

5.3. LAND MANAGEMENT PLAN - 19 WHARF ST, PORT DOUGLAS - RESERVE FOR LOCAL GOVT

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GENERAL MANAGER	Joanne Jacobson, Acting General Manager Corporate Services
DEPARTMENT	Governance

RECOMMENDATION

That Council:

- 1. endorses the Land Management Plan (LMP) for trust land located at 19 Wharf Street, Port Douglas, described as Lot 3 on PTD20936, Reserve 1031 for Local Government (State Emergency Services) subject to Department of Natural Resources, Mines and Energy (DNRME) approval ; and**
- 2. 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 registration of the LMP with DNRME.**

EXECUTIVE SUMMARY

Council has received a request from the Douglas Shire Historical Society Inc for office space for research facilities and safe storage of documentation on a long-term basis. As the State Emergency Services – Far North Region (SES) has advised Council that it no longer requires use of a building it occupies on land located at 19 Wharf Street, Port Douglas, it is proposed that this building be leased to the Douglas Shire Historical Society Inc for its exclusive use.

Even though the SES will relinquish the use of the building, the Reserve sub-purpose will remain unchanged. As use of the building by the Historical Society is inconsistent with this sub-purpose, a Land Management Plan (LMP) is required.

Following internal consideration, consultation with DNRME, and community engagement, Council officers recommend endorsement of the attached LMP and approval for it to be registered with the DNRME.

BACKGROUND

The trust land the subject of the attached LMP is located at 19 Wharf Street, Port Douglas, also described as Lot 3 on PTD20936. The land is Reserve 1031 for Local Government purposes, with a sub-purpose of State Emergency Services, being an operational purpose reserve under the *Land Act 1994*.

Located on the subject land are two buildings: a concrete block building currently used by the SES for storage purposes situated at the front of the land; and Dixie's Shed, which was relocated to the land in 2015 from 9 Ashford Avenue, Port Douglas, situated to the rear of the block building. As is clear from the locality plan below, there is also some established vegetation on the land.

Advice has been received from DNRME that the operational purpose Reserve can be changed to community purpose to allow for use of the Reserve by the Historical Society.

However, this would mean that should Council at any future time want to hold the area as freehold, Council would not be eligible to receive 50 per cent of the revenue of the sale of the Reserve under the State's Revenue Share Policy. Accordingly Officers recommend that the Reserve purpose remains unchanged, a LMP is developed and registered, and an application for a Trustee lease for an inconsistent purpose is lodged with the DNRME.

The LMP was advertised for public comment and no objections were received.



Figure 1. Locality Plan

PROPOSAL

That Council endorses the LMP and registers it with DNRME.

FINANCIAL/RESOURCE IMPLICATIONS

There are no financial or resource implications in relation to endorsement and registration of the LMP.

RISK MANAGEMENT IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

Economic: Nil.

Environmental: Nil

Social: The Douglas Shire Historical Society Inc does valuable work within the community preserving and documenting the Shire's heritage. This proposal will be of great assistance in these endeavours.

CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE

This report has been prepared in accordance with the following:

Corporate Plan 2014-2019 Initiatives:

Theme 2 – Building a Sustainable Economic Base

2.1.1 – Develop management plans for all Council assets and adequately resource their implementation.

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: Chief Executive Officer
Manager Governance
Manager Sustainable Communities
Manager Infrastructure
Manager Finance and IT

External: RPS Australia East Pty Ltd
Department of Natural Resources, Mines and Energy

COMMUNITY ENGAGEMENT

The LMP was advertised for public comment on Council's website and facebook page from Wednesday, 28 March to Monday, 9 April 2018, inclusive. No objections were received.

ATTACHMENTS

1. DRAFT Land Management Plan 19 Wharf St Port Douglas **[5.3.1]**

LAND MANAGEMENT PLAN

R1031 Reserve for Local Government

19 Wharf Street, Port Douglas

10 April 2018

DOUGLAS SHIRE
COUNCIL

*Ensuring Excellence in Governance
Ngana Muruku Maja Majanji Bubu Kujil - Eastern Kuku Yalanji
Nganyjin jirra-kaliyi - Yirrganydji*

Table of Contents

1. INTRODUCTION1

2. TRUSTEE DETAILS1

3. EXISTING TENURE OF THE SUBJECT LAND1

4. COMPLIANCE WITH LEGISLATION AND LOCAL GOVERNMENT PLANNING SCHEME.....2

5. EXISTING USE OF THE SUBJECT LAND.....2

6. PROPOSED USES OF THE SUBJECT LAND2

7. COMMUNITY CONSULTATION.....3

8. SUMMARY AND RECOMMENDATION3

9. ATTACHMENTS3

1. INTRODUCTION

This Land Management Plan applies to the trust land known as Port Douglas State Emergency Services.

