

### 5.3. AMENDED LAND MANAGEMENT PLAN-LOT 18 CROWN PLAN PTD 20939

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

#### RECOMMENDATION

**That Council:**

- 1. endorse the amended Land Management Plan for Lot 18 Crown Plan PTD 20939 and register the Land Management Plan on the title.**
- 2. delegates authority to the Chief Executive Officer in accordance with section 257 of the Local Government Act 2009 to finalise any and all matters associated with this with the lodgment and execution of the Land Management Plan.**

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#### EXECUTIVE SUMMARY

A review of the Land Management Plan dated 28 January 2010 has been undertaken for Lot 18 Crown Plan PTD 20939 being 34-56 Davidson Street, Port Douglas. The Land Management Plan (LMP) is a requirement under the *Land Act 1994* as the Trustee Lease is only for a portion of the land. The current Lessee is Port Douglas Tennis Club Inc.

The existing LMP does not allow for commercial activities to be conducted on the allotment. As such minor changes have been made to the LMP so as the remainder of the allotment can be used by Council for other secondary uses which are considered commercial in nature.

#### BACKGROUND

The Port Douglas Tennis Club Inc. have a trustee lease in place on part of Lot 18 Crown Plan PDT 20939 with Council which will expire 31 December 2018. This lease has been in place since December 2009. The trustee leased area is 0.706 hectares of a total allotment area of 2.227 hectares.

The existing LMP states under Clause 12.0 "Commerciality"; *the various Lessee's are all non for profit community/sporting organizations and there are no commercial activities associated with any of the existing of the secondary uses.* With this clause in place within the LMP Council or the Department of Natural Resources and Mines (DNRM) cannot issue a permit involving commercial activities. Proposed minor changes to the LMP will alleviate this abnormality.

#### COMMENT

By changing Clause 12.0 "Commerciality" in the LMP to read; *'The lessee is a not for profit community / sporting organization. The Land Management Plan allows for occasional and temporary secondary land use for limited commercial activities approved by Council'* Council can legally issue permits for commercial activities on this allotment. The inclusion of "limited" in the proposed amendment refers to activities that are consistent with the land use tenure.

DNRM have approved the amended LMP on the condition that the LMP is to be registered on the title under Administrative Advice.

## PROPOSAL

That Council approve the amended LMP to allow for limited commercial activities to be undertaken on part of the allotment known as Lot 18 Crown Plan PTD 20939 and to register the LMP on the title of the allotment.

## FINANCIAL/RESOURCE IMPLICATIONS

Council will be responsible for the payment of \$164.90 to the Titles Office for the registration of the LMP.

## SUSTAINABILITY IMPLICATIONS

- Economic:** Income will be generated for council as a result of expanding the use of part of the allotment for commercial activities.
- Environmental:** Nil
- Social:** The amended LMP will allow for scope to issue permits to a larger range of activities that will benefit the 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 Councilors and community with accurate, unbiased and factual reporting to enable accountable and transparent decision-making.*

## 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:** CEO Department
- External:** DNRM- Approved amended LMP  
Port Douglas Tennis Club Inc.- Did not comment on proposal

## **ATTACHMENTS**

Attachment 1 - Amended Land Management Plan-Lot 18 Crown Plan PTD 20939







The use of the area leased to the Port Douglas Tennis Club Inc is considered to be compatible with the purpose of the reserve and the land has been and will continue to be developed to contain that use.

The site is close to residential areas however its use is not incompatible with the amenity of those areas.

Apart from the area leased to Port Douglas Tennis Club Inc, access to the land for the purpose of passive recreation is not intended to be restricted or obstructed.

## 7.0 SECONDARY USE

The Land Management Plan allows for occasional and temporary use for limited commercial activities approved by Council.

Any future trustee / permittee, 'registered secondary interest', will be conditioned to ensure development approvals are obtained to comply with the Douglas Shire Planning Scheme in force at the time and all legislative requirements are complied with.

## 8.0 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.

To ensure compliance with the Planning Scheme, the Council shall manage the land ensuring all uses and lease conditions are compliant with the Council's Planning Scheme in force at the time and the gazetted purpose of the Reserve.

Goal Statement	Issue/s Goal is to Solve or Manage	Relevant Actions	Key Performance Indicators	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</i> 1994.	The subject land is used in accordance with the terms and conditions trustee lease 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 and the 'registered secondary interests'/ permittees	Ongoing while there are formal tenure arrangements in place upon the Trust land. Reviewed by all parties every two (2) years

## 10.0 MONITORING AND REVISION



### 13.0 COMMUNITY CONSULTATION

The Port Douglas Tennis Club Inc is well established within the community and provides a valuable service to the local community and visitors. There have been no community concerns raised in regard to the ongoing use of the land by the Port Douglas Tennis Club Inc to the Trustee's knowledge. Any issues raised by the public will be given due consideration and accommodated where possible.

### 14.0 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 / permits 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.

### VERSION HISTORY

Version	Date	Comment
v1 #770382	28/01/2010	Final – prepared by Cairns Regional Council and approved by the Department of Natural Resources & Mines
v2 #770383	30/05/2016	Final – prepared by Douglas Shire Council



**ATTACHMENT: LOCALITY PLAN**

## Pt Douglas Tennis Club - Lease Map



**DOUGLAS**  
SHIRE COUNCIL

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**Scale**  
**1cm = 12.5m at A4**  
Map Grid of Australia  
Zone 55 (GDA94)

