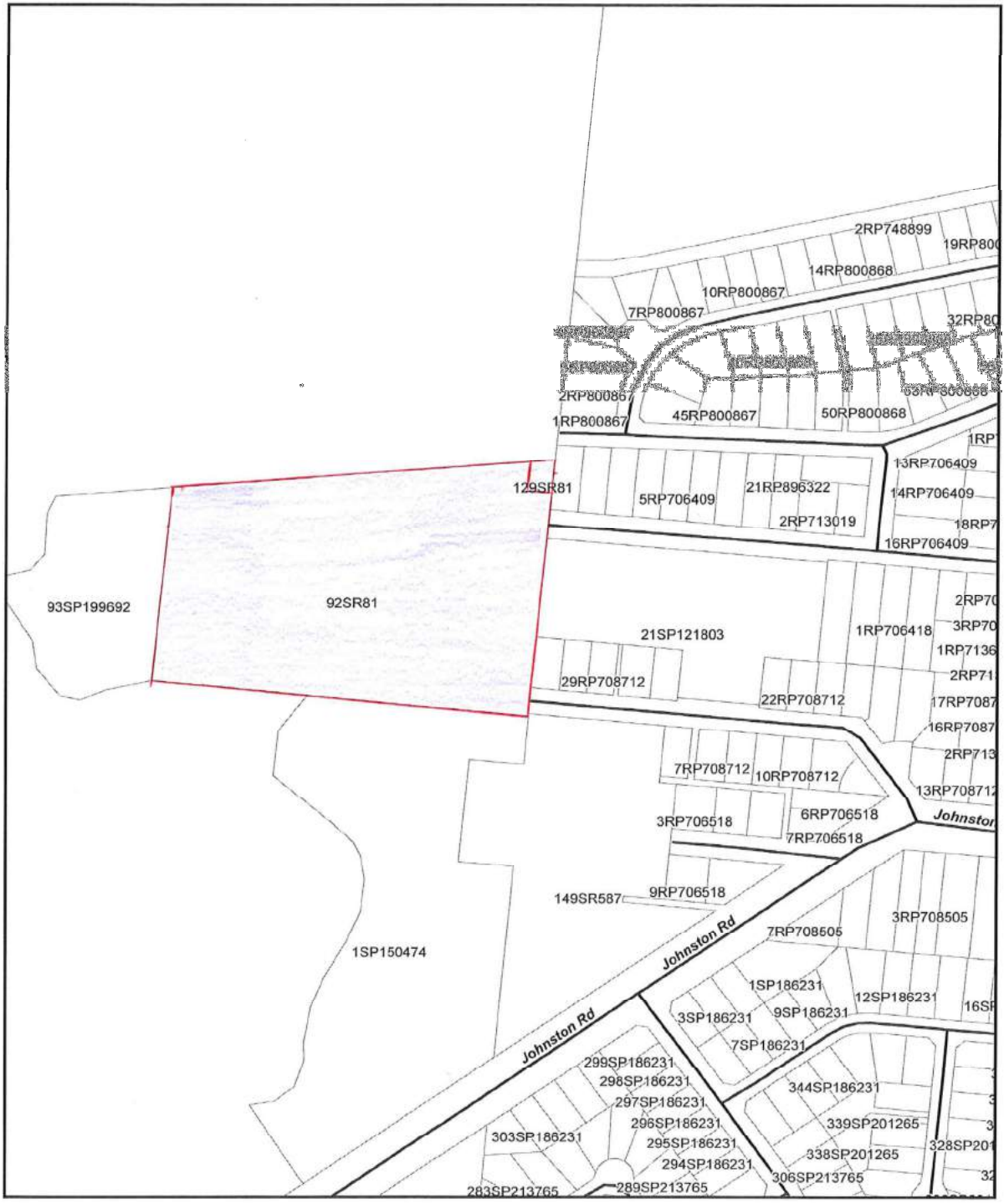
11. APPENDICES

Appendix A – Locality Map

Appendix B – Aerial photo showing location of proposed trustee lease areas.

