

Agenda

Ordinary Meeting

Thursday, 25 February 2016

commencing at 9:00am

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 Ordinary Meeting held on 28 January 2016 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 2, 2015/2016**

File No: Statutory Meeting 25 February 2016

Author: Coordinator Corporate Plan Reporting and Risk
Corporate Services Department

Appendices: App A - CEO's Quarterly Progress Report11
App B - Operational Plan Activities Report - quarter ended
December 201547
App C - Performance Measures Report77

PURPOSE

This report presents the Quarterly Progress Report for the period 1 October to 31 December 2015 - Quarter 2. This report has been prepared to inform council and the community on delivery of the services, implementation of operational activities and significant operating projects from council's Operational Plan 2015/2016 and Corporate Plan 2014-2019.

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 the 137 operational activities flowing from Council's Operational Plan 2015-2016
- Appendix C – report showing corporate plan goal performance.

Highlights for the quarter ended 31 December 2015 are:

A new economy

- \$89.3 million or 68% of the total purchasing spend for the quarter went to local businesses
- Released the Development Indicators Annual Highlight Report 2015 which highlights increased development activity, with the highest application volumes since 2008
- Conducted 13 sponsored events, attracting 23,500 visitors from outside the region, generating approx. \$16 million in economic activity
- Showcased the region's capabilities, products and services through hosting visits from the Queensland Government Trade and Investment Commissioners and Austrade officials from the Middle East and Northern Africa.

A strong community

- The 2015 Christmas and New Year festivities provided an array of family-friendly activities. More than 45,000 locals and visitors attended the regional New Year's Eve celebrations at Mooloolaba
- The Maroochydore Multi Sports Complex hosted seven AFL club pre-season camps over the summer period.

An enviable lifestyle and environment

- Completed two stages of the Sunshine Coast's first separated bikeway, which provides dedicated bicycle access along Brisbane Road Mooloolaba
- Planning for the future - Caloundra South Infrastructure Agreement formally commenced and the Palmview Planning Scheme Amendment was submitted to the Minister
- Sunshine Coast Airport – an additional Environmental Impact Statement was released for community comment. Submissions are currently being reviewed.

Service excellence

- Received the Highly Commended Award for Customer Service Team of the Year at the National Local Government Customer Service Network Awards
- Released the Population and Household Forecast report, providing information on anticipated changes to population, dwellings and household types

A public sector leader

- Received a merit award at the Australian Information Industry Association Awards for council's innovative Disaster Hub website
- Queensland Audit Office issued Council an unqualified audit for the 2014/15 Financial Statements. Council derived an operating surplus of \$33.2 million.

OFFICER RECOMMENDATION

That Council:

- receive and note the report titled "Quarterly Progress Report - Quarter 2, 2015/2016"**
- note the Chief Executive Officer's Quarterly Progress Report – Quarter 2, 1 October to 31 December 2015 (Appendix A) on service delivery**
- note the Operational Plan Activities Report – Quarter ended December 2015 (Appendix B) reporting on implementation of the Corporate and Operational plans and**
- note the Performance Measures Report as at end December 2015 (Appendix C) reporting on corporate plan goal performance.**

FINANCE AND RESOURCING

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 Service: 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 2015/2016 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 2 (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 December 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	4
Underway	132
Not started	1
Total	137

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

Corporate Plan Goal Performance Measures

18 of the suite of 28 performance measures, endorsed by council, are included as Appendix C to this report. The majority of the measures have a three-monthly reporting frequency with performance for other measures captured and reported at agreed intervals. All performance measures will be reported to council across the year and published in the Annual Report.

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 Enterprise 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 2015/2016 on 18 June 2015

Related Documentation

- Corporate Plan 2014-2019
- Operational Plan 2015/2016
- 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 BOKARINA BEACH MASTER PLANS**

File No:	MPC11/0003 & MPC11/0004
Author:	Project Coordinator Regional Strategy & Planning Department
Appendices:	App A - Conditions of Approval135 App B - Department of Transport and Main Roads Conditions151
Attachments:	Att 1 - Proposed Detailed Planning Area Plan - Master Plan 44 (Under Separate Cover) Att Pg 5 Att 2 - Proposed Site Development Plan - Master Plan 69 (Under Separate Cover) Att Pg 135 Att 3 - Dune cross sections and sightlines (Under Separate Cover) Att Pg 221

PURPOSE

The purpose of this report is to:

- Seek Council's determination of Master Plan No. 44 (Detailed Planning Area Plan – Detailed Planning Area 2) 2015 and
- Delegate authority to the Chief Executive Officer with respect to Master Plan No. 69 (Site Development Plan – Detailed Planning Area 2 – Precincts 1-4) 2015.

