

FINANCE & ADMINISTRATION COMMITTEE 16 MARCH 2011	3
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PROPOSED RESERVE FOR PARK AND RECREATION PURPOSES OVER UNALLOCATED STATE LAND DESCRIBED AS LOT 52 ON USL21656, GREENPATCH, GORDONVALE

Cheryl Dean 19/3/3-95: #3063250

RECOMMENDATION:

That Council:

- **advises the Department of Environment and Resource Management that it:**
 - **will accept trusteeship of the proposed reserve for park and recreation purposes to be created over unallocated State land described as Lot 52 on USL21656, Greenpatch, Gordonvale, subject to an easement for water supply purposes over existing water supply infrastructure located within the lot;**
 - **is prepared to enter into an Indigenous Land Use Agreement with the relevant traditional owners for:**
 - **the dedication of the reserve;**
 - **the future development of the reserve; and**
 - **the proposed easement for water supply purposes;**
 - **will prepare a Land Management Plan for the proposed reserve which will set out how the area will be managed and determine whether short term camping will be permitted,**
- **notes the need for future capital works that the creation of the reserve will trigger; and**
- **officers commence work on options for short term camping at this location, including community consultation.**

Furthermore, Council delegates authority to the Mayor and Chief Executive Officer in accordance with section 257 of the *Local Government Act 2009* to determine any and all matters associated with the proposal.

INTRODUCTION:

The Department of Environment and Resource Management (DERM) has requested Council to consider accepting trusteeship of the proposed reserve for park and recreation purposes to be created over unallocated State land described as Lot 52 on USL21656, being the area known as Greenpatch at Gordonvale.

BACKGROUND:

Tenure arrangements for Greenpatch have been an ongoing issue for both Council, who maintains the site, and DERM who owns the site.

Each year during the dry season the area becomes a popular site for travelling caravans and campers to stop and stay, sometimes for extended periods. This unauthorised seasonal use of the site invariably generates negative media coverage with local caravan park owners criticising Council and the department for allowing “free” camping at Greenpatch at the expense of their businesses.

There is also a Council owned and maintained toilet block at the site which was constructed in the 1940-50’s. The toilet block is old and has been identified by Council for replacement for a number of years.

DERM has advised that if Council is no longer interested in becoming the trustee of the area as a community purposes reserve, the department has considered a number of alternatives, with the most prudent option being to physically restrict camping access to the site by enhancing the existing bollard barrier with additional bollards, large landscaping rocks and more signage.

Should the proposal proceed and DERM makes a formal offer to Council to create the reserve it will be subject to a number of requirements, including survey and the preparation of an Indigenous Land Use Agreement (ILUA) to address native title rights and interests. It is estimated that the ILUA could take up to two (2) years to prepare and register. Creation of the reserve may only occur after the ILUA is finalised, therefore, the reserve will not be created immediately.

COMMENT:

Consultation has occurred with relevant areas within Council as indicated below.

Manager Governance has advised that:

- the subject land has strategic value;
- the community has a perception that the area is Council’s land;
- the subject land provides Council with another site for casual recreation use; and
- when the subject land is under Council’s control, Council will be in a position to:
 - appropriately manage the camping that has historically been undertaken; and
 - enhance the area for visitors as a gateway to Gordonvale.

Property Services has received a quote of \$4,000 for preparation of an Indigenous Land Use Agreement (ILUA) for another similar matter and it is anticipated that the cost for the ILUA will be relative to this quote. The preparation of the ILUA would be requested after receipt of formal advice from DERM for the creation of the reserve. There will be survey requirements for the proposed easement and for preparation of a compiled plan for the proposed reserve.

Short term camping (for a maximum of two nights and three days) is permissible on a reserve for recreation purposes. In some areas where this is allowed, no fees are charged as this is too administratively difficult and as a result there would be no net return to Council.

Economic Development has advised that Council should accept trusteeship of the proposed reserve. This site has traditionally been used by illegal overnight campers for both short and long term camping. If short term camping on the proposed reserve was allowed, through the RV Friendly Town Scheme, it would provide a significant community and economic boost for the southern Cairns Region.

