

### **5.3. CONSIDERATION OF PLAYGROUND PROPOSED AT 49 MILMAN DRIVE, CRAIGLIE**

<b>REPORT AUTHOR</b>	Daniel Favier, Project Manager Open Spaces
<b>MANAGER</b>	Michael Kriedemann, Executive Manager Infrastructure
<b>DEPARTMENT</b>	Infrastructure

#### **RECOMMENDATION**

**That Council resolve to:**

- 1. Proceed with the installation of the playground at 49 Milman Drive, Craiglie and work with the concerned residents to ensure any impacts on amenity are minimised; and**
- 2. Notify the head petitioners of the Council resolution.**

---

#### **EXECUTIVE SUMMARY**

The Public Spaces Team have proposed the construction of a Junior Playground consisting of a swing set, seesaw, junior climbing apparatus and rubber softfall safety matting (the 'Playground') on land at 49 Milman Drive, Craiglie. The land is currently owned by Council Douglas Shire. The proposal to locate a playground at this location is a result of the local community requesting a playground within the estate via a petition received in 2017 and again in 2018.

In the 2019/2020 Budget, Council allocated funding towards the Playground Renewal Program. The site at 49 Milman Drive, in addition to nine other parks, were selected for new playground equipment. Council awarded a supply and install contract in January 2020 to Willplay Pty Ltd for the Playground Renewal Program.

Following a media release and information leaflet drop, some residents within Craiglie signed and lodged a petition with Council against the project.

It is Officers recommendation that Council proceed with the installation of the Playground at 49 Milman Drive, Craiglie and work with the concerned residents to ensure any impacts on amenity are minimised as far as practically possible and to the extent within Council's capacity.

#### **BACKGROUND**

Council has received two petitions in relation to the installation of a playground at 49 Milman Drive, Craiglie. The proposal to locate a playground at 49 Milman Drive was established in response to a request from residents, initially in July 2017, and again in January 2018. The request was supported by a petition signed by 37 residents.

Within the 2019/2020 Budget funding was allocated for the Playground Renewal Program. Construction of a new Playground at 49 Milman Drive was included within this program.

At the Ordinary Meeting of Council held on 21 January 2020, Council resolved to award the Playground Renewal Program 2019/2020 Contract to Willplay Pty Ltd.

A media release in relation to the overall project, and a letter drop specifically within the locality of Milman Drive on the 30 January 2020 prompted a petition opposing the location of the playground at 49 Milman Drive. The petition included 11 signatures and was tabled at the Ordinary Meeting of Council held on the 10 March 2020. Subsequently, Council received 39 emails from residents reaffirming support for the proposed playground at 49 Milman Drive.

Around the same time, there was a front page article in the Port Douglas and Mossman Gazette reporting residents supported the playground.

Officers met with the Principal Petitioner against the Playground on the 30 March 2020 to discuss issues and possible alternative sites raised by the Principal Petitioner. When Officers met with the Principal Petitioner possible mitigation measures to minimise perceived impacts on amenity were discussed, however the Principal Petitioner maintains their opposition to the project in the proposed location.

The matter was discussed at a Council Workshop on the 21 April 2020. Additional discussions were held with Council at the Workshop on the 19 May 2020.

## COMMENTS

The property at 49 Milman Drive, is freehold land owned by Council since November 2015. The land was transferred directly to Council by the developer at the time the Port Pacific Estate was created.

The land area is 958m<sup>2</sup>, relatively level and supports existing wastewater infrastructure (manhole and underground services) as well as a rain monitoring gauge. There is some scattered immature landscaping, however the site remains relatively open. On a separate title to the rear of the site is a Council wastewater pump station.

Under the Douglas Shire Planning Scheme 2018 (the 'Planning Scheme') the land is included within the Low Density Residential Zone. Under the Planning Scheme a 'Park' land use within the 'Low Density Residential Zone' is 'Exempt' development. This essentially means a 'Park' land use is an acceptable use for the site under the Planning Scheme.

Council adopted the Open Spaces Strategy in July 2019. This strategy outlines, among other matters, minimum standards for open spaces. It's recommended, within the strategy, that a Local Park has a minimum area of 0.5ha (5,000m<sup>2</sup>) with a preferred area of 1ha (10,000m<sup>2</sup>).

Officers acknowledge that the subject site at 49 Milman Drive does not satisfy this minimum standard, however note that the site was identified prior to the adoption of the Open Spaces Strategy, was a result of the community petition and is the only available Council owned land in the part of the estate.

Officers further note there are other small 'pocket' parks with playground equipment around the Shire which seem to function harmoniously, including for example: David Jack Park (592m<sup>2</sup>) on Jack Street - Mossman; and the North Mossman Park (1,525m<sup>2</sup>) on Atherton Street - Mossman. There are other notable playgrounds located in reasonably close proximity to residential houses including Forest Glen Park - Mossman.

During two Councillor Workshops, Officers explored with Council a possible alternative site within Stage 1B of the approved adjoining subdivision by Port Douglas Lands Developments Pty Ltd, refer to Figure 1 below.

