



# **LAND MANAGEMENT PLAN**

## **CHURCH STREET RESERVE**


### **RESERVE FOR PARK AND RECREATION PURPOSES R1476**

DRAFT VERSION

updated 2 May 2024

**CAIRNS REGIONAL COUNCIL**

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**VERSION HISTORY**

| <b>Version</b>                 | <b>Date</b> | <b>Comment</b>  |
|--------------------------------|-------------|---|
| v1 draft version               | June 2024   | Ellie Johnston  |
| v2 public consultation version |             | included comments from xxx, publicly advertised on xxx                                    |
| v3 final version for approval  |             | submitted to DNRM for approval in terms of the <i>Land Act 1994</i>                       |
| v4                             |             | amendments required by DNRM – submitted for approval in terms of the <i>Land Act 1994</i> |
| v5 approved version            |             | approved version in terms of the <i>Land Act 1994</i>                                     |

## 1. INTRODUCTION

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This land management plan applies to the trust land known as the Church Street Reserve (R1476)

**Subject land:** Lot 9 on SP235254 and Lot 1 on SP267802

**Address:** Church Street, Babinda

### 1.1 Land management plan duration

Duration: Ongoing

Review: Review of the land management plan may occur:

- at the expiry or surrender of current trustee leases;
- annual inspection of the whole of the trust land;
- when a request is received for secondary use that is not currently catered for in this land management plan; 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 amendment 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.

### 1.2 Land Management Plan compliance with provisions of the *Land Act 1994*, local government's planning schemes and other regulations which affect or control the trust land and its proposed use.

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 trust land.

Future trustee leases will be issued in accordance with Council's Policy and conditioned to ensure development approvals are obtained and all legislative requirements of complied with.

## 2. TRUSTEE DETAILS

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**Trustee's name** Cairns Regional Council

**Trustee's address** 119-145 Spence Street  
PO Box 359  
CAIRNS Q 4870

### 3. EXISTING TENURE OF THE SUBJECT LAND

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|                                |   |
|--------------------------------|---|
| <b>Trust land description:</b> | Reserve for Park and Recreation purposes R1476  |
| <b>Gazettal date:</b>          | 13/07/1974  |
| <b>Lot / plan:</b>             | Lot 9 on SP235254 and Lot 1 on SP267802   |
| <b>Local government:</b>       | Cairns Regional Council   |
| <b>Area of Land:</b>           | 2.656400 ha (surveyed)  |
| <b>Native Title</b>            | 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. |

#### **Description of Local Area:**

Babinda is dissected by the Bruce Highway and the North Coast rail line. Access between the two precincts is achieved at two points; Munro Street and Christian Street. The Babinda rail station and associated water tank are focal points of the town and vistas to these structures, in particular from the Bruce Highway, should be maintained.

The township of Babinda is derived from its village feel, history as a sugar town, its valued buildings and places, rural setting, and proximity to the mountain ranged. Many of the town's existing dwellings, commercial and community buildings have been identified as places of local significance with Eastwood Street, located to the immediate south of Munro Street has been identified as a Neighbourhood Character precinct. Neighbourhood character areas are subject to built form guidelines to ensure that additions to, or new buildings are consistent with the scale and built form of existing buildings. Valued buildings within these precincts and places of local significance are to be retained to assist in maintaining the character of the township.

The viability of the township, particularly its commercial viability, has been affected by changes in society and by the relative proximity of the township to the urban areas of the region. Babinda is to continue as a township servicing the sugar industry and other primary industries of the wider area. Babinda is well serviced by physical infrastructure. Residential growth within Babinda can be accommodated by some minor upgrades and augmentation of existing infrastructure networks.

#### **Planning Intentions/Trends:**

Residential expansion within the local plan area can be accommodated within 'Site A' and 'Site B' as identified on the Babinda local plan maps contained in Schedule 2 of the CairnsPlan 2016 (Planning Scheme). Urban development is limited to land within the urban boundary. Should the need for further residential expansion arise within the life of this scheme, 'Site C' could be investigated for residential purposes subject to a detailed investigation of need, infrastructure capacity and on-site constraints.

