

<p><b>ORDINARY MEETING</b></p> <p><b>7 OCTOBER 2014</b></p>	<p><b>5.8</b></p>
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**PROPOSED SHED – PORT DOUGLAS SPORTS COMPLEX – PORT DOUGLAS FOOTBALL CLUB INC**

Rebecca Assman, Manager Governance: #429788

Darryl Crees General Manager Corporate Services

**RECOMMENDATION:**

That Council resolves to:

1. give preliminary approval of the application to erect a shed to the rear of the Port Douglas Sports Complex, Wharf Street, Port Douglas, generally in accordance with Hunt Design drawing submitted 26 September 2014 and NQ Sheds and Patios Pty Ltd elevations dated 3 February 2014 excluding the verandah roof subject to the following conditions:

- All development, building and plumbing approvals are required prior to the commencement of works.
- Council is to be advised in writing prior to commencement of works.
- A safety barrier/fencing is to be erected around the area prior to commencement and for the duration of the works.
- All works are confined to the area shown generally on Hunt Design drawing submitted to Council on 26 September 2014.
- All works are to be completed in a good and workmanlike manner by qualified tradespeople.
- The area is to be left in a clean and tidy condition once the works are completed.
- Council is not responsible for the cost of the works, maintenance, compensation to the Club or any successor, or to repair or restore the works.
- The following documents must be submitted to Council before commencing to use the shed otherwise this preliminary approval lapses and use of the shed will revert to Council:
  - a. Final inspection certificate;
  - b. Certificate of classification as a class 10 building;
  - c. Certificate(s) of insurance for:

**i. Building;**

**ii. Public liability for \$20,000,000.00;**

**and will nominate Douglas Shire Council and the State of Queensland as co-insurer parties as the trustee and owner of Lot 99 on SP150469.**

- **The Club is to make application to Council for appropriate tenure, the application to be held in abeyance pending the preparation of a Land Management Plan for Reserve for Recreation Purposes R. 1256 Lot 99 SP150469.**

**2. delegates authority to the Mayor and Chief Executive Officer in accordance with section 257 of the Local Government Act 2009 to negotiate, determine or resolve any and all matters for the proposed shed including form, appearance and location of the works.**

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**EXECUTIVE SUMMARY:**

Port Douglas Football Club seeks permission to erect a shed at the rear of the Port Douglas Sports Complex, primarily for the storage of players' equipment, and for the washing of players' garments. The Sporting Complex is located on the Reserve for Recreation Purposes R.1256 Lot 99 SP150469 of about 14.87ha, of which Douglas Shire Council is Trustee.

The Club was possibly the first established sporting user of the Reserve paying for use since at least 1997. Sporting club use is consistent with the purpose of the Reserve.



## **BACKGROUND**

In May 2012 AFL Cairns submitted an application to Cairns Regional Council (CRC) on behalf of Port Douglas Junior AFL for a letter of support for a Gambling Community Benefit Shed Application, construction of shed at a cost of \$31,859 at Port Douglas Sports Complex. CRC provided the letter of support subject to conditions about tenure, future maintenance and repair provisions and being satisfied as to the works.

Douglas Shire Mayor and Councillors considered various options for the location and design of the proposed shed, mindful that it should not create any adverse visual impact on the existing Clubhouse of its curtilage. Respecting the moral rights of the architect of the Clubhouse, officers consulted Gary Hunt of Hunt Design. The proposal in this report has the endorsement of Hunt Design as being appropriately located from an architectural perspective. The current users support the proposal to erect the shed as it will provide much needed storage space. The addition of a training wall adjacent to the shed is welcomed by the netball users.

Approval is now being sought for the erection of the shed on site. A meeting of the end users of the Port Douglas Sporting Complex was held in August 2014 to seek consultation on the needs of all users, including the provision of additional storage. The users in attendance at this meeting were supportive of the approval. After this meeting, the issue was discussed at a further Council workshop and Councillors were briefed on the proposal.

## **PROPOSAL**

Application has now been made to Council for permission to erect the shed. The application is supported by –

- 1) a letter of 17 January 2014 from the Community Benefits Funds Unit to Port Douglas Football Club Incorporated as to deposit of \$31,818.18 (plus GST if applicable) to the Club's bank account and that the Club has up to 12 months to spend the sum
- 2) letters of 30 January 2014 and 3 February 2014 proposing to erect a shed
  - (a) per quote 53961 of 14 January 2014 from NQ Sheds and Patios Pty Ltd for a building of dimensions 12m length, 6m width and 3m height with a roof over a 'verandah' of width of 3m
  - (b) on the 'former caretakers caravan pad shed'
  - (c) include a laundry trough for the washing of player's garments
- 3) the site and form of the shed was the subject of site inspection and discussion with Councillors including that the shed be located behind the existing building the front of which faces the oval
- 4) Hunt Design site plan received on 26 September 2014 of –
  - (a) proposed steel framed shed
  - (b) nominally 3m high, 12m length and 6m width
  - (c) showing the fall of the roof for drainage
  - (d) set back 3m from the rear of the existing building
  - (e) a 4.1m setback from the end of the existing building
  - (f) the area between the shed and existing building to be exposed aggregate pathway
  - (g) an 8m long, 3m high block wall at one end with the notation "Concrete Slab by Netball"
 including Note 1 which says "Block wall to be rendered & painted to match clubhouse walls"
- 5) extract of order 53961 of 3 February 2014 from NQ Sheds and Patios Pty Ltd

**CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE:**

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

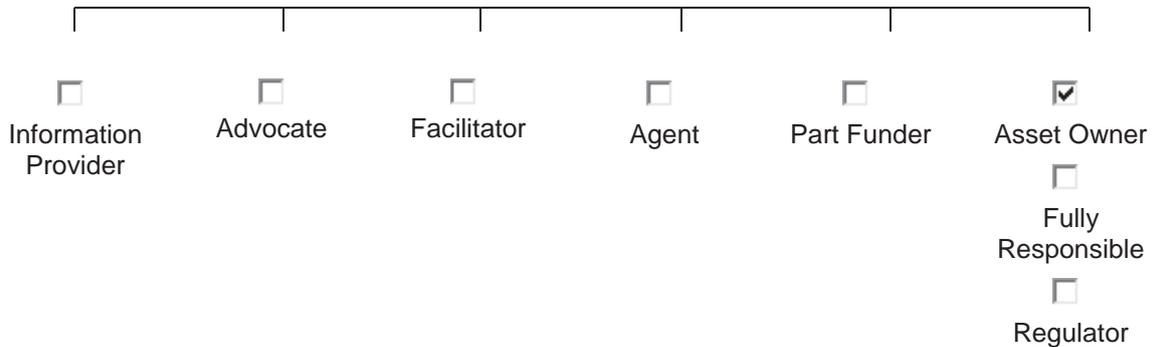
*1.1.4 Support and encourage a healthy, active and capable region through sporting, cultural and recreational opportunities , and community wellbeing initiatives.*

*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.



<b>Asset Owner:</b>	Meeting the responsibilities associated with owning or being the custodian of assets such as infrastructure.
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Council's role is defined as Asset Owner to meet the responsibilities associated with owning or being custodian of assets. In respect of Reserve for Recreation purposes R.1256 Council is the custodian for the State of Queensland and Department of Natural Resources and Mines is the nominal owner. The State refers to Council as the trustee of the Reserve. The State describes Council's roles; responsibilities and powers as a trustee for the reserve in full detail on the NRM website.

**FINANCIAL/RESOURCE IMPLICATIONS:**

DNRM requires Council to hold adequate public liability insurance for the benefit of the trustee and any member of the public who may use the trust land. Where the public still have the right of access to the land, or the activity conducted will be open to members of the public and/or have a level of risk, sufficient protection for the State and the public is required. Public liability insurance is a mandatory requirement.

The cost of this insurance is to be paid by the Club.

**RISK MANAGEMENT IMPLICATIONS:**

Public liability insurance protects the Club, Council and the State association if a person suffers:

- an injury
- damage to their property.

For example, due to an incident that takes place on the area including the shed.

The risk of a sport club managing the erection of the shed is partly ameliorated if the Club committee has good procedures in place, including for example, complying with the obligations of an incorporated association by ensuring the association reports to the Office of Fair Trading by:

1. lodging an annual return (you will be sent a lodgement form each year)
2. notifying the Office Fair Trading about any changes of:
  - a. office bearers (president, treasurer or secretary)
  - b. the association's postal address
  - c. the secretary's residential address
  - d. making sure that these reports don't contain or omit anything to make them false or misleading.

As noted earlier the applicant is the long term dominant user of the complex.

**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 facilities.

**INTERNAL/EXTERNAL CONSULTATION:**

The Mayor and Councillors, all users of the Port Douglas Sports Complex, and the original architect have met on site at various times to discuss the proposed shed and future use of the sports facility. Consultation with users is reflected in the Hunt Design drawing through the inclusion of a block wall and adjoining slab for use by the Netball Club.

A Land Management Plan is required by DNRM when Council applies for approval to grant a lease or permit over part of the Reserve. The process for developing an effective Plan includes the formation of a working group with stakeholder representatives of groups affected by the management of the Reserve; together with community consultation.

