NQ INDIAN CULTURAL AND SPORTS ASSOCIATION – PROPOSED AMENITIES DEVELOPMENT, AMENDMENT OF RESERVE PURPOSES, PERMANENT ROAD CLOSURE AND TRUSTEE LEASE OVER PART OF KENRICK PARK, GORDONVALE

Tim Dendle: 10/2/1-32: #4160611

RECOMMENDATION:

It is recommended that Council:

1. notes the proposed initiatives to improve sport and recreational infrastructure at Kenrick Park, Gordonvale;

2. applies under the Land Act 1994 to
   - amend the reserve purpose of Lot 6 on RP875406 from ‘park and drainage’ to ‘sport, recreation and drainage’;
   - change to reserve purpose of Lot 2002 on SP193123 and Lot 901 on SP214562 from ‘park’ to ‘sport and recreation’

3. applies under the Land Act 1994 to permanently close part of road adjoining Lot 2002 on SP193123 and Lot 901 on SP214562 with the area of road to be closed to be amalgamated into the respective lots;

4. supports the intention of the proponent, to lodge a Development Application for the proposed intensification of use over part of Lot 6 on RP875406 and Lot 2002 on SP193123 provided it remains in accordance with the overall proposed amended reserve purposes;

5. gives in-principle approval to enter into an Agreement to Lease with NQ Indian Cultural and Sports Association (NQICSA - lessee) for the issue of a trustee lease to over part of lot 2002 on SP193123 and part of lot 6 on RP875406 subject to;
   - amendment of reserve purposes of Lot 6 on RP875406, Lot 2002 on SP193123 and Lot 901 on SP214562;
   - permanent closure of part of road adjoining Lot 2002 on SP193123 and Lot 901 on SP214562;
   - Development Approval for the proposed intensification of use over part of Lot 6 on RP875406 and Lot 2002 on SP193123; and
   - trustee lease terms and conditions to be determined, generally in accordance with
5

- Council’s Not for Profit Tenures Policy;
- Council’s Standard Terms Document for Trustee Leasing registered under dealing number 713488911 and the State’s Mandatory Standard Terms Document for a Trustee Lease registered under dealing number 711932933.

6. delegates authority to the Chief Executive Officer in accordance with the Local Government Act 2009 to negotiate and finalise any and all matters associated with the;

- Application to amend reserve purpose of Lot 6 on RP875406, Lot 2002 on SP193123 and Lot 901 on SP214562
- Application for permanent closure of part of road adjoining Lot 2002 on SP193123 and Lot 901 on SP214562;
- Agreement to Lease; and
- Proposed trustee lease.

EXECUTIVE SUMMARY:

Council is in receipt of a proposal from the NQ Indian Cultural and Sports Association (NQCSA) for the development of club facilities at Kenrick Park, Gordonvale. The site has been determined after a thorough investigation into options for the NQCSA to accommodate their activities. Officers are recommending that Council support the proposed development subject to the following conditions:

1. The organisation entering into an appropriate tenure agreement over the proposed facility footprint with appropriate performance criteria to manage both the timeliness of the development and ongoing community access; &
2. All necessary Building and Development Approvals being finalised.

The land collectively referred to as “Kenrick Park” is the only significant piece of public open space within immediate area. As such it is very important that the facilities accommodate a diversity of activities. Currently, children travel actively through the park to attend school and play on the upgraded Skate and BMX facilities which also attracts children from neighbouring suburbs (Edmonton and Bentley Park) after school and on the weekends.