The land subject to Detailed Planning Area 2 is within leasehold land subject to Development Lease No.2. Pursuant to the Kawana Waters Development Agreement, the Minister for the Department of Natural Resources and Mines is the approving authority for the Detailed Planning Area Plan. Council must therefore make a recommendation to the Minister in respect to this application. Council is however, the approving authority for the Site Development Plan.

EXECUTIVE SUMMARY

Detailed Planning Area 2 comprises an area of approximately 29.26 hectares and forms the vacant parcel of land on the eastern site of Nicklin Way which is commonly known as Bokarina Beach. The Detailed Planning Area is bound by Beach Drive to the north comprising low density residential development, Nicklin Way and Eastbank to the west, Wurley Drive and existing low density residential development to the south, and the dunal system to the east.

The land is subject to the Kawana Waters Development Agreement and Development Control Plan 1, and is therefore subject to a Master Planned Community Development Process. Before development of Detailed Planning Area 2 can proceed, the Master Developer (currently Stockland Pty Ltd) must prepare and have approved a series of master plans - these being the Detailed Planning Area Plan and a Site Development Plan. The Site Development Plan in this instance is for the detached residential development only. Subsequent Site Development Plans will be made for the Tourist Node.

Refer to **Attachment 1** for the proposed Detailed Planning Area Plan and **Attachment 2** for the proposed Site Development Plan (Precincts 1-4).

The Detailed Planning Area Plan and Site Development Plan provide the respective level of development controls that guide the nature, form, extent and location of future development within the Detailed Planning Area. Due to the land being zoned Special Development under the Caloundra City Planning Scheme 1996, these master plans in essence form a site specific planning scheme.

The proposed master plans identify the subject land to be developed for a range of uses including:

	Proposal Details
Detached lots	<ul style="list-style-type: none"> • 291 dwellings • Building height of up to 3 storeys (maximum)
Medium Density Residential & Mixed Use/Tourism	<ul style="list-style-type: none"> • 829 dwelling units (maximum) • 7,500m² gross floor area of commercial and retail (maximum) • Building height in this land use area ranges from 6 - 8 storeys (maximum)
Community Facilities/ Infrastructure	<ul style="list-style-type: none"> • 5,000m² land area for a Public Access Domain (Mall) • 5,000m² land area for a Surf Life Saving Club – including a constructed beach access. • 3,000m² land area for a Community Facility • 1,500m² land area for a Child Care Centre • 1 hectare land area for a Public Access Club Facility • Pedestrian/Cycle underpass under the Nicklin Way
Open Space	<ul style="list-style-type: none"> • Village Park System measuring a minimum 2 hectares in area • A Linear Park measuring a minimum 1.6 hectares in area • Extensive pedestrian/cycle network

Council officers have assessed the Detailed Planning Area Plan against the Development Documents, namely Development Control Plan 1, the Structure Plan conditions and the Structure Plan Development Criteria. An assessment of the Detailed Planning Area Plan has determined that the proposal generally complies with the Development Documents. The key issues identified with the proposal being:

- Wetland – The proposal constitutes filling of up to 50% of the existing wetland located in the north eastern corner of the site, which also contains a number of scheduled endangered species.
- Turtles – The impact of lighting (both directly from eight storey development, and indirectly from the glow of the overall development) from the development on turtle nesting sites.
- Building height – The extent of the eight storey development which will be visible from the foreshore.
- Local street connectivity – The provision of vehicular connectivity between the development site and the existing local street network to the north and south.
- Provision of public car parking – Whether the site is provided with sufficient car parking to service the proposed residential development and tourist node.