Subject land: Lot 3 on PTD20936
19 Wharf Street, Port Douglas

Land management plan duration:

Duration: Ongoing

Review: Review of the land management plan will occur:

- when a request is received for secondary use;
- in consultation with relevant users / lessees at least every five (5) years or as required with three (3) months' notice of the requirement for such review being given; 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.

Minor amendments may be made by the trustee to improve the 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.

2. TRUSTEE DETAILS

Trustee's name: Douglas Shire Council

Trustee's address: 64-66 Front Street, Mossman
PO Box 723, MOSSMAN QLD 4873

3. EXISTING TENURE OF THE SUBJECT LAND

Trust land description: Reserve 1031 for Local Government purposes, with a sub-purpose of state emergency services

Lot and Plan: Lot 3 on PTD20936

Locality: Sub-Precinct 1f in Precinct 1 Port Douglas Precinct in the Port Douglas / Craiglie Local Plan

Local Government: Douglas Shire Council

Area of Land: 834 m²

4. COMPLIANCE WITH LEGISLATION AND LOCAL GOVERNMENT PLANNING SCHEME

Lot 3 on PTD20936 is a reserve for Local Government, with a sub-purpose of State Emergency Services, being an operational purpose reserve under the *Land Act 1994*.

Under the Douglas Shire Planning Scheme 2018, the land is in the Recreation and Open Space Zone and is part of Sub-Precinct 1f in Precinct 1 Port Douglas Precinct in the Port Douglas / Craiglie Local Plan. The use of the former SES shed as storage for the Douglas Shire Historical Society Inc is considered to be ancillary to the existing community uses.

5. EXISTING USE OF THE SUBJECT LAND

5.1 Existing uses – primary and secondary

The trust land was primarily used for State Emergency Service (SES) purposes.

The SES used a concrete block shed on the land for storage purposes until March 2018. The active headquarters of the SES is located at Mossman.

At the rear of the land is Dixie's Shed, which was relocated in 2015 from the Reserve for Boating and Fisheries located at 9 Ashford Avenue, also described as Lot 146 on SR868. The building was removed from its previous location by the Department of Fisheries due to operational requirements and construction contracts. The removal was fully funded by Douglas Shire Council.

5.2 Existing interests

There are no existing interests over the land.

5.3 Native title status

Native title will be suitably addressed for any dealings on the trust land.

There is an existing Native Title Claim QUD337/2015 Yirrganydji (Irukandji) People #2 over the subject trust land.

6. PROPOSED USES OF THE SUBJECT LAND

6.1 Proposed uses of the subject land

Port Douglas State Emergency Service

The State Emergency Service – Far North Region advised Council on 15 February 2018 that it would no longer require use of the concrete block shed located on the subject trust land. The former SES shed is located towards the front of the land. The shed was used for storage purposes only, as the main headquarters of the SES is stationed in Mossman, and there is no current SES group in Port Douglas. The SES does not intend to further develop or utilise the land.

It is intended that the former SES shed be leased by the Douglas Shire Historical Society Inc as a storage space. The Historical Society operates the Court House Museum which is located on land close by and it retains adequate public liability insurance.

Council will lodge an application for a trustee lease for the inconsistent purpose.

There is no intention to change the purpose of the trust land and it will remain an Operational Reserve.

Dixie's Shed

Dixie's Shed, which was previously situated on the Reserve for Boating and Fisheries located at 9 Ashford Avenue, Port Douglas, also described as Lot 146 on SR868, was relocated to the rear of the subject site in 2015. The shed is a c. 1883 Customs' Boathouse, and is regarded as an important structure for the region, particularly in relation to the formation of Port Douglas and the Douglas Shire in the late 1870's and early 1880's. The shed was required to be relocated due to the operational requirements and construction contracts of the Department of Fisheries. It was resolved at an Ordinary Meeting of the Council held on 7 July 2015 that the subject site was the most suitable.

6.2 Is the proposed or existing secondary use consistent with the primary use of the trust land?

No.

7. COMMUNITY CONSULTATION

An advertisement requesting submissions in relation to the Land Management Plan was placed on the Council's website and facebook page from Wednesday, 28 March, to Monday, 19 April 2018, inclusive.

8. SUMMARY AND RECOMMENDATION

Upon approval in terms of the *Land Act* 1994 of this Land Management Plan and where written authority under section 64 of the *Land Act* 1994 is current, 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 for its dedicated purpose will be submitted by the trustee for approval in terms of the *Land Act* 1994.

