

Agenda

Ordinary Meeting

Thursday, 20 August 2015

commencing at 9.00 am

Council Chambers, Corner Currie and Bury Streets, Nambour

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1 DECLARATION OF OPENING

On establishing there is a quorum, the Chair will declare the meeting open.

2 OPENING PRAYER**3 RECORD OF ATTENDANCE AND LEAVE OF ABSENCE****4 RECEIPT AND CONFIRMATION OF MINUTES**

That the Minutes of the Special Meeting (Round 2 Amendments to Sunshine Coast Planning Scheme) held on 13 July 2015 and the Ordinary Meeting held on 23 July 2015 be received and confirmed.

5 OBLIGATIONS OF COUNCILLORS**5.1 DECLARATION OF MATERIAL PERSONAL INTEREST ON ANY ITEM OF BUSINESS**

Pursuant to Section 172 of the *Local Government Act 2009*, a councillor who has a material personal interest in an issue to be considered at a meeting of the local government, or any of its committees must –

- (a) inform the meeting of the councillor's material personal interest in the matter; and
- (b) leave the meeting room (including any area set aside for the public), and stay out of the meeting room while the matter is being discussed and voted on.

5.2 DECLARATION OF CONFLICT OF INTEREST ON ANY ITEM OF BUSINESS

Pursuant to Section 173 of the *Local Government Act 2009*, a councillor who has a real or perceived conflict of interest in a matter to be considered at a meeting of the local government, or any of its committees must inform the meeting about the councillor's personal interest the matter and if the councillor participates in the meeting in relation to the matter, how the councillor intends to deal with the real or perceived conflict of interest.

6 MAYORAL MINUTE**7 PRESENTATIONS**

8 REPORTS DIRECT TO COUNCIL**8.1 CORPORATE SERVICES****8.1.1 QUARTERLY PROGRESS REPORT - QUARTER 4, 2014/2015**

File No:	4.16.4
Author:	Manager Corporate Governance Corporate Services Department
Appendices:	App A - Chief Executive Officer's Quarterly Progress Report Q4, 2014/2015 13
	App B - Operational Plan Activities Report - Quarter ended June 2015 47

PURPOSE

This report presents progress with implementing Council's Corporate and Operational Plans and is the final Quarterly Progress Report for 2014/2015. This report has been prepared to inform council and the community on delivery of the services, implementation of operational activities and significant operating projects.

EXECUTIVE SUMMARY

Each quarter, council receives a progress report on the delivery of the corporate and operational plans. The report once adopted, is published and made available to the community.

The report is comprised of:

- Appendix A - reports from the Chief Executive Officer and Directors which outline service delivery
- Appendix B – report on operational activities and significant operating projects.

There are 138 operational activities in the Operational Plan 2014/2015 and 77% of the activities have been completed, with the balance scheduled for completion in 2015/2016. Detail on progress is provided in Appendix B to this report.

Highlights for the final quarter ended 30 June 2015 are:

A new economy

- awarded a total of \$169 million in contracts across the year to support local business (72%)
- attracted 10,000 people to nine major events which generated approximately \$14.2 million of economic activity for the region
- supported 467 local businesses and held 13 business events attended by 276 participants as part of council's commitment to build the economy of the region
- noted strong development activity this quarter with 1473 building approvals issued totalling \$296 million in construction value.

A strong community

- adopted the *Sunshine Coast Social Strategy 2015*, that envisions “our community will continue to thrive and enjoy a lifestyle that sets us apart”
- released the Sunshine Coast Draft Heritage Plan 2015-2020 for community comment and endorsed the Cultural Heritage Levy.
- introduced a new all-terrain vehicle to patrol the region’s beaches, more effectively promoting and enforcing responsible pet ownership.

An enviable lifestyle and environment

- commenced the first phase of a place making project for Mooloolaba involving residents, business owners and visitors sharing their views and vision for the town
- amended the *Palmview Structure Plan* to clarify infrastructure for this new community of 16,000 people and facilitates construction to commence in 2016
- launched the ‘Fly Local’ campaign, targeted at business travellers, highlighting lifestyle advantages and savings by using direct flights in and out of Sunshine Coast.

Service excellence

- received 3,147 Building and Plumbing applications and 540 development applications.
- managed over: 37,000 customer calls; 7,500 customer visits; 6,500 customer email requests and 1,200 customer web chats.
- managed over 900 projects on the infrastructure capital program across the year.

A public sector leader

- commenced building a new CBD in Maroochydore – Australia’s only greenfield CBD project currently underway
- The tender for the Sunshine Coast Solar Farm closed in late June 2015
- adopted a \$588 million budget for 2015/2016 which will deliver on important core responsibilities and shape the region’s future.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Quarterly Progress Report - Quarter 4, 2014/2015”**
- (b) note the Chief Executive Officer’s Quarterly Progress Report – Quarter 4, 1 April to 30 June 2015 (Appendix A) on service delivery and**
- (c) note the Operational Plan Activities Report – Quarter ended June 2015 (Appendix B) reporting on implementation of the Corporate and Operational plans.**

FINANCE AND RESOURCING

The cost of implementing the Operational Plan 2014/2015 was built into the Annual Budget 2014/2015.

Financial reporting information is not included in the report. A Financial Performance Report is provided to council each month covering operating revenue and expenses and capital programs.

CORPORATE PLAN

Corporate Plan Goal: *A public sector leader*

Outcome: We serve our community by providing this great service

Operational Activity: S31 - Governance - providing internal leadership, legal opinion, governance and audit functions ensuring legislative accountability, transparency and ethical obligations are supported

CONSULTATION

Internal Consultation

Consultation has occurred with each department of council to provide information on service delivery and status of operational activities.

External Consultation

There has been no external consultation in relation to this report however the report is made available to the community following adoption.

Community Engagement

There has been no community engagement in relation to this report.

PROPOSAL

The Corporate Plan 2014 -2019 and Operational Plan 2014/2015 have a strong focus on the core services that council delivers to the community. In addition, these plans also identify the operational activities that council will undertake, that align to council's goals.

Service delivery

The Chief Executive Officer's Quarterly Progress Report – Quarter 4 (Appendix A) consists of the Chief Executive Officer's summary report and Directors' detailed reports. The purpose of the report is to inform council and the community on the delivery of core services outlined in council's corporate plan.

Operational activities

The Operational Plan Activities Report – Quarter ended June 2015 (Appendix B) provides details on the implementation of operational activities and significant operating projects outlined in council's operational plan.

It includes the status of each activity and project in the operational plan covering percentage complete, anticipated completion date and progress commentary.

Table 1 provides a summary on the status of all operational activities and significant operating projects.

Status	Number
Completed	106 (77%)
Underway	32 (23%)
Total	138

Table 1: Summary of all operational activities and significant operating projects

Projects still underway at 30 June 2015 will be managed by the relevant department and will be finalised subject to allocated funding.

Legal

There is a legislative requirement to provide a report on performance against the corporate and operational plans. This report meets the requirements of the Local Government Act and Regulation.

Policy

There is no policy associated with the presentation of a quarterly progress report however it is a component of the Strategic Corporate Planning and Reporting Framework.

Risk

Directors have provided in their reports an overview of service delivery for the quarter, including the outlook for the future and any associated risks.

In accordance with council's Risk Management Framework, the risks and opportunities identified in relation to the quarterly progress report include:

- Reputation/public image: the report provides complete information on council's operations and builds a positive reputation for council with the community.
- Legislative: the report meets the legislative requirements of the Local Government Act and Regulation.
- Business activity: the report keeps council informed about the progression of the operational plan activities and provides a timely account of council's progress to the community

Previous Council Resolution

Council adopted the:

- Corporate Plan 2014-2019 on 12 May 2014
- Operational Plan 2014/2015 on 19 June 2014
- Quarterly Progress Report Quarter 1, 2014/2015 on 13 November 2014
- Quarterly Progress Report Quarter 2, 2014/2015 on 26 February 2015
- Quarterly Progress Report Quarter 3, 2014/2015 on 21 May 2015.

Related Documentation

- Corporate Plan 2014-2019
- Operational Plan 2014/2015
- Financial information provided to council in the Financial and Capital management report.

Critical Dates

Quarterly Progress reports are usually presented to council within eight weeks of the end of the calendar quarter, subject to the scheduled meeting cycle. Legislation requires the report to be presented to council at intervals of not more than 3 months.

Implementation

The report will be published and available for community access via council's website. The Chief Executive Officer and Directors will provide a verbal report to council at the Ordinary Meeting.

8.2 REGIONAL STRATEGY AND PLANNING**8.2.1 DEVELOPMENT APPLICATION - MATERIAL CHANGE OF USE - OCEAN DRIVE, TWIN WATERS**

File No: MCU15/0011

Author/Presenter: Senior Development Planner
Regional Strategy & Planning Department

Appendices: App A - Conditions of Approval 97

Attachments: Att 1 - Proposed Plans 115

Link to PD Online:

<http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/default.aspx?page=wrapper&key=1576070>

SUMMARY SHEET	
APPLICATION DETAILS	
Applicant:	Abacus Property Group
Proposal	Development Permit for Material Change of Use of Premises (124 x Multiple Dwelling Units)
Properly Made Date:	30/01/2015
Information Request Date:	23/02/2015
Information Response Received Date:	22/04/2015
Decision Due Date	20/08/2015
Number of Submissions	49 (43 properly made)
PROPERTY DETAILS	
Division:	8
Property Address:	Ocean Drive, Twin Waters
RP Description:	Lot 1 SP 210929 Lot 2 SP 210929
Land Area:	Total: 1.793 Ha
Existing Use of Land:	Vacant
STATUTORY DETAILS – FOR USE WITH APPLICATIONS UNDER SUPERSEDED PLANNING SCHEME	
Planning Scheme:	Maroochy Plan 2000 (16 September 2013)
SEQRP Designation:	Urban Footprint
Strategic Plan Designation:	Urban
Planning Area / Locality:	9 – North Shore
Planning Precinct	16 – Twin Waters Resort
Precinct Class / Zone:	Master Planned Community
Assessment Type:	Impact

PURPOSE

The purpose of this report is to seek council's determination of an application for a Development Permit for a Material Change of Use of Premises (124 x Multiple Dwelling Units) at Ocean Drive Twin Waters. The application is before council due to the level of public interest (49 submissions). The application has been assessed under the superseded Maroochy Plan 2000.

EXECUTIVE SUMMARY

The subject proposal is for 124 Multiple Dwelling Units comprising a mix of 1, 2 and 3 bedroom units contained within 7 separate buildings across the two subject lots. Two of the 7 buildings are proposed to be 4-storeys in height (maximum 13m to top of lift overruns), while the remaining 5 buildings are proposed at 3-storeys in height (maximum 10.5m to top of lift overruns). The development would include a mix of short term holiday accommodation and longer term owner/occupiers.

The subject site is located within the Twin Waters Master Planned Community Precinct of Maroochy Plan 2000. The existing Resort has developed generally under rezoning approvals/agreements dating back to the late 1980s, with the North Shore Village being approved in 2001 via a Material Change of Use Development Permit.

There is a considerable history of development applications associated with the subject land, with the latest application for Multiple Dwelling Units being refused by Council in 2010, and the refusal upheld by the Planning and Environment Court in 2012. The application was refused due to its conflict with the Planning Scheme in terms of, among others, bulk, massing and potential off-site visual impacts. While also proposing relatively large buildings, this current application has reduced the height, bulk and scale of the development, compared to the previous application, to a point where the proposed development is now more in keeping with the intent of the planning scheme for the subject Precinct. However, a number of buildings are proposed at a height which exceeds the maximum height specified in the Maroochy Plan 2000.

While the proposed development provides a different built form to that already established by surrounding development, it is considered that the proposed development generally satisfies the intent of the superseded Maroochy Plan 2000 and it is not incongruous with what could be expected to occur as part of a resort development.

It is, therefore, considered that there are sufficient grounds to support the proposal.

OFFICER RECOMMENDATION

That Council APPROVE With Conditions Application No. MCU15/0011 and grant a Development Permit for Material Change of Use of Premises (124 x Multiple Dwelling Units) situated at Ocean Drive, Twin Waters, in accordance with Appendix A.

FINANCE AND RESOURCING

If council were to approve this development, the applicant would be required to pay infrastructure charges for trunk infrastructure.

Council's Transport and Infrastructure Policy Branch has estimated that council's proportion of the infrastructure charges required by this development would be \$1,451,520.

PROPOSAL

The application seeks approval for a Material Change of Use to establish a total of 124 Multiple Dwelling Units contained within 7 separate buildings across the 2 vacant allotments adjacent the existing Twin Waters Resort. The development would include a mix of short term holiday accommodation and longer term owner/occupiers. It is anticipated that occupants of the proposed buildings would have access to Twin Waters Resort and its facilities.

The development would comprise: 6 x 1 bedroom, 88 x 2 bedroom and, 30 x 3 bedroom units. Two of the 7 buildings are proposed to be 4-storeys in height (with a maximum 13m to top of lift overruns), while the remaining 5 buildings are proposed at 3-storeys in height (with a maximum 10.5m to top of lift overruns). Each unit is confined to a single level and self-contained including a kitchen, lounge, dining, bathroom and outdoor private open space. Some ground level units also include an outdoor private courtyard.

All but one of the proposed buildings include basement parking. A total of 220 car parking spaces are proposed, including 21 spaces at ground level. Overall, proposed parking exceeds the requirements of Maroochy Plan 2000 18 by spaces. Access to the development would occur via the existing access road through Twin Waters Resort.

Buildings A, B, C and D are double-loaded, with units being located either side of a common walkway though each level. With the exception of the 2 north-eastern most units within Building E (Unit T8), Buildings E, F and G are all single-loaded with units facing the lake.

Proposed Buildings A and B are shown set back approximately 9m from the northern boundary which contains a wetland. Proposed Buildings C and D are set back 3.5m to building walls and 1.5m to the proposed roof along the eastern boundary. Some pruning and removal of some trees is proposed to facilitate the development. The majority of tree pruning/removal is to occur along the eastern boundary where Buildings C and D are proposed. One tree is to be removed to facilitate the siting of proposed Building C. It is intended that the existing (cotton) tree on Lot 1 will be retained.

SITE DETAILS

Background/Site History

Original

An application to rezone the land was lodged on 6 November 1981. It was initially refused by council on 9 December 1982. The application was appealed and was approved by Court of Appeal (408 of 1982) and gazetted around 5 May 1988. The rezoning approval included agreements/deeds between council, Interwest Pty Ltd and Kabaskel Pty Ltd, which were executed on 18 December 1987 and 16 February 1988 (Permit to occupy agreement), respectively. Generally, these agreements described how the land was to be developed. Specifically, the Rezoning Deed included development parameters relating to, among others, maximum 3-storeys building height, preservation of existing vegetation, and the maintenance of North Shore Road.

An amended rezoning application was approved by council on 5 September 1990, which amended the rezoning boundaries. Construction of the resort (proper) was underway at this time.

On 19 October 2000, an approval (MCU00/0029) was given allowing permanent accommodation within the North Shore Village. A subsequent change to this approval in June 2002 permitted a maximum of 150 dwellings to be constructed over 7 stages and incorporated 7 different dwelling types ranging in configuration from 2 to 4 bedrooms, generally contained within 2 and 3 storey buildings. Around 2002, construction of the North Shore Village commenced, with the associated building approval being issued in 2001 and amended in 2002.

Material Change of Use approval (65 Multiple Dwelling Units - MCU03/0209)

In November 2003, Lend Lease Development Pty Ltd lodged an application for a Material Change of Use for 65 Multiple Dwelling Units (MCU03/0209) over the land subject of the current application. The proposed development comprised a mix of 4 bedroom detached houses and 2 and 3 bedroom apartments within 13 separate buildings. Buildings 1, 2 and 3 were proposed at 4-storeys (13m), Building 4 at 3-storeys (12.9m) and Buildings 5 to 13 each comprising one detached house, 7 of which were proposed at 3-storeys and 2 at 2-storeys. The 9 detached houses were proposed to be located on Lot 1, which is the southern portion of the land the subject of the current application, while Buildings 1–4 (the Multiple Dwelling Units) were proposed over the northern portion. The application also included a 1 into 2 lot subdivision and Operational Works for Excavation and Filling to prepare the site for construction.

In July 2004, council issued a combined Development Permit and Preliminary Approval subject to conditions. In particular, the Preliminary Approval was issued specifically to reduce the height of Buildings 1, 2 and 3 to a maximum height of 3-storeys (12m) as it was considered that the proposed 4-storeys (13m) height conflicted with the Precinct provisions of Maroochy Plan 2000. In October 2004, Lend Lease Development Pty Ltd (the applicant) lodged an appeal against council's decision, seeking to allow Buildings 1, 2 and 3 to be constructed at 4-storeys (13m) in height as initially proposed. The appellant contended that, despite the conflict, there were sufficient town planning grounds to justify approval of the 4-storey buildings. In June 2005, the court allowed the appeal via 'consent order' (i.e. settled out of court), approving the application in full and allowing a height of 4-storeys for Buildings 1, 2 and 3.

Extension to Relevant Period (MCU03/0209)

As development permitted under the above Lend Lease Development Permit (65 Multiple Dwelling Units) had not yet commenced, an extension to the Relevant Period (EXT08/0072) was sought by the applicant in December 2008 and approved by Council on 21 April 2009, extending the relevant period until 29 June 2011.

Material Change of Use approval (9 x Detached Dwellings and Reconfiguring a Lot – MCU07/0181)

In December 2008, council issued a Development Permit for Material Change of Use of Premises for 9 x Detached Dwellings and Development Permit for Reconfiguring a Lot for 1 lot into 9 lots (MCU07/0181). This development permit differed from the built form previously approved as part of the court order by allowing all of the approved 9 dwellings to be built at 3-storeys (12m) whereas, previously, 7 dwellings were approved at 3-storeys and 2 dwellings at 2-storeys.

A Plan of Development and Housing Design Requirements (guidelines) was also approved as part of the application which set parameters to ensure the built form of the future dwellings remained compatible with the existing and intended vernacular of existing development. The Housing Design Requirements took the form of a covenant document, similar to the one adopted for the North Shore Village to the south of the subject site.

Development permitted under this approval had not commenced and the approval has now lapsed.

Material Change of Use application (158 Multiple Dwelling Units)

A further application (MCU09/0055) was lodged over the site in May 2009 for 158 Multiple Dwelling Units, comprising a mix of 1, 2 and 3-bedroom units to be undertaken in 2 stages. The proposed development comprised 4 separate buildings, 3 of which were proposed at 4-storeys (14.2m) in height and 1 at 3-storeys (12.3m), all being measured from natural ground. The application was refused by council on 4 August 2010 and subsequently

appealed by the applicant on 14 September 2010 (Appeal 2357 of 2012). The Court Judgment was handed down on 29 June 2012, dismissing the appeal and upholding council's refusal. The main reason resulting in the court outcome was due to the proposed development's conflict with the Planning Scheme (Maroochy Plan 2000) in terms of bulk and scale, off-site visual impact and *its failure to provide any screening or other buffer on-site*, in addition to *serious concerns about the quality of housing accommodation and recreation*. Essentially, the proposal was considered to amount to an over-development of the site.

Extension to Relevant Period (MCU03/0209)

Just following council's refusal of the above application, the applicant lodged 2 separate requests (one in October 2010 and another June 2011) which sought extensions to the Relevant Period of the older Development Permit MCU03/0209, which was still current at that time. Both requests were refused by council. Both of these refused requests were appealed to the Planning and Environment Court and were considered as part of the Court appeal process noted above. Subsequently, Appeals 4006 of 2010 and 4494 of 2011 were both dismissed, resulting in the subsequent lapsing of Permit MCU03/0209.

Prelodgement Meeting (PLM 14/0008) - Current proposal

On 5 February 2014, a prelodgement meeting was held between council officers and the applicant for the purpose of discussing the current proposal, noting that there is no longer any current Development Permits over the subject land. The following was generally advised as part of prelodgement discussions:

- that the Maroochy Plan 2000 gives little guidance for the future development of the subject site
- as there are no density requirements stipulated for the Precinct, development should be guided by the preferred built form and visual amenity provisions of the scheme
- the longer buildings should be further articulated to accentuate clustering and to reduce overall bulk
- the gap in the North Shore Road reserve vegetation should be supplemented by new buffer vegetation
- setbacks of buildings A and B to the wetland should be commensurate with the Court Judgment
- a maximum building height of 10m for Buildings A, B, C and D applies as they would not surround the lake. Buildings should not be visible above the adjoining vegetation or from the adjoining Twin Waters/Maroochy North Shore Beach
- Buildings E, F and G surround the lake and therefore up to 3-storeys is acceptable
- the court judgment will be considered in assessing any application over the site and
- development should ensure that lighting is designed to prohibit its visibility from the beach, given Mudjimba is a known sea turtle hatching area.

In March and April of 2014, further meetings were held between the applicant and council officers, including one on site, at which a 'cherry-picker' or 'scissor-lift' machine was used to determine whether the tallest proposed building would be potentially visible above the vegetation surrounding the site. At this site meeting, council officers present acknowledged that the buildings may not be visible external to the site and that the proposed building height was generally supported.

The above comments and suggestions have generally been incorporated in to the current proposal.

Superseded Planning scheme request (SPS14/0021)

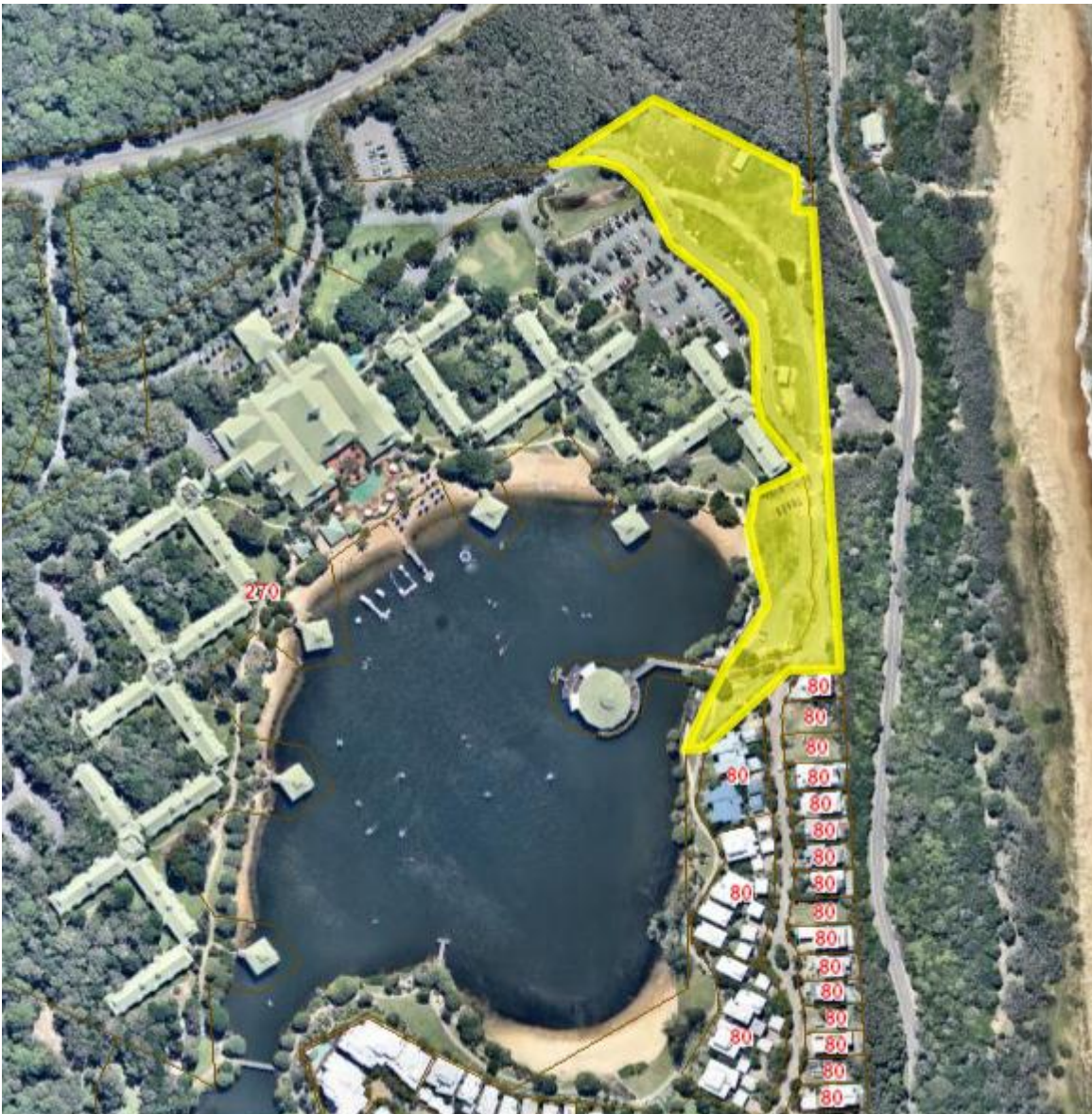
On 23 September 2014, council approved a request to assess and determine the above proposal under the Superseded Planning Scheme. As such, Maroochy Plan 2000 applies to the assessment of this application instead of the Sunshine Coast Planning Scheme 2014.

Site Description

The subject site (Lots 1 and 2 SP210929) is located to the west of North Shore Road and to the south of Ocean Drive, forming the eastern boundary of the Twin Waters Resort Master Planned Community. The site comprises 2 irregular shaped parcels of land with a total area of 1.793 hectares. The site is relatively flat and contains no significant vegetation due to works undertaken under the earlier Operational Works Permit (OPW03/524). Existing ground levels vary generally between 2.5m and 3.5m RL across the site. Access to the site is via an internal road from Ocean Drive and extending through the North Shore Village located directly south of the site. Lot 2 (the larger site) is encumbered by a number of easements, including sewer and right of way (access) in favour of the North Shore Village. Lot 1 (the smaller site) is unencumbered.

There is a poorly maintained and gated, bitumen area (approx. 500m²) currently located between the subject land and North Shore Road, resulting in a significant gap in the existing roadside vegetation. It is understood that it was used as a former car parking area many years ago (possibly parking for construction workers). Although located within the road reserve, the resort owner has a current Permit to Occupy agreement with the state government over said area. It has not been used for any purpose for many years.

The location of the subject site is shown in relation to its surrounds on the image below:



Surrounding Land Uses

Directly to the north of the site is heavily vegetated land containing wetland vegetation. To the east is North Shore Road, which is surrounded by thick vegetation within a wide verge. The North Shore Surf Life Saving Club is located to the north-east across North Shore Road. To the west is the Twin Waters Resort proper, which comprises some 366 guest rooms, conference facilities, 2 restaurants, a café and 2 bars, day spa, and six hectare saltwater lagoon. Building heights within the existing resort are generally 2-storeys with some taller apex structures above the central facilities building.

To the south is the North Shore Village, which is described in the 2012 Court judgment as a 6 stage, mixed density residential development on the eastern and southern sides of the Resort lagoon comprising 144 beach villas, beach homes and apartments. The built form is diverse, with varied floor plates and comprising a mix of 2 and 3-storey single dwellings and unit blocks. Some buildings are 2-storeys with a 'pop-up' 3rd storey and one building is 3-storeys with a 4th storey 'pop-up'.

ASSESSMENT

Framework for Assessment

Instruments for Statutory Assessment

Under the *Sustainable Planning Act 2009* the application must be assessed against each of the following statutory planning instruments to the extent they are relevant to the development:

- State Planning Policies
- the South East Queensland Regional Plan
- State Planning Regulatory Provisions
- any Structure Plan or Master Plan in place for declared areas
- any Preliminary Approval Overriding the Planning Scheme for the land
- the Planning Scheme for the local government area and
- any Temporary Local Planning Instrument in place for the local government area.

Of these, the statutory planning instruments relevant to this application are discussed in the sections that follow.

Statutory Instruments – State and Other

State Planning Policies

The State Planning Policy took effect in December 2013 and is applicable to this application. The State Planning Policy has not been incorporated into the applicable version of the Maroochy Plan 2000. The application has, therefore, been assessed against Part E of the State Planning Policy: *Interim development assessment requirements*. The proposed development has been found to generally comply with the State Planning Policy.

South East Queensland Regional Plan

The site is located within the Urban Footprint of the South East Queensland Regional Plan. The proposed development is consistent with the regional land use intent, regional policies and desired regional outcomes for the Urban Footprint.

State Planning Regulatory Provisions

The site is not located within a Priority Koala Assessable Development Area or a Koala Assessable Development area and, therefore, the South East Queensland Koala Conservation State Planning Regulatory Provisions are not applicable to this application.

Temporary Local Planning Instrument

The site is not affected by the Temporary Planning Instrument for Vegetation Protection.

Statutory Instruments – Planning Scheme

The applicable planning scheme for the application is the now superseded Maroochy Plan 2000 (16 September 2013). The following sections relate to the provisions of the Planning Scheme.

Strategic Provisions

The site is identified as Urban in the Strategic Plan. Accordingly, the use of the site for residential purposes, in this case multiple dwellings, is considered to meet the intent of the Strategic Plan. An important element of the Strategic Plan relevant to this proposal, which was also referenced in the 2012 Court judgment, is Section 8.4.6 (Tourism). It states that:

Council will generally support applications for the upgrading of or modifications to the Major Tourist Facilities subject to their retention of sensitivity to surrounding land uses and the adequate functioning of the facility in respect of environmental and land use planning issues.

The application is purportedly an extension to the existing resort, which generally satisfies the above statement, with Judge Robin adding that: *Major Tourist Facilities such as the Resort need to change to protect and "continually strengthen" their place in the market.*

However, in making the above statement the Judge recognised that the conflicts of that proposal with the Planning Scheme were not dissolved by the recognised need for additional tourist opportunities in the locality. This was also further complicated by confusion about the intended use of the development, noting the Judges' comments at paragraph 8 of the judgment:

It is a complication for the appellant's case that there is no assurance that many, if any, of the new units will in the event be made available for use by tourist visitors.

In light of the above, it would be prudent to ensure that any approval given for the proposed development ensures that a number of the units be made available to visitors. Should approval be given, a condition is recommended requiring that 50% of the units are available to visitors at all times.

Planning Area Provisions

The subject site is located in Twin Waters Resort - Master Planned Community Precinct of the North Shore Planning Area.

Preferred and Acceptable Uses

The precinct does not list any Preferred and Acceptable Uses but instead, refers to the Table of Development Assessment, Volume 1, for the Master Planned Communities Precinct Class. The Table does not include Multiple Dwelling Units as an envisaged use, as generally, land included within this Precinct Class was intended to be subject to comprehensive master planning to guide development. The general statement of intent for a Master Planned Community provides that *most lands are being developed, or will likely be developed for residential uses and for purposes which are compatible with and support residential uses*. Multiple dwelling units are a residential use and, therefore, fit comfortably within the envisaged land uses for the Precinct Class.

Precinct Intent

The statement of intent for the Twin Waters Resort - Master Planned Community provides limited guidance on the envisaged built form and desired character of the area. This is likely to be attributable to the expectation that comprehensive master planning would occur, which would then generally guide the development of land included within the Precinct. No such master planning has occurred to date.

Given the lack of guidance provided by the Twin Waters Resort - Master Planned Community Precinct, particularly in relation to built form, scale, bulk and density of development, the General Statement of Intent for the Master Planned Community has been used to provide further guidance on whether the proposed development is appropriate for the Precinct. Overall, it is considered that the proposal satisfies the General Intent.