- Integration of the development with existing communities – Integrating the density and height of the proposed development with existing communities to the north and south.
- Location of beach access – Linking the location of the beach access with the Surf Life Saving Club Facility land.
- Nicklin Way pedestrian and cycle underpass – Ensuring that the timing of the delivery of the underpass will not require the sterilization of land within the Detailed Planning Area.
- Tourist node development criteria – Further refinement is needed on the development controls pertaining to the tourist node to ensure appropriate outcomes are achieved at this location.
- Flooding and stormwater conveyance – Ensuring that the proposal has no worsening effect on existing development while achieving the required levels for flood immunity for the site.
- Precinct 12 – The suitability of proposed Precinct 12 as a development site.
- Timing for the delivery of the community infrastructure – Linking the delivery of open space and community infrastructure to a timing trigger which ensures that residents have access to this infrastructure within a reasonable timeframe.
- Department of Transport and Main Roads conditions – Ensuring that conditions from the Department of Transport and Main Roads in relation to State controlled road matters are complementary to council's recommended conditions in relation to the local street network.

Conditions are recommended which address the issues identified through the assessment of the Detailed Planning Area Plan (refer to **Appendix A**).

In response to a request made by the Master Developer, the master plan applications were made available for public viewing via council's PD-Online system. As a result, Council officers received (at the time of writing this report) a petition signed by 214 residents, and five submissions from individual residents (four opposed/one in support). In addition to this, a number of meetings were held with a local residents group. The key issues raised within the informal submissions have been addressed within the assessment of the master plan applications.

The Site Development Plan cannot be approved until such time that the Detailed Planning Area Plan has been approved by the Minister for the Department of Natural Resources and Mines. Council officers are also still negotiating a number of outcomes with the Master Developer regarding urban design issues pertaining to small lot development as contained within the Site Development Plan.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Bokarina Beach Master Plans ”
- (b) for land included in Development Lease No. 2 recommend to the Minister for the Department of Natural Resources and Mines that the proposed Master Plan No. 44 (Detailed Planning Area Plan – Detailed Planning Area 2 – Bokarina Beach) 2015 be approved, subject to conditions contained in Appendix A
- (c) council recommendation with respect to (b) above is conditional upon the Master Developer accepting and implementing the conditions provided by the Department of Transport and Main Roads on 8 February 2016 contained in Appendix B
- (d) with respect to (b) above, delegate authority to the Chief Executive Officer to approve any minor or administrative amendments resulting from the implementation of the Detailed Planning Area Plan and
- (e) delegate authority to the Chief Executive Officer to approve Master Plan No. 69 (Site Development Plan – Detailed Planning Area 2 – Precincts 1-4) 2015.

FINANCE AND RESOURCING

There are no Council related Financial Contributions triggered with this Master Plan application.

CORPORATE PLAN

Corporate Plan Goal: *A new economy*

Outcome: 1.2 - New capital investment in the region

Operational Activity: 1.2.3.3 - Continue to progress planning, infrastructure delivery solutions and service integration for key development areas at Kawana, Palmview and Caloundra South

Corporate Plan Goal: *A strong community*

Outcome: 2.1 - Safe and healthy communities

Operational Activity: 2.1.6.2 - Investigate opportunities to encourage the provision of more diverse and resource-efficient housing options

Corporate Plan Goal: *Service excellence*

Outcome: We serve our community by providing this great service

Operational Service: S22 - Development services - planning, engineering, plumbing and landscaping approvals, provision of specialist advice to the community on planning requirements, audit of private development works, investigation of complaints from the public around land use or development, management of appeals

CONSULTATION

Internal Consultation

The application was forwarded to the following internal Council specialists:

- Major Urban Developments Branch
- Engineering and Environment Assessment Unit
- Strategic Planning
- Environment and Sustainability Policy
- Economic Development
- Environment Operations
- Parks and Gardens

Their assessment forms part of this report.

External Consultation

Council officers have engaged with Unitywater, the Department of Transport and Main Roads and the Department of Environment and Heritage Protection on the master plan applications. Their comments and assessment form part of this report.

Community Engagement

As the land is subject to the Kawana Waters Development Agreement and the Master Planned Community Development Process, public notification was not required for this application. In response to a request made by the Master Developer, all master plan applications are however publicly available via Council's PD-Online system.

