

# Guideline

## Land Management Planning for Trust Land

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## Approval

Position	Name	Effective Date
Director, Land and Native Title Operations Policy	Anita Haenfler	14/04/2021

## Version history

Version	Date	Comments
1.00	14/04/2021	New document. Contains updated content from previous land management planning for reserve and deeds of grant in trust information kit.
1.01	01/03/2023	Updated to include amendments due to LOLA 2023

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## Purpose

The purpose of this document is to guide trustees in the development of Land Management Plans for trust land (being land comprising of a reserve or deed of grant in trust).

## Rationale

Trust land is a collective term used to describe State land which has been previously reserved or granted in trust under the *Land Act 1962* or dedicated as a reserve or granted in fee-simple in trust as a deed of grant in trust (DOGIT), for one or more of the community purposes (the primary use) set out in [Schedule 1 of the Land Act 1994](#).

When trust land is set aside, trustees are appointed to manage the land on behalf of the State.

Trust land should be managed by the trustees with the State's interests in mind for the benefit of the people of Queensland by having regard to the *Land Act 1994* principles of sustainability, protection, consultation and community purpose.

## Guideline

### What is Land Management Planning

Land Management Planning deals with the sustainable use, development and management of trust land. Land Management Planning is the process by which the trustees identify the attributes of the trust land relating to:

- social values
- environmental values
- economic values

and records in a document called the Land Management Plan (LMP), the trustee's future intentions necessary to:

- manage land according to its gazetted/dedicated purpose
- identify future intentions for the trust land in accordance with the local government planning schemes
- identify priorities (including social)
- manage the impacts of the use of the land – on and off-site
- prevent pollution and/or land degradation
- improve the efficiency of land use
- identifying responsibilities for financing and implementation.

Each of these actions must have the State's, regional and local interests in mind.

It is important the proposed use reflected in the LMP is consistent with the future intentions for the site and the relevant local government planning scheme.

## When is a Land Management Plan needed

Situations where a LMP may be needed could include the following:

- a LMP can be prepared by the trustee at any time; or
- when a trustee submits an application to the department for an inconsistent secondary use lease of trust land; or
- when the trustee proposes an inconsistent trustee permit on the trust land; or
- the trustee submits an application for the purpose of the trust land to be changed; or
- when an application is submitted to the department for a primary use of trust land; or
- the Minister administering the *Land Act 1994* (the Minister) can request a LMP at any time, if considered necessary.

The following instances are the main reasons the Minister would request a LMP be prepared for the primary use of trust land:

- the trust land has sensitive/significant environmental, social or economic features/values;
- the current trust land use/s are largely unplanned or unmanaged; or
- the community has strong views on how the trust land should be used.

However, many more reasons other than those mentioned above, may apply, at the Minister's discretion. Although the Minister can request trustees to prepare a LMP for primary use applications, this is generally not a requirement. It is preferable that the trustee takes the initiative of preparing a LMP, because of the benefits that planning can bring to the trustee, the trust land and the community.

The LMP will provide the department with information to support an application for use of an area of trust land. The plan will also provide the State with a basis for ensuring the trustee, is maintaining the trust land for its gazetted/dedicated purpose on behalf of the State and to the State's satisfaction.

## Why prepare a Land Management Plan

### Fulfilling the duty of care

The *Land Act 1994* states that trustees have a 'duty of care' for the land in their trust. 'Duty of care' is all encompassing and requires the occupier of the land to:

- maintain the land in a good condition
- prevent land degradation and contamination
- implement good management practices
- avoid damage that can happen through unsuitable works
- protect natural attributes/features by ensuring inappropriate activities do not occur, such as poorly sited tracks which could result in soil erosion, grazing which can adversely impact the flora and fauna habitats, disturbance of acid sulphate soils which could pollute aquatic habitats and permit the absence of firebreaks which can allow bushfires to spread.

Through land management planning, trustees can define what this responsibility means to the trust land under their control and how that responsibility will be discharged.

### **Investigating secondary use**

Trustees may issue a trustee permit over part or the whole of trust land, which is consistent with the community purpose of the trust land and the prescribed requirements in the Land Regulation 2020. However, a trustee permit may be inconsistent with the purpose of the trust land if an approved land management plan identifies the potential impacts of the permit and states how the permit does not diminish the purpose of the trust land.

Trustees, with the prior approval of the Minister, may lease part or the whole of the trust land if the arrangement is in the public interest. A trustee lease for a secondary use must not diminish the purpose for which the trust land was set aside.