Please note the Master Plan image within Figure 1 is conceptual only, so attached below is an extract of the proposed Landscaping Plan, which more accurately depicts the park boundaries, refer to Figure 2.

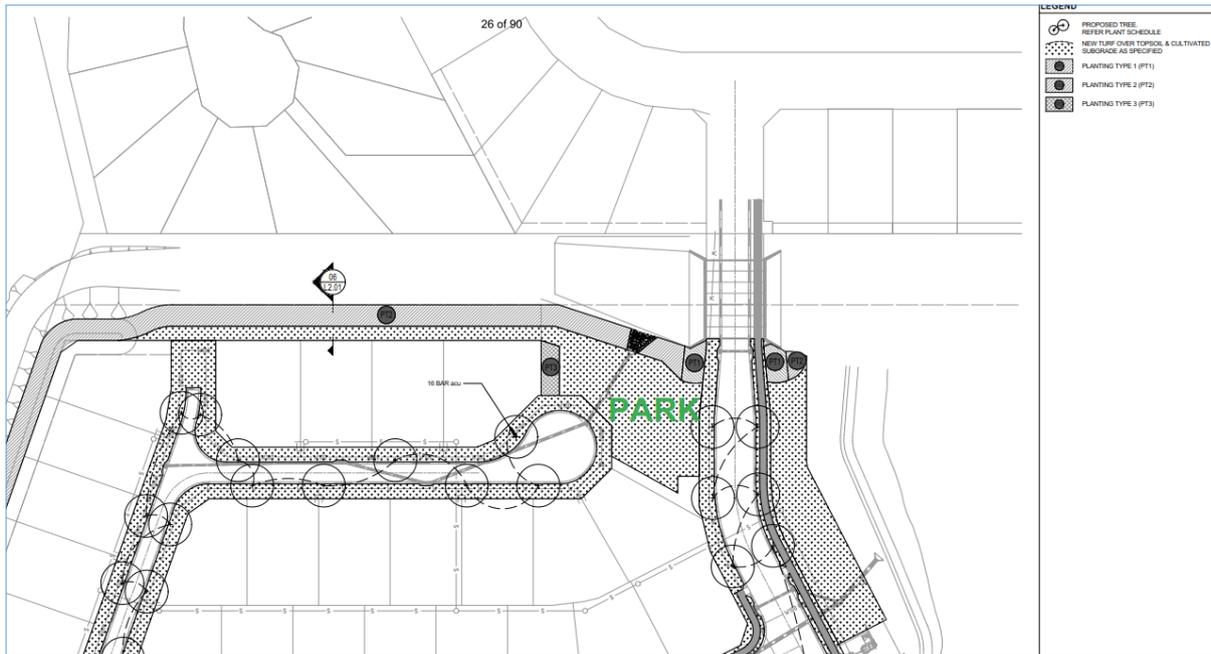
The landowner has received a Development Permit for Reconfiguring a Lot for the initial two stages of the development - Stage 1A and 1B. Council decision on the Development Application for an Operational Works Permit is still pending.

If Council resolves to suspend the installation of equipment at 49 Milman Drive, Officers would recommend against making a commitment, at this time, to install playground equipment within Stage 1B of the future subdivision.

The timing for the construction of the subdivision is uncertain and in addition, this site does not satisfy the minimum standards of the Open Space Strategy. There are larger tracts of open space land within the Master Plan which may better provide for outdoor recreational opportunities.



Figure 1: Extract from approved Master Plan



**Figure 2: Extract from proposed Landscaping Plan (approximately 1,000m<sup>2</sup> level turf area)**

The proposed playground is a “Junior Playground” design and includes a seesaw, swing set and climbing unit surrounded by rubber safety softfall, refer to Figure 3 below. There are no particular audible components associated with the playground.

The site at 49 Milman Drive was inspected by the Contractor, prior to the design of the Playground. The Playground has been designed with site constraints and population demographic considerations.

The overall height to the roof of the climbing unit is 3.2m. The lower deck is approximately 800mm above ground level and the upper deck is approximately 1,150mm above ground. The Playground can be orientated onsite to reduce impact on surrounding amenity.

Officers have recommended orientation of the Playground to maximise separation to the adjoining property at 51 Milman Drive (14m to the edge of softfall, and approximately 20m to the edge of the climbing unit), refer to Figure 4.

Additional landscaping can be planted to provide privacy screening to adjoining properties and fencing to channelise pedestrians and restrict any unauthorised vehicle access.

Officers anticipate the Playground will likely be mostly utilized by parents with young children during the mid-mornings and late afternoon hours (non-school age) and also parents with school age children after school. During the weekend the Playground may experience higher usage, however it is not proposed at this stage to place a shade sail over the Playground, which in effect will regulate the hours of use.

Given the size and location of the 49 Milman Drive site, this is not expected to generate vehicle traffic or on-street parking issues. This will be a ‘walk to’ playground serving the immediate local residents.



Figure 3: Playground Perspective View



Figure 4: Proposed Playground orientation

## PROPOSAL

That Council resolve to:

1. Proceed with the installation of the Playground at 49 Milman Drive, Craiglie and work with the concerned residents to ensure any impacts on amenity are minimised; and
2. Notify the head petitioners of the Council resolution.