Further, the intent for the Twin Waters Resort Precinct recognises the resort as a key tourist facility for the region. To ensure its viability, the Precinct Intent allows for further development and expansion of the Resort *where development has due regard to environmental and values of the Precinct*. The Intent states that such development is intended to be carried out in a sustainable manner by *'respecting the environmental and landscape values of the area and ensuring the availability of development infrastructure with sufficient capacity to accommodate any additional demand.'* It states further that *'it is intended that the existing landscape character of the resort is maintained - that is small clusters of buildings set in extensive parklands and naturally vegetated areas.'*

Existing development surrounding the subject site consists of the resort proper located directly adjacent, and the North Shore Village located south of the site. The Twin Waters Resort is defined by 2-storey built form comprising long linear buildings (arranged in quadrangles) and the main resort building which is a large rectangular building, having a roof area of almost 5,000m². The North Shore Village is characterised by numerous smaller detached style buildings along with a few larger ones up to around 45m in length.

The development proposes seven buildings generally broken up into a number of separate buildings, with Buildings A, B, C, D and E measuring 42-46m in length. The main guiding statement provided by the Twin Waters – Master Planned Community Precinct Intent is that development is to provide for *small clusters of buildings set in extensive parklands and naturally vegetated areas*. This is not an easy criterion/statement against which to assess development. Judge Robin presumed in the 2012 Court Judgment that the statement is trying to describe the character of the existing Twin Waters Resort. That is, the Resort grounds are lushly vegetated and the area between buildings (quadrangles) is similarly vegetated. At paragraph 62 of the Court Judgment, the Judge stated that the Planning Scheme's reference to small clusters *must be taken to apply to clusters rather than to individual buildings constituting clusters*.

Interestingly, other than perhaps the resort itself, no other development of the Precinct has occurred as *'small clusters in extensive parklands and naturally vegetated areas'*. In particular, it would be difficult to describe the existing built form of the North Shore Village as such. Conversely, it has been developed as generally small buildings all clumped together in a mass of buildings, certainly not in extensive parklands and naturally vegetated areas.

Rather, it is possible to contend that the proposed development provides for buildings more akin to small clusters than does the North Shore Village. Clustering of buildings aside, the proposed development would not be set amongst naturally vegetated areas as the site is devoid of vegetation. Thus vegetation between buildings (as proposed) would need to be planted as part of the development.

Height

The application proposes the following building heights:

Proposed Building	Total height from natural ground to highest point (being top of lift shaft)	Height from finished floor level
Building A	12.7m	12m
Building B	13m	12m
Building C	10.5m	9.5m
Building D	9.5m	9.5m
Building E	10m	9.5m
Building F	10m	9.5m
Building G	9.0m	8.8m

The Precinct Intent states that it *is intended that the building height throughout the Precinct be confined to 2 storeys (but not more than 8.5 metres), however, some taller buildings - to a maximum height of 3 storeys (but not more than 12 metres), may be permitted surrounding the lake.*

The southern portion of the subject site abuts the lake while the northern portion is located no closer than 60m from the lake. Hence, proposed Buildings E, F and G could be said to surround the lake. All of these buildings are proposed at 3-storeys and less than 12m in height, and comply with the Precinct Intent. However, proposed Buildings A, B, C and D do not technically surround the lake and, therefore, should be no more than 2 storeys (8.5m) high. Two of these 4 buildings are proposed at 4-storeys (and up to 13m) high, while, the other 2 are proposed at 3 storeys and up to 10.5m high, and thus, do not comply with the above Precinct statement.

Building height is treated differently in the Superseded Maroochy Plan 2000 than it is by the current Sunshine Coast Planning Scheme 2014. References to building height in the Maroochy Plan are contained in Acceptable Measures of the applicable codes, which in turn, refer to the relevant Precinct as noted above. As maximum building height under the Maroochy Plan is considered one 'acceptable outcome' only, assessment must be undertaken against the associated Performance Criteria contained in the applicable code. Hence, compliance with the Performance Criteria must be achieved rather than strict compliance with Acceptable Measures, which allows much greater flexibility to assess the actual impact of proposed height exceedances. In contrast, building height is considered more prescriptively, via Performance Outcomes, under the Sunshine Coast Planning Scheme 2014, leaving almost no flexibility to consider impacts of proposed height exceedances.

The proposed building heights noted in the table above are to the tallest point of the respective buildings being the lift shaft, which represents only a minor element when considering visual impact of overall building height. The remainder of the buildings are generally 1m less than this to top of roof. It is also noteworthy that the above measurements are taken from natural ground. The planning scheme requires all development to achieve flood immunity for the Q100 storm event. Doing so in this case, adds approximately 1m of required additional height to the buildings. Hence, if the height were measured from the required flood-immune floor level to the top of roof (rather than lift shaft), the total height would be approximately 1.5 to 2m less than the height mentioned above. (Council has

recently proposed changes to the Sunshine Coast Planning Scheme to measure building height from the lowest habitable floor level instead of natural ground level).

With regard to the current application, the relevant Performance Criterion of the Code for Multi-Storey Residential Premises (as applicable to proposed Buildings A and B) states that buildings must provide for:

- no significant loss of amenity to residents on adjoining sites
- suitable height, bulk and design, and spacing between buildings, taking into account the potential development of adjacent sites and the impact of the development on the character of the area generally
- no significant reduction in daylight to private open space and habitable rooms in dwellings on adjacent sites
- adequate sunlight to the majority of useable open space within the premises
- as many dwellings as practicable oriented to obtain adequate winter sunshine to main living rooms
- no excessively long unbroken lengths of walls and roof lines and
- building forms which are articulated, textured and provide adequate shading in keeping with a sub-tropical climate.

It is considered that the proposal does not compromise the achievement of the above criteria.

It must also be recognised that the location of the site and its context with the surrounding area is a significant consideration when determining potential impacts from building height. The subject site, being part of the greater Twin Waters Resort complex, is quite internalised in terms of visual impact to surrounding areas. Essentially, it is only those persons within the Resort and its grounds or those travelling along the internal roadway leading toward the North Shore Village to which the development would be most visible. The large tracts of existing vegetation to the north and along North Shore Road would largely screen much of the development from external points. Clearly, there would be some positions along North Shore Road where the development would be visible through gaps in the roadside vegetation (similar to some of the buildings within the North Shore Village). However, these should be minimal. It is where the former car park was located, taking the form of the ill-maintained and gated bitumen area near North Shore Road, which presents the largest 'gap' in vegetation. However, the applicant has proposed to revegetate this area to provide a suitable buffer for screening purposes. Once established, an effective buffer should be possible.

Further, computer modelling of the proposal against existing vegetation has shown that very little of the development would be visible from the beach to the east. In particular, it shows that the tops of proposed Buildings A, B, C and D would be barely visible over the top of the dunal and road side vegetation. The on-site exercise including the cherry-picker machine described earlier appeared to confirm this also. Hence, despite not complying with the maximum building height specified in the Precinct Intent, it is considered that the proposal has merit given the unique nature of the site and surrounds.

Visual impacts

The applicant has provided the following (before and after) images showing the actual impact of the proposal:

Buildings screened by roadside vegetation



The development as seen from across the lake



As can be seen, the development may only be just visible above the vegetation when looking from the east. The above images do confirm that the majority of visual impacts would be from internal to the site. As per discussion earlier in this report, Council's Urban Design Specialist has constructed a 3D computer model of the proposal. It generally confirms the accuracy of the images submitted by the applicant and shows that the buildings should hardly be visible from external to the site. It also shows that the development would be barely visible from across Maroochy River (Cotton Tree) south of the site as it would be effectively screened by the southern buildings of the North Shore Village.

Visual amenity impacts were discussed during the previous 2012 Court hearing. At paragraph 56, Judge Robin stated the following:

..it is from within the Resort that the impression of a single line of mostly four storey buildings nearly 200m long will be gained. It will not be possible to enter or leave the Resort without noticing the buildings, which would be bulkier than anything there at present.

Judge Robin adds also:that the buildings and the use that will be made of them serve to enliven the Resort, making it more interesting by introducing forms different from those currently found in the Resort and in the North Shore Coastal Village, an interesting constructed backdrop from many perspectives.

It is agreed with the Judge’s comments that it is not possible to drive along the internal roadway without noticing the buildings. They will certainly be different to anything currently present in the locale and will be very noticeable, particularly because the subject site has been vacant for so long. In such cases, it is often difficult for the general public to comprehend that what they have come to know as (or incorrectly expect to remain) open space will be lost to development. However, it is unreasonable to expect that such land is not entitled to be developed in some way given the provisions of the planning scheme.

The subject land has been part of the Twin Waters Resort’s landholding (although more recently through a different company) for many years. The Maroochy Plan 2000 has reflected this through its Master Planned Community zoning, which was intended to reflect the original rezoning approvals over the land. The Maroochy Plan 2000 encourages and envisages that some kind of continuation or expansion of the resort is to occur. Visual impacts need to be ‘weighed up’ with other considerations about the proposal.

Site cover/plot ratio

Coverage of the site occupied by the proposed buildings is approximately 30%. Again, the Twin Waters Resort – Master Planned Community Precinct is silent on any preferred site cover or plot ratio for the subject land. However, in conjunction with the other matters already discussed, the relevant codes can be used for further guidance for what could be considered appropriate for the site. In this case both the Code for Low-Rise Multi-Unit Residential Premises and the Code for Multi-Storey Residential Premises are applicable due to the different building heights proposed across the site. While neither of these Codes include any specific site cover or plot ratio requirements, criteria of the Codes relating to setbacks, building length and minimum landscaping requirements are useful.

The relevant criteria are discussed below:

<p>Building setbacks</p>	<p>Both codes require generally a 6m setback to a road frontage, with a 4m setback for balconies, eaves, awnings, and the like. The only relevant (external) street setback is that to North Shore Road, and only proposed Buildings C and D front this road. These building have a 3.5m setback to the site boundary with some encroachments for balconies to 2.4m and 1.5m to the roof.</p> <p>Given that the verge in this location is very wide (min. 20m) and significantly vegetated, it is considered acceptable to reduce the setback to this boundary as it does not function as a typical road frontage and the thick vegetation within the verge would make the buildings setback almost undiscernible from external to the site.</p>
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<p>Building length</p>	<p>The Codes for Low-Rise Multi-Unit Residential Premises requires that buildings are not more than 40 metres long, with separation provided between buildings of at least 6m. Buildings A, B, C, D and E are all greater than 40m in length, with the longest one being Building E at 46.8m. However, the main bulk of the building is 43.8m with a balcony extending out at the north-eastern corner for the first two levels. Buildings A through D vary between 42 to 44.5m in length. A distance of over 10m is provided between all buildings to provide for cross-block ventilation, articulation and light.</p> <p>Moreover, the proposal has been designed with significant articulation to the facade of all buildings in an effort to provide visual interest and to break up the building mass/appearance. The various steps and recesses in the facade of the design mean that the visual appearance of elevations of the buildings is softened. It is considered that the proposal meets Element 3 (Building Siting and Design) of the Code in that it provides for accessibility, privacy and daylight by residents of the premises. Council’s Urban Design specialist is satisfied with the overall merit of the design having regard to articulation and separation of the proposed buildings.</p>
<p>Landscaping and recreational area</p>	<p>Both codes require 30% of the site to be improved by landscaping and recreational area. The proposal includes a total of approximately 7745m² of landscaping and recreational areas. This equates to 43% of the total site area, thereby exceeding the requirements of the code.</p>
<p>Private Open Space</p>	<p>The development does not fully comply with private open space requirements of the relevant codes. The requirement varies depending on the height of buildings proposed (i.e. Low-Rise Code or Multi-Storey Code), with the minimum open space requirement being generally 30m² for ground level units and 8m² for those above. The smallest proposed balcony at ground level is 14m². The remaining balconies vary between 15m² to 24m². The majority of balconies overall are generally between 15m² and 20m². However, some ground level balconies do have direct access to open space (some private and others, not so private), which increases the overall area available to those occupants.</p> <p>Some of the units within the development are proposed to be let to tourists, who would have access to the recreational areas of the existing Twin Waters Resort. Moreover, a common pool area is also proposed as part of the development. Given the intended use of the proposed development and because of its context near to the beach and resort facilities, it is considered that balcony areas as proposed are sufficient to facilitate active use by residents, adequate privacy, and provide convenient access from the main living area of the unit.</p>

Assessment of the items addressed in the above table does not identify any matters of non-compliance that would indicate that the proposed development is excessive or inappropriate for the site. It is acknowledged that there will undoubtedly be a visual impact resulting from the development, particularly when viewed internally within the greater resort site (including the North Shore Village). However, the impacts are not considered to be so significant to warrant refusal of the application. The Judges’ comments (at paragraph 56 of the judgment) are relevant; ... *Visual amenity impacts on their own ought not to defeat the proposal.*

Density

The Maroochy Plan 2000 does not stipulate a density requirement for the Twin Waters Resort – Master Planned Community Precinct. However, with the mix of 1, 2 and 3 bedroom units proposed, the development would equal 131 two-bedroom equivalent dwellings. In terms of density, this equates to approximately 73 two-bedroom equivalent dwellings per hectare (or, one dwelling per 142m²). The above density calculation uses the entire 1.793Ha area of the subject land and does not exclude easements. Density is a measure of dwellings over a given land area. The fact that any such land may be encumbered by easements does not change the number of persons able to reside over a particular portion of land from a planning scheme perspective. Instead, it just limits built form to outside encumbered areas so that they remain free of obstructions for access and/or maintenance purposes. In support of this, it is noted that the 2012 Court judgment specifically notes that the Maroochy Plan 2000 makes does not require exclusion of easements from any density of site cover calculations and that it *would be wrong to infer against an owner or developer that they must be excluded*.

The existing Twin Waters Resort, accommodating 366 rooms over approximately 12.8 hectares, translates to approximately 11 equivalent two-bedroom dwellings per hectare. The North Shore Village comprises 150 dwellings over 5.38 hectares equating to around 37 equivalent two-bedroom dwellings per hectare. As such, the density of the proposed development when considered in the context of the surrounding area is relatively high (ie. approx. double the density of the North Shore Village). However, the main considerations when considering impacts of density are built form and the capacity of surrounding infrastructure to support the additional demand generated as a result of the proposed development. All existing infrastructure is able to effectively accommodate the proposal. Further, Council's Engineer concludes that there would be no significant external traffic impacts associated with the proposed development and only minor modifications would be required to upgrade the intersection of Ocean Drive with the entrance road to the resort to provide a safer road environment. Such upgrades have been proposed by the applicant and have been assessed by Council's Engineer.

Other considerations

Wetlands

The vegetation located directly north of the site is identified as a wetland by Maroochy Plan 2000. Performance Criterion P1 Code for Waterways and Wetlands requires that a *buffer is maintained to protect and enhance the environmental values and ecosystem services of wetlands...* The proposal provides for a setback to this wetland of 8.9m at its closest point, being balconies. Consideration of this wetland was given during the 2012 Court appeal (via joint expert review) and it was agreed that a buffer of 10-20m would be sufficient to protect the ecological values of the wetland. It is important to note the rationale behind providing a buffer to a wetland. The purpose is to ensure the quality of the wetland environment is not reduced by receiving waters. Hence, if stormwater runoff from development is treated appropriately, then there should be no deleterious impact upon the wetland. Council's engineer and ecologist have both assessed the proposal with regard to stormwater runoff and advised that the proposed water quality devices would *capture and treat stormwater from impervious areas to best practise before being discharged to the wetland*. Conditions are recommended to be imposed upon any approval to ensure this occurs.

Basement construction

In order to ensure the appropriate protection of the adjacent vegetation and wetlands, all basement structures would need to be ground water excluding structures (ie. fully tanked and sealed), particularly given the proximity of Buildings C and D to the adjacent melaleuca vegetation. This is required so that there would be no 'draw down' of groundwater so that the adjacent vegetation is not affected. If the groundwater is drained away constantly from

the adjacent to the site, the vegetation would suffer. Conditions are recommended to be imposed upon any approval to ensure the basements would be fully tanked and sealed.

Comparison between the current proposal and that previous as refused by the Court

Given the current application is still subject to the Maroochy Plan 2000, as was the previous court-refused application, it is appropriate to compare the differences between the two proposals. These are detailed in the table below.

Element	Previous refusal (MCU09/0055)	Current application
No. of units/beds	31 x 1 bedrooms 113 x 2 bedrooms 14 x 3 bedrooms Total of 158 units (299 bedrooms)	6 x 1 bedrooms 88 x 2 bedrooms 30 x 3 bedrooms Total of 124 units (272 bedrooms)
No. of buildings	4 buildings over one (1) lot	7 buildings over two (2) lots
Height (from natural ground to highest point)	- 3 Buildings at 4-storeys (up to 14.2m) - 1 Building at 3-storeys (up to 12.3m)	- 2 buildings at 4-storeys (up to 13m) - 5 buildings at 3-storeys (up to 10.5m)
Density	112 dwellings per hectare (or, one dwelling per 84m ²)	73 dwellings per hectare (or, one dwelling per 145m ²).
Site cover	Approximately 40-50% (Lot 2 only)	approximately 30% overall (24% over Lot 2 and 35% over Lot 1)
Plot ratio	1 : 1.67	1 : 0.8
Building lengths	Between 45 and 56m	Between 24.4m to 46.8m (Building E)
Building setbacks	- 0.5m to roof and 1.5m to building walls at eastern boundary. - 2.5m to wetland	- 1.5m to roof and 3.5m to building walls eastern boundary. - 8.9m to wetland
Bulk/scale	refer images below	

As can be seen by the comparison table above, only 2 of the current proposed buildings are greater than 12m in height, whereas, all 4 buildings were over 12m in the previous application. Although, proposed Building E is slightly longer than the 2 shortest buildings (Buildings 1 and 2) of the previous design.

However, what has changed significantly is the density, site cover, plot ratio and overall building bulk (refer images below). These are all considerably less than the previous design. Although the overall length of Buildings A to D have not been significantly reduced from those previously proposed in that location, it is considered that the current proposal provides a superior design outcome to that of the previous application. In particular, the longer buildings have been designed to 'break up' the facade and reduce the visual dominance along their elevations. In doing so, the proposal avoids any appearance of bulkiness or uninterrupted length and therefore meets the Purpose statement of the Code for Multi-storey Residential Premises.

Photo montage (below) of previous application the subject of the court refusal (view is internal from inside the resort land)



Photo montages (below) of current application (views are internal from inside the resort land).



Above view is of proposed Buildings C and D. Note: there are no montages provided of the proposed (4-storey) Buildings A and B



CONSULTATION

IDAS Referral Agencies

There were no applicable IDAS referral agencies.

Other Referrals

The application was forwarded to the following internal council specialists:

- Development Engineer, Engineering and Environment Assessment Unit
- Landscape Officer, Engineering and Environment Assessment Unit
- Environment Officer, Engineering and Environment Assessment Unit
- Ecology Specialist, Engineering and Environment Assessment Unit
- Urban Designer, Planning Assessment Unit

Their assessment forms part of this report. In particular, Council's Urban Design Specialist has assessed the proposal and advised the following:

"The application's appropriateness has been considered on the basis of the site's intended and existing use and whether the proposed built form ought to be considered as a reasonable proposition in this location.

The Twin Waters Resort facility is an enclave, almost successfully hidden within vegetated buffers. The proposed application has demonstrably mitigated impacts outside of the site which were present in the refused application. Inside of the resort facility, the buildings are not considered to fall outside of what a reasonable expectation for resort buildings should be and have been articulated through the use of various shapes, materials and colours which help to break down the scale of the buildings further.

While not required for the purpose of assessment, a comparison of the application was made against the previously refused application to aid in identifying differences. The purpose of identifying differences between the two schemes was to aid in assessing whether the proposal successfully modified its built form to satisfactorily reduce or remove elements which caused the previous application to be considered an over-development of the site and as having too great a visual impact.

All of the four buildings in coinciding locations between the previous and current applications have been reduced in size in some manner, being length, width, height and generally a combination of two or all three. The result is that the bulk and scale of these buildings has been discernibly reduced. Changes in size appear to have been made strategically to overcome issues which were raised on the refused application. The reduction by one storey of what was building 3, now C, has resulted in it no longer being visible from the beach or from longer range views in the sea. The proposed buildings will almost completely not be visible from the beach unless one stands at the top of the dune in very few specific locations, where the top of the roof may be identifiable."

Public Notification

The application was publicly notified for 15 days in accordance with the requirements of the *Sustainable Planning Act 2009*. 43 properly made submissions and 6 not properly made submissions were received. The majority of submissions were received from owners or occupants from within the North Shore Village, all generally against the proposal. Six (6) submissions were in favour of the proposal, some from the operators of the holiday components of the resort and North Shore Village and a few from the general locality.

The following table provides a summary and assessment of the issues raised by submitters.

Issues	Comments
Exceeds height limit of MP2000	The rearmost proposed buildings do exceed the stipulated 8.5m (2-storey) height limit. However, it is considered that there is sufficient justification to support taller buildings on the subject land for the reasons stated in this report. It is also noteworthy that a number of the existing buildings within the North Shore Village are greater than 2-storeys high, with a good few having a pop-up style 3 rd level and one having a pop-up 4 th , which also do not surrounding the lake
Minimal separation between buildings	No space between proposed buildings is less than 10m, which exceeds scheme requirements
Does not comply with MP2000 in relation to views and vistas, noise and proximity of dwellings	There are no particular views and vistas that are pertinent to this site. Aside from the construction phase, noise impacts should not be significant. Setbacks to existing buildings exceed planning scheme requirements
Inconsistent with existing facilities and dwellings	The proposed multiple dwellings are not necessarily inconsistent with the existing facilities. Existing dwellings on the subject land are for some form of residential purpose. Some of this takes the form of single detached dwellings in the North Sore Village, while the resort contains rooming units for short term stays. The proposal is intended to provide self-contained, short and long term accommodation albeit in a different form to the resort and to some of that in the North Shore Village
Low rise development is expected by residents/community	It is acknowledged that residents of the North Shore Village expect to see low rise built form. Maroochy Plan 2000 considers up to 3 storeys as being 'low rise'. All proposed buildings are 3-storeys with the exception of Buildings A and B
Proposed development of Lot 1 drastically differs from the previously proposed 9 dwellings	The previous approval for the 9 dwellings on Lot 1 was an iteration of potential development for the site. It was never developed and hence the new proposal has been submitted. There is no requirement for proposals to be consistent with previous approvals. Each application is considered on its own merits and assessed against the relevant planning documents
Inconsistent with original master plan	It is assumed the submitter is referring to either the original rezoning for the site or the document guiding built form within the North Shore Village. However, these documents do not bear any weight upon the current proposal as they have been superseded by the Maroochy Plan 2000, which is the principal planning instrument relevant to the site
Insufficient parking	The proposal provides parking in excess of scheme requirements
Insufficient space for MRV manoeuvring	On site manoeuvring of a Medium rigid vehicle has been considered by Council's Engineering specialist and is considered to comply
No restaurants facilities proposed which will place demand on the existing resort	This is not a matter that is can be considered under the Planning Scheme
Excessive density compared to existing development	As discussed earlier in this report, there are no maximum density provisions provided by Maroochy Plan 2000
Out of character with existing buildings	It is acknowledged that the development as proposed is not consistent with the existing character of the area. Although there is a mismatch of character existing in the immediate area

Issues	Comments
	in that the Resort has a different character to that of the North Shore Village.
Excessive building bulk and a lack of green space	The building bulk has been reduced and landscaped areas increased in comparison to the previous court-refused application. However, the proposed buildings are still relatively bulky compared to the existing resort. Nonetheless, it is considered that there is sufficient justification to support the development
Traffic impacts	A traffic analysis has been undertaken by the applicant, which found that the development would not create any unreasonable traffic impacts in the locality
Loss of available parking for the resort	While the subject site may cater for parking overspill from time to time, there is no requirement for this to remain and the site is entitled to be developed. The applicant has stated that the resort provides transport options for guests around the resort land
Impacts to wetland, fauna and turtles	Council's ecology specialist has assessed the application and considers that any environmental impacts should be negligible. In relation to turtles, the top of the tallest buildings should not be visible above the tree line. As such, it is expected that minimal light pollution will be produced which should have negligible disorientation impacts upon sea turtles. In any case, there are existing buildings in the North Shore Village located just as close to the beach as this proposal and light spill may currently occur from those residences
Flooding and change to current drainage	This can be managed by conditions
Oversupply of holiday accommodation will lead to loss of rental incomes	According to the applicant, the current facilities are insufficient to cater for the demand for visitor accommodation
Impact on existing market and property values	This is not a planning consideration
No guarantee units will be made available to holiday letting pool	Accommodation to visitors was fundamental to the applicant's case that need is established for the development. Hence, a condition is recommended to ensure that the development will also be available to visitors
Unable to provide for deep planting	This would be the case in between buildings where the basement is underneath. However there are other areas available for deep planting
Does not address court identified issues	The main issues identified in the judgment generally relate to impact to the adjacent wetland, building bulk and scale and to a lesser extent, lack of green space around buildings. All of these matters have been addressed by the current proposal
Units are too small	There is no minimum unit size requirement in the scheme. This would typically be controlled by density provisions, of which there aren't any for the subject Precinct
Similar built form to that rejected by court	It is considered that the built form is less imposing than that previously considered by the court
Irresponsible of council to approve and exposes council to litigation if approved	Council's role is to assess and determine the applicant against the relevant planning provisions, in this case, Maroochy Plan 2000. If sufficient grounds are found, then it would be appropriate for Council to approve the application

Issues	Comments
Insufficient need for development	Sufficient need has been demonstrated
Development not 5-star	This is not a planning consideration
No footpaths for cycling internal or on North Shore Road	Some additional footpaths will be provided around proposed buildings. It is not reasonable to require construction of footpaths on North Shore Road
Impacts to Maroochy River	It is unlikely that the development would have a detrimental impact upon the Maroochy River
Will provide a broader range of accommodation options	The development would generally provide a different accommodation option for the locality
Employment/tourism benefits	The proposed development is purportedly aimed at the tourism market
Consistent with zone and overall intent of scheme (tourism)	Accommodation, including in multiple dwelling form, is generally envisaged for this site by the planning scheme. It does satisfy the Strategic Plan intent by providing tourism opportunities
Low visual impact. Will not dominate landscape and is concealed from outside	Although the development should be relatively concealed from external vantage points, it is difficult to agree that there would be a low visual impact when viewed internally from the resort site. In contrast, it would likely be very noticeable when compared to what is there presently. Nonetheless, it is not considered that visual impacts are so significant to warrant refusal of the application
No vegetation needs to be removed	This is true for the most part. Only one tree on the site needs to be removed to accommodate the development along with some general pruning of vegetation along the site boundaries
It will complement the SC airport	This could be the case, however no factual data has been provided with the application to either prove or disprove this statement

CONCLUSION

The proposal is for 124 Multiple Dwelling Units contained within 7 separate buildings on the vacant portion of Twin Waters Resort land. A number of buildings are proposed at a height which exceeds the height provisions of the superseded Maroochy Plan 2000. Nonetheless, the proposal will have negligible external visual impacts and is considered appropriate for the site and a use that is consistent with the subject Precinct. It is considered that it should not create significant negative impacts upon the locality or residents of the North Shore Village. While the proposed development presents quite a different character to that of the existing Resort and the North Shore Village, it is noteworthy that the character of the North Shore Village is also already out of character with the Resort. Nonetheless, the proposal is commensurate with what would be expected to occur adjacent to, and in association with, an existing resort development.

Moreover, there is sufficient economic need to justify support of the proposal despite some of the proposed buildings not complying with the specified 8.5m height limit. The 2012 court judgment confirms that a need for additional development to complement the resort has been established, with Judge Robin stating that: *the need for additional self-contained visitor accommodation I found compelling.*

As such, it is considered that there is sufficient merit to support the proposal and approval of the application, subject to conditions, is recommended.

APPENDIX A - CONDITIONS OF APPROVAL

1. APPLICATION DETAILS

Application No:	MCU15/0011
Street Address:	Ocean Drive TWIN WATERS QLD
Real Property Description:	Lot 1 SP 210929 Lot 2 SP 210929
Planning Scheme:	Maroochy Plan 2000 (16 September 2013)

2. DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Material Change of Use of Premises (Multiple Dwelling Units x 124)

3. RELEVANT PERIOD OF APPROVAL

The relevant period for this development approval is 4 years starting the day that this development approval takes effect.

4. INFRASTRUCTURE

Where conditions relate to the provision of infrastructure, these are non-trunk infrastructure conditions unless specifically nominated as a “necessary infrastructure condition” for the provision of trunk infrastructure as defined under chapter 8 of the *Sustainable Planning Action 2009*.

5. ASSESSMENT MANAGER CONDITIONS

PLANNING

When Conditions must be Complied With

1. Unless otherwise stated, all conditions of this Decision Notice must be complied with prior to the use commencing, and then compliance maintained at all times while the use continues.

Approved Plans

2. Development authorised by this approval must be undertaken generally in accordance with the Approved Plans listed within this Decision Notice. The Approved Plans must be amended to incorporate the amendments listed within this Decision Notice and resubmitted to Council prior to the issue of any Development Permit for Operational Works*

*(Refer to Advisory Note)

Building Height

3. The maximum height of the development must not exceed that identified on the approved plans.
4. Certification must be submitted to Council from a Cadastral Surveyor which certifies that the buildings do not exceed the maximum height requirement of this Decision Notice.

Nature and Extent of Approved Use

5. A minimum of 50% of the units within the development must be made available to short-stay visitors at all times while the use is in operation.
6. The setback area behind Buildings B and C must be landscaped in accordance with an Operational Works approval and must not be used for general public/resident access.

Building Appearance

7. All air conditioning units or other mechanical equipment must be visually integrated into the design and finish of the building, or otherwise fully enclosed or screened such that they are not visible from the street frontages nor adjoining properties.
8. All deck and balcony areas above ground floor must not be enclosed by permanent fixtures such as shutters, louvres, glass panelling or the like, except where required to satisfy any privacy condition of this Decision Notice.
9. Vegetative screening must be undertaken, generally as shown on the approved plans, to soften the built form as viewed from the internal roadway.
10. Any additional works relating to basement construction or retaining walls must remain entirely on the development site. Should any of the works affect the existing remnant vegetation, a further arborist report or addendum to the report will be required prior to commencement of any works.
11. Any retaining structures required within the northern and eastern setback areas must comprise natural element such as boulders to reduce footing depth.

Clothes Drying Facilities Areas

12. Each dwelling unit must be provided with a non-mechanical (natural) clothes drying area, or alternatively, each dwelling unit must have access to a communal outdoor clothes drying area that is fitted with robust clothes lines. Where individual clothes drying areas are provided on balconies, they are to be concealed or screened from public view.

Communal Recreation Areas

13. Communal recreation areas must be provided generally as shown on the approved plans.

Community Management Statement

14. Any proposed Community Management Statement required for the development pursuant to the *Body Corporate and Community Management Act 1997* must be submitted to Council for endorsement at the same time as submission of the Building Format Plan (or similar) to Council for compliance assessment.

Renewable Energy (Sustainable Design Code)

15. The development must implement the use of solar power or other non-polluting, renewable energy sources to supply part or all of the development's energy needs.

Revegetation works

16. In accordance with an Operational Works approval, the area on the beach dune directly east of the site must be revegetated as identified on the *Dune Revegetation* drawing listed in this Decision Notice.
17. The entire bituminised area (former car park) located within the North Shore Road verge, adjacent to proposed Building D, must be fully revegetated using appropriate species designed to match the existing vegetation in the verge and to ultimately provide screening to the development. The works must be undertaken in accordance with an Operational Works approval. The bitumen driveway in this location must be removed and the verge profile constructed to match existing.

