

<p>ORDINARY MEETING</p> <p>10 FEBRUARY 2015</p>	<p>5.1</p>
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PORT DOUGLAS TENNIS CLUB INC. CONSTRUCTION OF GRASS TENNIS COURT-PART OF LOT 18 ON CROWN LAND PTD 20939 REYNOLDS PARK

Robert Donovan: Property Officer #438827

Darryl Crees: General Manager Corporate Services

RECOMMENDATION:

That Council resolve:

1. **To give preliminary approval to the application submitted by the Port Douglas Tennis Club to construct a grass tennis court on the north side of the property boundary abutting existing tennis courts in accordance with the sketch plan (Attachment 3) on part of Lot 18 PTD 20939 and subject to:**
 - **All costs associated with the construction of the grass tennis court to be the sole responsibility of the Port Douglas Tennis Club.**
 - **Council being advised in writing prior to the commencement of works.**
 - **Construction of a safety barrier/fencing around the area prior to the commencement and for the duration of the works.**
 - **All works to be confined to the area shown on the sketch submitted to Council 19 December 2014.**
 - **The existing sewer manhole abutting the proposed “pure” grass tennis court to remain accessible all times.**
 - **The Port Douglas Tennis Club to be responsible for any and all costs of the grass court reinstatement should Council need to excavate and repair sewer main.**
 - **The Port Douglas Tennis Club being advised the allotment is subject to Native Title Determination.**
 - **All works to be completed in a good and workmanlike manner by qualified tradesperson and the area is to be left in a clean and tidy condition once the works are completed**
 - **The Port Douglas Tennis Association being advised that Council will not be responsible for the cost of works, maintenance and compensation to the club or any successor, or to repair or restore the works.**
 - **This resolution is also subject to Ministerial approval being granted under the Land Act 1994 as per clause 21.7 of the current lease.**

2. To delegate authority to the Mayor and the Chief Executive Officer in accordance with section 257 of the *Local Government Act 2009* to negotiate, determine or resolve any and all matters associated with this preliminary approval..

EXECUTIVE SUMMARY:

The Port Douglas Tennis Club Inc. is seeking permission to construct a grass tennis court on the northern side of the allotment abutting existing tennis courts. This new tennis court will be used to cater for increasing membership of the club. The existing tennis club facilities are located on Reserve of Recreation Purposes, R 137 part of Lot 18 Crown Land PTD 20939 of about 2.77ha of which Douglas Shire Council is Trustee. (See Attachment 3: location plan). The club has held the present lease from 10/06/1981 with the current lease to expire on 31/12/2018

BACKGROUND:

In December 2014 the Port Douglas Tennis Club secured funding through the 'Get Playing Program', for the construction of a new grass tennis court. It is understood from conversations with Department of National Parks, Recreation, Sport and Racing that these funds will be required to be expended within 12 months of the funding approval date. In June 2012 the funding application was supported by the then Division 10 Councillor Julia Leu (Attachment 1).

On 19 December 2014 Douglas Shire Council received a letter of request from the Port Douglas Tennis Club to construct a "pure grass" tennis court on the above allotment (Attachment 2).

The Department of Natural Resources and Mines (DNRM) has advised that further to the wording in clause 21.7 of the current lease, the Minister's approval would be required under the Land Act 1994. Please note wording on the Lease states: *the Lessee must obtain Minister's approval prior to the construction or placement by the Lessee of any Lessee's Improvement on the Premises.*

COMMENT:

A Native Title Determination Application QUD 602/2012 by the Yirrgandji People was lodged in the Federal Court on 20 December 2012 over Lot 18 PTD20939 which includes the parcel of land that the Port Douglas Tennis Club occupies.

Staff have been working on the Application to identify and establish that a "public work" had been completed prior to 23 December 1996.

Under the Native Title Act 1993 a "public work" means;

Any of the following that is constructed or established by or on behalf of the Crown, or a local government or other statutory authority of the Crown, in any of its capacities:
a building, or structure (including a memorial), that is a fixture; or

- a, road, railway or bridge; or
- where the expression is used in or for the purpose of Division 2 or 2A of Part 2A stock route; or
- a well, bore for obtaining water; or

- any major earthworks; or
- a building that is constructed with the authority of the Crown, other than on a lease.

Staff have identified documentation to support that a “public work” has been completed prior to 23 December 1996 which should extinguish Native Title however the outcome of this Application will not be known for some time.

PROPOSAL:

The addition of a grass tennis court will improve and enhance the skills of the players and help grow the club.

CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE:

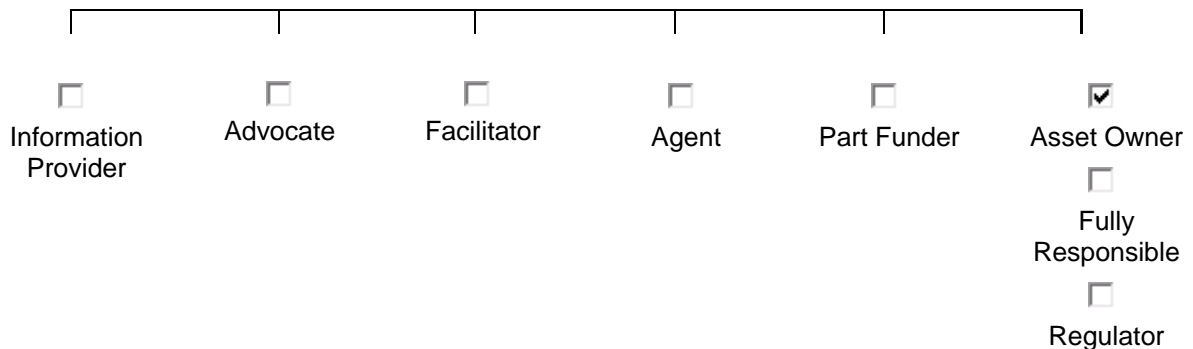
This report has been prepared in accordance with the following Corporate Plan 2014-2019 actions:

- 1.1.4 Support and encourage a healthy, active and capable region through sporting, cultural and recreational opportunities, and community wellbeing initiatives.
- 1.1.5 Support local non-profit community, sporting and cultural organisations to build their capacity.
- 1.3.4 Provide and enhance community facilities and opportunities that cater for the arts, recreational and cultural pursuits.

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.
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FINANCIAL/RESOURCE IMPLICATIONS:

All costs associated with the construction of the grass tennis court will be the sole responsibility of the Club and therefore have no implications for Council's budget.

RISK MANAGEMENT IMPLICATIONS:

Proposed works are contained within the current leased area.

SUSTAINABILITY IMPLICATIONS:

ECONOMIC: No Impact

ENVIRONMENTAL: No Impact

SOCIAL: Supports recreational goals of the Corporate Plan and will improve the amenity and functionality of the facility.

INTERNAL/EXTERNAL CONSULTATION:

Manager of Development & Environment

Use is outdoor recreational and consistent with continuing use of the land.

Manager Water and Wastewater

Not opposed to application.

Coordinator Public Places

Not opposed to application

DNRM

Advice on Ministers approval

ATTACHMENTS:

Attachment 1: Request to construct grass tennis court.

Attachment 2: Letter of support for funding

Attachment 3: Location Plan

Attachment 1: Request to construct grass tennis court.



DOUGLAS SHIRE COUNCIL	
Received	
File Name:	CP Design Sports Rec
Document No.	
19 DEC 2014	
Attention:	RJD
Information:	

CEO
 Ms Linda Cardew
 Douglas Shire Council
 PO Box 723
 Mossman, Qld 4873

18 December 2014

Dear Ms Cardew,

I am President of the Port Douglas Tennis Club.

The first thing I wish to say is....thank you again for offering the community grant programme. Our programme was titled "Everyone Can Play". It has been hugely successful. Over 100 people applied, age range 4-74 years, and we ended up taking 82 players. (The grant was for 56 people). There has been a big influx of activity at the club since the programme began in early October.

The club can see that there is a need for expansion and the cheapest and easiest way to do this is to add a new grass court.

I believe that the proposed location is above a deep sewer or drain. The proposed "pure" grass court of course is made up of only earth and grass. The club would be prepared to cover the cost of repairing the court should the council need to dig in this area due to a "drain problem".

But before the club continues with these plans and ideas, the club would need to know if the council had any objections to the laying down of a pure grass court in that location.

For the time being, and to not lose extra time, would you mind keeping contact directly to me ?

My home contact details are:

Email tennal@activ8.net.au

Tel 40941505

Postal address 13 Pashen Rd, Julatten, Qld 4871

Sincerely,

Alan Lane.

Attachment 2: Letter of support for funding

Our Ref: nsb #3626045

Mrs Katie L'Estrange
Treasurer
Port Douglas Tennis Club
Email: katie-shjohn@bigpond.com

18th June 2012

Dear Katie

**Re: Letter of Support for Port Douglas Tennis Club
Funding Application for Resurfacing of Tennis Courts and
Conversion of Basketball Court to Tennis Court**

I am very pleased to provide this letter of support for the application by the Port Douglas Tennis Club for funding to resurface the courts and to convert an unused basketball court to a much-needed 4th tennis court.

The Port Douglas Tennis Club is strongly supported by the community from Clifton Beach to the south, all the way to the Daintree, incorporating the town of Mossman. The Club has approximately 60 adults and 40 junior club members with over 120 juniors and 20 adults in the coaching programs. Other community user groups include the Port Douglas State School, Seniors Social Club, squad matches from other small rural clubs and also holiday makers who book the courts through their accommodation houses.

After almost 10 years of heavy usage, the synthetic grass is beginning to wear into holes in places, requiring patching and repair. The courts are creating a dangerous surface for the players and are now in desperate need of resurfacing.

Due to the continued growth of the Club, a fourth tennis court is required and I understand the Club is proposing to convert the disused basketball court for this purpose and undertake the resurfacing of all the courts at the same time.

I whole-heartedly support this funding application and kindly ask that it be given favourable consideration. My sons were both members of the Club until they relocated for university studies and I am well aware of the many benefits this sporting avenue provided to them and all participants.

Should you require any further information in relation to this matter, please do not hesitate to contact me on telephone 0488 987 066.

Yours faithfully



Councillor Julia Leu
Division 10

Attachment 3: Location Plan