## FINANCIAL/RESOURCE IMPLICATIONS

Council has entered into a supply and install contract with Willplay Pty Ltd to undertake construction of playground infrastructure across ten parks. Where Council resolves to suspend the installation of the Playground at 49 Milman Drive and locate the playground within another park this may attract a financial variation to the contract, subject to negotiation with the contractor.

If Council resolves to suspend the installation of the Playground at 49 Milman Drive, Officers recommend it would be beneficial, under the current installation contract whilst the contractor is mobilised in the area, that this equipment is utilised and installed within another high priority Council Park for example, at Forest Creek Park - Forest Creek.

If the equipment is placed in storage there is the risk this equipment will deteriorate and warranty periods may be reduced.

## RISK MANAGEMENT IMPLICATIONS

Officers identify the following risks:

1. If Council suspends the installation at 49 Milman Drive, a variation to the current contract will be required which will affect timeframes and cost (to be negotiated);
2. If Council suspends the installation at 49 Milman Drive, an alternative site and further negotiations with residents and the Contractor would be required prior to ordering the new works. This may affect time and cost;
3. If Council suspends the installation at 49 Milman Drive, there is no certainty around timing of the construction of the next stage of the subdivision. Representatives for the develop have indicated work may begin at the end of 2020 but this is out of Council's control;
4. If Council suspends the installation at 49 Milman Drive, the residents who supported the playground will be disappointed; and
5. If Council resolves to install the playground at 49 Milman Drive, the residents who oppose the playground will be disappointed.

## SUSTAINABILITY IMPLICATIONS

**Economic:** Nil

**Environmental:** Nil

**Social:**

There is a demonstrated current community need and desire for a Playground within the locality of Milman Drive through the receipt of two petitions and various emails of support. The proposal for a Playground at 49 Milman Drive has generated a petition opposing the project due to concerns around the impact on residential amenity.

There are no other practical or appropriate sites available at this stage to satisfy the current need and desire for a Playground.

Concerns are raised by residents that the construction of a Playground at 49 Milman Drive will encourage greater unlawful and anti-social behaviour in the area. The Playground will be located as close as practical to the road and will be illuminated in the evenings by existing street lights on Milman Drive and Jival Jival Streets. Council can mobilise portable security cameras if dumping and vandalism presents as an issue, however unlawful behavior should be reported to the Queensland Police Service.

The area is currently used by families and individuals for outdoor recreation i.e. officers have observed a mobile basketball ring and skate ramps within Jival Jival Street.

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

This report has been prepared in accordance with the following:

### **Corporate Plan 2019-2024 Initiatives:**

#### **Theme 1 - Celebrating Our Communities**

Douglas Shire Council embraces the diversity of our communities and values the contribution that all people make to the Shire. We recognise that it is a core strength of the region. We acknowledge our past so that it may guide us in the future.

We recognise the wrongs done to our Indigenous community and we actively seek to reconcile so that we may all benefit from and enjoy our Shire. We acknowledge early European settlers who forged an agricultural base for our economy and we welcome all new arrivals as part of our broader community.

**Goal 2 - We will deliver programs and services that protect and enhance the liveability of our beautiful Shire.**

#### **Theme 5 - Robust Governance and Efficient Service Delivery**

Strong governance and financial management are the foundations of the way in which Council will conduct its business and implement the initiatives of the Corporate Plan.

**Goal 1 - We will conduct Council business in an open and transparent manner with strong oversight and open reporting.**

**Goal 2 - We will put the customer at the centre of our service delivery and process improvement as we deliver efficient and appropriate services based on community expectations.**

## Operational Plan 2019-2020 Actions:

### 1.2.2 - Implement the Open Spaces Renewal and Revitalisation plan.

#### 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:

<b>Custodian</b>	Council owns and manages infrastructure, facilities, reserves, resources and natural areas. In fulfilling its role as custodian, Council will be mindful of the community, the economy, the environment, and good governance.
<b>Facilitator</b>	Council often brings stakeholders together on important issues, projects or for service delivery. In this role, Council can act as a mediator, connector, collaborator or initiator.
<b>Information Provider</b>	Council provides the community with important information on services, events, policies, rules, strategies, and any other relevant data that helps the community to stay informed. In performing this role, Council seeks to be open and transparent.
<b>Service Provider</b>	Council provides many services to the community from roads and waste services to libraries and recreational facilities. Services evolve over time and it is the Council's mission to ensure that these services are appropriate, delivered efficiently, and designed with the customer at the centre.

#### CONSULTATION

**Internal:** Council Workshop on the 21 April 2020 and 19 May 2020.

**External:** Council Officers met with the Principal Petitioner opposed to the Playground on the 30 March 2020 to discuss their position and concerns in relation to the proposed Playground and discuss opportunities to mitigate perceived impacts on their amenity. Notwithstanding the proposed mitigation measures proposed by Officers, the Principal Petitioner remains opposed to the Playground in the proposed location.

#### COMMUNITY ENGAGEMENT

A leaflet drop within the neighborhood was undertaken around the 30 January 2020.

#### ATTACHMENTS

Nil