Appendix A – Locality Map

Location Plan of Lot 92 & 129 SR 81



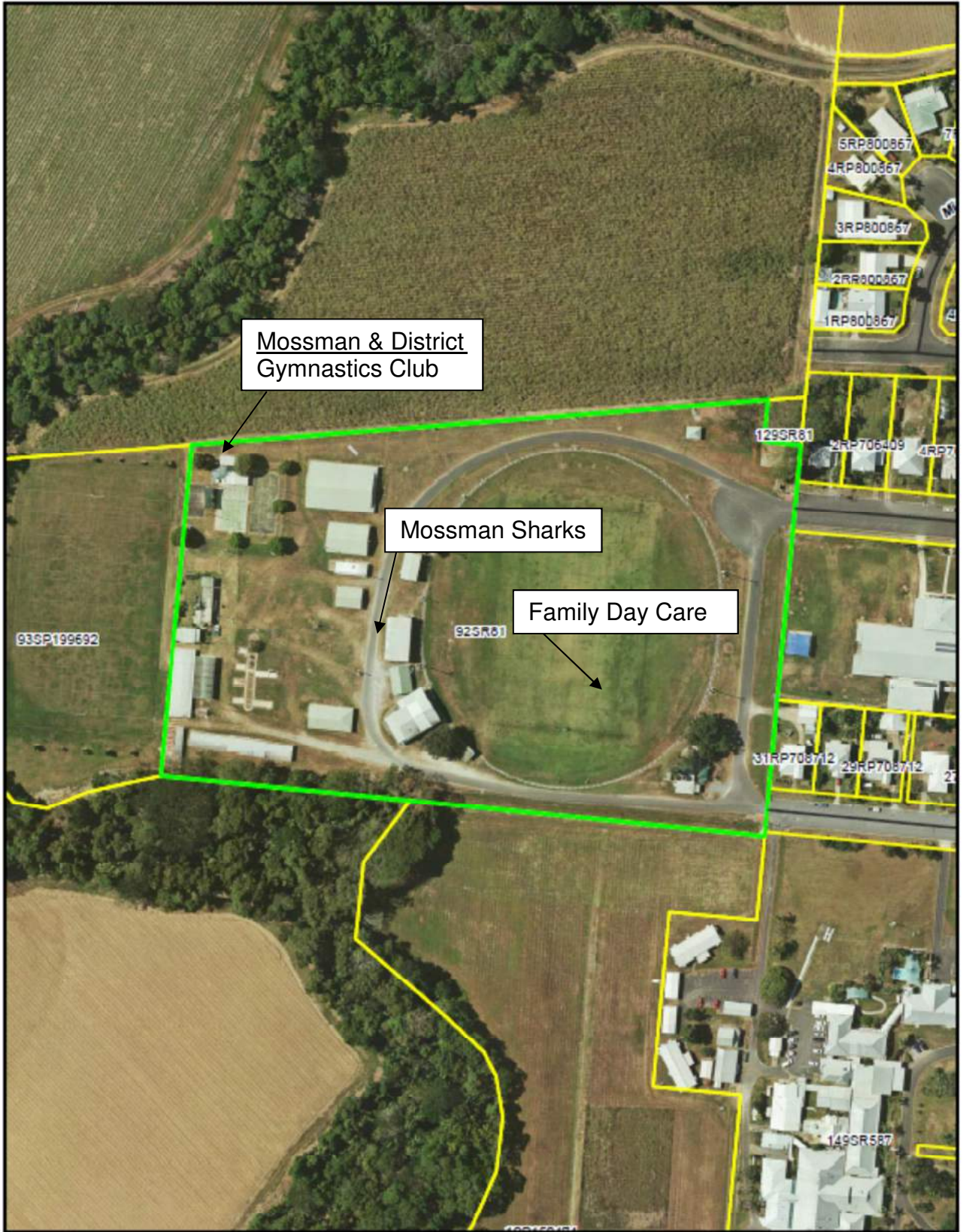
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Scale
1cm = (?? m or km) at A4
Map Grid of Australia
Zone 55 (GDA94)



Appendix B – Aerial photo showing location of proposed trustee lease area

Lot 92 and 129 on SR81



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Scale

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