

LAND MANAGEMENT PLAN

RECREATION RESERVE

(LOT 2 ON CROWN PLAN LS11)



CARPENTARIA SHIRE
Outback by the Sea

Version	Date	Author	Comment/Action
VERSION 1		Carpentaria Shire Council	

LAND MANAGEMENT PLAN

INTRODUCTION

This Land Management Plan (**LMP**) applies to the Trust Land being Lot 2 on Crown Plan LS11 located on Burke Development Road, Stokes.

On 1 December 2003, Council entered into a 20 year Lease with Normanton Rodeo Association Incorporated which is due to expire on 30 November 2023.

Trustee of the Trust Land:

Trustee Name: Carpentaria Shire Council

Trustee Address: PO Box 31
NORMANTON QLD 4890
Phone: (07) 4745 2200
Fax: (07) 4745 1340
Website: www.carpentaria.qld.gov.au

Trust Land Description:

Trust Land Description: Reserve No. R1

Lot/Plan: Lot 2 on Crown Plan LS11, Title Reference 49013164

Locality: Stokes

Local Government: Carpentaria Shire Council

Area of Land: 51.7 square kilometres

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:

- (a) R1 (Reserve for Recreation purposes) was reserved and set apart by Order-in-Council appearing in the Government Gazette of 10 June 1978, over Lot 2 on Crown Plan LS11, under the control of Carpentaria Shire Council (**Council**) as Trustee.
- (b) 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.

- (c) 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:

- (a) Duration: Ongoing
- (b) Review:
 - (i) Annually;
 - (ii) Major review every 5 years;
 - (iii) At the expiry or surrender of any current trustee leases;
 - (iv) Where a new trustee lease is to be entered into over part of the Trust Land;
 - (v) 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;
 - (vi) 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 Act; and/or
 - (vii) 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 Act within one (1) month of such amendment being made.

Responsibilities of the Trustee:

- (a) Council as Trustee has statutory obligations under the Act and in particular Chapter 3 Divisions 5-7 of the Act.
- (b) 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.
- (c) Council as the local authority in control of the Carpentaria local government area has adopted local laws which regulate the use of Trust Land within the Carpentaria local government area – see *Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2015* and *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015*.
- (d) Councils' obligations as a Trustee of Trust Land under the Act are to:

- (i) manage and control use of Trust Land in accordance with its obligations as Trustee under the Act;
- (ii) provide appropriate public access to Trust Land for community purposes including active and passive recreation;
- (iii) to preserve features of the natural and built environment and other aspects of the amenity of Trust Land;
- (iv) 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:

- (a) *Land Act 1994 (Qld)*;
- (b) *Land Regulation 1995 (Qld)*;
- (c) *Carpentaria Shire Council Planning Scheme 2008* – adopted in May 2008;
- (d) Carpentaria Shire Council Local Laws; and
- (e) Department of Natural Resources, Mines and Energy:
 - Land Management Planning for Reserves or Deeds of Grant in Trust – Information Kit;
 - Land Management Plans – Inconsistent Uses on Reserves 2015; and
 - Operational Policy – Secondary use of Trust Land under the Land Act 2 May 2017.

Existing Uses – Primary and Secondary

There is currently only one existing use on the Trust Land which is consistent with the purpose for which the Trust Land was set aside.

This existing use is for:

- (a) the Normanton Rodeo Association Inc. (Trustee Lease No. 707781689).

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 20 May 2015 by the Minister for State Development and Minister for Natural Resources and Mines 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;
- subject to the State’s mandatory standard terms Document No 711932933;
- not for a period in excess of 30 years, or 20 years where the trustee lease is with a community or sporting organisation; and
- not entered into as a construction trustee lease.

(a) *Normanton Rodeo Association Inc.*

This purpose is consistent with the purpose for which the Trust Land was dedicated. The Normanton Rodeo Association Inc. is the Trustee Lessee of a 20 year lease with Council, as the Trustee Lessor. This Lease expires on 30 November 2023.

1. Primary Uses – Recreation

- 1.1 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.
- 1.2 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 Mandatory Standard Terms Document 711932933 and subject to other conditions it sees fit to impose.

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

- 2.1 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 Resources dated 4 July 2023 will apply.
- 2.2 If Trust Land is to be used for a commercial purpose, Ministerial approval must be sought and granted for the use.
- 2.3 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.