Traffic management

18. Prior to issue of a Building Permit for the use, a Traffic Management Plan for the whole resort site must be provided demonstrating how vehicular traffic relating to the resort patrons will be managed in the long term.

URBAN DESIGN

19. Plant /equipment must not be placed on the roof of buildings.
20. All building finishes and materials must be as shown on the approved plans.

ENGINEERING

External Works

21. Ocean Drive must be upgraded for the length of its frontage to the subject site in accordance with the Section 8 of the approved Traffic Report. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
 - (a) Channelized right turn treatment (CHR(S)) and necessary pavement widening at the intersections with Ocean Drive and the Resort Access Points

Property Access and Driveways

22. A sealed access driveway must be extended to all parking and manoeuvring areas of the development. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) suitable safety measures, including warning signage, to improve driver awareness of pedestrians and enhance pedestrian safety. Warning signage must be provided near the exit ramp from the underground parking area to warn motorists of pedestrian movement along the frontage street
 - (b) a sealed driveway as per approved drawings, for the full length of the access handle, including passing bays and underground service conduits for all utility services.

Car Parking

23. A minimum of 220 car parking spaces must be provided and marked on the site. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) 50 visitor parking spaces within the total, which are clearly marked for that purpose and accessible at all times for visitor use
 - (b) pedestrian routes in accordance with the conditions of this Decision Notice
 - (c) 3 disabled parking spaces within the total
 - (d) Design should be undertaken in accordance with Australian Standard AS2890: *Parking Facilities*
 - (e) All tandem parking bays must be allocated to 3-bedroom units. This requirement must be reflected in any Community Management Statement.
24. All car parking areas and access driveways must be maintained exclusively for vehicle parking and manoeuvring and kept in a tidy and safe condition at all times.
25. Directional signage must be provided to direct visitors to the car parking spaces provided on site.

Paving Treatment of Vehicle Movement Areas

26. Alternative materials, patterns, or threshold treatments must be used to articulate the pavement treatment of vehicle movement areas.

Pedestrian and Bicycle Facilities

27. Pedestrian and bicycle facilities must be provided for the development. The works must be undertaken in accordance with an Operational Works approval and must include in particular:
- (a) dedicated walkways between parking bays between the proposed car parking area and the buildings
 - (b) adequate separation of all specific pedestrian routes from vehicle access and manoeuvring areas, and clear demarcation by pavement marking, signposts or changes in surface materials or levels
 - (c) signage and lighting at strategic locations to direct people to building entries and public toilet facilities
 - (d) pedestrian refuge areas at strategic locations within the carpark to ensure safe and convenient congregating of pedestrians waiting to cross major access driveways

- (e) a total of 158 bicycle parking spaces

Stormwater Drainage

28. The site must be provided with a stormwater drainage system connecting to a lawful point of discharge. The works must be undertaken in accordance with an Operational Works approval and Queensland Urban Drainage Manual, and must include in particular:
- (a) the works described in the Stormwater Management Plan listed in this Decision Notice.

Stormwater Quality Management

29. A stormwater quality treatment system must be provided for the development. The works must be undertaken in accordance with an Operational Works approval, and include stormwater quality treatment devices of a size and location generally in accordance with those shown in Stormwater Management Plan listed in this Decision Notice.
30. All stormwater quality treatment devices must be maintained in accordance with the Water by Design (2009) - *Maintaining Vegetated Stormwater Assets* (Version 1). A copy of this document must be retained on the site together with the approved Operational Works drawings for the stormwater quality treatment system and a detailed life cycle costing of the system attached as an addendum. Records of all maintenance activities undertaken must be kept and made available to Council upon request.

Stormwater Harvesting

31. Operating rainwater collection tanks must be provided as identified in the Stormwater Management Plan (to be revised as per the decision notice) listed in this Decision Notice. The tanks must be provided in accordance with Building Works and must include in particular:
- (a) the details identified in Stormwater Management Plan listed in this Decision Notice
- (b) a tank capacity of 10000 litres for each building

Flood Immunity

32. The minimum floor level of all buildings and minimum opening crest level of basement ramps constructed on the site must be provided in accordance with the requirements of the Integrated Water Management Code and a flood search certificate.

Electricity and Telecommunication Services

33. Unless otherwise stipulated by telecommunications legislation at the time of construction, the development must be provided with all necessary conduits, pits and pipes to accommodate the future connection of optic fibre technology telecommunications.
34. Certification must be submitted to Council from all relevant service providers which certify that the development has met the requirements of this Decision Notice and all applicable legislation at the time of construction.

Water and Sewerage Services

35. An underground connection to reticulated water and sewerage must be provided to the development site in accordance with the standards and requirements of Northern SEQ Distributor-Retailer Authority (Unitywater).
36. A Certificate of Completion from the Northern SEQ Distributor-Retailer Authority (Unitywater) must be submitted to Council that certifies an underground connection to reticulated water and sewerage has been provided to the development site at the time of commencement of use.

ENVIRONMENTAL HEALTH

Acoustic Amenity

37. Any fixed plant and equipment* that causes either tonal (L_{eq}) sound (e.g. from basement car-park exhaust, air conditioning unit or pool filtration unit), or impulse (L_{max}) sound, must be enclosed, shielded and/or positioned to ensure that sound pressure does not exceed the following levels for habitable rooms within dwellings:
 - (a) 40 dB(A) L_{eq} for living and work areas
 - (b) 35 dB(A) L_{eq} for sleeping areas
 - (c) 45 dB(A) L_{max} for all areas

Note: Measurement of sound pressure levels (adjusted for tonality and impulse) must be in accordance with Australian Standard AS1055.1 "Acoustics – Description and measurement of environmental noise – General procedures".

*(Refer to Advisory Note)
 38. Certification must be submitted to Council from a qualified person* which certifies that operational noise from any fixed plant and equipment complies with the requirements of this Decision Notice.
- *(Refer to Advisory Note)

Waste Management

39. Refuse storage, removal and collection facilities must be provided in accordance with the approved plans and the following:
 - (a) provision of a minimum of low noise bulk bins for the site
 - (b) provision of separate bins for general and recyclable waste
 - (c) collection by service vehicles from within the site only, and not from the kerbside
 - (d) provision of a communal hardstand impervious area for the permanent storage location and service collection of all bulk bins, having minimum dimensions of 1.5 m² (1100mm x 1300mm) per bin and located as indicated on the approved plans
 - (e) provision of a 1.8m high purpose built enclosure to the communal bin store, which is screened from the street and adjoining properties by landscaping
 - (f) provision of a wash-down area in the vicinity of the permanent storage location fitted with a hosecock and a drain connected to the sewer that has a stormwater catchment area of no more than 1m²
 - (g) provision of waste chutes connected to each floor of the building/s for the disposal of general waste only (not recyclable waste). The waste chutes must be:
 - (i) vertical and cylindrical with a minimum diameter of 450mm

- (ii) constructed of non-corrosive, smooth, impervious and noise-dampening materials
 - (iii) contained within fire rated shafts
 - (iv) constructed to finish at least 25mm below the ceiling level of the collection room and not more than 300mm above the height of the waste containers
 - (v) ventilated without causing odour within the building
 - (vi) fly and vermin proof
 - (vii) fitted with maintenance access and cleaning appliances
 - (viii) fitted with self-closing hoppers on each level located between 1.0m and 1.5m above the floor level, and with wall and floor surfaces around the hopper of an impervious easy to clean material.
- (h) provision of a waste room at the bottom of the waste chutes for the collection and permanent storage location of general waste only (not recyclable waste). The waste room must be:
- (i) constructed of fire rated, impervious and smooth materials to all walls, floors, doors and junctions
 - (ii) fly and vermin proof
 - (iii) fitted with a lock capable of being opened from the inside without a key at any time
 - (iv) refrigerated or otherwise ventilated to reduce odour
 - (v) co-located with a hosecock and drain connected to the sewer.

**(Refer to Advisory Note)*

40. Certification must be submitted to Council from a qualified person* which certifies that all waste chutes and waste rooms have been constructed in accordance with the requirements of this Decision Notice.

**(Refer to Advisory Note)*

Outdoor Lighting

41. Lighting associated with the use must be designed, sited, installed and tested to comply with Table 2.1 & 2.2 of Australian Standard AS4282-1997 "Control of the obtrusive effects of outdoor lighting" using a control level of 1.
42. Certification must be submitted to Council from a qualified person* which certifies that all outdoor lighting devices comply with the requirements of this Decision Notice.
- *(Refer to Advisory Note)*
43. Any external lighting fronting North Shore Road must be designed to prohibit light spill external to the site. All lighting on balconies fronting North Shore Road must be shielded or directed downward to prohibit any potential impacts to turtles nesting on the beach.

Acid Sulfate Soils

44. All works must be carried out in accordance with an Acid Sulfate Soil and Groundwater Management Plan (or part thereof) prepared by a qualified person* and endorsed through an Operational Works approval.

**(Refer to Advisory Note)*

45. All waters, including stormwater runoff, groundwater seepage and leachate from acid sulfate soils must achieve the following quality prior to release from the site:
- a pH range of 6.5-8.5 pH units
 - 50mg/L maximum total suspended solids concentration
 - 0.3mg/L maximum total iron concentration
 - 0.2mg/L maximum total aluminium concentration
 - No visible plume at either the point of release from the site or within a waterway.
46. All treated material must undergo verification testing at the rate of one sample per 250 m³ throughout the duration of the excavation phase of the development. The verification testing must be undertaken by a qualified person* using the SPOCAS or Chromium Reducible Sulphur testing suite, and the results must be submitted to Council for appraisal.
**(Refer to Advisory Note)*
47. The basement must be designed and constructed as a water excluding structure in accordance with Australian Standard AS3735 *Concrete Structures for Retaining Liquids* to ensure groundwater does not enter the basement after construction is completed. The basement must be able to withstand hydrostatic pressure, be 'fully tanked' and sealed (including control joints) to prevent groundwater infiltration, and contain no permanent or post-construction sub-surface drainage.

ECOLOGY

Bushfire Management

48. All works must be carried out in accordance with a Bushfire Management Plan (or part thereof) prepared by a qualified person* and endorsed through an Operational Works approval.
**(Refer to Advisory Note)*
49. A copy of the Bushfire Management Plan for the development must be provided to the nearest fire authority.
50. Certification must be submitted to Council from a qualified person* which certifies that the development has been constructed in accordance with the bushfire management conditions of this Decision Notice.
**(Refer to Advisory Note)*
51. A bushfire evacuation plan for the site must be prepared by a qualified person* and submitted to Council prior to the issue of any Development Permit for Operational Works.
**(Refer to Advisory Note)*
52. A copy of the bushfire evacuation plan for the development must be provided to the nearest fire authority.

LANDSCAPING

Landscaping Works

53. The development site must be landscaped. The works must be undertaken in accordance with an Operational Works approval prepared by a suitably qualified person* and include:
- The works generally shown on the approved *Landscape Concept Package* and as required in accordance with conditions and plan amendments listed in this Decision Notice
 - Vegetation with vertical scale to provide screening/buffering of the built form when viewed from North Shore Road, designed such that a minimum 50% of the built form will be screened/buffered at maturity
 - perimeter fencing must be at least 50% permeable
 - Fencing colour/s which are complementary to the natural environment (for example: pool type fencing to northern and eastern boundaries)
 - Any electrical transformers, bin storage areas and the like are concealed or screened from view. This is to be achieved through a combination of built form and soft landscaping
 - Clothes drying areas are concealed or screened from public view. This is to be achieved through a combination of built form and soft landscaping.
- (* Refer to Advisory Note)
54. All landscape works must be established and maintained in accordance with the approved design for the life of the development, and in a manner that ensures healthy and sustained plant growth. All plant material must be allowed to grow to full form and be refurbished when its life expectancy is reached.

6. REFERRAL AGENCIES

Not Applicable.

7. APPROVED PLANS

The following plans are Approved Plans for the development:

Approved Plans

Plan No.	Rev.	Plan Name	Date
2975/DA/02	13	<i>Site Plan</i> , prepared by Blackburne Jackson Design	17-07-2015
2975/DA/03	12	<i>Buildings A & B: Basement Floor Plan</i> , prepared by Blackburne Jackson Design	03-07-2015
2975/DA/04	12	<i>Buildings A & B: Level 1 Floor Plan</i> , prepared by Blackburne Jackson Design	03-07-2015
2975/DA/05	12	<i>Buildings A & B: Level 4 Floor Plan</i> , prepared by Blackburne Jackson Design	03-07-2015
2975/DA/06	12	<i>Building A: Elevations</i> , prepared by Blackburne Jackson Design	03-07-2015
2975/DA/07	12	<i>Building A: Elevation & Section</i> , prepared by Blackburne Jackson Design	03-07-2015
2975/DA/08	12	<i>Building B: Elevations</i> , prepared by Blackburne Jackson Design	03-07-2015

Plan No.	Rev.	Plan Name	Date
2975/DA/09	12	<i>Building B: Elevation & Section</i> , prepared by Blackburne Jackson Design	03-07-2015
2975/DA/10	12	<i>Buildings C & D: Basement Floor Plan</i> , prepared by Blackburne Jackson Design	03-07-2015
2975/DA/11	12	<i>Buildings C & D: Level 1 Floor Plan</i> , prepared by Blackburne Jackson Design	03-07-2015
2975/DA/12	12	<i>Buildings C & D: Level 3 Floor Plan</i> , prepared by Blackburne Jackson Design	03-07-2015
2975/DA/13	12	<i>Building C: Elevations</i> , prepared by Blackburne Jackson Design	03-07-2015
2975/DA/14	12	<i>Building C: Elevation & Section</i> , prepared by Blackburne Jackson Design	03-07-2015
2975/DA/15	12	<i>Building D: Elevations</i> , prepared by Blackburne Jackson Design	03-07-2015
2975/DA/16	12	<i>Building D: Elevation & Section</i> , prepared by Blackburne Jackson Design	03-07-2015
2975/DA/17	13	<i>Buildings E, F & G: Basement Plan</i> , prepared by Blackburne Jackson Design	17-07-2015
2975/DA/18	13	<i>Buildings E, F & G: Level 1 Floor Plan</i> , prepared by Blackburne Jackson Design	17-07-2015
2975/DA/19	13	<i>Buildings E, F & G: Level 3</i> , prepared by Blackburne Jackson Design	17-07-2015
2975/DA/20	12	<i>Building E: Elevations</i> , prepared by Blackburne Jackson Design	03-07-2015
2975/DA/21	12	<i>Building E: Elevation & Section</i> , prepared by Blackburne Jackson Design	03-07-2015
2975/DA/22	12	<i>Building E: Elevations</i> , prepared by Blackburne Jackson Design	03-07-2015
2975/DA/23	12	<i>Building F: Elevation & Section</i> , prepared by Blackburne Jackson Design	03-07-2015
2975/DA/24	13	<i>Building G: Elevations & Sections</i> , prepared by Blackburne Jackson Design	17-07-2015
2975/DA/25	13	<i>Height Plane Profections</i> , prepared by Blackburne Jackson Design	17-07-2015

The following plans require amendment prior to becoming Approved Plans for the development:

Plans Requiring Amendment

Plan No.	Rev.	Plan Name	Date
Landscape Concept Plan – Buildings C and D		<i>Landscape Concept Plan – Buildings C and D</i> , prepared by James Birrell Design Lab	14.04.2015
Amendments		<ol style="list-style-type: none"> Amend plan to substitute the proposed turf swale (Legend No.13) with tufting native grasses and large shrub/small tree species Amend plan to include additional tufting native grasses and large shrub/small tree species to the bio retention swale notes. 	
Sections		<i>Sections</i> prepared by James Birrell Design Lab	14.04.2015
Amendments		<ol style="list-style-type: none"> Amend note on Section 4 Building D to remove the turf reference and include tufting native grasses and large shrub/small tree species. 	
Arboricultural Assessment		<i>Arboricultural Assessment prepared by Tree Solutions</i>	02.04.2015
Amendments		<ol style="list-style-type: none"> Amend Arboricultural Assessment to remove the DRAFT reference (watermark) 	

Documents Requiring Amendment

Plan No.	Rev.	Plan Name	Date
1663 C R001	02	<i>Twin Waters Resort Apartments Stormwater Management Plan for Abacus Funds Management Limited</i> , prepared by ADG	March 2015
Amendments		<ol style="list-style-type: none"> The report to be revised to include the maintenance section for RW tanks. 	

8. REFERENCED DOCUMENTS

The following documents are referenced in the assessment manager conditions:

Referenced Documents

Document No.	Rev.	Document Name	Date
1663 C R001	02	<i>Twin Waters Resort Apartments Stormwater Management Plan for Abacus Funds Management Limited</i> , prepared by ADG	March 2015
14571	V01	<i>Traffic Engineering Report</i> , and the <i>Supplementary to the Traffic Engineering Report (Information Request Response MCU15/0011)</i> , prepared by RoadPro Development	January & 22 April 2015
-	-	<i>Arboricultural Assessment, Twin Waters Resort Extension</i> , prepared by Tree Solutions	2 April 2015

Document No.	Rev.	Document Name	Date
-	D	<i>Dune Revegetation</i> , prepared by James Birrell Design Lab	14.04.2015

9. ADVISORY NOTES

The following notes are included for guidance and information purposes only and do not form part of the assessment manager conditions:

PLANNING

Equitable Access and Facilities

- The plans for the proposed building work have NOT been assessed for compliance with the requirements of the National Construction Code - Building Code of Australia (Volume 1) as they relate to people with disabilities. Your attention is also directed to the fact that in addition to the requirements of the National Construction Code as they relate to people with disabilities, one or more of the following may impact on the proposed building work:
 - the *Disability Discrimination Act 1992* (Commonwealth);
 - the *Anti-Discrimination Act 1991* (Queensland); and
 - the Disability (Access to Premises – Buildings) Standards

Aboriginal Cultural Heritage Act 2003

- There may be a requirement to establish a Cultural Heritage Management Plan and/or obtain approvals pursuant to the *Aboriginal Cultural Heritage Act 2003*.

The *ACH Act* establishes a cultural heritage duty of care which provides that: “A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage.” It is an offence to fail to comply with the duty of care. Substantial monetary penalties may apply to individuals or corporations breaching this duty of care. Injunctions may also be issued by the Land Court, and the Minister administering the Act can also issue stop orders for an activity that is harming or is likely to harm Aboriginal cultural heritage or the cultural heritage value of Aboriginal cultural heritage.

You should contact the Cultural Heritage Unit on 07 3247 6212 to discuss any obligations under the *ACH Act*.

Easements and Future Works over External Land

- Should the conditions of this Decision Notice require easements or works to be undertaken over land external to the site, Council recommends that easement and works requirements are negotiated with the relevant land owner/s prior to advancing to detailed design stages of the development to avoid unexpected costs or delays. To discuss easement or works requirements over Council owned or controlled land, please liaise directly with Council’s Property Management Branch and note that compensation may be payable.

Other Laws and Requirements

4. This approval relates to development requiring approval under the *Sustainable Planning Act 2009* only. It is the applicant's responsibility to obtain any other necessary approvals, licences or permits required under State and Federal legislation or Council local law, prior to carrying out the development. Information with respect to other Council approvals, licences or permits may be found in the "Laws & Permits" page of the Sunshine Coast Council website (www.sunshinecoast.qld.gov.au). For information about State and Federal requirements please consult with these agencies directly.

Development Compliance Inspection

5. Prior to the commencement of the use, please contact Council's Development Audit & Response Unit to arrange a Development Compliance Inspection.

Resubmission of Amended Plans Required

6. The conditions of this Decision Notice require resubmission of plans to Council with amendments. Please address the amended plans to Council's Planning Assessment Branch with the Reference No. MCU15/0011, separate to any Operational Works application. To avoid delays and assessment issues with the Operational Works application, it is recommended the plans be resubmitted prior to lodgement of any Operational Works application. However, should the plans not be submitted, the applicant is advised that a Preliminary Approval may be issued in lieu of a Development Permit.

Infrastructure Charges

7. This Development Permit may trigger an "Adopted Infrastructure Charge Notice" (if applicable) to be issued in accordance with Council's "Adopted Infrastructure Charges Resolution" under the State Planning Regulatory Provision (Adopted Charges) and the *Sustainable Planning Act 2009*.

ENGINEERING

Building and Construction Industry (Portable Long Service Leave) Levy

8. The QLeave levy must be paid prior to the issue of a development permit for Operational Works where required. Council will not be able to issue a Decision Notice without receipt of details that the Levy has been paid. QLeave contact: 1800 803 481 (free call) or (07) 3212 6855.

Co-ordination of Operational Works Assessment

9. Additional application fees apply to Operational Work applications where the different aspects of the works are lodged separately. Significant savings in application fees will result if all works are lodged in a single application.

Consent for Water and Sewerage works in existing roads

10. From the 1st July 2014 water and sewerage infrastructure associated with new developments will be assessed and approved by Unitywater under the *South East Queensland Water (Distribution and Retail Restructuring) Act 2009* and their applicable

technical standards. Council's consent is required where water and sewerage works are proposed within existing roads including the alignment of this infrastructure. This consent will be given as part of the associated SPA Operational Works (OPW) approval for external works where this is required. The OPW application should therefore detail the extent of any water and sewerage works proposed within the existing road reserve as part of the development works. The alignment within the existing roads should be in accordance with the water and sewerage approved allocations within road corridors as detailed on the Council's standard engineering drawing SEQ R-100 Typical service corridors and alignments.

Resubmission of Amended Documents Required

11. The conditions of this Decision Notice require resubmission of the referenced Stormwater Management Plan to Council with amendments. Please address the amended documents to Council's Planning Assessment Branch with the Reference No. MCU15/0011, separate to any Operational Works application. To avoid delays and assessment issues with the Operational Works application, it is recommended the document be resubmitted prior to lodgement of any Operational Works application. Should the amended document not be submitted, the applicant is advised that a Preliminary Approval may be issued in lieu of a Development Permit.

Qualified Person

12. For the purpose of certifying flood levels for the development, a qualified person is considered to be a Registered Professional Engineer of Queensland (RPEQ) experienced in hydraulics and hydrology.

Preparation of a Preliminary Construction Management Plan

13. A preliminary Construction Management Plan must be submitted with the Operational Works application and must address the following:
 - (a) traffic management during all aspects of the construction phase including:
 - (i) a Traffic Management Control Plan in accordance with the Manual of Uniform Traffic Control Devices (MUTCD) detailing all temporary signage and traffic control measures prior to construction
 - (ii) maintenance of safe pedestrian access for the areas affected by the works during and after daily construction has ceased
 - (iii) proposed fencing to the site during the construction phase of the development
 - (iv) approval of the Traffic Management Control Plan by the Department of Transport and Main Roads (DTMR) for any works on State controlled roads
 - (v) provision for worker car parking
 - (b) maintenance and protection of water quality and existing drainage lines through the construction site, through the implementation of appropriate erosion and sediment control measures
 - (c) works programme identifying key components of the works and their respective durations
 - (d) establishment of a communication protocol with the general public, adjoining owners, emergency services and local businesses to advise of agreed construction times, impacts on traffic, services and other relevant issues
 - (e) identification of complaint management procedures including:
 - (i) contact details for the on-site manager
 - (ii) dispute resolution procedures
 - (f) details on the location of external fill sites/sources, the haulage route, type of

vehicle to be utilised during filling operations and frequency of usage. NB any damage to the existing road system as a result of haulage operations shall be fully repaired at the applicant's expense

- (g) it is acknowledged that the preliminary Construction Management Plan will be a draft document requiring finalisation upon appointment of the Principal Contractor employed to construct the works and a final document will be required to be submitted at the Pre-Start Meeting for the project.

Community Title Scheme - Private Infrastructure

14. All private infrastructure for the development must be designed to meet the planning scheme requirements unless otherwise agreed by the relevant authority

Bioretention Basin Educational Signage

15. Suggested wording for the permanent educational signage required by this Decision Notice is as follows:

"BIORETENTION BASIN - This bioretention basin reduces the pollution of our waterways by reducing the amount of heavy metals, litter, suspended solids, and nutrients discharged to (insert name of receiving waters)".

ECOLOGY

16. For the purpose of preparing a Bushfire Management Plan, and for certifying compliance with the bushfire requirements of this Decision Notice, a qualified person is considered to be an ecologist with a minimum of 3 years current experience in the field of bushfire assessment and management.

ENVIRONMENTAL HEALTH

Qualified Person

17. For the purpose of certifying waste chute construction for the development, a qualified person is considered to be a Registered Professional Engineer of Queensland.
18. For the purpose of certifying acoustic treatments for the development, a qualified person is considered to be either:
- (a) a Registered Professional Engineer of Queensland;
 - (b) an environmental consultant with a minimum of 3 years current experience in the field of acoustics.
19. For the purpose of certifying outdoor lighting devices for the development, a qualified person is considered to be either:
- (a) a Registered Professional Engineer of Queensland;
 - (b) an environmental or electrical design consultant with a minimum of 3 years current experience in the field of outdoor lighting.
20. For the purpose of preparing an Acid Sulfate soil and Groundwater Management Plan, a qualified person is considered to be either:
- (a) a Registered Professional Engineer of Queensland (RPEQ) or;
 - (b) a soil scientist with a minimum of 5 year's experience in the field of acid sulfate soils.

LANDSCAPING

Qualified Person

21. For the purpose of preparing a Landscape Plan, a qualified person is considered to be a landscape architect, landscape designer and/or horticulturist with a minimum of 5 years current experience in the field of landscape design.
22. For the purpose of preparing Tree/Vegetation advice, a qualified person is considered to be a person with either:
 - (a) ISA certification; or
 - (b) a Diploma of Arboriculture in addition to a minimum of 5 years current experience in the field of arboriculture.

10. PROPERTY NOTES

Not Applicable.

11. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME

Not Applicable.

12. FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Operational Work (Engineering & Landscaping Works)
- Development Permit for Building Works

13. SELF ASSESSABLE CODES

Not Applicable.

14. SUBMISSIONS

There were 43 properly made submissions about the application. In accordance with *Sustainable Planning Act 2009*, the name and address of the principal submitter for each properly made submission is provided and attached.

15. REASONS / GROUNDS FOR APPROVAL DESPITE CONFLICT WITH SCHEME

Not Applicable.

16. RIGHTS OF APPEAL

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Sustainable Planning Act 2009* is attached.

During the appeal period, you as the applicant may suspend your appeal period and make written representations to council about the conditions contained within the development approval. If council agrees or agrees in part with the representations, a “negotiated decision notice” will be issued. Only one “negotiated decision notice” may be given. Taking this step

will defer your appeal period, which will commence again from the start the day after you receive a “negotiated decision notice”.

17. OTHER DETAILS

If you wish to obtain more information about council’s decision, electronic copies are available on line at www.sunshinecoast.qld.gov.au or at council offices.

8.2.2 FUNDING OPPORTUNITIES TO SUPPORT MARY RIVER REHABILITATION

File No:	ECM
Author:	Manager Environment and Sustainability Policy Regional Strategy & Planning Department
Attachments:	Att 1 - Kenilworth Reach, Mary River 133

PURPOSE

The purpose of this report is to present options for joint funding opportunities to facilitate riverbank restoration works on the Mary River, adjoining private property, in the locale of Kenilworth for Council consideration.

EXECUTIVE SUMMARY

This report responds to a Notice of Motion and associated council resolution (OM15/102) that sought an investigation into options for joint funding opportunities to facilitate riverbank restoration works on the Mary River, adjoining private property (in the locale of Kenilworth) and that such options be considered in conjunction with the State Government and the Mary River Catchment Co-ordination Group.

In preparing this report, Council officers made direct contact with key external funding and delivery stakeholders operating in the Mary River catchment to explore additional joint funding opportunities. All available council funding pathways were also considered for the 2015/16 financial year.

The Mary River catchment (9,500 km²) is one of the most diverse catchments in Queensland supporting a number of communities, a range of economic activities and important protected natural areas, and many iconic and threatened wildlife species. The Sunshine Coast Local Government Area includes only 9% (850 km²) of the catchment.

The Mary River has undergone significant land use change since European settlement which has seen the clearing of riparian and floodplain vegetation and the extensive extraction of alluvial sands and gravels which have contributed to bank erosion and slumping and sediment and nutrient runoff.

In response to such issues and to work towards delivering well managed and maintained waterways, Council has prepared and is implementing the Sunshine Coast Waterways and Coastal Management Strategy 2011-2021. Improving the condition of riparian and in stream habitats is a strategic outcome of this approach.

Council officers are actively engaged with key stakeholders in the Mary River Catchment, to deliver strategic outcomes, including the Mary River Catchment Coordinating Committee (MRCCC), Burnett Mary Regional Group (BMRG), SEQ Water, the Commonwealth and State governments and private landholders. Investigations identified that these stakeholders have, or are committed to invest more than \$5.5 million and where possible under joint funding arrangements to deliver waterway health improvements across the catchment.

Investigations identified that the conditions associated with funding generally do not provide for engineered bank stabilisation works. As such, MRCCC advised that existing funding can not be used to deliver these type of works and no additional external funding sources were identified.

Within the Kenilworth reach of the Mary River (**Attachment 1**) ongoing migration of the river channel presents significant threats to water quality and supply (Kenilworth town water intake), public and private assets (e.g. Kenilworth-Eumundi Road) and river health values including Mary River Turtle nesting sites and Mary River Cod habitat. Many joint funded riparian restoration programs have been carried out within this reach including:

- the development of a \$55,000 geomorphic assessment and restoration plan; and
- a \$300,000 bank stabilisation project at the Charles Street Park, Kenilworth which was funded by SEQ Water and BMRG.

As part of the investigation into joint funding opportunities to facilitate bank stabilisation works on the Mary River, adjoining private property (in the Kenilworth locale), three council funding pathways have been considered. Through these pathways in 2015/2016, Council is providing ongoing support to community groups, implementing waterway rehabilitation projects and coordinating a private landholder's grants program. These funding pathways include:

1. Partnership Arrangements

\$66,600 is being contributed to the Mary River Catchment Coordinating Committee through the Environment Levy Community Partnership Program, to deliver catchment care in the Sunshine Coast hinterland including landholder extension, water quality and biodiversity monitoring, education and project support. No additional funding is available through this Program to facilitate bank stabilisation activities.

2. Council Implementation

Council is currently committed to making the following investments into Council implemented waterway rehabilitation activities in the Kenilworth reach:

- \$25,000 through the operational budget to committed riparian revegetation works associated with a bank stabilisation project at Charles Street Park, which is land under council ownership. No other operational funding has been allocated to undertake bank stabilisation works.
- \$25,000 through the Major Projects Theme of the Environment Levy to commence planning activities for a Mary River Rehabilitation Project to strengthen riparian corridors, with an indicative \$300,000 allocated for implementation in 2016/2017. Project sites will be delivered in consultation with key stakeholders.

3. Private Landowner Support

Council will contribute \$275,000 through the Landholder Environment Grants (LEGs) to provide funding for private landholders across the Sunshine Coast to undertake projects that protect and enhance the environment. Bank stabilisation works are generally not recognised as a priority due to the costs involved in the design and implementation. The next round of LEGs is planned to open in January 2016.

The Environment Levy Program, including the restricted cash was also considered as a potential funding opportunity but is not supported because of policy and timing related issues. The 2015/2016 Environment Levy Program was endorsed by Council on 18 June 2015.