The former mill workers houses should be retained on large lots and could be used for more intensive home based businesses, including those of an industrial nature. The remainder of the site is intended to be used for industrial development which services the town and surrounding

rural area's industry and service industry needs. Industries established on this site are to be non-water reliant as the existing infrastructure is insufficient to support intensive or water reliant uses, alternatively, new water reliant industries do not rely upon Council infrastructure. New industrial uses should be aligned with servicing the surrounding agricultural and rural uses. Appropriate buffers are required to be provided on-site to mitigate any adverse impacts from development on adjoining or nearby residential allotments. Advertising should be discrete and not detract from the scenic amenity of the area or existing vistas

**Details of Land uses in locality:**

The western side of Babinda contains the main Street of Babinda, Munro Street, and the Babinda Hospital, St Rita's School, the Babinda state School, the Mill re-development precinct (the former mill site), the majority of Babinda's residential precincts and the area for residential, commercial and industrial expansion. The western area extends to the forested foothills of the Bellenden Ker range.

The eastern side contains a strip of residential development, fronting Howard Kennedy drive. The land fronting Howard Kennedy drive is generally for residential purposes. However, in addition to residential dwellings the area contains a mix of existing non-residential land uses. Within this area there is a higher tolerance for interspersing non-residential development and there will be greater flexibility for non-residential uses, provided the impacts of such development are addressed and managed on-site and development does not detract from the commercial primacy of the Munro Street precinct.

The eastern side also contains the Rotary Park camp area, the Council depot and the Babinda railway station. The eastern boundary of the local plan area is formed by the interface with productive agricultural land and Babinda creek. No expansion of Babinda is intended on this side of the Bruce Highway.

**Uses of land likely to affect the Trust Land:**

Nearby land uses predominantly consist of Dwelling Houses with ancillary sheds on large allotments, with a Place of Worship and School (St Rita's) located along the eastern end of Church Street, circa 80m from the trust land. None of these uses would impact on the trust land.

There is a Place of Worship and RSL located on School Street, just to the south of the trust land which links back into Munro Street which comprises the majority of centre/commercial activities associated with the Babinda Township.

None of these uses are anticipated to have any impacts on the trust land.

In terms of future uses, all residential areas of Babinda are zoned Low Density Residential which would only allow for Dwelling Houses, the odd Dual Occupancy and small-scale services (i.e., café). Therefore, it is unlikely that large scale subdivisions or unit development would occur without rigorous assessment and community notification and sufficient need would be required to be demonstrated to support development of this type and scale.

All commercial activities are encouraged to be undertaken within the centre zoned land that fronts Munro Street. Any centre activities located outside this area would be required to demonstrate that there is sufficient need for the use to support the community.

## 4. EXISTING USES

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### 4.1 Balance area of the reserve

The reserve is partially developed. The undeveloped area of the reserve is covered with natural vegetation adjoining Weinerts Creek.

### 4.2 Existing uses – primary and secondary

The primary use of the land is for park and recreation purposes and the developed area of the reserve is the location of the Babinda Municipal Swimming Pool.

### 4.3 Existing infrastructure

- 50m swimming pool
- Covered grandstand with 400-seat capacity
- Covered BBQ area
- Babinda Aquatic Centre with change rooms
- All access sealed carpark with signage
- Unsealed carpark
- Babinda Kindergarten storage shed
- Dwelling (caretakers residence)
- 40mm potable water main
- 50mm potable water main
- Scour valve water nodes
- Active sewer nodes with man holes

### 4.4 Existing interests

- Trustee lease no. 722802862 to Bajada Pty Ltd over lease B on SP338648 for the term 01/10/2023 to 30/09/2033 for the permitted use of 'Municipal Swimming Pool'.

## 5. PROPOSED SECONDARY USE/S OF THE SUBJECT LAND

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### 5.1 Proposed use/s of the subject land

Proposed trustee lease over an area of 318m<sup>2</sup>, identified as Lease C on SP338648 at appendix C, for a term of 13 years to coincide with the balance term of the lessee's trustee lease on adjoining lot 8 on B66315. The proposed permitted use is 'Storage shed for kindergarten facility'.

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

The primary use of the trust land by Bajada Pty Ltd, being the Babinda Municipal Swimming Pool, is consistent use of the trust land providing a 50-metre swimming pool, covered grandstand with 400-seat capacity and covered a BBQ area.