A local residents group have subsequently lobbied Council in relation to the development proposal. A series of meetings have been held with the local residents group which were attended by the Divisional Councillor and representatives of the Master Developer. Key concerns which have been raised by the group in relation to the development proposal include:

- The proposed north-south road connections will result in the potential for rat-running through local streets in Wurtulla.
- That the proposal does not cater for sufficient on street car parking, and will result in car parking spilling into adjacent residential development.
- That the development may negatively affect the flood immunity of adjacent residential development.
- That the density of development and proposed lot size is inconsistent with the density of surrounding development.
- That the proposal does not comply with the broad development criteria for Detailed Planning Area 2 as contained within Development Control Plan 1.
- That the eight (8) storey height limit is not supported, with high rise towers being inconsistent with the surrounding low density residential development.
- That the development will negatively impact on Loggerhead Turtle sites in the adjacent dunal system.

A petition signed by 214 residents was submitted to Council which related to vehicular connectivity between the Detailed Planning Area, Wurley Drive and Oceanic Drive. This petition was tabled at Council's Ordinary Meeting on 17 September 2015, where Council resolved (OM15/166):

That Council resolve the petition tabled by Councillor P Cox in relation to request to prevent planned vehicle access to Oceanic and Wurley Drive, Wurtulla from Bokarina Beach Development, be received and referred to the Chief Executive Officer to determine appropriate action.

In addition to the above, four submissions were received from individual residents raising concerns similar to those listed above.

The issues raised by the local residents group and by individual residents have been addressed in the assessment of the master plan applications and are addressed within this report.

BACKGROUND

Application History

On 16 March 2011, an application for a Detailed Planning Area Plan for Detailed Planning Area 2 was lodged with Council. A Request for Further Particulars was issued to the Master Developer on 1 April 2011 which identified a range of issues to be addressed prior to Council making a recommendation on the master plan application.

After more than three and half years, on 19 December 2014 the Master Developer responded to Council's Request for Further Particulars. The resubmitted Detailed Planning Area Plan substantially departed from the original application lodged in March 2011, and was therefore considered to constitute a new master plan application. As a result, on 22 February 2015, council officers issued a new Request for Further Particulars to the Master Developer.

On 2 October 2015, the Master Developer responded to council's information request. Inconsistencies and gaps were identified within the submitted application by a range of council internal specialists. On 6 November 2015, correspondence containing further outstanding issues was issued to the Master Developer which requested the Master Developer to rectify or address the identified issues prior to council officers finalising their assessment. The Master Developer responded on 20 November 2015 with the current proposal.

Kawana Waters Master Planned Community Development Process

Pursuant to the Sunshine Coast Planning Scheme 2014 the subject land is located in a precinct identified as "Land within Development Control Plan 1 – Kawana Waters" being also subject to the Kawana Waters Development Agreement.

The Sunshine Coast Planning Scheme 2014 identifies that Section 86 (Planning schemes for particular local governments) and Section 857 (Development control plans under repealed *Local Government, Planning and Environment Act 1990*) of the *Sustainable Planning Act 2009* provides that the repealed Act, the transitional planning scheme and any transitional planning scheme policies continue to apply to the extent necessary to administer Development Control Plan 1 – Kawana Waters.

The Sunshine Coast Planning Scheme 2014 therefore requires that all land included within the Development Control Plan 1 designation to default to the provisions of Development Control Plan 1, as contained within the Caloundra City Planning Scheme 1996.

Section 7 of Development Control Plan 1 sets out the Master Planned Community Development Process applicable to the Detailed Planning Area. This is illustrated in **Figure 1**.