While no additional internal or external funding opportunities have been identified to facilitate bank stabilisation works in 2015/2016, this report highlights that a collaborative and consultative approach to catchment management activities in the Mary River is well established. This approach is expected to continue in 2015/2016, including the use of joint funding arrangements to implement projects that deliver social, environmental and economic outcomes for the community.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Funding Opportunities to support Mary River Rehabilitation” and
- (b) note that a collaborative and consultative approach is well established in the management of the Mary River and that this approach will continue in 2015/2016 through the identified funding pathways.

FINANCE AND RESOURCING*Operational Funding*

\$25,000 has been allocated to the Environmental Operations Branch to undertake committed riparian revegetation activities associated with the delivery of the jointly funded project at Charles Street Park, Kenilworth. No additional operational funding has been allocated to undertake riverbank stabilisation works in 2015/2016.

Environment Levy Funding

Project funding allocations for the 2015/2016 Environment Levy Program were endorsed by Council on 18 June 2015. Under the Major Projects Theme, \$25,000 was allocated to commence planning activities for a Mary River Rehabilitation Project, with an indicative \$300,000 allocated for implementation in 2016/2017 and maintenance funding of \$90,000 and \$60,000 for 2017/2018 and 2018/2019 respectively.

The Environment Levy Restricted Cash balance is currently approximately \$7.5 million (July 2015), which includes the 2015/2016 allocation for land acquisition. As per the Environment Levy Policy 2014, restricted cash can be used to fund the acquisition of land on the endorsed Land Acquisition Program when allocated funds for this theme have been expended during the financial year and for developing the annual program. The 2015/2016 annual program was endorsed on 18 June 2015.

CORPORATE PLAN

Corporate Plan Goal:	<i>An enviable lifestyle and environment</i>
Outcome:	3.3 - A reputation for innovative environmental practices
Operational Activity:	3.3.2 - Continue to engage, support and grow community partnerships in managing and enhancing the region’s natural assets on public and private lands

CONSULTATION**Internal Consultation**

Internal consultation in preparing this report has included:

- Manager Environmental Operations, Infrastructure Services
- Coordinator Community, Catchment and Partnerships, Infrastructure Services
- Catchment Management Officer, Infrastructure Services
- Coordinator Design Services, Infrastructure Services
- Coordinator, Biodiversity and Waterways, Regional Strategy and Planning
- Division 10 Councillor

External Consultation

External consultation in preparing this report has included:

- Project Manager, Mary River Catchment Coordinating Committee
- Northern Catchments Coordinator, SEQ Water
- Planner, SEQ Water
- Water Services Project Officers, Queensland Department of Natural Resources and Mines
- Sustainable Agriculture Team Leader, Burnett Mary Regional Group
- Civil and Environmental Engineer, Alluvium Consulting

Community Engagement

No community engagement has been undertaken in the preparation of this report.

PROPOSAL

This report is responding to a Notice of Motion and associated council resolution (OM15/102) that sought an investigation into options for joint funding opportunities to facilitate riverbank restoration works on the Mary River, adjoining private property (in the locale of Kenilworth) and that such options be considered in conjunction with the State Government and the Mary River Catchment Co-ordination Group.

The Mary River Catchment

The Mary River catchment covers approximately 9,500 km² from Maleny in the south to the Great Sandy Strait in the north and supports a population of about 75,000 people spread across seven local government areas (LGAs). The Mary River itself is 310 km long.

The Sunshine Coast LGA includes 850 km² of the upper headwaters of the Mary River catchment, which is 37% of the LGA but only 9% of the total catchment area. These southern headwaters have steep slopes and very high rainfall compared to lower catchment areas.

The Mary River catchment is one of the most diverse in Queensland. It sustains a wide range of economic activities, including dairy, beef, forestry, fishing, horticulture, mining, sugar, farm forestry, tourism, sand and gravel extraction, small industry and cottage arts and craft. It also supports important protected natural areas and many iconic and threatened wildlife species.

The Mary River has undergone significant land use change since European settlement which has seen the clearing of riparian and floodplain vegetation and the extensive extraction of alluvial sands and gravels. Key waterway values include water supply for urban and rural uses and habitat refuges for species such as fish, turtles and platypus. Key threats include sediment and nutrient runoff, weed infestation, unrestricted livestock access, unsealed roads, clearing of streamside vegetation and bank erosion and slumping.

Catchment Planning

To deliver well managed and maintained waterways for the Sunshine Coast, Council has prepared and is implementing the Waterways and Coastal Management Strategy. Improving the condition of riparian and in stream habitats is a strategic outcome, which is to be delivered giving consideration to a range of on ground works and the support provided to community groups and landholders.

The Strategy identifies catchment action plans as key deliverables and the primary mechanism to coordinate ongoing and new actions by Council and other stakeholders and ensure that available resources are allocated to priority issues as efficiently as possible.

The coastal catchments of the Maroochy and Mooloolah Rivers and Pumicestone Passage are mostly or wholly within the Sunshine Coast LGA. Therefore, Council is taking a lead role in coordinating the development of action plans in those catchments.

In contrast, the area of the Mary River within the Sunshine Coast is less than 10% of the total catchment. Therefore, it is proposed that Council will support existing planning projects for the Mary River, rather than lead development of any new catchment-wide plans. Council's focus will be to determine priority actions for Council and partners to undertake within our LGA that are consistent with existing catchment-wide plans.

A key initiative currently underway, being led by the Mary River Catchment Coordinating Committee (MRCCC), is the implementation of the *Mary River Threatened Species Recovery Plan* which aims to bring benefits to the overall health of the Mary River and assist in the recovery of populations of endangered and vulnerable species.

It is proposed that Council's planning and on-ground efforts within the Mary River catchment would align with the Recovery Plan. This would continue Council's ongoing collaboration with and support for the Mary River Catchment Coordinating Committee, in particular, its Living with Threatened Species Program.

Stakeholders

In preparing this report, Council officers made direct contact with key external funding and delivery stakeholders operating in the Mary River catchment to explore additional joint funding opportunities. All available council funding pathways were also considered for the 2015/16 financial year.

Council officers are actively engaged with key stakeholders in the Mary River Catchment, to deliver strategic outcomes, including the Mary River Catchment Coordinating Committee (MRCCC), Burnett Mary Regional Group (BMRG), SEQ Water, the Commonwealth and State governments and private landholders.

Investigations identified that these stakeholders have, or are committed to invest more than \$5.5 million and where possible under joint funding arrangements to deliver waterway health improvements across the catchment. These have included:

- \$2.4 million Commonwealth contribution over 6 years through the Biodiversity Fund to MRCCC which is coordinating more than 100 projects, across 22 demonstration reaches. The funding supports the establishment and management of native vegetation;
- \$250,000 contribution from the State Government's Flood Recovery Program in response to Tropical Cyclone Oswald in 2013 to address on-farm productivity and riparian restoration; and
- \$270,000 contribution from BMRG between 2014/2015 – 2015/2016 through the Reef Program to restore the health of the environment and build on improved land management practices.

When questioned about the availability of additional funding to direct towards engineered bank stabilisation works, the following was determined:

- The state government officers from the Department of Natural Resources and Mines indicated that their role in facilitating bank stabilisation activities related to the associated permitting and approval process and no funding was available to support the implementation of such activities;
- The MRCCC advised that conditions associated with grants and other funding programs often limit rehabilitation activities to stock management and habitat restoration and generally do not provide for engineered bank stabilisation works. These type of works are sometimes required to support the successful establishment of riparian vegetation but are generally only delivered by stakeholders when they are associated with the protection of assets (e.g. roads and water supply infrastructure);

- SEQWater was not willing to contribute to bank stabilisation projects that do not deliver water quality outcomes and which were not within immediate proximity to water infrastructure; and
- The BMRG did not identify any new funding opportunities.

Council has provided more than \$1.2 million (since 2009/2010) in funding to support environmental partnerships with not-for-profit community groups and environmental grants to private landholders operating and living within the catchment. Further support and extension is provided through council's Land for Wildlife and Voluntary Conservation Agreement Programs.

In 2011 and 2013 Council also undertook asset protection works to address two bank erosion issues which were threatening Walli Mountain Road. Informed by detailed engineering and hydrological studies, rock revetment works were completed at a cost of approximately \$1.3 million along a combined river frontage of 250m.

Kenilworth Reach, Mary River

Within the Kenilworth reach of the Mary River (**Attachment 1**), ongoing migration of the river channel presents significant threats to water quality and supply (Kenilworth town water intake), public and private assets (e.g. Kenilworth-Eumundi Road) and river health values including Mary River Turtle nesting sites and Mary River Cod habitat. Many successful riparian restoration programs have been carried out by the local community within this reach and have included the protection of remnant vegetation, bank stabilisation and revegetation works, fencing for stock exclusion and woody weed control. Recent joint funded projects in this reach have included:

- The development of a \$55,000 geomorphic assessment and stream restoration plan which was developed through a collaborative approach between the Mary River Catchment Coordinating Committee, SEQWater, Burnett Mary Regional Group (BMRG), Department of Natural Resources and Mines and the Sunshine Coast Council.

The river length subject to the restoration plan is approximately 16km and extends from the Walli Creek confluence to downstream of Moy Pocket.

The plan recommends a program of works that provides immediate protection to key assets, and more broadly aims to increase the natural resilience of the river system through the establishment of high quality, structurally diverse riparian vegetation.

The estimated cost of implementing bank stabilisation works within the Kenilworth reach is \$5.78 million.

- a \$300,000 investment by SEQ Water and BMRG to undertake a bank stabilisation project adjacent to the Charles Street Park to protect the water intake infrastructure required to supply drinking water to Kenilworth.

As part of the investigation into joint funding opportunities to facilitate bank stabilisation works on the Mary River, adjoining private property (in the Kenilworth locale), three council funding pathways have been considered. Through these pathways in 2015/2016, Council is providing ongoing support to community groups, implementing waterway rehabilitation projects and coordinating a private landholder's grants program. These funding pathways include:

1. Partnership Arrangements

Through the Environment Levy, funding is allocated each year to support partnerships with not-for-profit community groups. In 2014/2015, \$550,000 was allocated to support 24 groups.

The Mary River Catchment Coordinating Committee is a well organised long term partner of Council which currently has a three year (\$66,600 / year) Environment Levy funded partnership. The group coordinates with council programs and delivers catchment care in the Sunshine Coast hinterland including landholder extension, water quality and biodiversity monitoring, education and project support. No additional funding is available through this Program.

2. Council Implementation

Council is currently committed to making the following investments into Council coordinated waterway rehabilitation activities in the Kenilworth reach:

- \$25,000 has been allocated to committed riparian revegetation works associated with the Charles Street Park site which is land under council ownership. These works are proposed to be implemented in partnership with the community as part of National Tree Day celebrations in late July.
- \$25,000 under the Environment Levy Major Projects Theme is allocated to commence planning activities for a Mary River Rehabilitation Project to strengthen riparian corridors, with an indicative \$300,000 allocated for implementation in 2016/2017 and maintenance funding of \$90,000 and \$60,000 for 2017/2018 and 2018/2019 respectively.

In consultation with stakeholders, a number of project sites will be considered through the planning process. However, investments are likely to be directed towards areas in the vicinity of the Charles Street Park works to build on, and strengthen the likely success of that project and other areas identified in the restoration plan where stock control and vegetation establishment are recommended.

3. Private Landowner Support

The Environment Levy Landholder Environment Grants (LEG) provide funding for private landholders to undertake projects that protect and enhance the environment across the Sunshine Coast. In the 2014/2015 LEG funding round, 118 applications totalling \$341,348 were approved to undertake weed control, fencing, assisted regeneration and revegetation works. Council's contribution will support projects with a total value of more than \$1 million.

It is a pre-requisite for all applicants to lodge an expression of interest and to agree to a property visit by one of Council's Community Conservation Partnership officers to provide support and advice to potential applicants. Bank stabilisation works are generally not recognised as a priority due to the costs involved in the design and implementation. The next round of LEGs is planned to open in January 2016.

Consideration has also been given to the following funding opportunities:

Environment Levy Restricted Cash

The Environment Levy Restricted Cash cannot be used to facilitate immediate bank stabilisation works. As per the Environment Levy Policy 2014, restricted cash can be used to fund the acquisition of land on the endorsed Land Acquisition Program when allocated funds for this theme have been expended during the financial year and for developing the annual program which was endorsed on 18 June 2015.

Environment Levy Mary River Rehabilitation Project - Budget Review

As per the Environment Levy Policy 2014, if an endorsed project (e.g. Mary River Rehabilitation Project) can demonstrate a need for additional funds during the financial year, anticipated underspends from other endorsed projects within the same funding theme can be

used. These budget amendments would be reflected in the quarterly budget reporting to council. While this presents a possible funding option, underspends are not likely to be confirmed until late in the financial year which does not provide adequate time to commit the funding and implement bank stabilisation works.

While no additional internal or external funding opportunities have been identified to facilitate bank stabilisation works in 2015/2016, this report highlights that a collaborative and consultative approach to catchment management activities in the Mary River is well established. This approach is expected to continue in 2015/2016, including the use of joint funding arrangements to implement projects that deliver social, environmental and economic outcomes for the community.

Legal

There are no legal implications associated with this report.

Policy

Well managed and maintained waterways are identified as an outcome in the Sunshine Coast Council's Corporate Plan 2014-2019. In response, Council has prepared the Sunshine Coast Waterways and Coastal Management Strategy 2011-2021, which provides the strategic direction and a framework for managing the Sunshine Coast's waterways and coastal foreshores. Improving the condition of riparian and in stream habitats is identified as a strategic outcome and is to be delivered giving consideration to a range of on ground works and the support provided to community groups and landholders through the community partnerships, environment grants and other conservation programs.

Funding allocated through the Environment Levy to support and engage with the community is guided by the Environment Levy Policy and associated Organisational Guideline and the Environment Levy Partnerships and Grants Guidelines.

Risk

Like many waterways across the Sunshine Coast, the Mary River has extensive bank stability issues which is due in part to historical land use practices including the removal of native riparian vegetation. Unstable banks and channel migration is likely to present ongoing economic, social and environmental risks to the broader community.

Council makes a range of investments to enhance biodiversity and waterway health on both private and public lands through endorsed policies and guidelines. If council identifies the funding to facilitate bank stabilisation works, the distribution of the funds should be guided by existing governance arrangements to minimise the risk associated with public perceptions.

Previous Council Resolution

Ordinary Meeting – 18 June 2015 - Council Resolution (OM15/102)

That Council request the Chief Executive Officer to undertake an investigation and report back to Council, providing options for joint funding opportunities to facilitate riverbank restoration works on the Mary River, adjoining private property (in the locale of Kenilworth) and that such options be considered in conjunction with the State Government and the Mary River Catchment Co-ordination Group.

Related Documentation

- Sunshine Coast Council Corporate Plan 2009–2014
- Sunshine Coast Waterways and Coastal Management Strategy 2011–2021
- Sunshine Coast Biodiversity Strategy 2010–2020
- Environment Levy Policy

- Environment Levy Organisational Guideline
- Environment Levy Partnerships Guideline
- Environment Levy Grants Guideline
- Geomorphic assessment and stream restoration plan for the Mary River – Kenilworth reach, Alluvium Consulting

Critical Dates

The next round of Council's Environment Levy Landholder Environment Grants opens in January 2016.

Implementation

A collaborative and integrated approach is necessary to deliver environmental improvements for the Sunshine Coast. Council officers will continue to work with the many different stakeholders to deliver on the organisation's strategic environmental outcomes for biodiversity conservation and waterway management in the Mary River and other Sunshine Coast catchments.

Implementation of the Environment Levy Program is integrated across the organisation with the Environment Levy funded partnerships, grants and other incentives programs delivered by officers in Environmental Operations, Infrastructure Services Department.

8.3 CORPORATE SERVICES

8.3.1 JUNE 2015 FINANCIAL PERFORMANCE REPORT

File No: Financial Reports

**Author: Acting Coordinator Financial Services
Corporate Services Department**

To be provided as a late report.

**8.3.2 119TH ANNUAL LOCAL GOVERNMENT ASSOCIATION QUEENSLAND
CONFERENCE 2015 - MOTION - VALUATION METHODOLOGY FOR
STRATA UNITS**

File No:	LGAQ
Author:	Manager Corporate Governance Corporate Services Department
Appendices:	App A - LGAQ Conference Motion 141

PURPOSE

In accordance with the LGAQ Annual Conference rules, this report presents to council a proposed motion to be forwarded to the LGAQ for consideration at the 119th Annual Conference.

EXECUTIVE SUMMARY

The 119th Annual LGAQ Conference 'Taking control of our destiny' is scheduled to be held in Toowoomba during 19 – 21 October 2015.

The LGAQ forwarded a circular to all Queensland local governments on 20 April 2015 calling for conference motions. The deadline for receipt of motions is 28 August 2015 to enable the preliminary agenda to be finalised and provided to member councils prior to the Annual Conference.

The LGAQ require a council resolution for all motions submitted. Following a call for nomination of motions to all councillors, one motion in relation to valuation methodology for strata units has been prepared for council's consideration.

The LGAQ motion states that the desired outcome is to determine a fair and equitable general rating methodology for Strata units (and other potential situations such as Community Strata titles), that is simple to apply and does not result in cumbersome or costly data collection and maintenance.

The LGAQ motion states that this can be achieved by allowing Councils to have the option of using market valuation for sectors of properties within the local government area.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "119th Annual Local Government Association Queensland Conference 2015 - Motion - Valuation Methodology for Strata Units" and**
- (b) forward the motion titled 'To introduce a different valuation methodology to Strata Units by using market value' as detailed in Appendix A, to the Local Government Association Queensland for inclusion in the 119th Annual Conference Agenda.**

FINANCE AND RESOURCING

There are no finance and resourcing impacts as a result of preparing this report and attachment.

Should the motion be accepted by the LGAQ and later implemented as part of council's rating methodology a change in rating revenue may occur.

CORPORATE PLAN

Corporate Plan Goal: *A public sector leader*
Outcome: 5.2 - A financially sustainable organisation
Operational Activity: 5.2.1 - Develop and implement long-term financial plans to guide the optimal utilisation of resources

CONSULTATION

Internal Consultation

Consultation in relation to this report has occurred with councillors and senior Finance branch staff.

External Consultation

There has been no external consultation undertaken in relation to this report.

Community Engagement

There has been no community consultation undertaken in relation to this report.

PROPOSAL

The next annual conference of the LGAQ will be held in Toowoomba during 19 – 21 October 2015. The conference is titled 'Taking control of our destiny' and marks the 119th Conference event.

During April 2015, the LGAQ forwarded a circular to all Queensland local governments calling for conference motions. The LGAQ require a council resolution for all motions submitted. The deadline for receipt of motions is 28 August 2015 to enable the preliminary agenda to be finalised and provided to member councils prior to the Annual Conference.

Following a call for nomination of motions to all councillors, one motion in relation to valuation methodology for strata units has been prepared for council's consideration.

The LGAQ motion states that the desired outcome is to determine a fair and equitable general rating methodology for Strata units (and other potential situations such as Community Strata titles), that is simple to apply and does not result in cumbersome or costly data collection and maintenance.

The LGAQ motion states that this can be achieved by allowing Councils to have the option of using market valuation for sectors of properties within the local government area.

Legal

There are no legal implications relevant to this report.

Policy

There are no current policy implications associated with this report or the motion proposed for consideration at the LGAQ conference. Should the motion be adopted and later implemented council will then need to consider its rating and revenue policy for future budget discussions.

Risk

There are no risks in relation to this report.

Previous Council Resolution

There is no previous council resolution relevant to this report.

Related Documentation

Further information in relation to the LGAQ Annual Conference can be located at <http://www.lgaq.asn.au/group/guest/2015-annual-conference>

Critical Dates

This report must be considered by council at the August Ordinary Meeting in order to allow for the motion to be received by the LGAQ prior to the deadline of 28 August 2015.

Implementation

If resolved by council, the motion will be forwarded to the LGAQ for inclusion in the conference motions.

8.4 COMMUNITY SERVICES

8.4.1 SYSTEMATIC INSPECTION PROGRAM - REGULATED DOGS

File No:	Animal Management
Author:	Coordinator Response Services Community Services Department
Attachments:	Att 1 - Mandatory Conditions for Regulated Dogs 151

PURPOSE

The purpose of this report is to seek approval by council resolution to conduct a systematic inspection program to monitor the compliance of mandatory conditions for regulated dogs within the boundaries of the Sunshine Coast region, in accordance with the *Animal Management (Cats and Dogs) Act 2008*.

EXECUTIVE SUMMARY

The *Animal Management (Cats and Dogs) Act 2008* (the Act) requires local governments to manage regulated dogs within their boundaries. Council undertakes investigations into animal attacks and declares dogs to be regulated dogs in accordance with the Act. There are three categories of regulated dogs as defined under the Act:

- Declared dangerous dog
- Declared menacing dog and
- Restricted dog.

Once a dog is made a regulated dog, the animal owner must adhere to mandatory conditions as outlined in the Act (refer to Attachment 1). To ensure compliance with these conditions, Council officers' conduct an initial inspection at the property where the animal is normally kept and work with the animal owner to ensure all conditions are met.

To guarantee the ongoing compliance of the mandatory conditions to keep a regulated dog, a check of the property should be conducted annually to address any breaches. Annual inspections can only occur if council approves by resolution, a systematic inspection program. This program would provide authorised officers the power to enter private property in order to check for continued compliance by the dog owner with the mandatory conditions for keeping a regulated dog. Without a systematic inspection program, council has no other way of confirming if a regulated dog is being kept in accordance with the conditions imposed under the Act unless a complaint is received.

It is proposed that the systematic inspection program be undertaken by the three Rapid Response Officers and Prosecutions and Investigations Officer, to commence on 12 October 2015 and concluding on 18 December 2015. Officers will undertake inspections:

- at all properties where a regulated dog was last known to have been kept according to Council records and
- at properties where it is identified that a regulated dog is now being kept.

As at 15 June 2015, there were 63 regulated dogs in the Sunshine Coast area which require an annual inspection. The cost to undertake this program is estimated to be approximately \$14,300, which will be funded via the registration fees collected from the regulated dog owners.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Systematic inspection program - Regulated Dogs” and
- (b) approve the following systematic inspection program for the Sunshine Coast Council area in accordance with the *Animal Management (Cats and Dogs) Act 2008, section 113 (Approval of an inspection program authorising entry)*:
 - (i) compliance audit of the premises within the region where Council’s Regulated Dog Register indicates a regulated dog is being kept, to occur from 12 October 2015 to 18 December 2015.

FINANCE AND RESOURCING

As at 15 June, 2015 Council there were 63 regulated dogs listed in its Regulated Dog Register which require an annual inspection. The cost of conducting this program is anticipated to be approximately \$14,300 and will be covered by the registration fees collected from the regulated dog owners.

The registration fees for a regulated dog are \$409 from 1 October 2015.

Estimated costs

Description of activity	Estimated time	Estimated cost
Administration including - booking appointments, updating systems, generating letters or notices, issuing infringements (1 Officer)	45 min	\$40.50
Conducting initial inspection including travel time to locations (based on current registered locations of regulated dogs) (2 Officers)	90 min	\$162.04
Follow-up inspection, including travel (required where areas of non-compliance are identified)* (2 Officers)	90 min	\$162.04
Average cost per dog*	180 min	\$226.85

***Note:** a follow-up inspection or further investigation is required approximately 15% of the time, based on the program conducted in 2014.

CORPORATE PLAN

Corporate Plan Goal: *Service excellence*

Outcome: 4.1 - Customer focused services

Operational Activity: 4.1.3 - Administer Council’s local laws in a manner that supports Council’s economic, community and environmental goals for the region and is consistent with statutory obligations

CONSULTATION

Internal Consultation

Consultation has been undertaken with the following key internal stakeholders:

- Director Community Services
- Manager Community Response
- Management Accountant, Finance and Business.

External Consultation

There has been no external consultation undertaken in relation to this report.

Community Engagement

There has been no community engagement undertaken in relation to this report.

PROPOSAL

The *Animal Management (Cats and Dogs) Act 2008* was introduced in 2009 making local governments responsible for the effective management of regulated dogs in the local government area.

Council has accepted this responsibility by appointing authorised officers to investigate, monitor and enforce compliance with the *Animal Management (Cats and Dogs) Act 2008* (the Act). These officers investigate complaints that could lead to a dog being declared to be dangerous, restricted or menacing (i.e. a regulated dog).

Once a dog is made a regulated dog, the animal owner must adhere to mandatory conditions as outlined in the Act (refer to Attachment 1). To ensure compliance with these conditions, officers' conduct an initial inspection at the property where the animal is normally kept and work with the animal owner to ensure all the conditions are met.

The systematic inspection program allows council to proactively monitor adherence with these conditions on an ongoing basis. Without this program council has no other way of confirming if a regulated dog is being kept in accordance with the mandatory conditions, other than receiving a complaint from the community. To conduct a systematic inspection program for regulated dogs council must pass a resolution as outlined in the Act, *section 113 (Approval of inspection program authorising entry)*. The systematic inspection program provides authorised officers the power to enter private property in order to check for continued compliance by the dog owner with the mandatory conditions for keeping a regulated dog.

It is proposed that the systematic inspection program will be undertaken by the three Rapid Response Officers and Prosecutions and Investigations Officer, commencing on 12 October 2015 and concluding on 18 December 2015.

Officers will undertake inspections:

- at all properties where a regulated dog was last known to have been kept according to Council records and
- at properties where it is identified that a regulated dog is now being kept.

As at 15 June 2015, there were 63 regulated dogs in the Sunshine Coast area which require an annual inspection. The cost to undertake this program is estimated to be approximately \$14,300, which will be funded via the registration fees collected from the regulated dog owners.

A systematic inspection program was undertaken from October to December 2014. During this program council officers completed 68 inspections in the Sunshine Coast Region. Of these:

- 44 animal owners were compliant with the conditions for keeping a regulated dog
- 5 animal owners were issued with a compliance notice for failing to meet conditions for keeping a regulated dog
- 7 animal owners had arranged for their animals to be euthanised
- 9 animal owners (and their animals) were missing
- 3 animal owners (and their animals) had relocated outside the Sunshine Coast Region.

Throughout the course of the inspection program officers issued 5 infringements totalling \$2,273:

- 3 infringements were issued to animals owners for failure to register (\$227 each)
- 2 infringements were issued to animal owners for failure to meet conditions for keeping a regulated dog (\$796 each).

Infringements were not issued in three instances where it was identified animal owners were failing to meet conditions. The infringements were not issued as the animal owners had been given incorrect information during previous audits. This has now been corrected and any future incidents of non-compliance will result in enforcement action.

In comparison to the audit conducted in 2013, when you exclude dogs which reside in the Noosa Shire Council Area, the level of compliance improved from 56% to 65% and only 7% of properties required a follow up inspection compared to 20% in 2013.

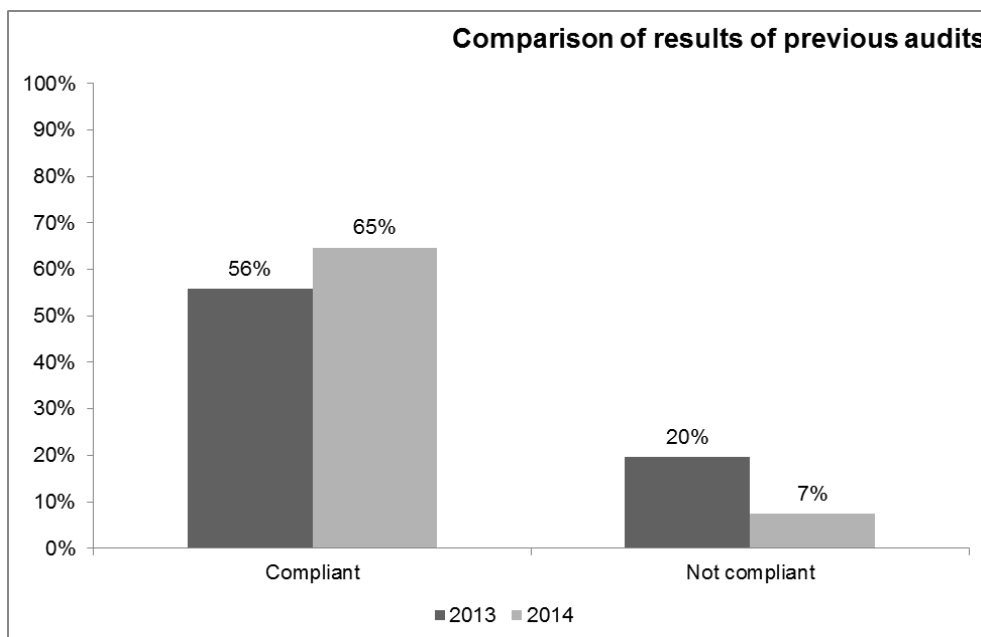


Chart note: All results in the above chart exclude dogs residing in the Noosa Shire Council Area

Since the last audit, 10 dogs were declared dangerous or menacing as a result of an investigation undertaken by council officers. A number of these dogs have since been euthanised and 8 are still under the care of their owner in the Sunshine Coast Region. In order to ensure that these animal owners are still adhering to the mandatory conditions for keeping a regulated dog, officers will undertake inspections on these properties in addition to the existing regulated animals.

Legal

Council has an obligation to the community to ensure that dogs identified and declared as dangerous, menacing or restricted are being monitored for compliance with the *Animal Management (Cats and Dogs) Act 2008*. In particular the mandatory conditions set out for the keeping of regulated dogs (refer to Attachment 1 – Mandatory conditions for keeping regulated dogs).

The *Animal Management (Cats and Dogs) Act 2008, section 113 (Approval of an inspection program authorising entry)* provides the power for a local government to pass a resolution to approve a program under which an authorised person may enter a place to monitor compliance with the *Animal Management (Cats and Dogs) Act 2008*.

An approved inspection program must state the following:

- (a) the purpose of the program
- (b) when the program starts
- (c) a descriptions of the places which will be entered as part of the program and
- (d) the period over which the program will be carried out (of not more than 6 months).

Council must provide notice of the systematic inspection program at least 14 days, but not more than 28 days before an approved inspection program starts. This notice must be published in a newspaper circulating the local government area and on the local government's website.

Due to the potential risk of regulated animals not being kept in accordance with the mandatory conditions of the declaration, the *Animal Management (Cats and Dogs) Act 2008* provides considerable powers to authorised officers to require compliance. Where an animal owner has failed to comply with the mandatory conditions for keeping a regulated dog, Council may in accordance with the *Animal Management (Cats and Dogs) Act 2008* and *Compliance and Enforcement Policy 2009*:

- issue an on-the-spot fine (\$796)
- issue a compliance notice outlining the mandatory conditions which must be adhered to
- where an officer deems the dog may be a risk to the community they may seize a regulated dog (*Animal Management (Cats and Dogs) Act 2008, section 125*)
- where an officer reasonably believes the dog is dangerous and the person cannot control it, they may seize the regulated dog and issue a destruction notice (*Animal Management (Cats and Dogs) Act 2008, section 127*)
- undertake further legal action such as prosecution through the Magistrate's Court. The maximum penalty for failure to comply with conditions for keeping a regulated dog is 75 penalty units (\$8,538).

Policy

Council's *Compliance and Enforcement Policy 2009* identifies how Council is to meet its statutory obligations, and exercise its compliance and enforcement actions. Officers will utilise the *Compliance and Enforcement Policy 2009* in conjunction with the *Animal Management (Cats and Dogs) Act 2008* in assessing the most appropriate enforcement action to address areas which require further action.