Given the success of Babinda as an RV Friendly Town and the boost which it has provided for that locality, the proposed reserve would help to support the growth and sustainability of Cairns tourism industry as well as businesses in the Gordonvale region.

An RV Friendly Town is one that provides amenities and services for the mobile traveller. Some of these services include:

- access to 24 hour medical and pharmacy services;
- parking within close proximity to the general shopping area with groceries and fresh produce;
- a Visitor Information Centre and town map with essential services;
- access to potable water;
- access to a dump point;
- provision of short term parking for periods of 24/48/72+hours;
- provision of longer term parking within 5-20kms of town centre at reasonable rates; and
- 'RV Friendly Town' signs to be erected within the town environs.

Given the above criteria, the installation of dump points will be required at the site.

Grey nomads are increasing in numbers and providing an economic boost to many regional areas throughout Australia. These self-sufficient travellers are looking for friendly towns to camp, utilise their skills (volunteer) and spend their money. If the area was endorsed as RV Friendly the types of economic benefits would include tourism growth, business growth and sustainability. Given the recent reduction in tourism numbers in the Cairns region, this type of activity will help to support our largest economic sector and provide a more sustainable platform for development.

Infrastructure Management has advised that it currently maintains the site to a minimum standard but does not have the available resources at present to maintain the higher use of the proposed reserve. The area is subject to constant flooding on a regular basis it is not suitable for any permanent occupancy.

Sport and Recreation has advised that should Council accept trusteeship of the proposed reserve, a commitment from the Council is needed at the same time to fund 'upgrades' to the site to ensure it is 'fit for purpose'.

Upgrades include:

- upgrade to the public toilets;
- installation of lighting;
- improved trunk infrastructure; and
- signage.

In addition, should short term camping be considered appropriate, site hardstands and installation of dump out point facilities may be required.

It is considered that this type of facility potentially has significant community and economic benefit from a tourism perspective.

It is noted that Council owns and maintains a camping ground at Babinda which caters for approx 50 motor homes and also a camping ground at the Boulders which can cater for up to 10 campers. There are also other commercial facilities at Fishery Falls, Edmonton, Kurrimine Beach, Bramston Beach, White Rock, central Cairns and across the region.

Given the success of Babinda as an RV friendly town, it is becoming evident that campers are now travelling closer to Cairns. Greenpatch has an ever increasing number of illegal campers. Allowing illegal camping to continue has encouraged campers who would normally stay at Babinda to now camp in Gordonvale for lengthy periods.

Community Development has advised that it says no to taking on the trusteeship as it is unclear how doing so will enhance the land for Council residents.

Water and Waste has advised that running through the subject land are Council's Behana Trunk Water Mains consisting of a 475 MSCL main and a 500 CICL main. In addition, there is a 25mm water main which is probably part of a service connection or scour discharge. Water and Waste has no objection to Council accepting trusteeship of the proposed reserve provided an easement is registered over Council's water supply infrastructure within the reserve.

Planning Strategies has advised that it is supportive of Council taking trusteeship of the proposed reserve as this area represents an important community asset and gateway into Gordonvale. As the area is below Q100, specific planning approval will be required to ensure appropriate infrastructure is installed at this location.

Development Assessment has advised that it has no problems with the concept but has an issue with creating an ILUA over such a tiny piece of land. Alternatives to this would be better, or at worse, a very simple ILUA be investigated.

Cultural Services and Facilities has advised that it has no concerns with the proposal.

CONSIDERATIONS:

Corporate and Operational Plans:

The subject of this report links to Goal 2 Building Vibrant Communities of Council's 2009-2014 Corporate Plan.

Statutory:

The reserve would be created in accordance with provisions of the *Land Act 1994*.

Policy:

Creation of a reserve for park and recreation purposes does not mean that short term camping is automatically a permitted activity. Council will however have the power under Local Laws to regulate use of the reserve. The creation of the reserve will therefore have a resource implication for local laws officers if short term camping is not deemed appropriate.