3. Local Government Planning Scheme

- 3.1 Pursuant to the Carpentaria Shire Planning Scheme adopted in 2008 (“**Council’s Planning Scheme**”), the Trust Land is zoned as “Rural”.
- 3.2 Council’s Planning Scheme lists the intended uses in the Rural Zone to include Animal Husbandry, as well as other Recreational and Community activities.
- 3.3 These uses are defined within Schedule 4 of Council’s Planning Scheme.
 - (a) **Animal Husbandry** is defined as the use of premises for the keeping, boarding, breeding, fattening or training of animals, reptiles and the like for commercial purposes;
 - (b) **Recreational Activities** include Sport, Recreation and Tourism which means use of the Trust Land for:
 - Sport and physical exercise;
 - Recreation and public entertainment whether indoors or outdoors;
 - Amusement and leisure centres;
 - Cinemas and theatres;
 - Commercial sports grounds;
 - Dance, music, pony clubs;
 - Function centres;
 - Gymnasiums;
 - Music Clubs and nightclubs;

- Showgrounds; and
 - Sports centre
- (c) **Community Activities** are defined to include Community Facilities and Community Infrastructure;
- (d) **Community Facilities** means use of the Trust Land for the following purposes:
- Community and cultural facilities, including childcare facilities;
 - Community centres;
 - Meeting halls;
 - Galleries;
 - Libraries;
 - Club houses; and
 - Places of worship; and
- (e) **Community Infrastructure** includes services such as water and sewerage, drainage etc for the public benefit.

3.4 Community Facilities and Recreational Activities are listed as consistent uses in the table of consistent and inconsistent uses in the Rural Zone as set out in Council’s Planning Scheme.

3.5 Accordingly, under Council’s Planning Scheme, the current use of the Trust Land is consistent with the current zoning.

3.6 Additionally, Animal Husbandry is listed as a consistent use within the Rural Zone pursuant to Council’s Planning Scheme.

4. Native Title Status

4.1 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.

5. Proposed Use/s of the Subject Land

Proposed ‘Use/s’ of the subject land:	The Council as Trustee intends to enable the use of the Trust Land for agistment purposes.
Is the proposed secondary use consistent with the	Yes

primary use of the trust land?	✓ No
Development intended:	Council intends to allow the Trust Land to be used for agistment purposes, which would also include allowing the Trustee Lessee to construct and maintain fences and effect other improvements on the Trust land associated with the approved purpose.
Exclusivity & Restrictions of proposed use and associated development:	The Trust Land will be fenced in part for the security and safety of the public given the intended purpose for the use of the Trust Land will be for the agistment of cattle.
Commerciality:	All revenue generated by the Trustee and payable by the Trustee Leases if any, is used in maintaining and developing the Trust Land.

Council's view is that the proposed use of the Trust Land would not diminish the purpose for which the reserve was dedicated or adversely affect any business in the areas surrounding the reserve.

COMMUNITY CONSULTATION

The draft Land Management Plan for Reserve R1 was placed on public display at the Council office at 29-33 Haig Street, Normanton, Queensland on 17th November 2023.

The draft Land Management Plan was made available on the Council website and the public was given a one (1) month period to make submissions.

No submissions were received.

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 LS11

Appendix 2 – Crown Plan LS11

Appendix 3 – Zoning Map – Normanton Township

**Appendix 1
(Title Search)**

INTERNAL CURRENT RESERVE SEARCH
QUEENSLAND TITLES REGISTRY PTY LTD

Search Date: 18/10/2023 08:01

Title Reference: 49013164
Date GAZETTED: 10/06/1978
PAGE: 774

Opening Ref: B 1873 NO 3 SUB A
Purpose: RECREATION
Sub-Purpose:
Local Name:
Address:
County (R) No: R1
File Ref: RES 17760

TRUSTEES

CARPENTARIA SHIRE COUNCIL Gazetted on 10/06/1978 Page
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LAND DESCRIPTION

LOT 2 CROWN PLAN LS11 GAZETTED ON 10/06/1978 PAGE 774
Local Government: CARPENTARIA

Area: 5120.000000 Ha. (ABOUT)

EASEMENTS AND ENCUMBRANCES

1. TRUSTEE LEASE No 707781689 07/06/2004 at 08:53
NORMANTON RODEO ASSOCIATION INC
Lodged at 08:53 on 07/06/2004 Recorded at 15:58 on 09/06/2004

ADMINISTRATIVE ADVICES - NIL
UNREGISTERED DEALINGS - NIL

Caution - Charges do not necessarily appear in order of priority

** End of Current Reserve Search **

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Appendix 2
(Plan)



Appendix 3 (Zoning Map)