State or local government trustees may not need to obtain approval for a trustee lease. Please refer to the [Written authority no. 1, Trustee lease over trust land \(PDF, 152KB\)](#) for details available at [www.qld.gov.au/environment/land/state/reserves/trustee-leases](http://www.qld.gov.au/environment/land/state/reserves/trustee-leases).

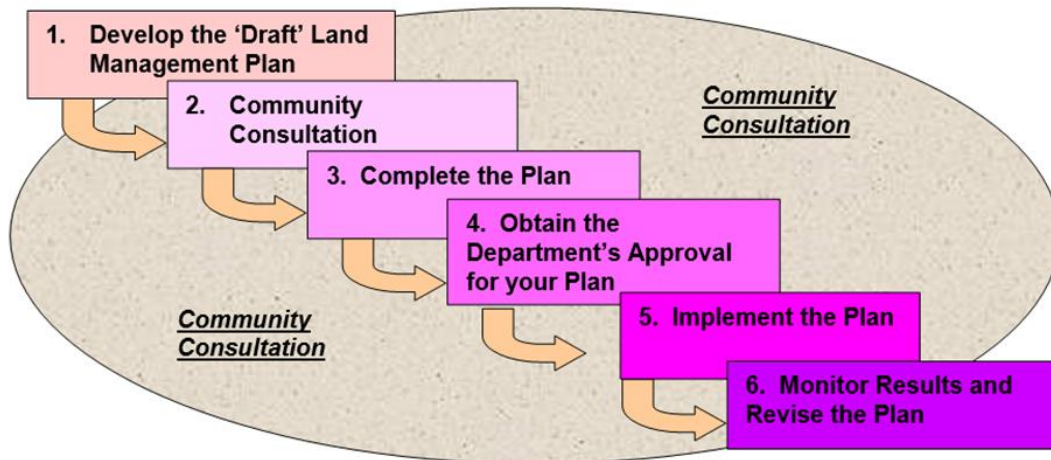
Such activities are referred to as 'secondary use' and a LMP must be prepared for the circumstances set out in [Land Act 1994](#) and [Operational Policy – Secondary use of Trust land under the Land Act - SLM/2013/493](#).

### **Benefits**

Through planning, trustees can identify measures to reduce costs and increase revenue. For example, a LMP can show where services such as roads and water pipes can be located most economically. A LMP might also include a schedule for efficient maintenance and can identify projects that may attract external funds such as energy-saving or water wise measures.

### **The process for preparing a Land Management Plan**

There are six (6) stages involved in developing an effective LMP. While community consultation is shown in the following figure as a separate stage in the planning process, it is considered the community consultation should occur throughout all stages of the process, as illustrated below:



## Develop the draft Land Management Plan

The LMP will be an important document outlining exactly how the trustee/s will address the ongoing management and enhancement of the trust land.

Where trustee leasing and a trustee permit is not consistent with the purpose of the trust land, consent by the Minister will be required to the trustee lease. A LMP will be required for the trust land where there is proposed to be an inconsistent trustee lease or trustee permit. LMP templates are available on the department's website at Land Management Planning.

A LMP will not be required for consistent uses on trust land unless requested by the department (e.g. for clarity on the capacity of the trust land) or if the trustee decides to prepare a LMP for the trust land.

Where the trustee considers it appropriate, the trustee will undertake Master Planning processes for its trust land.

Following are some of the steps involved in developing a draft LMP.

### Forming a working group

A working group can include stakeholder representatives of groups affected by the management of the trust land. The group should include the trustees, community representatives, etc. as required.

### Setting goals

The LMP should identify clear/concise goals and/or objectives, to provide a framework for detailed site planning, decision-making and implementation strategies. The goals need to reflect the trust lands capabilities and the community's priorities. Goals also must allow the trust land to be developed and maintained in accordance with its gazetted/dedicated purpose, the intended future use of the site and the relevant local government planning schemes. These could include goals for:

- maintenance of features and infrastructure
- capital development
- management of the State's interests (e.g. riparian zones)
- relevant issues (e.g. waste and noise management)

- referenced in other management plans (e.g. tree management plans and pest management plans).

## Assessing the environmental features

It is necessary to describe and analyse/evaluate the trust land's environmental features and capabilities from a social, ecological and economic point of view, so that a clear picture of the uses that are sustainable can be developed. Social attributes could include recreation, Aboriginal interest, historical sites and 'atmosphere'. Ecological attributes could include flora and fauna, proximity to waterways and landscape features. Economic attributes could include potential for fee revenue and likely costs for capital works and maintenance. The LMP should include an assessment of environmental issues such as:

- a description of the current uses (e.g.: structures and improvements), history, features, resources and condition of the trust land
- issues which need to be addressed including local or regional trends
- the identified impacts of the current use on and off site
- previous decisions by governments or the trustees, including Secondary Uses
- native title considerations.