Financial and Risk:

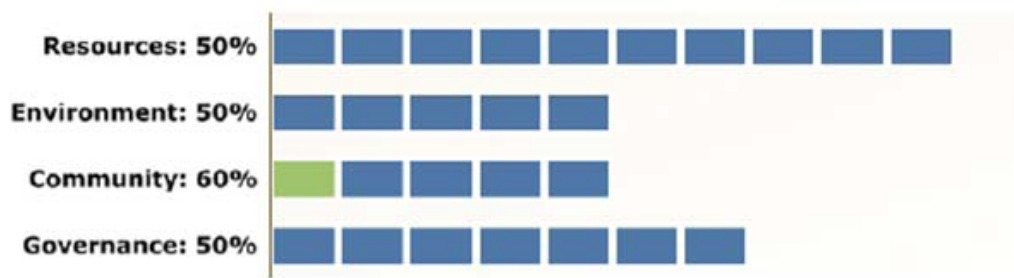
Council will incur costs for the creation of the reserve and water supply easement associated with the requirement for an Indigenous Land Use Agreement to create the reserve and easement (approx \$4,000). There are also survey costs for a plan to redescribe the subject parcel and provide for the water supply easement and legal costs for preparation of the easement document (approx \$1,000).

Council will also need to commit to the further funding required to upgrade the subject area to ensure it is 'fit for purpose'. Should this purpose include short term camping this may have an adverse impact on other facilities in the region, however, it may be of benefit to shops and traders in the Gordonvale township.

Should Council not accept trusteeship of the proposed reserve, DERM has advised that it will physically restrict camping access to the site, an action which Council may (inappropriately) receive public and/or political backlash from.

Sustainability:

The Cairns Regional Council Sustainability Assessment has been completed in relation to the proposal. In undertaking this analysis, officers answer a series of questions based on the four sustainability principles. The table shows how many of the questions generated a positive rating (green), a neutral or no applicable rating (blue) or a negative rating (red) to each question.



By accepting trusteeship of the site will increase the amount of public open space available for the community.

CONSULTATION:

Consultation has occurred with relevant areas within Council and support has been given for the proposal. Please refer to the Comments section of this report for these details.

OPTIONS:

1. That Council:

- advises the Department of Environment and Resource Management that it:
 - will accept trusteeship of the proposed reserve for park and recreation purposes to be created over unallocated State land described as Lot 52 on USL21656, Greenpatch, Gordonvale, subject to an easement for water supply purposes over existing water supply infrastructure located within the lot;
 - is prepared to enter into an Indigenous Land Use Agreement with the relevant traditional owners for:
 - the dedication of the reserve;
 - the future development of the reserve; and
 - the proposed easement for water supply purposes;
 - will prepare a Land Management Plan for the proposed reserve which will set out how the area will be managed and determine whether short term camping will be permitted,
- notes the need for future capital works that the creation of the reserve will trigger; and
- officers commence work on options for short term camping at this location, including community consultation.

Furthermore, Council delegates authority to the Mayor and Chief Executive Officer in accordance with section 257 of the *Local Government Act 2009* to determine any and all matters associated with the proposal.

2. That Council advises the Department of Environment and Resource Management that it will not accept trusteeship of the proposed reserve to be created over Lot 52 on USL21656 on the basis that it does not have the available resources or funding to maintain the site to a higher level.

Furthermore, Council delegates authority to the Mayor and Chief Executive Officer in accordance with section 257 of the *Local Government Act 2009* to determine any and all matters associated with the proposal.

CONCLUSION:

Accepting trusteeship of the Greenpatch site will place Council in a position to appropriately manage the illegal camping that has historically been undertaken and enhance the area for visitors as a gateway to Gordonvale.

ATTACHMENT:

1. Locality Map and Aerial Photo

L. KIRCHNER
Manager Governance

S. PHILPOTT
General Manager Corporate Services

Locality Map and Aerial Photo