Risk

An approved systematic inspection program allows council to proactively monitor and ensure animal owners are adhering to the conditions for keeping a regulated dog. These conditions are in place to reduce the risk posed by these animals.

Alternatively council must wait until a community member reports an incident where the owner of a regulated dog has failed to meet conditions, exposing the community to unnecessary risk.

Previous Council Resolution**Ordinary Meeting 21 August 2014 – OM14/117**

That Council:

- a) *receive and note the report titled “Systematic Inspection Program - Regulated Dogs” and*
- b) *approve the following systematic inspection program for the Sunshine Coast Council area in accordance with the Animal Management (Cats and Dogs) Act 2008, section 113 (Approval of an inspection program authorising entry):*
 - i. *compliance audit of the premises within the region where Council’s Regulated Dog Register indicates a regulated dog is being kept to occur from 15 October 2014 to 19 December 2014.*

Ordinary Meeting 19 September 2013 – OM13/187

That Council:

- a) *receive and note the report titled “Regulated Dogs - Systematic Inspection Program” and*
- b) *approve the following systematic inspection program for the Sunshine Coast Regional Council area in accordance with the Animal Management (Cats and Dogs) Act 2008; Chapter 5, Part 2, Section 113 (5) (d):*
 - i. *Compliance Audit of premises within the region where council’s Regulated Dog Register indicates a regulated dog is being kept to occur from 1/11/2013 to 20/12/2013.*

Related Documentation

- *Animal Management (Cats and Dogs) Act 2008*
- *Animal Management (Cats and Dogs) Regulation 2009*
- *Compliance and Enforcement Policy 2009*

Critical Dates

Council must provide notice of the systematic inspection program at least 14 days, but not more than 28 days before an approved inspection program starts. This notice must be published in a newspaper circulating the local government area and on the local government’s website.

The systematic inspection program is proposed to commence 12 October 2015. This means that 28 September 2015 is the last date that an advertisement can be placed in the local newspaper advising of Council’s intent to undertake the systematic inspection program.

Implementation**14 September to 28 September 2015**

Upon council endorsement, it is intended that an advertisement will be placed in the Sunshine Coast Daily between 14 September to 28 September 2015, in accordance with the Act.

12 October 2015

Council’s three Rapid Response Officers and Prosecutions and Investigations Officer will commence the approved systematic inspection program. Properties will be identified from the Regulated Dog Register and will be inspected for compliance with the mandatory conditions for keeping a regulated dog. Inspections will be undertaken unannounced on weekdays in daylight hours in accordance with the Act.

Where a breach of the mandatory conditions is identified, officers will determine the appropriate action in accordance with the *Animal Management (Cats and Dogs) 2008* and *Compliance and Enforcement Policy 2009*. These actions may include:

- issue an on-the-spot fine (\$796)
- issue a compliance notice outlining the mandatory conditions which must be adhered to;
- where an officer deems the dog may be a risk to the community they may seize a regulated dog (*Animal Management (Cats and Dogs) Act 2008, section 125*)
- where an officer reasonably believes the dog is dangerous and the person cannot control it, they may seize the regulated dog and issue a destruction notice (*Animal Management (Cats and Dogs) Act 2008, section 127*)
- further legal action such as prosecution through the Magistrate's Court. The maximum penalty for failure to comply with conditions for keeping a regulated dog is 75 penalty units (\$8,538).

If officers identify another property not on the regulated dog register where a regulated dog may be kept, they will undertake an inspection of that property as part of this systematic inspection program. Details of the inspection and findings will be recorded in the Regulated Dog Register as part of this program.

8.4.2 SUNSHINE COAST HERITAGE PLAN 2015-2020

File No: ECM 20 August 2015
Author: Planning Officer (Community)
Community Services Department
Appendices: App A - Sunshine Coast Heritage Plan 2015-2020 (*Under Separate Cover*) Att Pg 5

PURPOSE

Following a public exhibition period, the purpose of this report is to present the Sunshine Coast Heritage Plan 2015-2020 to Council for consideration and adoption.

EXECUTIVE SUMMARY

The Sunshine Coast Heritage Plan 2015-2020 (The Plan) has been developed in response to operational activity 2.3.1 of the *Sunshine Coast Council Corporate Plan 2014-2019*; to “develop and implement a heritage strategy”. Following a resolution from council’s May 2015 Ordinary Meeting, the draft Plan was endorsed to be released for the purposes of public exhibition and comment. The final Sunshine Coast Heritage Plan 2015-2020 is presented for council’s consideration (Appendix A).

The plan provides council with a holistic framework for the identification, conservation and management of the region’s heritage over the next five years, and aims to cover all aspects of the Sunshine Coast’s cultural and natural heritage.

The plan:

- identifies the importance and value of protecting and enhancing the region’s heritage
- provides clarity around council’s roles and responsibilities in heritage conservation and management
- sets out council’s vision for heritage - “Our heritage is our gift for the future”
- identifies the key actions required by council over the next five years – structured under the key outcome areas of Knowledge, Conservation, Support, Communication and Advocacy
- provides a tool to guide future funding through the Heritage Levy program.

This report provides council with the outcomes of the consultation activities implemented as a result of the public exhibition period. The processes of internal consultation, external consultation and community engagement has ensured that the plan is:

- thorough and aligns with state legislation and statutory processes
- informed by detailed research undertaken in recent discussion papers
- considerate of community, stakeholder and peer feedback.

OFFICER RECOMMENDATION

That council:

- (a) receive and note the report titled “Sunshine Coast Heritage Plan 2015-2020”
- (b) adopt the “Sunshine Coast Heritage Plan 2015-2020” (Appendix A) and
- (c) note that the Chief Executive Officer may make minor amendments to the “Sunshine Coast Heritage Plan 2015-2020” to allow for final editing and publication.

FINANCE AND RESOURCING

The plan contains a series of recommendations which require finance and resourcing to be delivered. The majority of these recommendations will primarily provide direction and focus for 'core business' activities (accommodated within annual operational budgets) for council's Cultural Heritage Services Team, and, in some cases other areas of council. It is noted that the allocation of funds to these recommendations will be a matter for council's consideration as part of the annual budget process for the Heritage Levy program.

Council's Heritage Levy, which currently generates \$635,000 annually, will be a key funding source for the remainder of the recommendations of the plan. The plan, once endorsed by council, will respond to council's statutory obligation to outline a strategic and coordinated approach to heritage actions funded by the Heritage Levy.

The largest piece of work outlined in the Implementation Plan is the Historic Cultural Heritage Study, which will provide a thematic history of the Sunshine Coast. This project is anticipated to be completed over two financial years at an estimated cost of \$200,000.

Following the completion of this significant body of work, it is anticipated that a review of the heritage layers of the *Sunshine Coast Planning Scheme 2014* will be required (Action Item 1.1.3 of the Implementation Plan). This action will require project funding and will be presented to Council for consideration as part of its 2017/2018 budget process.

CORPORATE PLAN

Corporate Plan Goal: *A strong community*

Outcome: 2.3 - Culture, heritage and diversity are valued and embraced

Operational Activity: 2.3.1 - Develop and implement a heritage strategy

CONSULTATION

The draft plan has been informed by a wide range of internal and external consultation activities. Consultation activities have assisted in informing the preparation, development and refinement of the plan.

Internal Consultation

The preparation of the plan was informed by consultation with the following internal stakeholders:

Councillors

Council nominated the following Councillors as the working group for the Heritage Plan project:

- Division 1, Councillor Baberowski
- Division 2, Councillor Dwyer
- Division 5, Councillor McKay
- Division 10, Councillor Rogerson.

Community Services

- Community Relations
- Community Facilities and Planning

Regional Strategy and Planning

- Strategic Planning
- Environment and Sustainability Policy

Corporate Strategy and Delivery

- Economic Development

Corporate Services

- Property Management

Infrastructure Services

- Parks and Gardens
- Environmental Operations

External Consultation

Consultation with external stakeholders has included:

- September 2014 – Workshop with the Sunshine Coast Heritage Reference Group and nominated Councillor working group. The purpose of this facilitated workshop was to seek clarity around the purpose and scope of the draft Plan, as well as to brainstorm future priorities to be considered within the draft Plan's development.
- October 2014 – Meeting with the region's Traditional Owners. This meeting resolved how to address Aboriginal Cultural Heritage within the draft Plan. A review of the draft Plan by the representative consulting group for the Traditional Owners confirmed that the Plan had interpreted the feedback adequately.
- November 2014 – Workshop with the wider heritage sector. The purpose of this workshop was to brainstorm future priorities to be considered within the draft Plan's development.
- November 2014 – Workshop with the Sunshine Coast Heritage Reference Group. A draft Plan was presented to the Sunshine Coast Heritage Reference Group to gain feedback on its content.
- February 2015 – Final comments were received from the Sunshine Coast Heritage Reference Group at its regular quarterly meeting. At this meeting, a specific action in relation to the need for a Heritage Study was discussed and recommended as a piece of work required to inform the *Sunshine Coast Planning Scheme 2014* and specifically, the Heritage Register. The action was refined in the Implementation Plan contained within the draft Plan.

In March 2015 the draft Plan was peer reviewed by the Queensland Department of Environment and Heritage Protection and the Queensland Heritage Council. Key recommendations from this review will ensure that:

- the forthcoming Historic Cultural Heritage Study will include a detailed thematic history of the Sunshine Coast
- interpretation plans are included within future Conservation Management Plans for heritage properties
- heritage data between Council and the Department is shared and integrated
- relationships with Sunshine Coast Destinations Limited (SCDL) and other peak bodies are strengthened to enhance the Sunshine Coast's heritage experiences, improve cultural tourism offerings and strengthen the economic benefits available to the sector
- exemption certificates and opportunities for discounts or grants to property owners are investigated for the purposes of encouraging the maintenance and conservation of heritage properties
- internal education process are strengthened around heritage protection, conservation and management
- the plan articulates with state legislation and statutory processes
- any historical references are factual
- partnerships with state and federal agencies are strengthened.

Together, the information gathered from these consultation activities has informed the development of the Heritage Plan.

Community Engagement

The community, via a range of communication channels, were invited to have their say on the draft Heritage Plan either through an online survey, which sought detailed comments on the scope, strategic direction and content of the draft plan, or by providing a written submission in response to the Draft Heritage Plan. The consultation period was open from 25 May to 22 June, 2015. An intercept survey, which provided quantitative and qualitative data on heritage issues and priorities on the Sunshine Coast more broadly, was also developed to encourage feedback.

A total of 300 responses were received during the community engagement period, including 281 responses to the intercept survey and 19 responses to the online survey.

The demographic profile of the respondents included 36% male and 64% female. Response rates per age bracket were:

- 10-19 years (4%)
- 25-34 years (10%)
- 35-44 years (21%)
- 45-54 years (20%)
- 55-64 years (17%)
- 65-74 years (18%)
- 75 years and over (7%)

The community engagement program was promoted via a range of media activities including:

- Radio and Television Media: Council's June TV Commercial; 4 x 1 week promotion on Hot 91, Mix and Sea FM.
- Print Media: 13 APN and Independent newspaper articles.
- Social Media: Facebook (2 posts) and Twitter (2 posts).
- Council Media Platforms: Council's website homepage – 2 media releases of 2 weeks each; Council's messages on hold for the month of June.
- The intercept surveys were undertaken as part of cultural heritage displays aimed at promoting the draft Heritage Plan at the: Maleny Show (29-30 May); Nambour Show (12-14 June); Nambour Civic Centre (20 June) as part of a Council organised free community film afternoon.

The online survey asked respondents for their feedback in:

- aspects of the draft plan that are favourable and less favourable
- aspects of the draft plan that are missing
- future priorities for heritage on the Sunshine Coast.

Overall, community feedback from the online survey suggested that the draft plan takes a proactive approach and comprehensively identifies the importance and value of protecting and enhancing the region's heritage.

The issues of concern identified for further investigation were:

- the perceived exclusion of Aboriginal and Torres Strait Islander representation and history within the plan
- the capacity of the *Sunshine Coast Planning Scheme 2014* to support the goals of the plan.

In responding to these two key points, the following advice is provided:

- Additional information has been included within the plan to illustrate that the region's Traditional Owners were consulted as part of the plan's development, and that they requested that Aboriginal Heritage be dealt with through actions separate to the plan. Through the Sunshine Coast Heritage Reference Group and the region's traditional custodians, council will work in partnership to progress actions with Aboriginal and Torres Strait Islander people in the areas of knowledge, conservation, support, communication and advocacy.
- Further clarity has been provided within the plan to illustrate that the development of a Historic Cultural Heritage Study will inform possible amendments to the *Sunshine Coast Planning Scheme 2014* (Action Item 1.1.2 and 1.1.3). This is intended to include recommendations relating to the local heritage register and overlay mapping.

The intercept survey asked respondents two qualitative questions:

1. What do you consider to be the most important part of the region's heritage?
2. Is there anything else you would like council to consider in relation to the conservation and preservation of cultural heritage?

Overall, community feedback from the first question suggests that overwhelmingly, the community highly values the diversity of cultural heritage on the Sunshine Coast and supports the initiative of council to build knowledge and conserve the region's cultural heritage. One of the most highly valued aspects of cultural heritage expressed by respondents was natural landscapes and landmarks, including mountains, foreshore and rural landscapes. Heritage buildings, towns and streetscapes were also seen as important, followed by Indigenous heritage and areas of Indigenous cultural significance.

The most important elements of cultural heritage on the Sunshine Coast expressed by respondents are as follows.

Intercept Survey: "What do you consider to be the most important part of the region's heritage?"		
Heritage element	Number responses	Percentage responses
Natural landscapes	173	61%
Heritage Buildings/streetscapes	149	53%
Indigenous History	91	32%
Photographic Images	84	29%
Oral Histories	81	28%
Community Character	28	9%
Museums	19	6%

Note: the percentages and number of responses for the tables relating to intercept surveys do not add up to 100 as in many cases, respondents mentioned a range of elements. These elements were then categorised into key themes for analysis.

Respondents were also asked 15 quantitative questions, 12 of which were measured using a Likert scale, where one is not important and ten is very important.

The responses to the 12 quantitative questions indicated that respondents found all areas of heritage very important, as each question was rated as ten (very important) by respondents.

The top three responses highlighted that the protection of views, vistas and landscapes; council funding of heritage matters; and the maintenance and accessibility of historic collections are the most important heritage issues to our community.

The number of responses and percentage thereof for each question are outlined below.

Intercept Survey: Likert scale ranking – Areas of heritage importance		
Question	Number responses	Percentage responses
Protecting iconic views, vistas and landscapes	194	69%
How important is it to you that council funds heritage matters into the future	186	66%
Keeping historic library collections for all community members to access	172	61%
Improving council's digital collection of historic images and stories	174	61%
Introducing best practice management and conservation of the region's heritage	170	60%
Council advocating to state and federal governments on heritage related matters which impact at a local level	164	58%
Support for heritage places through programs, events, training and financial assistance	158	56%
Increased awareness and appreciation of the region's heritage	150	53%
Growing the region's cultural heritage tourism experiences	148	52%
Improving the region's overall knowledge of heritage	143	50%
Increasing support for community museums	140	49%
Increased visibility of heritage	140	49%

Respondents were then asked three questions regarding their knowledge of the Heritage Levy. While 70% of respondents were ratepayers, only 45% of respondents knew that council collected a Heritage Levy, and 80% did not know that council spends over \$600,000 per annum on heritage matters. The following table outlines the responses to this section of the survey.

Intercept Survey: Knowledge of the Heritage Levy		
Question	Yes	No
Do you know that council collects \$5 per property to fund a heritage levy?	127 (45%)	154 (55%)
Did you know council spends over \$600,000 each year on heritage matters through this levy?	58 (20%)	223 (80%)
Are you a Sunshine Coast Council ratepayer?	197 (70%)	84 (30%)

Finally, respondents were asked if there was anything else they would like council to consider in relation to cultural heritage. Of the respondents, 68 (29%) did not identify any further considerations. The responses are outlined below.

Intercept Survey: “Is there anything else you would like council to consider in relation to cultural heritage?”			
Heritage theme	Community feedback captured by theme	Number responses	Percentage responses
No response	No response	68	29%
Protection and advocacy role	Feedback in this theme suggested council has a role in the protection and advocacy of foreshores, forests, historic trees and vegetation, places of Indigenous and non-Indigenous cultural significance and more education and promotion of heritage.	67	29%
Education	Feedback in this theme suggested council could promote greater awareness and knowledge around heritage, for residents and visitors alike.	43	18%
Heritage trails/information	Heritage trails/information and signage and heritage buildings rated equally. Feedback in this theme suggested there was some overlap in the comments as a synergy between increased signage, heritage buildings and heritage trails could be evidenced.	30	13%
Signage and heritage buildings		30	13%
Indigenous histories	Feedback in this theme recommended council acknowledge the importance of protecting Aboriginal and Torres Strait Islander (ATSI) cultural heritage and to engage traditional custodians to identify and manage ATSI places of cultural significance.	29	12%
Develop/preserve balance	Feedback in this theme suggests there should be a balance between progress and heritage conservation. In particular, council should aim to maintain natural landscapes and heritage buildings as the Sunshine Coast population grows.	27	11%

On merit most feedback fully supported the priorities within the plan. However, all public feedback received through the community engagement program has been analysed and where appropriate, incorporated through minor amendments to the plan.

PROPOSAL

Background

As the Sunshine Coast region evolves as a result of population growth and development, council needs to ensure that it has appropriate tools in place to protect, conserve and celebrate our rich and diverse heritage.

The Heritage Plan is one of those tools. It builds on two existing bodies of work completed within Council, including the Cultural Heritage Background Study (2009), and the (internal) Sunshine Coast Heritage Strategy Discussion Paper (2012). It is also informed by feedback received via a range of internal and external consultation and engagement activities, including a peer review of the draft plan, and workshops conducted with stakeholders to identify the strengths and opportunities for heritage matters in order to understand current gaps in council’s heritage practice.

Plan overview

The plan provides council with a holistic framework to guide the way in which it identifies, protects, conserves and manages the region's tangible and intangible heritage into the future.

The plan targets all aspects of the Sunshine Coast's cultural and natural heritage for which council has direct responsibility, or where it can have some influence. The plan is complementary to both State and Federal legislation and Council's existing policies and strategies, including the *Sunshine Coast Planning Scheme 2014*.

The implementation plan outlines the first five years of work required to achieve the outcome areas outlined in the plan.

Outcome area	Goal
1. Knowledge	Surrounds what council will do to build upon its knowledge base of its tangible and intangible heritage.
2. Conservation	Relates to putting measures in place to conserve and promote the region's heritage assets.
3. Support	Involves coordinating policies, initiatives, partnerships and other measures that help achieve positive heritage outcomes.
4. Communication	Involves promoting, celebrating and growing the community's awareness and appreciation of the region's heritage.
5. Advocacy	Involves engaging with key stakeholders with the aim of positively influencing heritage outcomes.

It is important to note that references to Aboriginal cultural heritage are included within the overall scope of the plan, and that these references and the activities in the implementation plan were developed in consultation with the Traditional Owners.

Due to the complexities of Aboriginal and Torres Strait Islander cultural heritage matters, the Traditional Owners have requested a cultural heritage agreement, specific to their issues, be discussed and negotiated as a separate piece of work. This is reflected in specific references throughout the plan and in the specific activities listed in the Implementation Plan.

Key recommendations

Council's future actions around heritage conservation and management are guided by the vision that 'Our heritage is our gift for the future'. This vision was developed by stakeholders during the initial consultation processes in 2014. To achieve the vision, the Heritage Plan identifies a series of priorities for the future which are structured under the five key outcome areas as identified above.

Feedback obtained through the public exhibition and comment period has helped to strengthen and refine the finalisation of the Heritage Plan. Community feedback has also assisted to reinforce the high values that the community places on cultural heritage and where the community believes council's role and priorities for heritage should be positioned.

To this end, the Implementation Plan contained within the plan provides an operational framework to address community expectations around heritage priorities and strategic management of the Heritage Levy.

Legal

A recommendation contained within the plan proposes the establishment of agreements with the region's Traditional Owners pertaining to Aboriginal and Torres Strait Islander cultural heritage matters. This recommendation is anticipated to require legal opinions and resourcing.

Policy

The plan articulates council's future direction in relation to heritage conservation and management.

It outlines that heritage management and conservation is governed by a myriad of legislation and policy at the national, state and local level.

It considers these governing documents to:

- understand how they apply to heritage matters
- ensure that any recommendations made in the plan are ones which council can truly have a role
- provide consistent heritage goals and align council's efforts in a coordinated, effective and innovative manner.

Most importantly, the plan does not replace council's existing policies, plans and strategies. The plan instead provides the overarching direction for council in terms of heritage conservation and management as a whole, and describes using both the tools and mechanisms already in place, and new mechanisms, to achieve these outcomes.

Risk

The plan establishes a clear direction on council's heritage roles and responsibilities over the next five years. There is a risk that without an endorsed plan, an uncoordinated and unresponsive approach to heritage matters will occur. Failure to respond to the emerging needs of the region and to improve council services may lead to inadequate service provision, which can have potential social and financial implications.

The plan will provide an important tool to inform the way Heritage Levy funds are expended in the future. The plan reduces the risk of ad-hoc spending of the Heritage Levy, and ensures that spending aligns with council's adopted heritage goals.

It is noted that the activities outlined in the plan's implementation program are ambitious in that there is an extensive list of work to be completed in the five year period that the Plan targets. Also, while it acknowledges the review of the *Queensland Heritage Act 1992* currently underway, the amendments to the Act are not expected to be in place until late 2015.

In light of the above and to mitigate these risks, a high level review of the Heritage Plan will be undertaken in 2016 to ensure its alignment to the amended Act. Any alterations will be undertaken and presented to council for consideration.

A stocktake of the Implementation Plan will occur at this time and at the annual Heritage Levy program development stage, to ensure that the delivery of the actions is on track, noting that some actions are ongoing or may take longer than expected to deliver.

Previous Council Resolution**Ordinary Meeting 21 May 2015 (OM15/68)**

That Council:

- (a) receive and note the report titled "Sunshine Coast Draft Heritage Plan 2015-2020"*
- (b) endorse the Sunshine Coast Draft Heritage Plan 2015-2020 (Appendix A) for public exhibition and comment*
- (c) request the Chief Executive Officer collate and consider all feedback received during the public exhibition period before presenting the final Sunshine Coast Heritage Plan 2015-2020 to Council for adoption.*

Related Documentation

Documentation relevant to this report includes:

- Sunshine Coast Social Strategy 2015
- Sunshine Coast Council Corporate Plan 2014-2019
- Sunshine Coast Planning Scheme 2014
- Sunshine Coast Social Infrastructure Strategy 2011
- Cultural Heritage Background Study 2009.

Critical Dates

The Heritage Plan meets council's statutory obligation to develop a policy framework to ensure that heritage services funded through the Heritage Levy are appropriately managed and delivered to the community.

The Implementation Plan contained within the plan has nominated timeframes for delivery and these are broken down into annual increments.

Implementation

Community Services through the Community Relations Branch will provide the overarching leadership and monitoring of the Heritage Plan's Implementation Plan. This will be done in accordance with the identified targets and timelines. This Branch also coordinates the Sunshine Coast Heritage Reference Group and the Heritage Levy and will ensure that the Heritage Plan's actions remain firmly on council's agenda.

Actions relating more specifically to strategic planning and subsequent *Planning Scheme* functions will be led by the Regional Strategy and Planning Department. This will be actioned in conjunction with a number of other branches as project partners, but will primarily be led through the Environment and Sustainability Policy and Strategic Planning Branches.

The achievements of the Heritage Plan actions will be reported upon annually through council's annual reporting process and as part of the annual Heritage Levy report to council.

8.4.3 RESERVE 1000 MASTER PLAN 2015-2030

File No:	ECM 20 Aug 2015
Author:	Sport and Recreation Officer Community Services Department
Appendices:	App A - Reserve 1000 Master Plan 2015-2030 (Under Separate Cover) Att Pg 71

PURPOSE

The purpose of this report is to present the Reserve 1000 Master Plan 2015-2030 to council for consideration and adoption. The Reserve 1000 Master Plan 2015-2030 is provided as Appendix A.

EXECUTIVE SUMMARY

This report seeks endorsement of the Reserve 1000 Master Plan 2015-2030, which provides a long term vision for the site, identifying what it should look like and how it should function into the future.

As requested at Council's Ordinary Meeting held on 26 March, 2015 the Reserve 1000 Draft Master Plan was released for public and stakeholder review for a period of 21 business days. Council staff then collated and analysed feedback received as part of the consultation phase. A total of thirty eight formal responses were received during the feedback period and were considered in formulating the final version of the Reserve 1000 Master Plan 2015-2030.

The Draft Master Plan was also displayed at a street stall in Bulcock St, Caloundra on Saturday 28 March, 2015 and staffed by council officers and the consultant's representative. In total thirty residents were engaged and the majority of verbal feedback was positive on the Draft Master Plan design and recommendations.

Key themes identified from community feedback during the public consultation period included:

- capacity – improvements to existing sporting infrastructure to facilitate and provide greater usage opportunities was supported
- recreational elements – retention and embellishments to the recreation pathway networks throughout the site were supported
- environment – the amount of vegetation proposed for removal was seen as unfavourable by some
- accessibility – maximisation and expansion of car parking and improved traffic movement were supported
- safety – improved road and pedestrian networks and signage seen as an immediate priority.

Face to face meetings seeking more detailed information on usage patterns, minimum field requirements and general feedback were conducted with the following organisations:

- Sunshine Coast Churches Soccer Association
- Caloundra City Soccer Club
- Sunshine Coast Environment Council (SCEC).

In order to acknowledge the differing master plan outcomes regarding the environmental values and immediate and significant needs for additional playing fields, a revised master plan option was developed. This option significantly reduces the amount of vegetation required for removal (from nine to five hectares) whilst ensuring that the long term needs of

sport and recreation are addressed. This revised option also reduces the total cost of capital investment required for infrastructure improvements.

As requested, council officers also contacted relevant State and Federal Government agencies seeking further detailed advice in relation to the Draft Master Plan. Responses were received by the following government agencies

- Queensland Government - Department of National Parks, Sport and Racing
- Queensland Government - Department of Natural Resources and Mines
- Australian Government - Department of the Environment.

Whilst both Queensland Government departments acknowledged and supported the proposed recommendations of the Reserve 1000 Draft Master Plan, the Australian Government – Department of the Environment’s Acting Director of EPBC Compliance noted that the report identifies the presence of the vulnerable *Acacia Attenuata* and the possible presence of the vulnerable Wallum Sedge Frog stating that:

‘A person proposing to take an action that is likely to have a significant impact on a matter of national environmental significance must refer their proposal to the department for assessment and approval. Substantial penalties apply to a person who takes such an action without approval’.

Taking into consideration information received by key stakeholders and the general public, the following recommendations of the Draft Master Plan remain unchanged. These include:

- development of an additional AFL field and rugby league field to accommodate growth in these sports
- construction of three additional outdoor netball courts adjacent to the Caloundra Indoor Stadium to accommodate growth in netball
- maintain significant population of *Acacia Attenuata* and where appropriate, replant vegetation around *Acacia Attenuata* community and along existing and proposed drainage corridors
- improve parking across the reserve to mitigate the intensive use of informal road side parking adjacent to existing sports fields and on surrounding major roads
- extend walk/cycle pathways to connect southern and central zones to improve pedestrian connectivity within the site.

However, it was determined that the following alterations in the final version of the Master plan were required to provide better community outcomes. These include:

- removal of approximately five hectares of remnant vegetation rather than the recommended nine hectares in the Draft Master Plan throughout the site
- staged car parking outcomes aligned to demands and available funding in the central area adjacent to Caloundra Indoor Stadium
- reduction in the number of proposed rectangular fields from 4 ½ to 3 ½ in the central part of the site.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Reserve 1000 Master Plan 2015-2030”**
- (b) adopt the “Reserve 1000 Master Plan 2015-2030” (Appendix A)**
- (c) refer an amount of \$20,000 to the operational budget within the Budget Review One process to undertake a detailed amphibian study and engagement of a Lewin’s Rail specialist in the 2015/2016 financial year and**
- (d) note that future stages of development for Reserve 1000 will be determined in accordance with Council’s 10 year Capital Works Program and successful applications for external funding as outlined within this report.**

FINANCE AND RESOURCING

The costs of implementing all recommendations of the Master Plan are recognised as being beyond the capacity of Council to self-fund. The adoption of the Master Plan provides council, user groups and stakeholders a sound base to lobby for external funding opportunities to implement recommended upgrades and improvements. It also provides council and relevant stakeholders / community groups with a strategic direction to implement improvements in a clear and focused way, and provides a foundation for grant applications and future facilities planning.

The indicative-only capital cost of short, medium and long term recommendations within the Master Plan are as follows:

- Short term (within next 5 years) \$1,112,000
- Medium term (6 - 10 years) \$4,505,000
- Long term (10 years +) \$ 367,000
- **Total** **\$5,984,000**

Project funding has been allocated for the implementation of the Reserve 1000 Master Plan through Council's 10 year Capital Works Program. Council's Capital Works Program (2015/16 – 2024/25 pending endorsement) includes:

- \$150,000 in 2015/16 for staged construction of Master Plan initiatives
- \$420,000 in 2016/17 for staged construction of Master Plan initiatives
- \$275,000 in 2017/18 for staged construction of Master Plan initiatives.

To progress the Master Plan in a timely manner, it is proposed that a detailed amphibian study and engagement of a Lewin's Rail (bird species) specialist be undertaken during the 2015/16 summer wet season. It is estimated that the cost of these works will be approximately \$20,000. There is currently no budget allocation for these works and it is proposed that this amount be referred to Council's Budget Review One process for consideration.

With respect to future funding arrangements for capital improvements it has been suggested that the financial contributions from the Pelican Waters Southern Lakes Infrastructure Agreement could be used to fund this project. This is addressed in detail in the section below.

Pelican Waters Southern Lakes Infrastructure Agreement (IA)

Pelican Waters is a master planned community that has been developing since the 1990's. The southern portion of the Pelican Waters Estate referred to as the Southern Lakes was approved as a rezoning in 1996 and covers 377 hectares.

The master planning for Pelican Waters for the Southern Lakes has included the signing of an Infrastructure Agreement (IA). The current IA which was signed on 23 August 2011 is the Pelican Waters Southern Lake Infrastructure Agreement 2011. The Infrastructure Agreement identifies both land and monetary contributions in relation to Urban Open Space Infrastructure.

The assessment of sporting fields as a result of the development requires the provision of a 4ha sports field. As the development does not propose the dedication of land for this purpose, a financial contribution has been identified in the IA. Clause 6.1.3 of the Infrastructure Agreement requires a financial contribution in lieu of dedicating 4 ha for sports field. The contribution equates to a financial amount of \$4,367,864. This financial contribution is the only contribution for sporting fields applicable for the entire Pelican Waters development.

It should be noted that the payments for the sporting fields, are subject to an Infrastructure Offset in the Priority Infrastructure Plan. The proponent has been financially contributing to the Open Space Reserve Fund for sporting fields infrastructure periodically, based on the completion of each residential stage and its applicable equivalent contribution.

The requirement for the Sporting Fields was a specific requirement under the Planning Scheme. The Planning Scheme required an area of land to incorporate playing fields to service the active recreation needs of the entire Pelican Waters community.