9. ATTACHMENTS

Attachment 1: Locality map

Attachment 2: Aerial photo showing location of trust land and surrounding parcels

Attachment 3: Base map showing location of physical and biophysical features

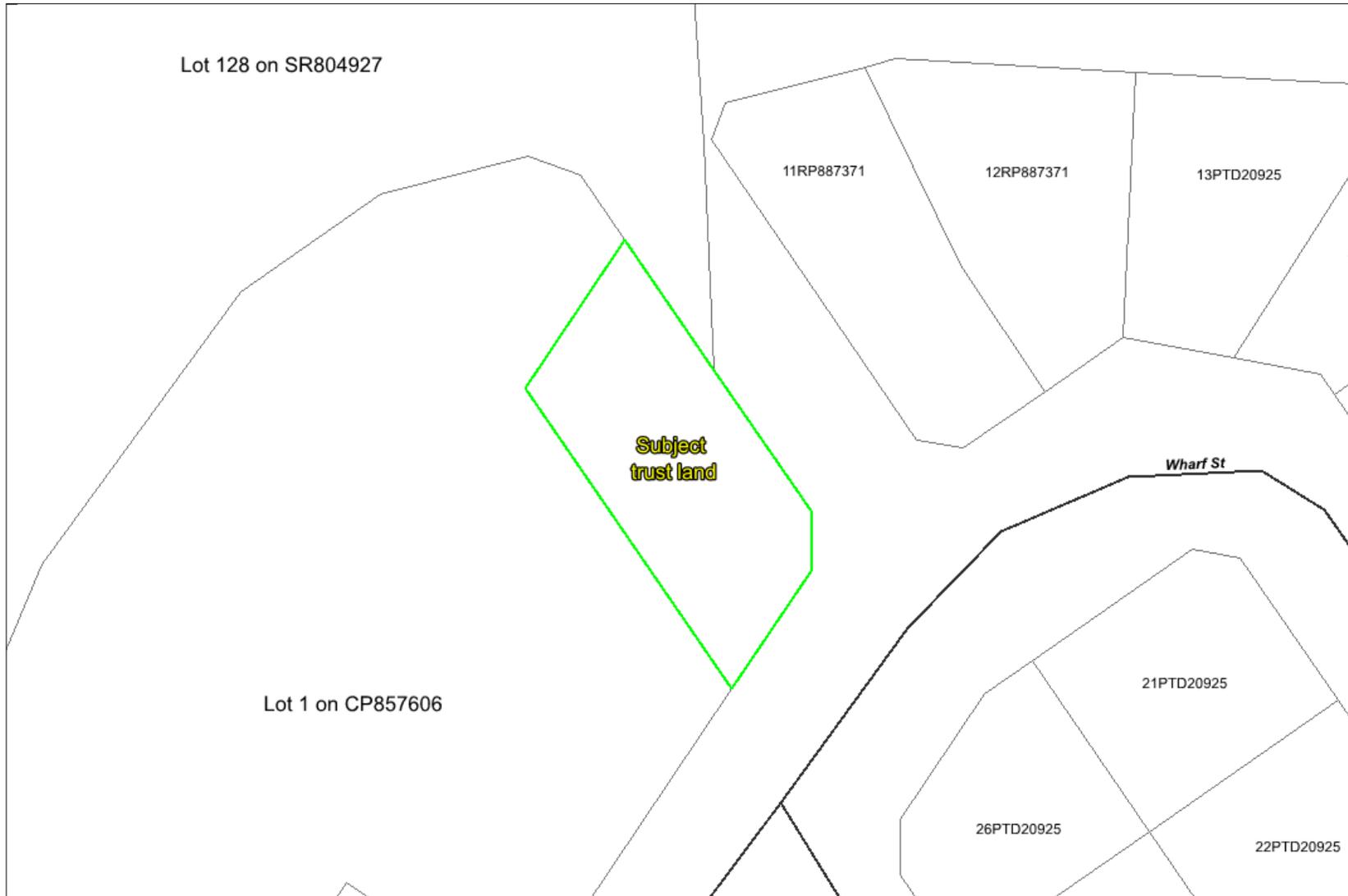
Attachment 4: Port Douglas Waterfront Master Plan

Attachment 5: Title

VERSION HISTORY

Version	Date	Comment
V1 #834258	10/04/2018	Draft prepared by Douglas Shire Council
V2 #[doc #]		
V3 #[doc #]		

Attachment 1: Locality Plan



Attachment 2: Aerial photo