Unfortunately there is a significant crime issue in the park after dark with vandalism and anti-social behaviours taking its toll on both the infrastructure and surrounding residents. It is noted that the proposal responds to this issue and presents many additional benefits to Council and the local community including:

- Improved overall amenity of the park;
- Increased activation of the facility (which should lead to a decrease in the anti-social behaviours occurring within the park);
- Heighted ‘surveillance’ arising from tenant sport and recreation organisation.
- Upgrade to the facilities (introduction of rectangular sporting field); and
- Installation of club rooms (including change rooms, toilets which can be accessed by other formal user groups).
BACKGROUND:

Kenrick Park

The site encompasses two parcels of land which are divided by a dedicated unformed road (Refer Site Plan and Aerial Images included in Attachment 3). The parcel to the north of the road is named Kenrick Street Park and is improved with picnic shelters, pathway, landscaping, seats and a large recently completed skate park. The park is listed in the Trunk Infrastructure Contributions Policy as a District Park (for recreation).

The parcel to the south of the road is named Fisher Road Park and is improved with landscaping pathways and seating. A large open drain runs along the southern boundary of the park and forms a significant barrier to users of the park. A small pedestrian bridge crosses the drain towards the centre of the park. The park is listed in the Trunk Infrastructure Contributions Policy as a District Park (i.e. for Recreation). The dedicated unformed road crossing the site has an area of 0.66Ha.

The two parks are collectively known as Kenrick Park.

NQ Indian Cultural and Sports Association (NQICSA)

The NQICSA is a vibrant and multicultural not for profit organisation who aim to:

- Deliver structured sporting and cultural activities for the community;
- Teach children about the Indian culture and way of life;
- Offer a vehicle for older people within the Indian community to gather and socialise without feeling the restrictions of language barriers; and
- Provide new residents to region with support and assistance as well as an established social network.

To achieve these aspirations, the NQICSA hold various functions and sporting events. The proposed function hall and club amenities will support the club in these endeavours as well as provide a base for significant cultural events such as “Diwali”, (Festival of Lights), “Holi”, (Festival of Colours) and “Vaisakhi” which hold a lot of significance within the North Queensland Sikh community.

The NQICSA have been looking for a suitable location to base their activities for a number of years and the site at Kenrick Park provides a number of mutual benefits for both the club and Council. It is noted that the Indian Community will develop the facilities at NO COST to Council and make them available to other community groups and organisation on request. This will complement the future plans to develop sporting (soccer/football) infrastructure at the facility.

COMMENT:

Kenrick Park, is made up for the following lots:

- Lot 6 on RP865406, with an area of approx. 2.9Ha, is a reserve for ‘park and drainage’ held in trust by Council
- Lot 2002 on SP193123, with an area of approx 1.5Ha, and Lot 901 on SP204562, with an area of approx .5Ha are both reserves for ‘park’ held in trust by Council.
Lot 6 is bisected from lots 2002 and 901 by a dedicated unformed road.

To support the uses outlined in this report officers have determined a course of action required. This includes:

- Permanently closing the unformed road, with an area of approx. .66Ha and amalgamating this area in the adjoining lots 2002 and 901; and
- Amending the current reserve purposes of the lots as follows:

<table>
<thead>
<tr>
<th>Lot</th>
<th>Current Reserve Purpose</th>
<th>Proposed Reserve Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot 6 on RP865406</td>
<td>Park and Drainage</td>
<td>Sport, Recreation and Drainage</td>
</tr>
<tr>
<td>Lot 2002 on SP193123</td>
<td>Park</td>
<td>Sport and Recreation</td>
</tr>
<tr>
<td>Lot 901 on SP204562</td>
<td>Park</td>
<td>Sport and Recreation</td>
</tr>
</tbody>
</table>

Officers have determined that amending the community purpose of the reserve to include ‘sport and recreation’ is necessary to facilitate increased activity of the site without compromising the existing drainage requirements and passive uses that occur at the park. Permanently closing the unformed road will result in an addition .66Ha of community purpose land. Both of these actions will be dealt with under the provisions of the Land Act 1994.

The following comments have been offered by Council officers in support of the abovementioned direction:

Parks and Leisure

A primary function of public open space is to provide a basis for sport and recreational pursuits. This infrastructure is considered relatively low cost and translates into a number of partnership opportunities with local community groups to deliver expanded activities and programs for the general public.