Council officers' assessment at the time identified that the contribution for sporting fields could be used to contribute to a larger sportsground (strategic land purchase) to service the Pelican Waters demand in a central location that services a district catchment on a 20-30 ha site. This outcome would therefore meet the desired standards of service for district sports ground and allowed land to the south (part of Pelican Waters) to be developed. In addition, this outcome would provide for a centrally located sportsground.

Current Infrastructure Contributions

Clause 6.1.3 of the IA requires a financial contribution. The following residential development stages of the Pelican Waters Southern Lakes have contributed the following amounts for sporting fields in accordance with item 6.1.3 of the Infrastructure Agreement:

Balance Amount Due	Stage	Amount Paid	Total Received
\$4,367,864	Opening Balance	\$0	\$0
\$4,358,904	1	\$8,960	\$8,960
\$3,978,328	1A & 1B	\$380,576	\$389,536
\$3,672,827	1C & 1I	\$305,501	\$695,037
\$3,060,676	1D & 1E	\$612,151	\$1,307,188

Payments are based on the number of residential allotments endorsed for each plan of survey as the development progresses subject to market demand.

The total contribution received for sporting fields to date (July 2015) by Pelican Waters for Southern Lakes is \$1,307,188, which is held in the Open Space Reserve Fund. The Open Space Reserve Fund is collected at a Council wide level for the Open Space network and subsequently expended on the Open Space network as prioritised in the Priority Infrastructure Plan. The funding is allocated through the annual Capital Works/PIP sub-programs for land and Parks and Gardens, in accordance with Council budget requirements.

Review of Priority Infrastructure Plan – Capital Works sub program

Subject to Council endorsement of the master plan (establishing additional capacity at Reserve 1000 for sport and recreation functions) it may be appropriate to review the specific projects and the priority attributed to those projects as part of the preparation of the Local Government Infrastructure Plan (LGIP) which is currently underway.

This approach would allow a strategic assessment of the different projects and recognise that the Priority Infrastructure Plan (which forms part of the Sunshine Coast Planning Scheme 2014) is an expression of Council policy in respect to infrastructure planning and delivery integrated with land use planning and development.

A decision to alter current funding arrangements outside of the review of the broader infrastructure network and the LGIP could have broader implications in terms of the nexus between project funding and the operation of the current Priority Infrastructure Plan.

CORPORATE PLAN

Corporate Plan Goal:	<i>A strong community</i>
Outcome:	2.1 - Safe and healthy communities
Operational Activity:	2.1.3.1 - Manage the acquisition and development of sport and recreation facilities

CONSULTATION

Internal Consultation

Internal consultation has occurred throughout the development of the Reserve 1000 Master Plan 2015-2030 with the following stakeholders:

- Mayor and Divisional Councillors – Strategic Discussion Forum (SDF) conducted 23 February 2015
- Community Facilities and Planning
- Development Services
- Economic Development
- Environment and Sustainability Policy
- Environmental Operations
- Parks and Gardens
- Project Delivery
- Property Management
- Transport and Infrastructure Policy
- Transport Infrastructure Management.

Outcomes of the SDF conducted on 23 February 2015 indicated that councillors supported the progression of a preferred design option (as presented at council's ordinary meeting held on 26 March 2015) for public review and feedback.

Despite the site being zoned for sport and recreation purposes, it is noted that council's Regional Strategy and Planning and Infrastructure Services departments have expressed some concern in relation to the Master Plan. This is due to the proposed removal of approximately five hectares of remnant vegetation being inconsistent with the principles of the *Sunshine Coast Biodiversity Strategy 2010-2020*. It has been flagged internally that these matters will require further detailed studies prior to any constructed outcomes. The revised Master Plan as presented now proposes to remove five hectares of remnant vegetation rather than the previously proposed nine hectares as an acknowledgement of these concerns.

External Consultation

Consultation has also occurred with the following external organisations throughout the development of the Master Plan:

- Caloundra City Soccer Club
- Caloundra Indoor Stadium user groups
- Caloundra and District Senior Rugby League Club
- Caloundra Indoor Bowls Association
- Caloundra AFL Club
- AFL Queensland
- Caloundra Little Athletics Club
- Queensland Government - Department of National Parks, Recreation, Sport and Racing
- Queensland Government - Department of Natural Resources and Mines
- Australian Government - Department of the Environment
- Sunshine Coast Environment Council
- Sunshine Coast Churches Soccer Association
- Caloundra Christian College

- Caloundra City Private School
- Caloundra State High School
- Currimundi State School
- Pacific Lutheran College
- Talara Primary College.

Community Engagement

In April 2014, Reserve 1000 user groups were invited to a workshop regarding the development of the Master Plan. User groups were also surveyed on factors such as usage, membership, level of satisfaction, management options, accessibility, maintenance and future visions for the reserve.

Throughout March and April 2015, the Reserve 1000 Draft Master Plan was advertised on Council's website and in local media. Community feedback was sought via an online survey, street stall display, and display of the draft report and concept plans at Council's Caloundra Office. The draft report, concept plans and feedback options were promoted via press release and on Council's website. The online survey was open from 28 March to 27 April 2015. The Draft Master Plan was displayed at a street stall in Bulcock Street, Caloundra on Saturday 28 March 2015 and staffed by council officers and the consultant's representative.

Themes that emerged from this consultation included:

- user groups liked being located at the complex and did not want to relocate elsewhere to accommodate future need
- expanded and upgraded car parking, especially in central and northern areas of the site is required
- need to improve safety of patrons along Pelican Waters Boulevard on game days
- significant need for expansion of playing fields and courts (soccer, netball, AFL and little athletics) due to high membership and demand
- some concern regarding the amount of vegetation to be removed as part of constructed outcomes and the need to consider some retention
- upgrades required to drainage and irrigation to playing surfaces – extensive year round use does not permit sufficient resting of AFL fields
- need for improved club and ancillary facilities throughout the reserve.

Ongoing engagement has occurred with user groups throughout the development of the Reserve 1000 Master Plan 2015-2030. Additionally, local schools were surveyed regarding their usage and level of satisfaction with the facilities and were invited to provide facility improvement suggestions.

PROPOSAL

Background

At the Ordinary Meeting of 7 March 2011, Council endorsed the *Sunshine Coast Sport and Active Recreation Plan 2011-2026*. This Plan guides the current and future provision of facilities and services to meet the needs of the Sunshine Coast diverse communities over a 15 year period. Key recommendations within the *Sunshine Coast Sport and Active Recreation Plan 2011-2026* included undertaking a master plan of the Reserve 1000 site to: *"best determine how to accommodate and additional four outdoor netball courts adjacent to the Caloundra Indoor Stadium. The aim of the master plan should be to accommodate expanded outdoor courts and resolve car parking issues throughout the site"*.

The Reserve 1000 site is considered a district level sport facility with regional level elements that provides sporting and recreational opportunities for residents of Caloundra, Golden Beach, Pelican Waters and the wider Sunshine Coast community and is home to a number of user groups, including:

- Caloundra City Soccer Club
- Caloundra Indoor Stadium

- Caloundra District Netball Association
- Caloundra Basketball Association
- Sunshine Coast Futsal Association
- Caloundra and District Senior Rugby League Club
- Caloundra Indoor Bowls Association
- Caloundra Australian Football Club (Caloundra AFC)
- Caloundra Little Athletics Club.

Master Plan Elements

The development of the Reserve 1000 Master Plan 2015-2030 has involved an extensive process to ensure alignment with community needs, population projections, statutory policies and regulations. Council's key strategies have also been considered in the development of the Master Plan and are addressed throughout this report. The Master Plan considers:

- functionality, configuration, usage and capacity of the site
- current character of the landscape
- needs across various sports and recreation uses, including current and future tenants
- emerging trends and issues
- levels of service and resources
- catchment area and current and future population demographic demands
- events and sport and recreation delivery
- car parking, traffic and pedestrian movement/management requirements
- community expectations and needs
- council's endorsed *Sunshine Coast Sport and Active Recreation Plan 2011-2026* and *Sunshine Coast Open Space Strategy 2011*
- relevant planning constraints and opportunities, including environmental, flood immunity, land zonings, development approval requirements, proposed infrastructure improvements, surrounding site etc.
- current and proposed tenure arrangements.

Key recommendations of the Master Plan include:

- development of an additional AFL field and rugby league field to accommodate growth in these sports
- construction of three additional outdoor netball courts adjacent to the Caloundra Indoor Stadium to accommodate growth in netball
- removal of approximately five hectares of remnant vegetation within the centre of the reserve to accommodate new rectangular sports fields, parking and clubhouse facilities for soccer
- maintain significant population of *Acacia Attenuata* and where appropriate, replant vegetation around *Acacia Attenuata* community and along existing and proposed drainage corridors
- improve parking across the reserve to mitigate the intensive use of informal road side parking adjacent to existing sports fields and on surrounding major roads
- extend walk/cycle pathways to connect southern and central zones to improve pedestrian connectivity within the site.

Demand and forecast needs

Demand and membership across clubs currently based within Reserve 1000 includes:

- Caloundra City Soccer Club - has experienced a major increase in membership in the last three years (+120 to current membership of 500) and a 345% increase in player numbers over the past six years
- Caloundra Australian Football Club has increased to 294 members (+43) in the last three years
- Caloundra Little Athletics Club has increased to 300 (+40) in the last three years

- Caloundra District Netball Association – membership has declined by 77 members in the last three years, however remains by far the largest club participant on the site and one of the largest clubs across the region with 1,147 members
- Caloundra Amateur Basketball Association - membership has increased to 200 members (+110) in the last three years
- Caloundra Rugby League have reduced to 318 (-62) members in the last three years
- Caloundra Indoor Bowls Clubs – membership has reduced to 181 (-55) in the last three years, however it should be noted that the club's facilities are used by a range of community groups.

Strategic context

The projected population growth to 2031 in the primary catchment areas of Golden Beach / Pelican Waters, Caloundra West, Caloundra / Kings Beach, and Moffatt Beach / Battery Hill is almost 46,000. The majority of this growth is contained in the Caloundra South development. Provision of sports ground infrastructure to meet this population growth is proposed to be delivered within the development by the Developer. Projected population growth to 2031 in the secondary catchment areas serviced by Reserve 1000 is projected to be over 8,500. Within the identified catchment of Reserve 1000 there are existing sportsgrounds consisting of three district and one Sunshine Coast region wide level facilities. These include Kawana Sports Precinct, Central Park Sports Grounds and Meridan Fields Sports grounds.

Currently the Kawana Sport Precinct is at or near capacity; Central Park, Caloundra is near capacity in terms of playing field space, but has the capacity to accommodate some growth in tennis and gymnastics; while Meridan Fields Sporting Complex has the capacity to accommodate sports demand in the approved master plan – stage 2 to service population growth in the catchment. In addition to existing facilities, Council undertook a strategic land purchase on Caloundra Road adjacent to Corbould Park in 2011 for sport, community and civic purposes in the medium to long term. The Caloundra Road site is 75 hectares in size with capacity to develop district and regional sports and associated facilities yet to be determined. The site provides opportunities to achieve the economies of scale efficiencies in line with Council's endorsed policy direction to establish larger centrally located sports grounds. Council's Capital Works Program (2015/2016 - 2024/2025) includes an allocation for initial site planning and investigations of the Caloundra Road sports field site commencing in 2015/2016.

Consideration has been given to the relocation of the Caloundra City Soccer Club to Meridan Fields Sporting Complex to co-locate with Caloundra Football Club (soccer). The sheer volume of membership would prohibit this co-location, with both clubs in excess of 400 members. The co-location of Federation Soccer and Churches Soccer clubs is also prohibitive, and would not be supported by either club due to the difference in core principles of both entities.

Given the increased pressures placed on Caloundra City Soccer Club by the sharp growth in membership, the Master Plan provides for the relocation of soccer within the reserve to the area north of Burke Street, catering for existing and future needs of soccer. This also allows a new junior AFL field to be developed on the area formerly occupied by soccer.

The provision of a senior and junior AFL field within the reserve is in line with AFL Queensland's preferred model of available field space for clubs with junior and senior activity. This will also provide improved opportunities for a club of this size to schedule adequate training and games space across two ovals. Reducing pressure off the existing single AFL field space will also provide opportunities for increased Little Athletics membership and activation during season cross over.

Relocation of Caloundra AFC (AFL) to Meridan Fields Sporting Complex has also been considered, including discussions with the club and AFL Queensland. The club has expressed a strong desire to remain at its North Street base due to historical connections and to capture the anticipated population growth in the primary and secondary catchments.

AFL Queensland supports this position noting a strategic preference to relocate the Kawana Junior AFL Club to Meridan Fields Sporting Complex given the high growth this club has experienced over the past five years and to allow the club to expand into senior level competition. Facility upgrades that address future needs for rugby league and netball are also addressed in the Master Plan, as are resolutions for access and parking constraints.

Zoning

Reserve 1000 (Lot 518 CP857226) is State owned land under council trusteeship and zoned as "sport and recreation" in the *Sunshine Coast Planning Scheme 2014*. The Master Plan proposed vegetation clearing if undertaken by council is considered an exempt activity under the *Sustainable Planning Act 2009*.

There are however a number of State referral agencies, including the Department of Environment and Heritage Protection, Department of Natural Resources and Mines and the Australian Government - Department of the Environment, which Council may require to obtain statutory approval to proceed with the Reserve 1000 constructed outcomes.

Environment

The vegetated portion of Reserve 1000 is currently managed as part of council's Bushland Reserve estate. The total vegetated area within the reserve is approximately 11 hectares of remnant and two hectares of non-remnant vegetation including:

- Nine hectares of 12.2.7 Melaleuca Quinquenervia open forest woodland
- Two hectares of 12.3.6 mixed forest of Melaleuca and Eucalypt.

Both of these ecosystems have a current *Vegetation Management Act 1999* conservation status of 'least concern' however, at a Sunshine Coast local government area scale they are considered to be vulnerable having lost 70% and 73% respectively of their pre-clearing extents.

The hydrology of the area is critical to the site's remnant vegetation communities, which are mapped as wetlands in the Biodiversity, Waterways and Wetlands Overlay. Any changes to hydrological regimes associated with vegetation clearance, drainage and sports field construction would need to be carefully considered to ensure there are no impacts on the remaining vegetation communities.

In response to some community and internal stakeholder concern regarding the amount of vegetation originally proposed for removal (nine hectares) in the Draft Master Plan, the final version of the Master Plan recommends the removal of approximately five hectares of remnant vegetation throughout the reserve for the purpose of newly constructed sports fields and car parking. The Master Plan also recognises the need to protect and replant around the vulnerable Acacia Attenuata tree population, as recommended in the detailed Reserve 1000 Flora and Fauna Study conducted during the master planning process. Acacia Attenuata is classified as vulnerable under the *Nature Conservation Act 1992* and the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act 1999)*.

No other threatened flora species were identified in the Reserve 1000 Flora and Fauna Study. The study noted that the site is largely disconnected from other significant vegetation communities and has no logical connectivity link due to the site being flanked by roads, dense residential and sports field boundaries. However, it was acknowledged that the study site does provide suitable habitat for acid frogs and Lewin's Rail and makes the following recommendations if construction of sports fields and car parking proceeds:

1. A detailed amphibian survey should be conducted at dawn and dusk following considerable rainfall as it is likely that significant species could be present and only identifiable during these conditions.
2. Council to consult with a Lewin's Rail specialist ornithologist in relation to confirming the likely presence of this species on the site and management requirements around protecting the species and its habitat in light of the proposed construction works for the sports fields.

3. Protection, rehabilitation and replanting around the Acacia Attenuata and along the drainage lines should be considered as a high priority for its potential for improving the immediate habitat on the site and providing a filtration system for nutrients generated from the sports complex. Where possible the maximum revegetation width achievable should be implemented.
4. Compensatory habitat in the form of nest boxes, and felled larger trees should be incorporated within the remaining vegetation.
5. Due to even common fauna being present on the site, a fauna spotter / catcher should be present to relocate any species disturbed by construction clearing works.
6. Undertake declared weed control prior to earth works to prevent the potential for propagative material dispersal and weed spread.
7. Undertake environmental weed control in accordance with DAFF recommendations. This could be undertaken at the same time as rehabilitation and replanting works.

The Master Plan has identified prescribed Matters of National Environmental Significance (listed flora species Acacia Attenuata) which it proposes to avoid and buffer, likely mitigating permit and potential offset responsibilities. However, advice will need to be sought from the Commonwealth under the relevant *Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act 1999)*.

Despite the exemptions for the impacts associated with vegetation clearing under the *Sustainable Planning Act 2009* and *Sunshine Coast Planning Scheme 2014*, the incorporation of appropriate offsetting measures as a part of delivering this project needs to be considered in order for Council to deliver on its corporate vision and strategic biodiversity outcomes. Council's Infrastructure Services Department currently implement an Executive endorsed Departmental Tree and Native Vegetation Management Policy and Guidelines that achieves a 1:1 offset ratio for works undertaken on Council owned and managed land where the activity involves the removal of native vegetation.

The estimated cost of delivering a revegetation offset on existing available Council land may range from \$35,000 to \$55,000 per hectare. The Master Plan recognises this and includes an indicative allocation for offsets associated with proposed vegetation removal. It should however be recognised that if any Environment Protection and Biodiversity Conservation requirements are triggered, the ratios identified above could increase.

If there is no suitable Council land available for offsetting works, then consideration and acquisition of appropriate land for offsetting purposes would need to be incorporated into project costs. Investigations are currently underway to identify potential receiving sites with the requirements for the identification of potential receiving sites to be informed by the outcomes of the recommended amphibian and bird surveys.

In addition, a cultural heritage assessment for the site including consultation with Aboriginal representatives will be required to ensure duty of care obligations are fulfilled in respect of any Indigenous heritage matters. Operational works approvals may also be required if works are carried out on undeveloped parts of the site.

Flood and stormwater management

The site is subject to flooding and is identified as a flooding and inundation area in the Sunshine Coast Planning Scheme's Flood Hazard Overlay mapping. A watercourse is also mapped on the site as identified in the Natural Waterways and Wetlands Overlays. The site is <5m Australian Height Datum, so ground disturbance will need to consider the presence of, and need to potentially treat, acid sulphate soils.

Flood mapping shows the majority of the Reserve 1000 site is clear of inundation apart from a central vegetated portion where the new soccer fields are proposed to be developed. The proposed new soccer field development area has a flood depth profile of <0.5m in a 1:10 year flood event, and a flood depth profile of 0.5m–1.0m in a 1:100 year flood event.

Historically there has been some public concern for the drainage as the flow paths within the Reserve 1000 site are constrained in their ability to discharge to Duck Holes Creek, and, as a

result water ponds at the Pelican Waters Boulevard culverts. The Reserve 1000 development presents an opportunity to improve the drainage within this area and address any concerns for poor site amenity following rain events. Similar drainage works were required and constructed for the Meridan Fields Sporting Complex.

Legal

There are no legal implications to the development and endorsement of this report. However, upgrades will need to be considered in line with current and future tenure agreements.

Policy

The *Sunshine Coast Open Space Strategy 2011* and the *Sunshine Coast Sport and Active Recreation Plan 2011-2026* form Council's policy position on sport and active recreation for the region. Both documents have been reviewed and used to guide the final recommendations within the Reserve 1000 Master Plan 2015-2030.

The previous Reserve 1000 Landscape Master Plan was completed in 2002 by Caloundra City Council. The 2002 plan sought to achieve a balance of uses on the site including increasing recreation and passive uses and to protect the existing vegetation. Since this time, a range of factors have influenced the need to update Council's strategic vision for the reserve. These changes include:

- Adoption of the *Sunshine Coast Open Space Strategy 2011*. This document in part supports the implementation of the Reserve 1000 Master Plan in addition to the following future directions:
 - Improving long-term financial viability through shared support infrastructure such as club houses, car parks and water re-use; planning for effective links to community by public transport, cycle and pedestrian paths; considering accessibility to the community for unstructured recreational activities; and advocating for appropriate investment in land, construction and maintenance to increase capacity of existing open space and minimise need for additional open space.
 - Protecting and developing the existing district sports grounds across the Sunshine Coast.

It is recognised that a policy direction outlined in the *Open Space Strategy 2011* for sports grounds is to: "establish larger, centrally located sports grounds capable of hosting events, functions and social gatherings". The Reserve 1000 Master Plan recommends new sporting infrastructure in an existing precinct rather than the establishment of new sports grounds.

- Adoption of the *Sunshine Coast Sport and Active Recreation Plan 2011-2026* provides recommendations including:
 - Undertake a master plan to determine how best to accommodate an additional four outdoor netball courts adjacent to Caloundra Indoor Stadium. The aim of the master plan should be to accommodate expanded outdoor courts and resolve car parking issues without impacting on the functionality of the adjacent AFL playing field.

Risk

- Failure to maintain an adequate level of service for sport and active recreation facilities may result in increased future costs and lead to community dissatisfaction.
- Master planning reduces the risk of ad-hoc development, which may be to the detriment of future service provision and uses.
- The raising of community expectations without adequate funding options available to implement recommendations could result in community dissatisfaction.
- As indicated in the report, there are further flora and fauna studies that are required to be undertaken. This will require further investment from Council with the potential for findings from these studies to influence the level of development that can be undertaken on the site.

In respect to the statutory processes and approvals that will be required for the proposed removal of vegetation, it is possible that this authorisation may not be granted. There is also potential for further requests for information to be made to Council which would significantly extend the timeframes for the implementation of the Master Plan. This is particularly the case, should any EPBC requirements be triggered.

Previous Council Resolution

Open Space Strategy – Special Meeting 7 March 2011 Council Resolution (SM11/11)

That Council:

- (a) receive and note the report titled “Sunshine Coast Open Space Strategy 2011”;*
- (b) adopt the Sunshine Coast Open Space Strategy 2011 (Appendix A) to guide Council and the community in future open space planning, management and decision making, subject to consideration in annual budget processes;*
- (c) request the Chief Executive Officer to develop a detailed implementation and staging plan based on Councils’ long term financial model and other revenue sources, for future consideration by Council; and*
- (d) thank the 47 submitters for their contribution to the preparation of the Sunshine Coast Open Space Strategy 2011.*

Sport and Active Recreation Plan – Special Meeting 7 March 2011 Council Resolution (SM11/9)

That Council:

- (a) receive and note the report titled “Sunshine Coast Sport and Active Recreation Plan 2011-2026”;*
- (b) discontinue Caloundra City Council Recreation Policy [ref 727] and Noosa Council Recreation Policies [ref 03094 –R-4] (Appendix A);*
- (c) adopt the Sunshine Coast Sport and Active Recreation Plan 2011-2026 (Appendix B) as amended;*
- (d) develop a detailed and prioritised multi-year implementation plan based on councils’ long term financial model and other revenue sources; and*
- (e) delegate to the Chief Executive Officer to make appropriate amendments to the “Sunshine Coast Sport and Active Recreation Plan 2011-2026” in consultation with divisional councillors in accord with established criteria and upgraded input information;*
- (f) acknowledge and thank the wider community for their contribution in the development of the Sunshine Coast Sport and Active Recreation Plan 2011-2026; and*
- (g) acknowledge and thank the staff from the Active and Healthy Communities branch of the Community Services Department for their contribution to the “Sunshine Coast Sport and Active Recreation Plan 2011-2026”.*

Related Documentation

- *Nature Conservation Act 1992*
- *Environment Protection and Biodiversity Conservation Act 1999*
- *Sustainable Planning Act 2009*
- *Reserve 1000 Landscape Master Plan 2002*
- *Sunshine Coast Council Planning Scheme 2014*
- *Sunshine Coast Council Corporate Plan 2014-2019*
- *Sunshine Coast Open Space Strategy 2011*
- *Sunshine Coast Sport and Active Recreation Plan 2011-2026*
- *Sunshine Coast Sustainable Transport Strategy 2011-2031*
- *Sunshine Coast Access and Inclusion Plan 2011-2016*
- *Sunshine Coast Social Infrastructure Strategy 2011*
- *Sunshine Coast Biodiversity Strategy 2010-2020*

- Sunshine Coast Waterways and Coastal Management Strategy 2011-2021
- Preliminary Environmental Assessment Report: Russell Barker Park (Reserve 1000) 2013
- Reserve 1000 Flora and Fauna Study 2014

Critical Dates

There are no critical dates relevant to this report.

Implementation

The Capital Works Program includes the allocation of funding to contribute towards the staged detailed planning and construction of Master Plan initiatives, and outlines future stages of development to be prioritised in accordance with Council's 10 year Capital Works Program.

The Master Plan will allow investigation of joint partnership opportunities and additional external funding alongside Council's Capital Works funding and Council's community grants program. This will be conducted in consultation with the affiliate groups, the community and Council.

The adoption of the Master Plan will also provide council and stakeholders with a sound base to lobby the state and federal governments for implementation funding assistance for the recommended upgrades and improvements to the associated infrastructure.

8.4.4 RECONCILIATION ACTION PLAN REVIEW

File No:	RAP 06.15
Author:	Coordinator Community Planning and Strategy Community Services Department
Attachments:	Att 1 - Native Title Determination Application 189 Att 2 - RAP Implementation Update 191 Att 3 - Reconciliation Action Plan Benchmarking - SEQ 197 Att 4 - RAP Review and Resourcing Options 199 Att 5 - Legal Compliance Matrix 203

PURPOSE

This report responds to a recent request from the region's Traditional Owners to improve the relationships between Jinibara and Kabi Kabi First Nation Aboriginal peoples and Sunshine Coast Council and presents three options for Council's consideration in respect to the development of the next iteration of the Reconciliation Action Plan.

EXECUTIVE SUMMARY

Sunshine Coast Council is currently committed to reconciliation between Aboriginal and Torres Strait Islander peoples and other Australians through the fulfilment of our statutory Native Title and Cultural Heritage obligations, and through the implementation of the *Sunshine Coast Council Reconciliation Action Plan 2011-2016* (RAP). This Plan outlines the actions Council undertakes to build strong relationships and enhanced respect between Aboriginal and Torres Strait Islander peoples and other Australians.

However, following the adoption of the Reconciliation Action Plan the Jinibara People have been determined by the Federal Court of Australia as being the Native Title holders for their traditional country and the Kabi Kabi First Nation people have now lodged an application for a determination. Both the Jinibara and the Kabi Kabi peoples have claimed or are claiming Native Title lands within the Sunshine Coast Local Government area, refer Attachment 1. Since this determination the Jinibara People and the pending outcome relating to this matter for the Kabi Kabi First Nation, the expectations of the Traditional Owners in terms of their relationship with Council has increased significantly. It is now viewed by both the Jinibara and the Kabi Kabi peoples that statutory responses are a minimal response by Council to Indigenous issues locally and that Council needs to commit further to enhance relationship matters and deeper cultural understanding and awareness across the region.

As the Reconciliation Action Plan is due to expire in 2016 it is an opportune time for Council to consider the level of service that as a local government authority it wishes to engage in and resource and thereby subsequently inform the review of the Reconciliation Action Plan.

This report explores three possible options for Council to consider in moving forward with reconciliation practices. Option one explores a response to Aboriginal and Torres Strait Islanders through legislative obligations only; option two explores maintaining status quo with some minor enhancements; and option three explores a significantly enhanced framework of action.

The report aims to explore Council's legislative obligations, current practices, Reconciliation Action Plan implementation achievements, possible areas for improvement and how other local governments are responding to reconciliation, before outlining three possible approaches for Council to consider in moving forward.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Reconciliation Action Plan Review”
- (b) confirm its commitment to building strong relationships with the Traditional Owners of the Sunshine Coast
- (c) endorse Option 3 in relation to the extension of Council’s Reconciliation Action Plan activities and
- (d) refer the resource implications of Option 3 to Council for consideration as part of the 2015/2016 budget review processes.

FINANCE AND RESOURCING

At present, Council engages statutory services for Kabi Kabi First Nation through Archaeo (the recognised Kabi Kabi people’s nominated technical advisor) who utilise the below loosely accepted fee structure for Kabi Kabi First Nation. It should be noted that Archaeo charge an additional 20% administration fee for these services. Until May, 2015 Council also engaged statutory services for the Jinibara People through Archaeo on a similar fee structure. However, the Jinibara have now nominated Australian Heritage Specialists as their technical advisor.

Non-statutory engagements (i.e. Welcome to Country, performances etc.) are not required to be negotiated through a third party organisation and can be negotiated through agreed protocols with both Traditional Owners and the Aboriginal community and in accordance with Council’s procurement processes. However, until agreed protocols are established, Kabi Kabi First Nation have requested that Archaeo coordinate all Aboriginal engagements. This approach is creating a level of frustration and confusion between both parties as Council officers are not obligated to use this method and do not wish to pay unnecessary fees for non-statutory matters.

Below is the accepted fee structure for 2015/2016 until an official position can be reached.

Service	Cost
Senior Cultural Heritage Officer	\$ 600.00 per day*
Cultural Heritage Officer	\$ 500.00 per day*
Kabi Kabi Coordinator	\$ 75.00 per day
Travel	\$ 0.75 cents per km
Expenses - Accommodation and living expenses, communications etc.	\$ 200.00+ per day (if required)
Administration Fee	20% of the total invoice

*Added to the daily rate is 9.5% super, 4.75% payroll tax and then Administration (by Archaeo) is added at 20%.

*The Kabi Kabi coordination role is separate to the administration fee and incorporates a Kabi Kabi representative undertaking tasks such as nominating representatives, liaising with proponents and managing field work, etc.

From 2012 to mid-2014 the total payments by Council to Traditional Owners for advice and engagement on Cultural Heritage matters was approximately \$200,000. This included 44 engagements across six key projects, which included:

- Muller Park, Bli Bli
- London Creek Environmental Reserve
- Maleny Precinct
- Sunshine Coast Airport
- Wallace Park Precinct Plan
- Reconciliation Action Plan.

In the 2014/2015 financial year Council spent approximately \$70,000 across 11 projects on payments to Traditional Owners. In respect to the 2015/2016 financial year, this figure is more likely to be in the vicinity of approximately \$100,000 based on statutory obligations and in consideration of Council's proposed projects forecast in forward Capital Works budgets. Regardless of which reconciliation approach Council decides on, Council's statutory obligations to the Traditional Owners will continue to represent an ongoing expense for Council.

This report explores three possible options for Council to consider in moving forward with reconciliation practices. Options one and two do not represent any additional costs for the Council. However, should option three be adopted as Council's preferred option, it is proposed that a new Full Time Equivalent (FTE) temporary position be created to provide leadership, strong technical and strategic advice and coordination across Council to achieve cross-organisational delivery of Indigenous partnership commitments. The creation of this position together with all on costs would represent additional increase to the annual budget in the vicinity of \$100,000 p.a. and would be reviewed after a 3 year term.

CORPORATE PLAN

Corporate Plan Goal: *A strong community*

Outcome: 2.3 - Culture, heritage and diversity are valued and embraced

CONSULTATION

Internal Consultation

- All Councillors
- Community Facilities and Planning Branch
- Community Relations Branch
- Environment and Sustainability Policy Branch
- Project Delivery Branch
- Strategic Planning Branch

External Consultation

- Jinibara People
- Kabi Kabi First Nation
- Archaeo Consultants
- Department of Aboriginal and Torres Strait Islander Partnerships (DASIP)
- Brisbane City Council
- Redland City Council
- Logan City Council
- Gold Coast City Council
- Moreton Bay Regional Council
- Ipswich City Council
- Sunshine Coast Indigenous Network Group (SCING)

Community Engagement

A field trip to various culturally significant locations in the Sunshine Coast region was held in January, 2015. This field trip was attended by Jinibara and Kabi Kabi elders, the Mayor, a number of Councillors and senior staff of Sunshine Coast Council. The purpose of the field trip was to create greater cultural awareness and to commence the process of enhancing the relationship between the Traditional Owners and Council.