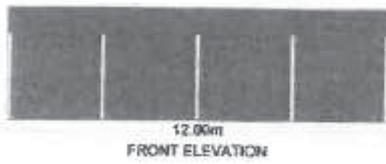
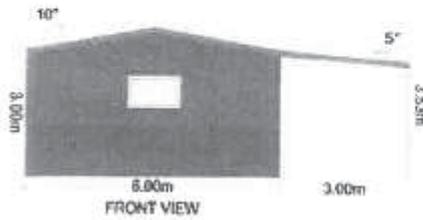
**ATTACHMENTS:**

1. Elevations NQ Sheds and Patios Order 3 February 2014
2. Drawing Hunt design 26 September 2014

ATTACHMENT 1: ELEVATIONS NQ SHEDS AND PATIOS ORDER 3 FEBRUARY 2014



<b>NQ Sheds and Patios Pty Ltd</b>		<b>Order</b>
ABN: 79 142 579 619	Phone: 07 4038 3900	No: 53961
Address: Shop 43 / 5 Faculty Close Smithfield QLD 4878	Fax: 07 4027 9613	Date: 03/02/2014
Email: enquiries@nqsheds.com.au	Lic No: QBSA-1201601	
Web: www.nqsheds.com.au		

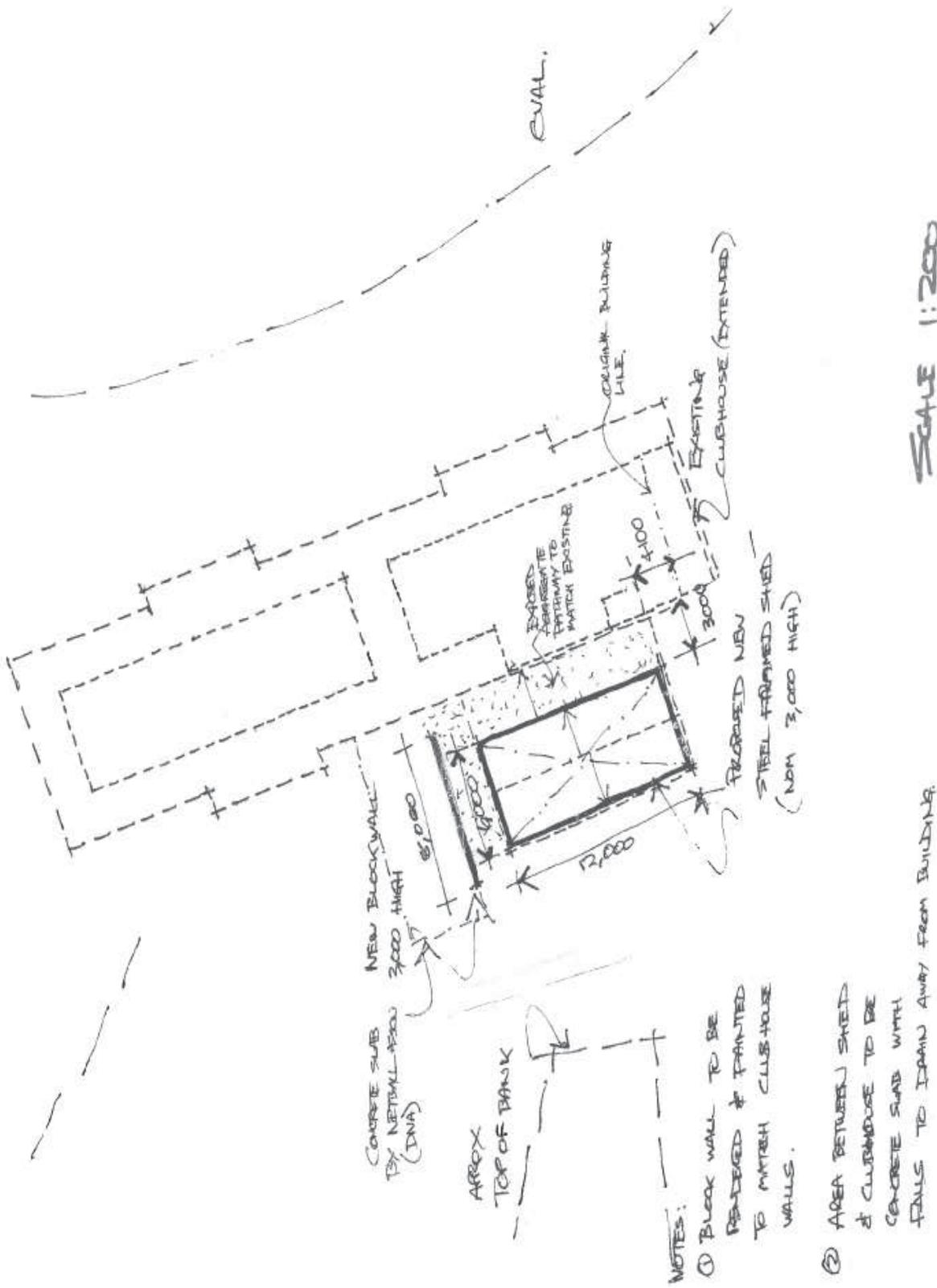


SHEDTECH ENG. DEPT.		
CHECKED BY ST	INITIAL	DATE
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ATTACHMENT 2: DRAWING HUNT DESIGN 26 SEPTEMBER 2014



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