Kenrick Park is the only significant piece of public open space within Pyramid Estate. Children travel actively through the park to attend school and play on the upgraded Skate and BMX facilities. As a result of the upgrade to the Skate and BMX facilities, children from neighbouring suburbs, mainly Edmonton and Bentley Park, are now travelling to visit Kenrick Park.

The existing and proposed facilities within Kenrick Park will contribute directly to improved health and social outcomes of residents and neighbouring communities. These outcomes are particularly important given the trends associated with sedentary and inactive lifestyles, increased cases of mental health and isolation particularly amongst children and migrant communities.

Unfortunately vandalism has been occurring at Kenrick Park after dark, Friday and Saturday nights are the peak times for this unsavoury activity. A multifaceted approach to changing behaviour is necessary including:

- Increasing surveillance by local community groups and investigating the use of technologies such as CCTV;
- Improved infrastructure to increase use and appreciation;
- Programing to foster community ownership of the facility; and
• Partnerships with other agencies, both private and public.

The NQICSA proposal will respond to the above mentioned objectives as well as build resilience for meeting these outcomes in the longer term.

Property Services

The Reserves do not currently have a Land Management Plan as required under the Land Act 1994 when a secondary use, such as a trustee lease, is granted. Officers will undertake to complete a Land Management Plan should this recommendation be approved.

An Agreement To Lease will be formalised between Council and the Club to outline the necessary steps required by both Council and the NQICSA prior to entering into a Trustee Lease.

Development Assessment

Under CairnsPlan, the site is currently located within an Open Space Planning Area, a Residential 2 Planning Area and a road reserve. The proposed use is defined as Outdoor Sport and Entertainment and such a use is listed as Code Assessable in the Open Space Planning Area and Impact Assessable (Inconsistent Use) in the Residential 2 Area. A Development Application is required for the proposal and must be publicly notified. Any development application will need to address the likely amenity impacts to residents resulting from the proposal including noise, setbacks, lighting and the like and ensure that resident’s amenity is preserved. The development application would also need to address other matters such as drainage impacts, excavation and filling, traffic issues, parking requirements, setbacks, landscaping, hours of operation and servicing/infrastructure to the site. It is not indicated if lights are proposed.

It is noted that the Residential 2 Planning Area designation over the park is essentially a result of the wider area being contained under one Planning Area prior to the land being developed. Since the land has been developed with lots, roads and parks, the Planning Area now no longer reflects the actual use on the ground. This occurs frequently in greenfield subdivisions in instances where a Masterplanning exercise has not been undertaken prior to the Gazettal of a new planning scheme. Under the proposed new scheme, the area is located within an Open Space Zone. Under such a zone, outdoor sport and recreation is a self assessable use whereby a development application would not be required for the use if the proposal complies with the relevant applicable codes in the scheme.

Infrastructure Services

Infrastructure Services have confirmed that there are no future plans to formalise the road connection, currently dedicated unformed road, which bisects the two parks.
CONSULTATION:

Officers from Parks and Leisure, Property Services, Development Assessment and Infrastructure Services have provided content for this report. Consultation between officers from Parks and Leisure, Property Services, the Divisional Council and the NACSA has been undertaken.

CONSIDERATIONS:

Risk Management (including financials):

- There is a low level of risk associated with the proposal given the infrastructure will be funded and delivered by the NQICSA in accordance with Council's relevant policy and approval requirements;
- Appropriate conditions and performance indicators can be stipulated as part of the future development approval and leasing process; and
- The expectation is that the future lessee (NQICSA) will be responsible for all ongoing costs of the facility.

Corporate and Operational Plans:

This report was prepared in accordance with Corporate Plan Goals 1 - Community and 2 Economy, specifically goals:

1.1 A safe, active and healthy community
2.4 An integrated approach to town and regional planning that strengthens local identity and lifestyle.