The proposed secondary use of the trust land is an inconsistent use of the trust land, however, due to the small size and location of the proposed lease area (being along the eastern boundary of the trust land and fenced) the trustee considers that the proposed inconsistent use of the trust land does not diminish or interfere with the purpose of the trust land nor the use of the trust land by Bajada Pty Ltd (Babinda Municipal Swimming Pool).

## **6. OBJECTIVE OF LAND MANAGEMENT PLAN**

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This Land Management Plan is to consider all existing primary and secondary uses of the land for the Reserve for Park and Recreation purposes (R1476) which most suits the capability of the land, best meets the needs of the local area community and is consistent with the local government planning scheme.

It had come to Council's attention, approximately ten years ago, that the Babinda Kindy had constructed a storage shed and playground equipment on part of the adjoining lot 9 on SP235254. This was as a result of incorrect boundary fencing that had been in place for over 30 years. It had also previously been determined that there is no other suitable location within the Babinda Kindy's lease area (lot 8 on B66315) on which to re-locate the storage shed and play equipment.

As a result of the encroachment discovery, Council had previously issued the Babinda Kindy with consecutive annual trustee permits for the secondary use of the reserve for park and recreation. The final and current trustee permit is due to expire in September 2023.

As the final trustee permit is due to expire in September 2023, Council would prefer to take the opportunity to issue the Babinda Kindy with a longer term of tenure, over the encroachment area, to align with the expiry of their trustee lease over lot 8 (being 30 September 2036).

As trustee of the reserve, Council is able to issue a trustee lease (with Ministerial approval for the inconsistent use of the reserve) as long as the use of the reserve is not diminished. Due to the location and size of the trustee lease and the fact that the fencing alignment has excluded the subject area from lot 9 for quite some time now, it is considered that the use of the reserve for park and recreation purposes (lot 9) is not diminished by the proposed trustee lease to the Babinda Community Kindergarten.

## **7. COMMUNITY CONSULTATION**

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The Reserve for Park and Recreation purposes (R1476) has been the location of the local swimming pool and caretakers' residence since the early 1970s.

The adjoining lessee of lot 8 on B66315, being the Babinda Community Kindergarten Inc, is a valued not for profit community organisation offering the only kindergarten service in Babinda. It has been in operation since 1988.

The Babinda Community Kindergarten Inc erected a shed in 2011 for storage purposes due to lack of space within their own leased site. While informal use arrangements have been granted to the Babinda Community Kindergarten Inc for the storage shed, Council has not received any negative feedback that would not support formalisation of this tenure.



Community consultation would be undertaken for any proposed intensification or development of the trust land in accordance with Council's development application process.

## **8. SUMMARY AND RECOMMENDATION**

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Where a 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 land for its dedicated purpose will be submitted by the trustee for approval in terms of the *Land Act 1994*.