PROPOSAL

Background

At the time of the 2011 Census, approximately 4,078 people on the Sunshine Coast identified as Aboriginal and Torres Strait Islander people living within approximately 1,950 dwellings.

The two main Traditional Owners who lived on the Sunshine Coast are the Jinibara People and the Kabi Kabi First Nation. The two names of Gubbi Gubbi and Kabi Kabi are both used by Aboriginal families on the Sunshine Coast, however for the purposes of this report will be referred to as Kabi Kabi.

In November 2012, the Jinibara People were determined by the Federal Court of Australia as being the Native Title holders for their traditional country. The claim for Kabi Kabi First Nation is lodged and progressing. Both the Jinibara and the Kabi Kabi peoples have claimed or are claiming Native Title lands within the Sunshine Coast Local Government area, refer Attachment 1 – Native Title Determination Application for a visual representation of these areas.

It is important to distinguish between Traditional Owners who are recognised through the Native Title Tribunal process i.e. Jinibara People and Kabi Kabi First Nation and other family groups who may also be considered Aboriginal custodians who also live on or are strongly connected to this region.

Traditional people of a particular region are recognised as members of a tribal or language group whose lands lie within the region, that is, they are accepted as belonging to one of the relevant 'families', primarily through socially validated genealogical connections. Some family groups are not acknowledged through the current Native Title process and/or they do not endorse the current claimants.

Since the Federal Court determination relating to the Jinibara People and the pending outcome relating to this matter for the Kabi Kabi First Nation, the expectations of the Traditional Owners in terms of their relationship with Council has increased significantly. It is now viewed by both the Jinibara and the Kabi Kabi peoples that statutory responses are a minimal response by Council to Indigenous issues locally and that Council needs to commit further to enhance relationship matters and deeper cultural understanding and awareness across the region. The current resources allocated do not allow for this level of interaction or relationship as sought specifically in writing by Jinibara elders.

Council is currently committed to reconciliation between Aboriginal and Torres Strait Islander peoples and other Australians through the adoption and subsequent implementation of the *Sunshine Coast Reconciliation Action Plan 2011-2016* (RAP). The RAP outlines the practical actions Council will take to build strong relationships and enhanced respect between Aboriginal and Torres Strait Islander peoples and other Australians. The RAP provides the opportunity to plan strategically into the future and identify more efficient and effective processes and drive greater equality through pursuing sustainable opportunities. Council officers have been active in implementing the RAP priorities. A summary and detailed overview of activities is provided as Attachment 2 – RAP Implementation Update.

It is through the implementation of the Reconciliation Action Plan that Jinibara and Kabi Kabi Traditional Owners have sought to develop more effective protocols and processes between Council and themselves around Native Title and Cultural Heritage. In addition, the Traditional

Owners would also like to explore other opportunities with Council which can develop protocols and processes around relationship management, respect and employment opportunities for Aboriginal people. Recent correspondence addressed to the Mayor from the Jinibara Traditional People has reiterated this desire, but also expressed significant concern at the time taken by Council to formalise this matter.

Possible gaps

Consultation with Traditional Owners, Aboriginal family members, staff and other councils highlights some areas for Council's consideration when reviewing the Reconciliation Action Plan and in considering the future allocation of resources towards the management of both Aboriginal relations and Aboriginal Native Title and Cultural Heritage compliance.

Possible Gap	Possible Solution
<p>There are no formally agreed protocols, processes and fees for working with Traditional Owners and engaging with the Aboriginal community on statutory and non-statutory matters.</p>	<p>Formalisation of a Memorandum of Understanding with Traditional Owners to develop agreed protocols, process and fees for engagement in both statutory and non-statutory matters. Part of these considerations could consider the appointment of one central point of contact for Traditional Owners.</p>
<p>There are a range of conflicting local Aboriginal perspectives of which Council should be aware of, however unless you are culturally involved it is difficult to understand cultural protocols. ATSI peoples work within kinship structures which are often contrary to working within Council structures.</p> <p>At present Council does not employ any Aboriginal personnel who are engaged to provide technical and strategic advice, leadership and coordination across Council.</p>	<p>A FTE position (Advisor Aboriginal Partnerships) could be created to provide leadership, strong technical and strategic advice and coordination across Council.</p> <p>The position could achieve cross-organisational delivery of Cultural Heritage obligations, development of Aboriginal partnerships and commitments outlined in the Social Strategy, Heritage Plan and Heritage Levy Policy and Program.</p> <p>The role could build the capacity of the organisation and foster the development of complex and significant ATSI relationships. Given that the role is focusing on capacity building within Council, it is proposed that the role be a 3 year term and that the effectiveness of the role be evaluated.</p> <p>If this is considered it would be culturally appropriate that this person would be of ATSI descent.</p>
<p>There is limited sharing of knowledge about significant Aboriginal areas outside of the DASIP database. Other culturally significant sites are not registered with DASIP due to the provisos of confidentiality and "need to know" status, for example intangible oral history.*</p>	<p>If resources were available an additional FTE position could lead the development of Cultural Heritage guidelines and protocols within and external to the organisation to assist in ensuring that significant Aboriginal Cultural Heritage is known and protected. In this context a full range of available forms of mitigation could be further considered so that, as much as possible, values of the site are preserved.*</p>

Possible Gap	Possible Solution
Cultural competency is required to work more effectively with ATSI communities	Council could develop and maintain regular organisation wide training and awareness programs to ensure cultural competency and best practice for Cultural Heritage management are embedded into practices
No employment strategy or HR policies to support Aboriginal employment within Council	Council could develop agreed approaches towards appropriate employment strategies that aim to increase employment, training, equity and diversity and procurement opportunities for ATSI people.
There are opportunities to work with the ATSI community towards capacity building for economic and cultural tourism.	Council could consider increasing partnership opportunities and general support across the organisation to increase economic opportunities for the ATSI sector.
Internal and external working groups to monitor and evaluate the progress of the Reconciliation Action Plan have not been formed.	The formation and coordination of internal and external Aboriginal Reference Groups could enhance the coordination of Aboriginal matters across the organisation. Resourcing such groups requires a sensitivity, cultural competence and a time investment.
Opportunities are missed to work more collaboratively with Aboriginal people to build a rich cultural region	Early engagement with Aboriginal people in relation to Council's works and other programs to identify opportunities to build a rich cultural region

*Preliminary conversations with Traditional Owners suggests that further conversations are required in relation to this action as there are many sensitivities about who has access to this information and for what purpose.

OPTIONS

A preliminary evaluation of Council's ongoing engagement with the local ATSI community and the Native Title and Cultural Heritage requirements with Jinibara people and Kabi Kabi First Nation has been undertaken to understand both the legislative responses and the Reconciliation Action Plan moving forward. These options have been developed and benchmarked against like local governments in South East Queensland. Benchmarking findings are provided as Attachment 3.

Officers have commenced the Reconciliation Action Plan review. As part of this review, this report is being presented to Council, identifying the resources required to facilitate engagement regarding the Reconciliation Action Plan, Capital Works and Native Title and Cultural Heritage issues.

Council is currently committed to reconciliation between Aboriginal and Torres Strait Islander peoples and other Australians through the adoption and subsequent implementation of the Reconciliation Action Plan.

Council's Reconciliation Action Plan is defined by Reconciliation Australia as an 'Innovate Reconciliation Action Plan'. This type of Reconciliation Action Plan involves working with ATSI stakeholders to test and trial approaches that build relationships, show respect and improve opportunities. This type of Reconciliation Action Plan includes innovative actions,

rather than focusing on meeting aspirational or stretch targets. The purpose of this Reconciliation Action Plan is to build the right foundations for long-term outcomes.

The Reconciliation Action Plan outlines the practical actions Council will take to build strong relationships and enhanced respect between Aboriginal and Torres Strait Islander peoples and other Australians. The Reconciliation Action Plan provides the opportunity to plan strategically into the future and identify more efficient and effective processes and drive greater equality through pursuing sustainable opportunities.

In light of the information received through the benchmarking exercise and the need to identify the resources required to facilitate engagement regarding the Reconciliation Action Plan, Capital Works and Native Title and Cultural Heritage issues, the following three options have been developed for consideration by Council.

Sunshine Coast Reconciliation Action Plan 2011-2016 Review Options	
Option One	Cease Reconciliation Action Plan and respond to ATSI community through legislative obligations only: Council will only engage with the Jinibara people and Kabi Kabi First Nation on matters specific to Native Title and Cultural Heritage. The RAP framework that enables celebrations, events and engagement that directly improves relationships and respect between ATSI people and Council will cease and return to the ad hoc nature in which it existed prior to the RAP endorsement.
Option Two	Review Reconciliation Action Plan and maintain current legislative responses: Council officers will review and evaluate the current RAP and its actions; providing a status update to Council for consideration with a new RAP. This new RAP will continue in the same vein as the current RAP with an enhanced framework including the development of agreed protocols. All legislative requirements relating to Native Title and Cultural Heritage will continue to be met.
Option Three	Review and improve the Reconciliation Action Plan, maintain legislative requirements and employment of an identified ATSI position: Council will review and evaluate the current RAP and its actions, seeking to develop a 'Stretch' RAP and aspire to an improved strategic framework and a deeper understanding and relationship. All legislative requirements relating to Native Title and Cultural Heritage will continue to be met.

Detailed overviews of options one to three are provided as Attachment 4 – RAP Review and Resourcing Options.

Legal

Council is legally obliged to meet the requirements of the *Native Title Act 1993*, *Aboriginal Cultural Heritage Act 2003* and *Torres Strait Islander Cultural Heritage Act 2003*. The options outlined in this report deal with the obligations under these Acts to ensure Council is complying with its legislative requirements. A brief summary of these acts and Council's obligations is provided below.

The *Native Title Act 1993* is the recognition by Australian law that some Aboriginal people have rights and interests to the land that comes from their traditional laws and customs. Native Title is protected by rendering 'invalid' any activity which affects Native Title, where Native Title continues to exist. Where Native Title exists, Council complies by obtaining the consent of the relevant Native Title party for any proposed activity on their land.

The *Aboriginal Cultural Heritage Act 2003* and the *Torres Strait Islander Cultural Heritage Act 2003* ensure effective recognition, protection and conservation of Aboriginal and Torres Strait Islander (ATSI) cultural heritage. The Acts safeguard ATSI Cultural Heritage by offering a blanket protection through creating 'offences' where there are breaches of statutory duty of care. Duty of care requires all persons to take reasonable and practical measures to ensure their activities do not harm Cultural Heritage. A person harms Cultural Heritage when they excavate, relocate, take away or have possession of what they know, or ought to reasonably know, is Cultural Heritage.

When working with ATSI communities the following legislation should also be taken into consideration, the *Aboriginal Land Act 1991*, *Family Responsibilities Commission Act 2008*, *Community Services Act 2007*, and the *Environment Protection and the Biodiversity Conservation Act 1999*.

Examples of ways in which Council currently meets compliance requirements are:

- consulting with and acting with the agreement of the Traditional Owners (recognised Aboriginal parties)
- appropriately engaging Traditional Owners for cultural heritage consultancy services and cultural heritage site monitoring
- conducting Cultural Heritage Surveys and developing Cultural Heritage Management Plans (CHMP) as required
- registering culturally significant sites with the State Government (if appropriate)
- project management to ensure that Native Title and Cultural Heritage obligations are upheld
- engagement with ATSI for master planning.

Further details regarding legislative obligations and how they are administered are provided as Attachment 5 – Legal Compliance Matrix.

Policy

Relevant legislation connected to this report follows:

- *Native Title Act 1993*
- *Aboriginal Cultural Heritage Act 2003*
- *Torres Strait Islander Cultural Heritage Act 2003*
- *Aboriginal Land Act 1991*
- *Family Responsibilities Commission Act 2008*
- *Community Services Act 2007*
- *Environment Protection and Biodiversity Conservation Act 1999*.

Risk

Each option noted within this report bears some risk. These have been highlighted by each option.

Previous Council Resolution

Ordinary Meeting 7 December 2011 - OM11/302

(PSC) Item 4.2.3 Sunshine Coast Reconciliation Plan 2011-2016

That Council:

- (a) receive and note the report titled "Sunshine Coast Reconciliation Plan 2011-2016"; and*
- (b) adopt the "Sunshine Coast Reconciliation Action Plan 2011-2016" (Appendix A) as amended.*

Ordinary Meeting 26 October 2011 - OM11/257

(PSC) Item 4.3.2 Draft Sunshine Coast Council Reconciliation Action Plan 2011-2016

That Council:

- (a) receive and note the report titled "Draft Sunshine Coast Council Reconciliation Action Plan 2011-2016"; and*
- (b) endorse the Draft Sunshine Coast Council Reconciliation Action Plan 2011-2016 (Appendix A) for community consultation.*

Related DocumentationClosing the Gap considerations

The Closing the Gap Report 2015 is the seventh iteration produced since targets were set by the Council of Australian Governments (COAG) in 2008. The report shows that although there has been some improvement in education and health outcomes for Indigenous Australians, most Closing the Gap targets are not on track to be met. The Government is continuing to focus on reform of Indigenous affairs and the positive impact that this will have on the Closing the Gap targets. There is a strong emphasis on practical actions to get kids to school, adults into work, make communities safer and advancing constitutional recognition. This report highlights a number of recommendations for governments working with ATSI peoples.

Critical Dates

With the expiration of Council's *Reconciliation Action Plan* in 2016, a clear decision on how to progress relationships with the region's Traditional Owners is required as soon as possible so that resources can be allocated in line with budget reviews.

Implementation

Depending on Council's decision, officers will respond accordingly.

- Should Option 1 be the preferred option, officers will discontinue their work on the Reconciliation Action Plan and focus resources on finalising an agreed set of fees in relation to Native Title and Cultural Heritage obligations.
- Should Option 2 be the preferred option, officers will review and revise an "Innovative" Reconciliation Action Plan for Council's consideration for adoption in 2016. Staff within Infrastructure Services will also work on finalising an agreed set of fees in relation to Native Title and Cultural Heritage obligations.
- Should Option 3 be the preferred option, officers will begin the recruitment of a skilled ATSI person to undertake the role of Senior Advisor Indigenous Partnerships for a 3 year contract term that is subject to review. The first year of this person's employment would be focused on the development of a 'Stretch' Reconciliation Action Plan and an agreed Memorandum of Understanding with Traditional Owners which defines agreed protocols, processes and a schedule of fees for statutory and non-statutory Aboriginal engagement.

The following two years would be focused on implementing the revised Reconciliation Action Plan and Memorandum of Understanding. At the conclusion of this period a report would be presented to Council which reviews the achievements attained, and again presents Council with an opportunity to review the success or otherwise of this approach and endorse a preferred way forward.

8.4.5 COMMUNITY PARTNERSHIP FUNDING PROGRAM RECOMMENDATIONS 2015

File No:	Statutory Meetings	
Author:	Team Leader Community Connections Community Services Department	
Appendices:	App A - 2015 Community Partnership Funding Program Recommendations	215
Attachments:	Att 1 - Internal Consultation	229
	Att 2 - Community Partnership Funding Program Guidelines	233
	Att 3 - 2015 Community Partnership Funding Program Recommendations - Additional Information (Under Separate Cover) – Confidential.....	Conf Att Pg 5
	Att 4 - Category Statistics Breakdown	239

PURPOSE

This report seeks Council consideration and endorsement of the funding recommendations for the 2015/2016 Community Partnership Funding Program (Appendix A).

EXECUTIVE SUMMARY

The inaugural Community Partnership Funding Program was endorsed by Council at its Ordinary Meeting on 10 December, 2009 and launched early in 2010. A comprehensive review of the Community Partnership Funding Program was undertaken during 2014 as part of the Community Partnership Funding Program and Community Grants Program Review.

At its Ordinary Meeting on 29 January, 2015 Council considered the review findings and options for ongoing funding of the Community Partnership Funding Program, and endorsed the continuation of the program with some refinement of the program guidelines.

The program is open to established not-for-profit community organisations that provide facilities or services which support the delivery of Council's priorities and demonstrate broad community benefit. It offers up to three years of funding towards operational expenses for successful applicants.

The framework and criteria for the program ensures an equitable, accountable and transparent process for the creation of funding partnerships between Council and community organisations. It enables distribution and acquittal of financial assistance to community groups, in accordance with government guidelines and standards.

In assessing the applications and funding amount recommendations, the panel references the guidelines (which include criteria), and also considers the organisations:

- extent of reach into the community
- alignment with Council's adopted strategies
- like services / facilities comparisons to ensure consistency
- other revenue sources available
- amount requested in relation to the overall operational costs.

The 2015 round of the Community Partnership Funding Program opened on 20 April and closed on 25 May, inviting applications in the following five categories:

- Community Development
- Community Facilities
- Community Safety
- Cultural Heritage
- Economic Development.

Throughout the application period, an extensive promotional campaign was conducted and grants officers and category partners provided advice and assistance to community organisations interested in applying for funding.

Council received a total of 91 Community Partnership Funding Program applications requesting \$1,156,247 in funding.

Funding totalling \$762,906 for 87 community organisations is recommended for Council's consideration and endorsement (Appendix A).

All previous Community Partnership Funding Program commitments ended as at 30 June, 2015.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Community Partnership Funding Program Recommendations 2015" and**
- (b) endorse the 2015/2016 Community Partnership Funding Program Recommendations (Appendix A).**

FINANCE AND RESOURCING

This report to Council is to endorse recommendations for applications to the 2015 Community Partnership Funding Program, which closed on 25 May, 2015. There is one Community Partnership Funding round per year. Under this program, funding is allocated (subject to annual budget considerations) for one, two or three year periods.

There are currently no existing commitments to the Program's budget. All previous partnerships agreements ceased as at 30 June, 2015.

The Community Partnership Funding Program budget for 2015/2016 provides a total of \$730,000 for the 2015/2016 financial year. The Heritage Levy budget provides an additional \$85,000 for the program's Cultural Heritage category partnerships.

This report recommends that 87 applicants be funded for a total of \$762,906 in the 2015/2016 financial year. Details of funding recommendations are provided in Appendix A.

The 2015/2016 Heritage Levy budget is sufficient to provide the \$65,669 required to support the recommended Cultural Heritage category partnerships. The 2015/2016 Community Partnership Funding Program budget is sufficient to provide the \$697,237 required for all other category partnerships recommended in this report.

Of the 87 applications, 75 have been recommended for 3 years of funding. The maximum budget commitment is in the first year of the partnership, with the subsequent years showing decreasing annual amounts as they work towards increasing self-sufficiency.

These multi-year funding agreements have implications for 2016/2017 and 2017/2018 Council budgets. Budget implications of recommendations in this report are summarised in the table below.

Budget Implications	2015/2016	2016/2017	2017/2018
Community Partnership Funding Program (CPFP) Budget			
1 st year 2015/16 round	\$697,237		
2 nd year 2015/16 round		\$560,367	
3 rd year 2015/16 round			\$553,827
Heritage Levy Budget			
1 st year 2015/16 round	\$65,669		
2 nd year 2015/16 round		\$55,606	
3 rd year 2015/16 round			\$54,306
TOTAL ALL BUDGETS	\$762,906	\$615,973	\$608,133

CORPORATE PLAN

Corporate Plan Goal	2 - A strong community
Outcome	2.2 - Resilient and engaged communities
Operational Activity	S4 - Community and cultural development and partnerships - providing planning, partnering and supporting the community through a range of community development, civic and cultural programs and grants

CONSULTATION

Internal Consultation

Assessment panel membership is outlined in Attachment 1 (Internal Consultation).

External Consultation

Throughout the application period, grants officers and category partners provided advice and assistance to community groups interested in applying for funding through the 2015 Community Partnership Funding Program.

Community Engagement

No community engagement was undertaken in relation to this report. However, it should be noted that an extensive community engagement program was undertaken with community groups and organisations as part of the Grants Review program that went to Council in January 2015.

PROPOSAL

The Community Partnership Funding Program is a program designed to provide funding certainty to community groups by granting up to three years of funding for operational expenses, which is the most difficult funding type to secure externally.

The program was endorsed by Council in 2009 and launched in early 2010.

The Community Partnership Funding Program is open to established not-for-profit community organisations that provide facilities or services which support the delivery of Council's priorities and demonstrate broad community benefit.

The program ensures that these organisations can continue to operate and invest their time on service delivery and building long-term, ongoing sustainability.

The framework and criteria for the program were developed to ensure an equitable, accountable and transparent process for the creation of funding partnerships between Council and community organisations. This enables distribution and acquittal of financial assistance to community groups, in accordance with government guidelines and standards.

It is important to note that operational expenses of sporting organisations with primary responsibility for maintaining sports fields are supported separately through the Sports Field Maintenance Funding Program. Environmental groups performing on ground works, are also funded separately through Council's Environment Levy Partnership Program.

A comprehensive review and evaluation of the Community Partnership Funding Program was undertaken during 2014 as part of the "Community Grants Program and Community Partnership Funding Program Review". At its Ordinary Meeting on 29 January, 2015 Council considered the review findings and options for the ongoing funding of the Community Partnership Funding Program, and endorsed the continuation of the program with some refinement of the program guidelines.

The Community Partnership Funding Program Guidelines were revised and updated (Attachment 2) to include the following refinements:

- Extend identification of Council's priorities to strong alignment with Council priorities as described in current Council strategies, plans or policy positions
- Clarify that the intent of program is limited to facilities or services that demonstrate broad community benefit
- Direct community organisations responsible for the maintenance of facilities to the "Community Facilities" category to allow like facilities to be assessed together for consistency in determining funding allocations
- Change the name of the "Community Services" category to "Community Development" to provide greater clarity on what is eligible for funding under this category.

2015/2016 funding round

The Community Partnership Funding Program opened to applications on 20 April and closed on 25 May, 2015. It invited applications for funding in the following five categories:

- Community Development
- Community Facilities
- Community Safety
- Cultural Heritage
- Economic Development.

Promotion

A comprehensive promotional plan was developed to ensure information about this funding program reached the wider community. Tools included:

- Council's website
- Paid advertising in weekly and independent newspapers
- eNewsletter to targeted recipients on the Community Connections database
- Fact sheets distributed to all Council libraries and customer service centres
- Social media – Facebook and Twitter posts
- Direct liaison – Council officers (Community Connections team and internal category representatives) distributed information on the program to their networks
- Promotion of the program during Council's Grant Writing Workshops held in February and March 2015.

Extensive internal promotion was also conducted to ensure that Council staff were aware of the partnership program and revised guidelines, and could provide the correct advice to prospective applicants. Tools included:

- Update of Customer Contact information database (SAFI)
- Email to alert category representatives of the new program outlining key messages, roles and responsibilities and changes to application forms
- Distribution of the updated Guidelines and Fact Sheet.

Support

Grants officers were proactive and made contact with all recipients of previous partnership funding and potential new partner organisations to ensure they were aware that the program had been endorsed and was open for applications. The officers informed applicants that funding would be available for up to three years and advised of changes to categories, application forms and revised guidelines. Grants officers and category representatives responded to an extensive number of telephone enquiries and emails and actioned requests, providing assistance with:

- eligibility requirements
- alignment to program and category criteria and corporate priorities
- proposal development and negotiation of deliverables and measures
- completion and submission of online application forms.

The high level of support during the application period enabled prospective applicants to make an informed decision about whether to invest time and effort in preparing an application for submission and when doing so, ensuring the correct category was selected.

Applications

Council received 91 Community Partnership Funding Program applications totalling \$1,156,247. Proposals for funding were diverse in the range of facilities and services covered and the type of groups applying. There was also a broad geographic spread of applicants with applications coming from across the region.

While most of the requests were for multi-year funding, some organisations requested only one year of funding or decreasing annual amounts over the three year period demonstrating their commitment to work towards increasing self-sufficiency.

Assessment process

Training and guidance were given to panel members at the start of the assessment process to ensure sound governance. The panel members were also reminded to declare any perceived conflicts of interest relating to applicants or applications. No Declarations of Interest were recorded in this round.

Assessment of applications was based on general program and category specific assessment criteria and comprised of three stages:

Stage 1: Pre-assessment by Council grants officers to determine applicant and proposal eligibility.

Stage 2: Proposal assessment for each category by panels made up of Council officer category experts and grants staff.

Stage 3: Strategic assessment panel comprised of Branch Managers and Coordinators or their delegates.

The Stage Two assessment process resulted in a priority list of applications aligned to the assessment criteria and included a recommended funding amount and score for each application.

In assessing the applications and the amount of funding for each of the applications recommended for partnership, the panel references the guidelines (which include criteria) and also considers the organisations:

- extent of reach into the community
- the alignment with Council's adopted strategies
- like services / facilities comparisons to ensure consistency
- other revenue sources available
- amount requested in relation to the overall operational costs.

When considering applications from sports organisations in relation to their facility, the panels are also guided by the matrix developed by the Sport and Recreation Officers, which

gives consideration to the type of sport played and number of playing areas (courts, greens, lawns).

Panel comments, wording for notification letters to applicants and conditions of funding were recorded at the assessment panel meetings to ensure transparency.

The Stage Three assessment panel reviewed Stage Two outcomes against Council's strategic priorities and determined any adjustments.

Assessment outcome

Of the 91 applications received, it is recommended that 87 be funded to a total amount of \$762,906 for the 2015/2016 financial year.

This is a multi-year funding program (up to three years) and 75 of the 87 successful applications were recommended for annual funding over the three year period. It is important to note that in some instances, organisations applied for a one year funding term only. Recommendations for single year of funding only were generally made due to the panels being aware of a potential or impending change of circumstance. These organisations may reapply to the 2016/2017 financial year program.

Details of the recommended outcomes are included in Appendix A. Additional information relating to the assessment of applications is provided in confidence under Section 275 (h) of the *Local Government Act 2009* in confidential Attachment 3. The recommendations are summarised in the table below.

2015 Community Partnership Funding Round Summary

Category	Applications received	Funding requested	Proposals recommended	Funding recommended (GST exc.)	% Applicants recommended
Community Development	12	\$175,045	11	\$119,679	92%
Community Facilities	54	\$616,071	53	\$372,011	98%
Cultural Heritage	13	\$132,114	11	\$65,669	85%
Community Safety	6	\$173,450	6	\$158,900	100%
Economic Development	6	\$59,567	6	\$46,647	100%
Total	91	\$1,156,247	87	\$762,906	95%

The high percentage of applications funded reflects the greater clarity provided by the revised program guidelines and the high level of support provided by Council staff to the applicants throughout the application period.

Funding recommended will provide broad community benefit. During the 2015/2016 financial year the operations of the community organisations supported through this program include:

- 18,202 registered members
- 8,750 volunteers
- 552,412 volunteer hours
- 318,639 total hours of operations (services and facilities)
- 3,176 groups access services and/or facilities
- 689,664 contacts accessing services and/or facilities.

The figures do not include three state wide organisations - Inclusion Plus Family Support Inc., Community Solutions Group Ltd and Care Flight Rescue. These large organisations could not provide figures for their Sunshine Coast only based activities.

Further detail on the benefits of the program is provided in Attachment 4 - Category Statistics Breakdown.

New Community Partnerships

New partnerships represent 15% of the total applications this year.

Of the 87 organisations recommended for funding, ten are new partners to this program. These organisations did not receive funding via the 2014 Community Partnership Funding Program.

70% of the applications for new partnerships were recommended for funding. The applications were received in the following categories:

Category	Applications for new partnerships	New partnerships recommended
Community Development	3	2
Community Facilities	6	5
Community Safety	0	0
Cultural Heritage	3	1
Economic Development	2	2
Total	14	10

Organisations not recommended for funding will be referred, where relevant, to the Community Grants Program regarding opportunities to apply for funding for specific projects.

Legal

It can be said that the act of providing funding does not, of itself, raise issues of legal liability for Council. Rather it is the conduct of the funding recipient in carrying out what may be considered a local government type activity on local government owned or controlled land that will have some legal liability exposure issues for Council.

This will be mitigated, as best as is possible, by having the successful funding applicants enter into Agreements that spell out the relationship between the parties and obligate them to be incorporated bodies with adequate risk management plans, levels of insurance, training, reporting, and financial controls.

Policy

At the Ordinary Meeting of 20 June 2013, Council adopted the *Community Grants Policy* which subsequently provides a framework to guide the administration of the Community Partnership Funding Program and Council's other grants programs.

Risk

There is minimal financial risk associated with the program in supporting identified eligible organisations, due to the ongoing working relationships between organisations and Council officers. This relationship is supported by individually tailored funding agreements and the requirement for progress reports and annual funding acquittal reports.

It is possible, despite the rigorous process and the positive outcome for many applicants, that there may be some negative reaction from unsuccessful applicants.

These multi-year funding agreements, if endorsed, have implications for 2016/2017 and 2017/2018 Council budgets.

Previous Council Resolution

Ordinary Meeting 29 January 2015 – OM15/5

That Council:

- (a) *receive and note the report titled “Community Grants and Partnership Funding Review 2014”*
- (b) *endorse Option 1 for Council support to community organisations for 2015/16 and beyond*
- (c) *endorse multi-year funding under the Community Partnership Funding Program to provide funding for periods of up to 3 years*
- (d) *note “Community Grants Program and Community Partnership Funding Program Review Report” (Appendix A).*

Ordinary Meeting 22 May 2014 – OM14/68

That Council:

- (a) *receive and note the report titled “Funding Programs for Community Partnerships 2014/2015”*
- (b) *note the revised Community Partnership Funding Program guidelines (Appendix A) to provide one year of funding for the 2014/2015 financial year*
- (c) *note the newly established Environment Levy Partnerships and Grants Program Guidelines (Appendix B) for the allocation of Environment Levy funding (incorporating Landholder Environment Grants, Partnerships and Grants), with the Partnerships component to open for funding for the 2014/2015 financial year*
- (d) *note funding for community-managed public pools to be administered via individual agreements outside of the Community Partnership Funding Program through existing operational budget within the Community Facilities and Planning Branch*
- (e) *note the revised Community Grants Program guidelines (Appendix C)*
- (f) *refer the Community Partnership Funding Program proposed budget (\$1,017,248) to the June 2014 budget deliberations for 2014/2015 and*
- (g) *request the Chief Executive Officer conduct a review of the Community Partnership Funding Program and Community Grants Program in 2014 considerate of council’s new Corporate Plan 2014 – 2019 and State and Federal funding opportunities not for profit community organisations and report back to Council in December 2014 with recommendations for future programs in the 2015/2016 financial year and beyond.*

Ordinary Meeting 20 June 2013 – OM13/109

That Council:

- (a) receive and note the report titled “**Community Grants Policy**”*
- (b) adopt the Community Grants Policy (Appendix A)*
- (c) note the Community Grants Guidelines (Appendix B) as amended by (f) below to implement the Community Grants Policy*
- (d) adopt the Mayoral and Councillor Discretionary Funding Policy as amended (Appendix C)*
- (e) note the Mayoral and Councillor Discretionary Funding Program Guidelines (Appendix D) and*
- (f) amend the grants guidelines to include a clause that stipulates that each program is subject to annual budget allocations.*

Related Documentation

Relevant policy and strategy documents include:

- *Local Government Regulation 2012*
- *Local Government Act 2009*
- *Statutory Bodies Financial Arrangements Act 1982*
- *Corporate Plan 2014-2019*
- *Community Grants Policy*
- *Community Partnership Funding Program Guidelines*
- *Heritage Levy Policy*
- *Cultural Development Policy*
- *Events Policy*
- *Regional Economic Development Strategy 2013-2033*
- *Sunshine Coast Community Events and Celebrations Strategy*
- *Sunshine Coast Access and Inclusion Plan 2011-2016*
- *Sunshine Coast Positive Ageing Strategy 2011-2016*
- *Sunshine Coast Reconciliation Action Plan 2011-2016*
- *Sunshine Coast Social Infrastructure Strategy 2015*
- *Sunshine Coast Sport and Active Recreation Plan 2011-2026*
- *Sunshine Coast Youth Strategy 2010-2015.*

Critical Dates

There are no critical dates relevant to this report.