## Evaluating alternative uses

Approval will not be given to a use of trust land which is either inappropriate for the capability of the land or would jeopardise the public interest in the land by a use which is substantially exclusive and/or commercial in nature. Inconsistent uses permitted, in accordance with [Operational Policy – Secondary use of Trust land under the Land Act - SLM/2013/493](#) are:

- Government buildings or parts thereof.
- Grazing for pasture management. However, secondary use of Camping Reserves and Water Reserves or similar trust land used by travelling stock adjacent to Stock Routes will not be allowed if the local government stock route network management plan precludes such secondary use.
- Where the proposed use of the land provides an essential community service or comprises essential utility infrastructure and does not diminish the purpose and amenity of the trust land.
- If the use is periodic/short term in nature e.g. as well as at show time, a showground reserve could be used for camping at other times but only for the travelling public and taking into account relevant issues including having regard to the department's [Caravan Park Policy SLM/2013/490](#) and [Secondary Use of Trust Land Policy SLM/2013/493](#).

Sound and realistic alternative uses should be evaluated and submitted to the community and other stakeholders for their input, as part of the community consultation. Offering alternatives to the community leads to a considered approach and more informed decision-making.

To decide appropriate options for how the trust land should be managed, it is necessary to consider the primary and secondary uses which most suits:

- the capability of the land
- best meets the needs of the local area community which it serves
- is consistent with the local government planning scheme.

The *most appropriate uses* are those which take into account significant features, site capabilities, community preferences and, of course, the purpose for which the trust land was set aside. The most appropriate uses must be ecologically sustainable and, as such, may not necessarily be the trust land's most intensive or most economically advantageous uses.

If the proposed use is considered to be inconsistent with the gazetted/dedicated purpose of the trust land, the trustee should confer with the department for further advice e.g. to change the purpose of the trust land to a more appropriate community purpose in keeping with the present or proposed use and future intentions of the trust land.

Evaluating alternative uses should be undertaken first for the whole trust land area and then in relation to the local area. For example, it may be more appropriate for the proposed secondary use to be located on another site, which may be more suitable for that use. This will yield a conclusion as to whether the original purpose of the trust land is still appropriate. It can usually be assumed that this is so, but in localities where urban development is advancing, it may be desirable to confirm this. If there is any doubt, the trustees should consult the department. If the current purpose is accepted, the range of possible uses within the trust land can then be evaluated.

One method of evaluating alternatives is to list the positive impacts compared with the negative impacts of each possible use in a matrix format. This should include social, as well as ecological and economic impacts.

### **Listing necessary actions**

The LMP should indicate all specific actions or strategies necessary to achieve the *most appropriate uses*. This component, which can be called an "action plan" or 'doing list', should indicate the actions necessary to manage impacts, such as:

- removal of rubbish
- erosion and weed control
- fencing and rehabilitation of bush vegetation
- capital works such as car parks, walking tracks, signage and landscaping
- maintenance
- any other actions that need to be undertaken as an outcome of issues identified.

A broad budget for approximately the next five (5) years can be included. NOTE: Do not include an annual budget in the LMP, as that would cause the plan to go out of date very quickly.

### **Drafting the Land Management Plan**

The LMP needs to be written in plain English, taking into account the findings from all of the above steps.



A base map should be prepared at a suitable scale and preferably from a satellite image or from aerial photographs or, for small sites, from the relevant survey plan. Features to be shown on the base map should include:

- physical / cadastral boundaries of the trust land (e.g: coastal, riverbanks, fencelines, etc)
- biophysical features such as drainage lines and wetlands, ponds or lakes, vegetation, pest plants, hills, ridgelines, rocky outcrops, flood line
- all built features including walking tracks, routes for vehicular traffic, access points, car parks, buildings, overhead powerlines, underground pipelines, etc
- any easements.

Additional maps and overlays can be used to indicate different categories of information including the intended uses/alternatives, any facilities to be constructed, surrounding land use/s, etc.

## Community consultation

Community participation in the planning process will lead to community support and ownership for the trustees' program. The community should be made aware that a LMP for the trust land is being prepared. Some ways of consulting with the community are to:

- Publishing the draft LMP on the trustee's website
- Place a notice in the local/online newspaper, with a contact name and relevant phone number
- Hold a public meeting to show the draft LMP to interested members of your community
- Leave copies of the draft LMP on public display at various places (e.g: local libraries, government offices, shopping centres, etc) for people to see the plan and comment on it prior to completion
- Consult experts such as local naturalists or historians who can contribute technical knowledge about the trust land
- Consult government departments and the relevant local government who have regulatory responsibilities (particularly local government town planners, open space/recreation planners and engineers regarding future planning intentions for adjoining areas, future infrastructure, etc).