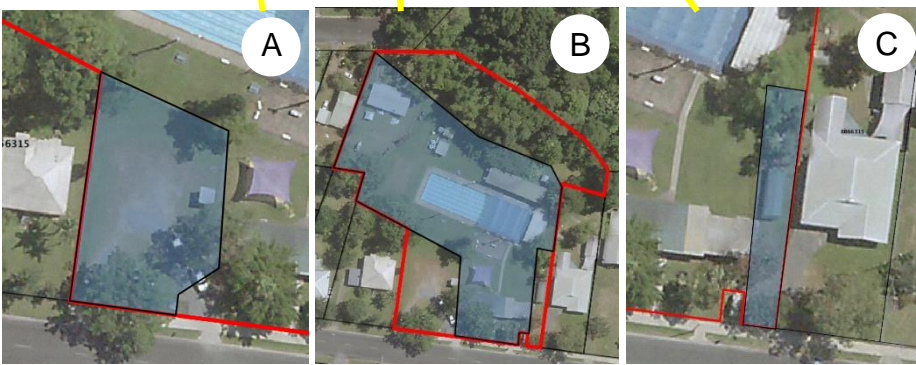
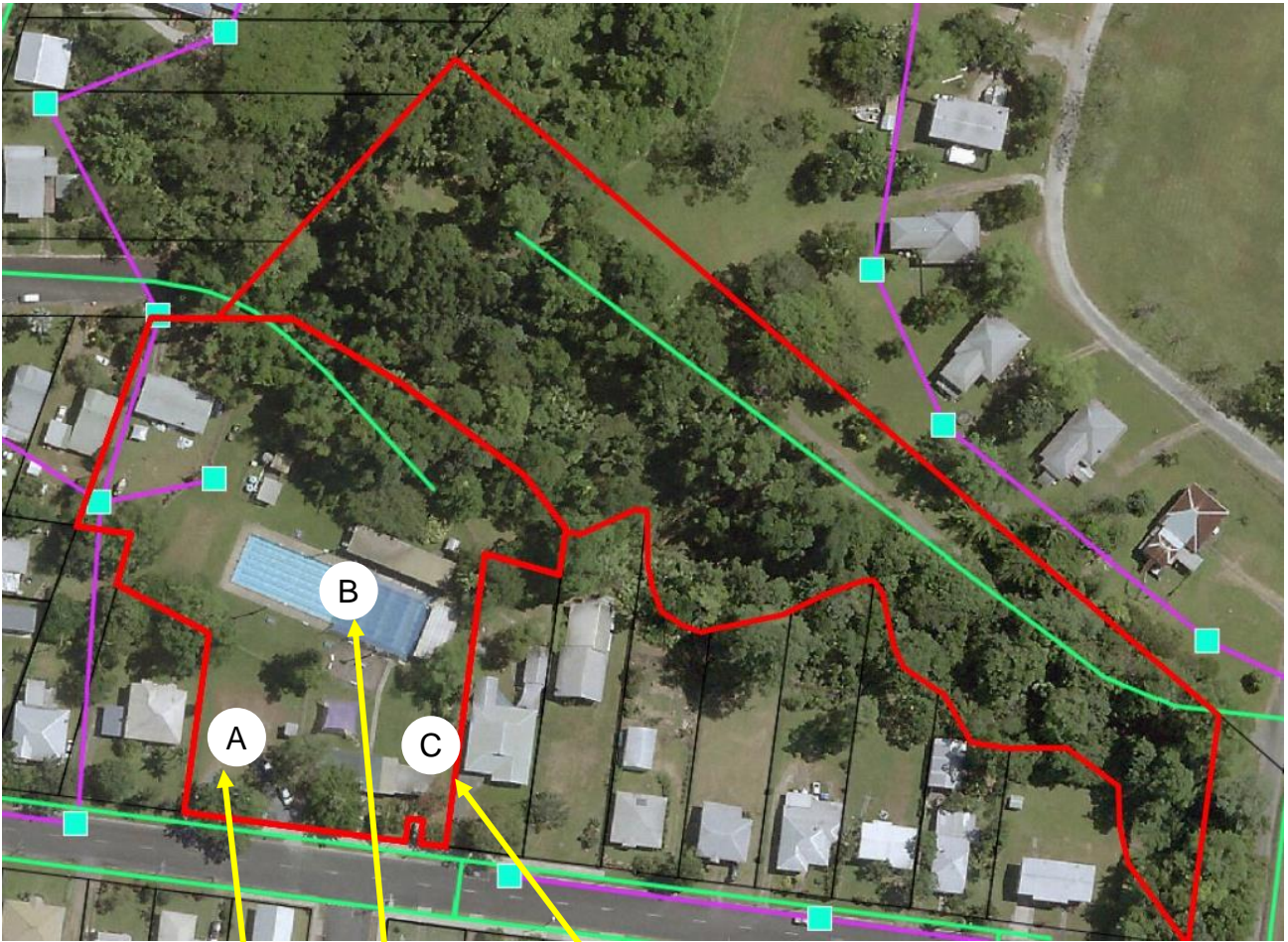
## **9. APPENDICES**

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Appendix A – Aerial photo showing location of Trust Land and surrounding parcels

Appendix B – Survey plan showing location of Trustee Lease B (Babinda Municipal Swimming Pool) and proposed Trustee Lease C (Babinda Community Kindergarten Inc)




**Appendix A – Aerial photo showing location of Reserve for Park and Recreation purposes R1476 and surrounding parcels**



**A:** Unsealed carpark

**B:** Trustee lease no. 722802862 to Bajada Pty Ltd over lease B on SP338648 for the term 01/10/2023 to 30/09/2033 for the permitted use of 'Municipal Swimming Pool'

**C:** Proposed Trustee Lease to Babinda Community Kindergarten Inc over Lease C on SP338648 for the term

-  Active sewer node with manhole
-  Gravity Main
-  Reticulated potable water main