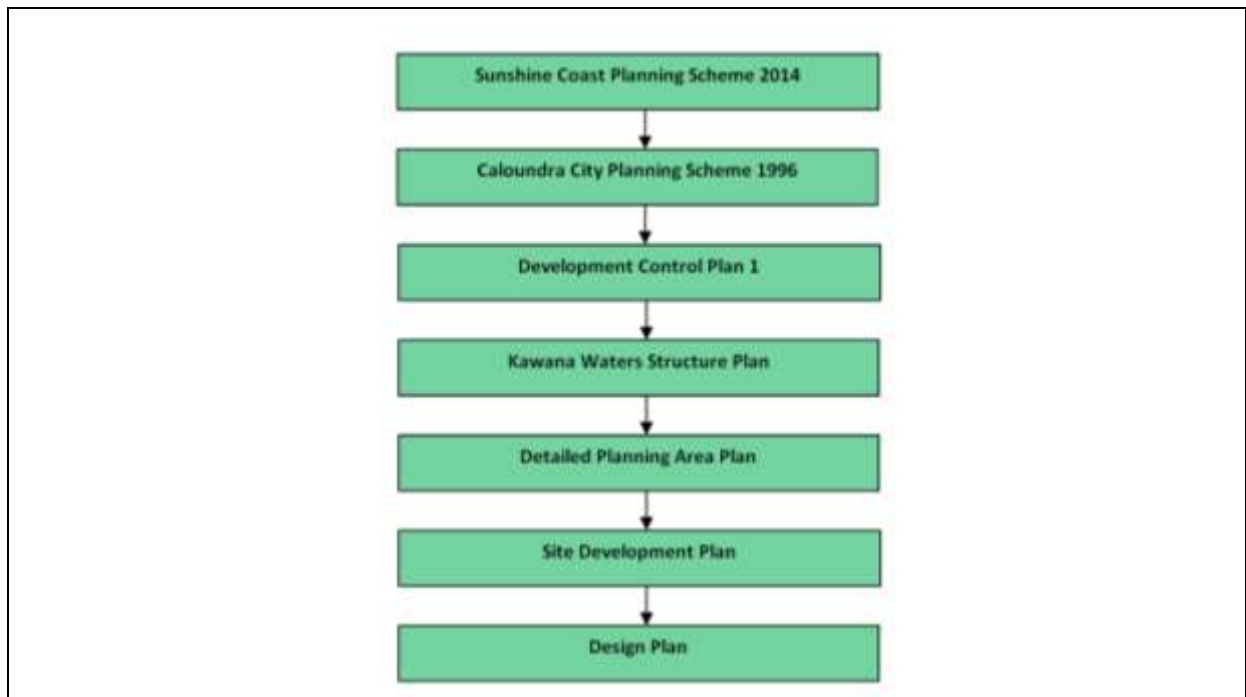


Figure 1: Kawana Waters Master Planned Community Development Process

Before development within the Detailed Planning Area can proceed, the Master Developer must have approved a Detailed Planning Area Plan and a Site Development Plan. This report seeks approval for the Detailed Planning Area Plan.

Under the provisions of Development Control Plan 1, an application for approval of any Master Plan must comply with the Development Documents. The Development Documents are defined as:

- Development Lease No. 2, and
- Development Control Plan No. 1 and the Caloundra City Planning Scheme 1996, and
- The Transport Infrastructure Agreement, and
- The Development Agreement, and
- The Hospital Infrastructure Agreement, and
- The Community Development Strategy.

Pursuant to the Master Planned Community Development Process set out in Section 7 of Development Control Plan 1, each Master Plan in addition to the Development Documents must also comply with any higher order Master Plan, including their respective Conditions of Approval.

With respect to a Master Plan, Council must in accordance with both Development Control Plan 1 and the Development Agreement, determine whether to:

- a) Approve the Master Plan, or
- b) Approve the Master Plan subject to conditions, or
- c) Refuse the Master Plan.

As mentioned previously, Council can only make a recommendation to the Minister for the Department of Natural Resources and Mines for the Detailed Planning Area Plan. Council is however the approving authority for the Site Development Plan.