If there are divergent views among the trustees or the community about how the trust land should be managed, they should, where possible, be resolved during this consultation phase.

All issues raised during the consultation step should be recorded and the key points that emerged (e.g.: what the issues were and how they were resolved/addressed) should be referenced in the LMP.

## Completing the Land Management Plan

To ensure the plan contains all the necessary information for the department to consider the proposal, complete the checklist below.

Task or Aspect of your Land Management Plan	Yes / No
Have you completed the assessment?	
Is further field work required?	

Are additional supporting studies required?	
Do the base maps (at a suitable scale) show all the relevant features?	
Are the overlays clearly showing the planned uses?	
Do the goals/objectives for the site reflect its land capability?	
Do the goals/objectives for the site reflect the community's priorities? Has the community had sufficient opportunity to provide input?	
Is the plan consistent with the Local Government policies and planning scheme?	
Have alternative uses been evaluated? That is, has the most appropriate use/s been determined?	
Is there a strategy and timetable for monitoring the implementation of the plan and updating it?	

## Obtaining the department's approval to the Land Management Plan

The LMP should then be submitted to the department for approval. The department will evaluate the LMP by taking into consideration all factors presented that will impact on the capability and quality of the trust land and how these impacts will be managed. The trustee will be requested to provide additional information or make improvements to the LMP, if the department considers this necessary.

## Implementation of the Land Management Plan

Once approval has been given, the work the trustee must perform to manage the trust land now commences in accordance with the LMP. If applicable, trustees are to advise lessees of the content of the LMP for the relevant trust land and ensure that the lessee does not undertake actions or seek to gain any licences (for example liquor or gaming licences) which are inappropriate to the plan and the community use of the trust land.

## Monitoring and revising the Land Management Plan

The LMP is not static, but requires monitoring and reviewing at appropriate intervals/times. For example:

- the 'goals'/'objectives' section of the plan should be reviewed approximately every 5 years
- the action component should be updated annually
- an inspection of the trust land and an evaluation of the progress made in implementing and complying with the LMP should be performed annually.

The monitoring and revision step is all about continuous improvement i.e: the review process may require going back to Step (1) to establish some new goals and revising the whole process again as the need arises. *NOTE: It is not the LMP, but the LMP planning process which is important and which continues from month to month and year to year. The LMP is simply the record of the LMP planning process, which is under way at a particular time.*

## Land Management Plan templates

### Where a Master Plan has been prepared for trust land

- Where a Master Plan has been prepared for the trust land and where the trustee seeks approval of the LMP under the Act, the Master Plan will form the basis of the LMP and is to be attached as an Appendices to the LMP template (trustee undertaken master plan), when submitting for approval.
- Rationale: The Master Planning process will have considered broader community requirements and included a suitable level of public consultation. Submissions put forward by the community and stakeholders will have been considered by the trustee in its resolutions.

### For all other LMPs

- For all other LMPs, the LMP template (trustee has not undertaken master plan) is to be applied. This LMP format will provide details about the trust land (e.g. description and location) and will highlight existing and proposed uses and community consultation details.
- Rationale: Management of trust land for its dedicated purpose is the responsibility of the trustee. The department will rely on the trustee in its role as trustee to have undertaken an appropriate level of planning to determine the capacity of the trust land, any multi-use opportunities and the community's interests and aspirations for particular uses in particular locations. The trustee also should address any community concerns relating to any proposed secondary uses on the trust land. The trustee will identify the level of consultation required and will advise on the outcomes of the consultation and confirm that the Trustee has addressed any feedback received. Where the trustee has not undertaken community consultation then the trustee will include comment on why this has not been considered necessary.

## Legislation

*Land Act 1994*

Land Regulation 2020

## Related documents

[Operational Policy – Secondary use of Trust land under the Land Act \(SLM/2013/479\)](#)

[Caravan Park Policy \(SLM/2013/490\)](#)

## Human Rights

The department is committed to respecting, protecting and promoting human rights. Under the *Human Rights Act 2019*, the department has an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights. To the extent an act or decision under this document may engage human rights under the *Human Rights Act 2019*, regard will be had to that Act in undertaking the act or making the decision.

## Further information

- Contact your nearest business centre ([https://www.resources.qld.gov.au/?contact=state\\_land](https://www.resources.qld.gov.au/?contact=state_land)), or
- Refer to <https://www.qld.gov.au/environment/land/state>, or
- Call 13 QGOV (13 74 68)