Implementation

Upon Council endorsement of this report, all applicants will be notified by mail of the outcomes. Where relevant, letters to unsuccessful applicants will include referrals to appropriate Council officers for further advice or assistance.

A Conditions of Agreement document will be sent to successful applicants and will include reporting and acquittal requirements and any conditions of funding to be met prior to partnership funding being awarded.

Partnership funding will be distributed as soon as the Conditions of Agreements are finalised, signed and returned to Council along with an invoice from the recipient.

A list of successful Community Partnership Funding partner organisations will be posted on Council’s website and a range of promotional opportunities will be arranged.

8.5 INFRASTRUCTURE SERVICES**8.5.1 ENVIRONMENT LEVY PARTNERSHIPS FUNDING PROGRAM
RECOMMENDATIONS 2015/2016**

File No:	Environmental Management	
Author:	Senior Conservation Partnerships Officer (G&P) Infrastructure Services Department	
Appendices:	App A - Environment Levy Partnerships Recommendations 2015.....	247
Attachments:	Att 1 - Environment Levy Partnerships Recommendations 2014.....	253
	Att 2 - Environment Levy Partnerships Recommendations 2015 (Under Separate Cover) – Confidential.....	Conf Att Pg 19
	Att 3 - ELP and Grants Guidelines 2014	257

PURPOSE

The purpose of this report is for council to consider and endorse funding recommendations for the 2015 Environment Levy Partnership Funding Program.

EXECUTIVE SUMMARY

The Environment Levy Partnerships Funding Program enhances Council's ability to engage and work with the community to build effective partnerships to assist in the delivery of Council's environmental strategies, including the Biodiversity Strategy 2010-2020 and Waterways Strategy 2011-2021.

The program funds operational expenses for incorporated community organisations for up to three years. The three year nature of the program is intended to create an environment of funding certainty and the opportunity for community organisations to engage in longer term planning.

With a view to ensuring value for money investment Council officers work with successful partner organisations to develop strong relationships that build capacity towards good governance and sustainable practices. Interaction with successful community organisations will include monitoring partnership agreements, capturing return on investment and performance metrics as well as ensuring reporting requirements are met.

In this funding application round five applications were received requesting a total of \$149,850 per annum for three years.

The assessment panel is recommending funding for all five applications to an amount of \$104,850. Appendix A outlines the recommended approvals. This report also notes for council's information in Attachment 1 the second year funding of \$443,888 for the seventeen organisations who were previously awarded a three year Community Partnerships Funding Program (Environment) in 2014.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Environment Levy Partnerships Funding Program Recommendations 2015/2016”
- (b) endorse the one to three year Environment Levy Partnership recommendations (Appendix A)
- (c) note the ongoing previously endorsed commitment to the organisations listed in Attachment 1 and
- (d) note that performance based agreements with measurable outcomes associated with funding allocations will be applied.

FINANCE AND RESOURCING

The Environment Levy Partnerships (ELP) is funded from council’s Environment Levy.

The 2015/2016 Environment Levy budget has allocated \$550,000 to ELP. It is anticipated that this funding allocation will be fully expended in the 2015/2016 financial year to fund the proposed five new partnerships (\$104,850) for twelve months and year two of the seventeen existing three year partnerships which were endorsed in 2014 (\$443,888).

The Environment Levy and associated Policy is reviewed annually by Council. The development of the Program includes annual revisions based on priorities and emerging needs and available funding. The annual Program is presented to Council for consideration and adoption during annual budget preparations.

Recipients recommended for multiple-year Environment Levy Partnership funding receive their annual payments contingent on the satisfactory completion of a yearly progress report and subject to the adoption of Council’s annual Environment Levy budget.

CORPORATE PLAN

Corporate Plan Goal:	<i>A strong community</i>
Outcome:	2.2 - Resilient and engaged communities
Operational Activity:	2.2.4 - Review the community partnership grants program

CONSULTATION**Internal Consultation**

Stage one assessment (pre-assessment of applicant and proposal) was undertaken by Community Services staff.

Stage two assessment that include discussions with applicant community organisations, was undertaken by Community Catchment Partnerships staff within Environmental Operations.

The panel for stage three assessment comprised the following council staff:

- Team Leader (Grants), Community Connections, Community Services (Chair)
- Acting Senior Conservation Partnerships Officer, Community Catchment Partnerships, Infrastructure Services
- Coordinator, Community Catchment Partnerships, Infrastructure Services
- Coordinator, Biodiversity & Waterways, Environment & Sustainability Policy
- Development Officer (Grants), Community Connections, Community Services
- Management Accountant, Financial Services, Corporate Services
- Admin Support Officer, Community Connections, Community Services

External Consultation

External consultation is not applicable to the Environment Levy Community Funding Program.

Community Engagement

Council staff from Community Catchment Partnerships (Infrastructure Services) and Community Connections (Community Services) liaised with community organisations across the region, providing assistance with proposal development, preparation of the application content and the application process. A further level of liaison was undertaken by staff from Community Catchment Partnerships following receipt of Expressions of Interest submissions for the Environment Levy Partnerships.

PROPOSAL

Sunshine Coast Council has a strong history of partnering with the community through a range of operational and Environment Levy funded programs to achieve the environmental goals set out in its Corporate Plan and major strategies. The environmental benefits of community-based organisations extend beyond the quantifiable on-ground benefits. The Environment Levy Partnerships also serves as a valuable mechanism for social capital development, strengthening community organisations and building community capacity to achieve functional and aspirational objectives.

The Environment Levy Partnerships program incorporates an initial Expression of Interest (EOI) stage within the application process. This allows council staff and the applicant organisations to develop mutually agreed outcomes that suit the needs and capacities of the applicant organisations and the operational needs and strategic objectives of council. Discussions with potential partners during the EOI period provide council with the opportunity to ensure that all partners are working together to ensure a cost effective landscape approach to the region's environmental management. The establishment of collaborative outcomes and deliverables combined with an understanding of each other's roles ensure that operational activities complement each other without duplication.

With regard to the 2015 round of the Environment Levy Partnerships, Expressions of Interest opened on 20 April 2015 and remained open until 4 May 2015. Meetings with council staff and the representatives from the applicant organisations were undertaken to close off applications on 25 May 2015.

The framework of the program ensures an equitable, accountable and transparent process for the creation of funding partnerships between council and community environmental organisations. It enables distribution and good governance of financial assistance to community groups in accordance with government guidelines and standards.

Council officers manage all elements of the funding program. These are:

- Advertising and promoting the program to the community
- Applicant support
- Assessment of applications
- Distribution of funding
- Reporting on outcomes achieved.

Internal partnerships between Infrastructure Services, Community Services and Regional Strategy and Planning are well established to implement all program elements.

To enable Council to capture the community benefits of the Environment Levy Partnerships program, all recipient organisations are required to include in their acquittal data relating to number of volunteers, volunteer hours and other quantifiable aspects of the groups' activities. Based on acquittals recently received from two groups (Barung Landcare and Coolum Coast Care) funded in the 2014/2015 round, grant funds of \$85,700 attracted an in-kind volunteer contribution of \$182,000, representing a return on investment in excess of 200%.

Promotion and support

Detailed information about the Environment Levy Partnerships program was posted on Council's website and a fact sheet was prepared and distributed through council customer service centres and libraries. Promotional advertisements were also placed in local newspapers.

Community Catchment Partnerships officers also promoted the funding round directly to those organisations which had:

- Been funded through CFPF (Environment) and would reach the end of their three year funding period on 30 June 2015 or
- Enquired and indicated interest in the program and were eligible for funding.

Applications

A total of 5 applications from 5 organisations were received requesting \$149,850 in funding.

Assessment

Both general and environment specific criteria were endorsed by council at the 22 May 2014 Ordinary Meeting. Assessment of applications followed the criteria outlined in the Environment Levy Partnerships and Grants Program Guidelines. Under separate confidential cover please find Attachment 2 that details the panel's rationale for part or full funding allocations.

Legal

Successful applicants will be required to fulfil their Conditions of Agreement that outlines the relationship between parties and obligates them to be incorporated bodies with adequate risk management plans, appropriate level of insurance, training reporting and financial controls.

Policy

The recommendations are in accordance with the Local Government Finance Standards, the adopted Community Grants Policy, Environment Levy Policy 2014 and the Environment Levy Partnerships and Grants Program Guidelines 2014 (see Attachment 3).

Risk

There is no clearly identifiable risk associated with the funding, as each subsequent year of funding is dependent on council accepting the acquittal of the previous year's funds.

Previous Council Resolution**Ordinary Meeting 22 May 2014 -**

Item 8.2.3 Funding Programs For Community Partnerships 2014/15

Council Resolution (OM14/68)

That Council:

- 'receive and note the report titled "Funding Programs for Community Partnerships 2014/15"*
- note the revised Community Partnerships Funding Program guidelines (Appendix A) to provide one year funding for the 2014/2015 financial year*
- note the newly established Environment Levy Partnerships and Grants Program Guidelines (Attachment 3) for the allocation of Environment Levy funding (incorporating Landholder Environment Grants, Partnerships and Grants), with the Partnerships component opening for the 2014/2015 financial year*
- note funding for community-managed public pools to be administered via individual agreements outside of the Community Partnership Funding Program through existing operational budget within the Community Facilities and Planning Branch*

- (e) *note the revised Community Grants Program guidelines (Appendix C)*
- (f) *refer the Community Partnership Funding Program proposed budget (\$1,017,248) to the June 2014 budget deliberations for 2014/2015 and*
- (g) *request the Chief Executive Officer conduct a review of the Community Partnership Funding Program and Community Grants Program in 2014 considerate of council's new Corporate Plan 2014 – 2019 and State and Federal funding opportunities not for profit community organisations and report back to Council in December 2014 with recommendations for future programs in the 2015/2016 financial year and beyond.*

Ordinary Meeting 21 August 2014

Item 8.5.1 Environment Levy Partnerships Funding Program Recommendations 2014/2015

Council Resolution (OM14/121)

That Council:

- (a) *receive and note the report titled “**Environment Levy Partnerships Funding Program recommendations 2014/2015**”*
- (b) *endorse the three year Environment Levy Partnership recommendations as outlined in Appendix A*
- (c) *note the ongoing previously endorsed commitment to organisations listed in Attachment 1 and*
- (d) *note that performance based agreements with measurable outcomes associated with funding allocations will be applied.*

Ordinary Meeting 11 December 2014

Item 8.1.1 Environment Levy 2013-2014 Annual Report

Council Resolution (OM14/170)

That Council:

- (a) *‘receive and note the report titled “**Environment Levy 2013-2014 Annual Report**” and*
- (b) *receive and note the Environment Levy 2013-2014 Annual Report (Appendix A) as amended.*

Related Documentation

- Sunshine Coast Corporate Plan 2014-2019
- Sunshine Coast Biodiversity Strategy 2010-2020
- Sunshine Coast Waterways and Coastal Management Strategy 2011-2021
- Sunshine Coast Local Government Area Pest Management Plan 2012-2016
- Community Grants Policy
- Environment Levy Policy 2014
- Environment Levy Partnerships and Grants Program Guidelines 2014 (Attachment 3)

Critical Dates

It is important to distribute funds as soon as possible in the 2014/2015 financial year to enable groups to continue/commence implementation of programs and services.

Implementation

Upon Council endorsement of this report, successful applicants will be contacted and offered partnership funding for either a one (1) year period or a three (3) year period. Partner community organisations will have a clear and on-going line of communication with Council's Environmental Operations and Community Services staff.

Conditions of Agreement will be confirmed, and these will include reporting and acquittal requirements, payment schedule (if applicable) and any conditions to be met prior to funding being awarded.

A list of successful partner organisations in the Environment Levy Partnerships will be posted on Council's website.

As well as the provision of funding, council officers will work with successful partner organisations to develop strong relationships to build capacity towards good governance and sustainable practices. Interaction with successful community organisations will include monitoring partnership agreements and ensuring reporting requirements are met.

Funding will be distributed throughout August – September 2015, following receipt of invoices and signed Conditions of Agreement from successful applicants.

Outcomes of these partnerships will be promoted to the broader Sunshine Coast community. It is a condition of the funding agreement that each organisation acknowledge council's support either by way of signage (provided by council for grants over \$5000) and in any media stories, collateral and on their website.

8.5.2 DRAFT SUNSHINE COAST WASTE STRATEGY 2015-2025

File No:	Statutory Meetings
Author:	Coordinator Business Operations Infrastructure Services Department
Appendices:	App A - Draft Sunshine Coast Waste Strategy 2015-2025275

PURPOSE

The purpose of this report is to present the draft Sunshine Coast Waste Strategy 2015 – 2025 (Appendix A) for council adoption.

EXECUTIVE SUMMARY

The draft Sunshine Coast Waste Strategy 2015-2025 has been developed to shape Council's future waste management infrastructure needs and develop strong resource recovery markets. This strategy aims to also ensure that this essential community service remains both cost effective and customer focused whilst protecting the health of the public and the natural environment.

Taking a balanced approach to waste management across the Sunshine Coast Council region, the Strategy provides integrated waste and resource recovery solutions and will assist in delivery of council's vision to become Australia's most sustainable region – vibrant, green, diverse. The strategy intends on delivering this vision by establishing goals and directing resources to the highest value initiatives through the setting of achievable targets over a reasonable time frame.

These clear goals or 'major actions' for the strategy include:

- Initial research and development phase including
 - Review of current and emerging alternate waste technology / treatment systems and
 - Delivery of innovative, financially viable 21st century waste infrastructure for future generations that will support projected population growth and deliver landfill diversion targets.
- Construction of a new Resource Recovery Centre at Nambour
- Expansion of waste and recycling collection services to cover > 95% of the regions premises
- Adopting an advocacy role for Producer Responsibility and introduction of a Container Deposit Scheme in Queensland
- Continuing to work with and engage with our community to help change personal behaviours and
- Continue to trial and introduce initiatives to increase recycling rates, reduce organics disposal to landfill and increase landfill diversion.

Council's Waste Minimisation Strategy 2009-2014 was used as a guiding document during development of the new strategy. Since adoption of the previous strategy, Sunshine Coast Council has invested over \$30 million developing new resource recovery facilities, establishing innovative waste management contracts, increasing landfill capacity and investigating a range of alternative waste management initiatives.

The successes of the previous Strategy include:

Construction of a new Resource Recovery Centre and Recycle market at Buderim in 2012/2013:

- Introduction of mattress recycling in 2010 and e-waste recycling in 2013
- Introduction of regional optional kerbside garden waste services in 2009/2010
- Installation of landfill gas extraction and flaring at Caloundra and Nambour landfills
- Expansion of bulk recycling collection services to business and industry across the region
- Mobilisation of Council's first 'regional' waste collection contract in July 2014 and
- A full market assessment of alternative waste treatment and waste to energy technologies to provide Council with future guidance.

At the Ordinary Meeting held 11 December, 2014, Council endorsed the Draft Waste Strategy 2015-2025 for the purpose of public consultation. The consultation process was carried out from 12 January 2015 to 13 February 2015 and encouraged the community and external agencies to have their say on the draft Strategy.

As a result of the feedback submitted by the public, external agencies and council the final Draft Waste Strategy has incorporated many of the recommendations, some of which include:

- Adopt an advocacy role for Producer Responsibility and promotion of reduction in packaging materials
- Investigate opportunities for waste processing activities at Sustainability Park or alternative sites to support Councils Economic Development Strategy
- Reassess the possibility of a compulsory third collection bin for the separation of organics / garden waste from the waste stream.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Draft Sunshine Coast Waste Strategy 2015-2025" and**
- (b) adopt the draft Sunshine Coast Waste Strategy 2015 – 2025 (Appendix A) as a key document to guide Council in delivering key waste management objectives for the Sunshine Coast Region.**

FINANCE AND RESOURCING

The draft Waste Strategy will provide Council with a strategic direction to implement waste management improvements in a clear and focussed way. Finance and resourcing implications will be costed within Waste and Resource Managements (WRM) existing financial model for operational budgeting and within the branch ten year capital works program.

Council's adopted 2015/2016 Budget included initiatives such as free mattress disposal, a 14% reduction in garden waste bin collection charges, and a full review of our commercial bulk bin waste charging structure as a result of the Draft Waste Strategy.

The financial model will be subject to consideration by Council in the annual budget process. Any major initiatives including capital works projects will be subject to development of business cases and will be submitted to council for consideration through the annual budget review process.

Waste and Resource Management Budget 2015/2016

Revenue	\$m
Rates & Utility Charges	\$44.0
Fees & Charges	\$5.5
Other Revenue (incl. Internal Revenue, Subsidies & Contributions)	\$4.9
Total	\$54.4
Expenditure	
Contracts & Projects (Materials & Services)	\$30.6
Depreciation	\$2.5
Other Expenses (incl. Interest, Internals & Employee Costs)	\$13.4
Total	\$46.5
Capital Works (loan funded)	\$4.6

CORPORATE PLAN

Corporate Plan Goal: *Service excellence*
Outcome: 4.3 - Sustainable waste and resource management services
Operational Activity: 4.3.1 - Develop a new Waste Strategy

CONSULTATION

The draft Strategy has drawn reference from internal review and feedback and findings from the community engagement and external stakeholder consultation process undertaken during January and February 2015.

Internal Consultation

Infrastructure Services

- Director
- Project Officer, Environmental Operations

Regional Strategy and Planning

- Open Space and Social Policy
- Manager, Transport and Infrastructure Policy
- Coordinator, Regional Planning and Advocacy

Corporate Strategy and Delivery

- Industry Investment Facilitator, Economic Development

Waste Working Group

- Cr Jenny McKay
- Cr Christian Dickson
- Cr Tim Dwyer
- Cr Greg Rogerson

Strategic Discussion Forum 10 November, 2014

- Councillors and ELT

External Consultation

The draft strategy sought feedback on its objectives and key initiatives through external consultation from the wider community.

Community Engagement

At the Ordinary Meeting held 11 December, 2014, Council endorsed the Draft Waste Strategy 2015-2025 for the purpose of public consultation. The consultation process was carried out from 12 January 2015 to 13 February 2015 and encouraged the community and external agencies to have their say on the draft Strategy through a number of avenues including Council's website, hard copy documents and feedback forms in all Council libraries and customer service centres.

In support of this, advertising in local papers and on spotlight radio, and use of Council's Facebook and eNews was also carried out.

Feedback was received from 43 individual members of the public. Unfortunately 32 of these appeared not to have read the draft strategy and simply echoed local media promotion for a bulky item kerbside clean-up or disposal vouchers. The remaining public submissions varied from the introduction of container deposit legislation through to alternative waste technologies.

The following agencies also provided responses to the draft strategy:

- Sunshine Coast Environment Council (SCEC)
- SEQ Catchments
- The Waste Recycling Industry Association (WRIQ)
- Envirocom Australia
- Hitachi Zosen Inova Australia Pty Ltd
- Jesop Group Pty Ltd

Agency responses included suggestions to introduce a three-bin kerbside collection service with organics diversion, commitment to a wide range of carbon reduction initiatives, advocate for re-introduction of a state-wide landfill levy and requests to consider purchasing a range of proprietary Waste to Energy technology plants.

Finalisation of the draft waste strategy has incorporated many of the recommendations and actions submitted by the public, external agencies and Council branches, these include;

- Adopt an advocacy role for Producer Responsibility and promotion of reduction in packaging materials
- Investigate opportunities for waste processing activities at Sustainability Park or alternative sites to support Councils Economic Development Strategy
- Evaluate the effectiveness of the education program through follow-up feedback to determine behavioral change

- Examine opportunities for offsetting and / or reducing carbon emissions in line with Councils goal of carbon neutrality by 2020
- Investigate Emission Reduction Fund (ERF) opportunities for offsetting carbon emissions
- Risk assess the effect of climate change on current and future developed facilities and investigate any identified issues
- Examine options for future community use of the land when developing former landfill rehabilitation plans
- Reassess the possibility of a compulsory third collection bin for the separation of organics / garden waste from the waste stream
- Annual review of Business Continuity Plan and associated policies as outlined in Councils Climate Change Infrastructure Risk Assessment and Adaption Strategy
- In partnership with commercial business develop waste audits to increase at the source waste diversion and
- Investigate options for a user pays bulky waste pickup collection system.

PROPOSAL

This report seeks Council's adoption of the draft Sunshine Coast Waste Strategy 2015 – 2025 (Appendix A).

The draft Sunshine Coast Waste Strategy 2015-2025 has been developed to shape Council's future waste management infrastructure needs and develop strong resource recovery markets. This strategy aims to also ensure that this essential community service remains both cost effective and customer focused whilst protecting the health of the public and the natural environment.

Taking a balanced approach to waste management across the Sunshine Coast Council region, the Strategy provides integrated waste and resource recovery solutions and will assist in delivery of council's vision to become Australia's most sustainable region – vibrant, green, diverse. The strategy intends on delivering this vision by establishing goals and directing resources to the highest value initiatives through the setting of achievable targets over a reasonable time frame.

These clear goals or 'major actions' for the strategy include:

- Initial research and development phase including:
 - Review of current and emerging alternate waste technology / treatment systems and
 - Delivery of innovative, financially viable 21st century waste infrastructure for future generations that will support projected population growth and deliver landfill diversion targets.
- Construction of a new Resource Recovery Centre at Nambour
- Expansion of waste and recycling collection services to cover > 95% of the regions premises
- Adopting an advocacy role for Producer Responsibility and introduction of a Container Deposit Scheme in Queensland
- Continuing to work with and engage with our community to help change personal behaviours and
- Continue to trial and introduce initiatives to increase recycling rates, reduce organics disposal to landfill and increase landfill diversion.

Council's Waste Minimisation Strategy 2009-2014 was used as a guiding document during development of this new strategy. Since adoption of the previous strategy, Sunshine Coast Council has invested over \$30 million developing new resource recovery facilities, establishing innovative waste management contracts, increasing landfill capacity and investigating a range of alternative waste management initiatives.

Several factors, including removal of the Queensland landfill levy and diminishing timber reuse markets adversely influenced council's efforts to achieve the landfill diversion targets and timelines outlined in the previous strategy.

Technical research undertaken over the past four years also demonstrated that a number of proposed waste minimisation projects outlined in the previous strategy were not conducive to the market conditions of that period. As circumstances change and markets evolve during the term of this Strategy, council will re-assess the viability of these projects whilst continuing to improve on successes of the previous Strategy which include:

- Construction of a new Resource Recovery Centre and Recycle market at Buderim in 2012/2013
- Introduction of mattress recycling in 2010 and e-waste recycling in 2013
- Introduction of regional optional kerbside garden waste services in 2009/2010
- Installation of landfill gas extraction and flaring at Caloundra and Nambour landfills
- Expansion of bulk recycling collection services to business and industry across the region
- Mobilisation of Council's first 'regional' waste collection contract in July 2014 and
- A full market assessment of alternative waste treatment and waste to energy technologies to provide Council with future guidance.

Approach

The format of the strategy meets the State government's legislated requirements for a Waste Reduction and Recycling Plan. The development of the strategy can be summarised as:

- Review of Waste Minimisation Strategy 2009-2014
- Review of policy, legislation and corporate plans
- Review of projected population growth, services, infrastructure and related technology
- Development of objectives, targets and actions to reduce waste to landfill
- Consultation with Council officers and Councillors
- Initial review of objectives, targets and actions
- Community and industry consultation via release of draft plan for comment and
- Final review of objectives, targets and actions.

Key Challenge

The key challenge of the draft Strategy is to ensure council's future waste management infrastructure needs are fully investigated, planned, budgeted and delivered to achieve:

- Ongoing provision of quality services to a rapidly growing population and
- Landfill diversion targets aligned to state and corporate objectives.

Whilst landfill diversion is the main objective of the new Strategy, it must be remembered that the most advanced alternate waste treatment plants and resource recovery systems generate residual waste, and therefore ongoing access to landfill is a critical component of any present-day waste management system. Our existing active landfill sites at Nambour and Caloundra have finite lifespans and therefore new landfill options are vital to ensure growing population needs are met.

Through an initial research and development phase, a Business Case will be developed that considers a range of future infrastructure options including alternate waste treatment technologies as well as traditional waste management approaches such as transfer stations, bulk haulage, resource recovery centres and new landfill sites. Collaboration options with other public or private sector partners will also be explored as part of this process.

Objectives and Targets

In the new Strategy a series of achievable resource recovery targets aligned to state and corporate objectives are proposed over a reasonable timeframe to provide a means of measuring success against landfill diversion objectives.

Landfill Diversion Targets

Waste Stream	Measure	2024 Target
Municipal Solid Waste (MSW)	Improved recycling rate	55%
Commercial and Industrial Waste (C&I)	Improved recycling rate	55%
Construction and Demolition Waste (C&D)	Improved recycling rate	80%
Reduce generation of waste	Reduction in per capita generation	<1.8 tonnes per person per year

The targets will be achieved by:

- Supporting the development of strong resource recovery markets
- Expansion and promotion of Tip Shops
- Expansion of the optional garden waste service by 5% annually and
- Identification, investigation and where appropriate, introduction of landfill diversion incentives and alternate waste treatments.

In support of the new strategy, our Waste Education Program will continue to inform residents, business and community groups about current and new resource recovery initiatives and encourage the community to take pride in the wonderful environment that we are fortunate enough to share. Littering and illegal dumping is also targeted with actions to reduce incidents and monitor hot spots.

Evaluation

Performance against the targets will be completed on an annual basis and reported according to KPI's.

In line with the *Queensland Waste Reduction and Recycling Act 2011*, the strategy will be reviewed every three years and action plans updated on an annual basis taking into consideration relevant market conditions, revised state targets or federal government initiatives(if applicable).

Legal

The *Queensland Waste Reduction and Recycling Act 2011* (WRRRA 2011) requires each local government to prepare a Waste Strategy for adoption.

Policy

The draft Strategy forms Council's policy direction for how to carry out its role in waste management operations into the future. The draft strategy has been prepared with consideration to State legislation, in particular the *Waste Reduction and Recycling Act 2011*, and Council's existing policy framework.

Risk

There is a risk that without an endorsed Waste Strategy:

- Council will be in breach of its obligations under the *Waste Reduction and Recycling Act 2011*
- An uncoordinated and unresponsive approach to the future delivery and support of waste management operations may occur
- Poorly informed future waste management investment decisions may be made
- Council may be unable to effectively respond to changing market conditions and / or legislation
- Poor financial decision may lead to restrained planning for both services and capital investment and
- Future services and infrastructure may not align with Sunshine Coast Councils' vision.

Previous Council Resolution

Ordinary Meeting Council Resolution (OM14/180) 11 December, 2014

That Council:

- (a) *receive and note the report titled "Draft Waste Strategy"*
- (b) *endorse the draft Sunshine Coast Waste Strategy 2015 – 2025 (Appendix A) for the purpose of public consultation in accordance with the draft Communication and Engagement Plan (Appendix B) and*
- (c) *request the Chief Executive Officer to collate and consider all feedback received as part of the public exhibition and comment and present the final draft Waste Strategy to Council for consideration.*

Related Documentation

There are a number of Queensland and Commonwealth statutory environmental requirements, policies and guidelines that have to be taken into consideration in order to develop appropriate waste management initiatives for this plan and to identify incentives for the reduction and recycling of waste material.

Federal

- *National Greenhouse and Energy Reporting Act (NGER Act) 2007*
- *Clean Energy (Consequential Amendments) Act 2011*
- *Clean Energy Legislation Amendment Act 2012*
- *Product Stewardship Act 2011*

State

- *Environmental Protection Act 1994*
- *Environmental Protection Regulation 2008*
- *Sustainable Planning Act 2009*

- *Local Government Act 2009*
- *Waste Reduction and Recycling Act 2011*
- *Waste Reduction and Recycling Regulation 2011*
- *Environmental Protection (Greentape Reduction) and Other Legislation Amendment Act 2012*

Sunshine Coast Council

- Sunshine Coast Council Corporate Plan 2014-2019
- Climate Change and Peak Oil Strategy 2010-2020
- Carbon Neutral Plan 2010-2020
- Climate Change Infrastructure Risk Assessment Adaption Strategy

Critical Dates

Operationally the current Waste Minimisation Strategy will continue until such time as a new Waste Strategy is adopted.

Implementation

Council will work with residents, businesses and industry to help achieve the objectives and targets within this strategy.

Progressively, Council's Waste and Resource Management Branch will ensure implementation of the actions and that the region achieves its objectives centred on improved waste reduction and recycling. As initiatives are developed, proposals will be formally submitted to Council for review and then further consideration through the annual budget process.

8.6 CORPORATE STRATEGY AND DELIVERY

Nil

8.7 OFFICE OF THE MAYOR AND THE CEONil

9 NOTIFIED MOTIONS**10 TABLING OF PETITIONS**

Petitions only eligible for submission if:

- * Legible
- * Have purpose of the petition on top of each page
- * Contain at least 10 signatures
- * Motion limited to:
 - Petition received and referred to a future meeting
 - Petition received and referred to the Chief Executive Officer for report and consideration of recommendation
 - Petition not be received

11 CONFIDENTIAL SESSION

11.1 REGIONAL STRATEGY AND PLANNING

Nil

11.2 CORPORATE SERVICES

**11.2.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - QUARTERLY
PROGRESS REPORT - QUARTER 4, 2014/2015**

File No: Statutory Meeting
Author: Manager Corporate Governance
Corporate Services Department

This item is confidential in accordance with section 275 (f) of the *Local Government Regulation 2012* as it contains information relating to starting or defending legal proceedings involving the local government.

11.3 COMMUNITY SERVICES

Nil

11.4 INFRASTRUCTURE SERVICES

Nil

11.5 CORPORATE STRATEGY AND DELIVERY**11.5.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - MAJOR AND REGIONAL EVENTS SPONSORSHIP APPLICATIONS**

File No: ECM
Author: Coordinator Major Events Liaison
Corporate Strategy and Delivery Department

This report is confidential in accordance with section 275 (e) of the *Local Government Regulation 2012* as it contains information relating to contracts proposed to be made by Council.

11.5.2 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - MAJOR AND REGIONAL EVENTS SPONSORSHIP APPLICATION

File No: ECM
Author: Coordinator Major Events Liaison
Corporate Strategy and Delivery Department

This report is confidential in accordance with section 275 (e) of the *Local Government Regulation 2012* as it contains information relating to contracts proposed to be made by Council.

11.5.3 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - BUSINESS INVESTMENT FRAMEWORK AMENDMENTS

File No: Statutory Meeting
Author: Coordinator Investment Attraction
Corporate Strategy and Delivery Department

This report is confidential in accordance with section 275 (h) of the *Local Government Regulation 2012* as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

11.6 OFFICE OF THE MAYOR AND THE CEO

Nil

12 NEXT MEETING

The next Ordinary Meeting will be held on 17 September 2015 in the Council Chambers, 1 Omrah Avenue, Caloundra.

13 MEETING CLOSURE