Statutory:

The recommendations contained in this report are consistent with legislative requirements of the Local Government Act 2009 and the trustee lease will be prepared in accordance with the requirements of the Land Act 1994.

Applications to amend the reserve purpose and permanently close the road will be undertaken in accordance with the provisions of the Land Act 1994.

Policy:

Council’s Tenures Policy for Not for Profit Recreation, Sporting and Community Groups – No.1:02:45 will apply to the proposed trustee lease. This policy is currently being reviewed.

Council is committed to aiding the development of vibrant communities through its grant funding programs and provides a variety of financial and In Kind assistance to groups as cases arise.
Options

Option 1:
That Council approves the tabled recommendation which will:

- improve sport and recreational infrastructure at Kenrick and Fisher Park
- Amend the reserves purposes for Kenrick and Fisher Park
- Permanently close the section of dedicated road bisecting these two parks
- enter into an Agreement to Lease with the NQ Indian Cultural and Sports Association
- support the intention of the proponent, to lodge a Development Application for the proposed intensification

Option 2:
That Council does not approve the proposal and recommends an alternative course of action.

ATTACHMENTS:

Attachment 1: Proposal, NQ Indian Cultural and Sports Association
Attachment 2: Concept Plans
Attachment 3: Location map and aerial map - Kenrick and Fisher Road Parks

Tim Dendle
Acting Manager Parks and Leisure

Ian Lowth
General Manager Community, Sport and Cultural Services
Attachment 1: Proposal, NQ Indian Cultural and Sports Association

Chief Executive Officer,
Cairns Regional Council
Spence Street
Cairns 4870.

26 Lois Street
Mooroobool
Qld 4870.

30 September 2013.

Dear Sir/Madam,

Further to our recent conversations with Council, the NQ Punjabi Cultural & Sports Association Inc are formally requesting tenure over part of the land within Kearick Park (Lot 6 on RP864506 57-63 Fisher Rd Gordonvale) to develop a club facility. Our club requirements are as follows:

1. Area of the park for soccer field.
2. Small area for netball field for girls.
3. Similarly small area for practice pitch for cricket.
4. Most importantly area of the park to build a hall where our community and other communities can hold their functions such as wedding reception, birthday party and other cultural events. It is our intention that a purpose build hall can be utilized by other cultural groups to celebrate their function and events.

As you are aware to construct a building as shown in the attached (sketch) plans will be costly. Therefore if this Association and our Community is to bear the burden of the cost, it is reasonable to expect that this Association is given a long-term lease or agreement of occupancy, i.e.; at least 30 years, with provision for renewal of agreement etc.

Some early concepts around the above requirements have been completed by the club and are provided in Attachment 1. We are seeking an audience with Council as soon as possible to progress our proposal.

Yours sincerely,

Avtar S Bhati (President)
Attachment 2: Concept Plans

PROJECT
PROPOSED COMMUNITY HALL & SPORTS FIELD

LOCATION
ON PART 57–63 FISHER RD,
LOT 6 RP865406,
GORDONVALE

CLIENT
NO PUNJABI CULTURAL & SPORT ASSOCIATION INC.

PROPOSED FOOTBALL FIELD
80m x 50m

EXISTING FOOTBALL FIELD
30m x 15.25m

PROPOSED STREET COURT
30m x 8m

EXISTING PICNIC SHelters
TO BE REMOVED

EXISTING PATH

EXISTING CREEK

PROPOSED COMMUNITY HALL & SPORTS FIELD

Covers sheet & layout plan

NO PUNJABI CULTURAL & SPORT ASSOCIATION INC.

PROPOSED COMMUNITY HALL & SPORTS FIELD

Covers sheet & layout plan

Agenda – Community Services Committee 13 November 2013 - #4170432
Attachment 3: Kenrick and Fisher Road Parks