SITE DETAILS

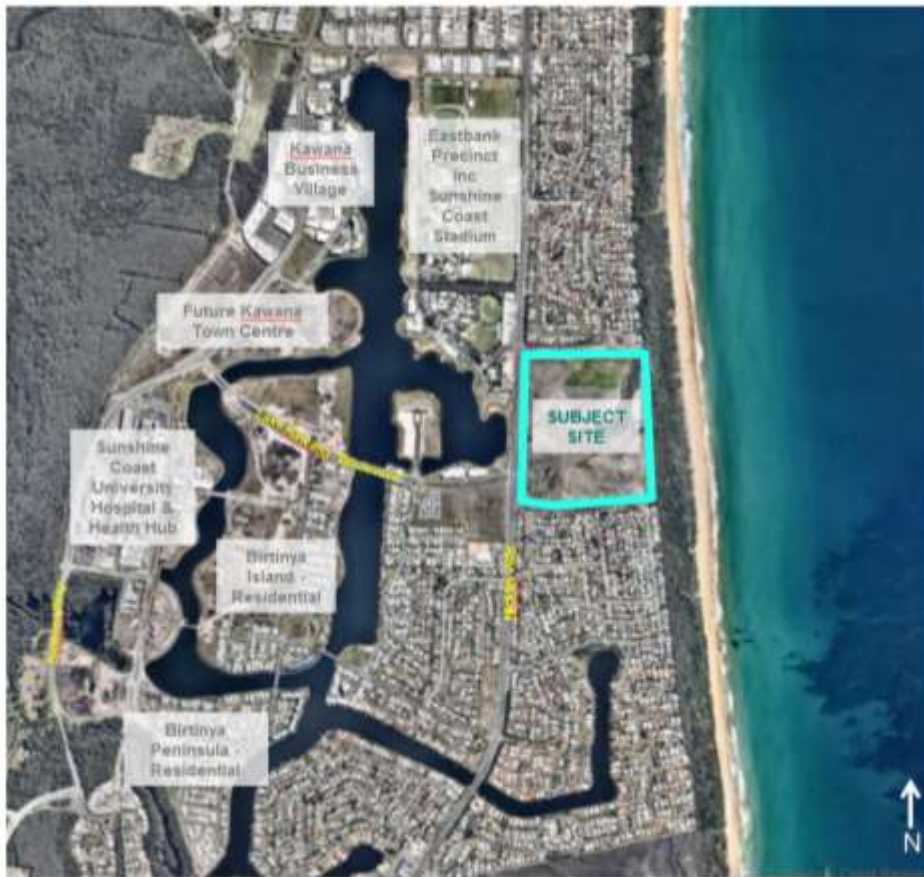


Figure 2: Detailed Planning Area Site and Context

The subject land has an area of 29.76 hectares and is best described as the undeveloped parcel of land at Bokarina Beach (refer to **Figure 2**). The site is surrounded by the following:

- North: Existing low density residential development.
- East: Dune system and beach.
- South: Existing low density residential development.
- West: Nicklin Way, with residential, community, recreational and commercial development beyond.

The following provides a summary of the key characteristics of the site:

- The site is low lying and has an undulating topography.
- Coastal dunes are located immediately east of the site.
- There is an existing wetland located on site which is recognized by the State as having High Ecological Significance.
- Part of the site is recognized by the State as being within a coastal hazard area. Parts of the site are erosion prone areas, as well as effected by medium storm tide inundation.
- The site is bound by the State-controlled Nicklin Way to the east which is recognised by the State as a future public passenger transport corridor, as well as a State-controlled Noise Corridor.

PROPOSAL

Detailed Planning Area 2 comprises an area of approximately 29.76 hectares and is intended to be developed as a focal tourist node based around public beach access and associated recreational activities for residents and visitors. The site is unique in that it presents one of the last remaining beachside development opportunities in the Sunshine Coast region.

The Detailed Planning Area is proposed to accommodate a mix of commercial, community and residential land uses across six different land use areas. The following provides a description of the different land use areas proposed across the Detailed Planning Area, as shown in **Figure 3**.



Figure 3: Proposed Land Use Areas

The land use areas are further broken down into Site Development Plan Precincts. Each of these precincts will require an application for a Site Development Plan. As the subject land is zoned Special Development, these Site Development Plans will contain a Table of Development for each precinct which will establish land use rights. The individual precincts requiring a Site Development Plan is outlined in **Figure 4**, along with the respective site areas.



Figure 4: Proposed Site Development Plan Precincts

Land Use Area 1 – Residential A

This Land Use Area comprises Precincts 1-4 and is generally located to the north and south of the Detailed Planning Area adjacent Wurley Drive and Beach Drive. This provides a transition from the existing low density residential located to the north and south, to the more intensive land uses located within the centre of the Detailed Planning Area.

A maximum dwelling yield of 291 dwelling units is proposed across the Detailed Planning Area for Land Use Area 1, as shown in **Table 1**.

Table 1: Land Use Area 1 Precincts

Site Development Plan Precinct	Maximum Dwelling Yield	Maximum Building Height
Site Development Plan Precinct 1	53 Dwelling Units	3 storeys (9 metres)
Site Development Plan Precinct 2	68 Dwelling Units	3 storeys (9 metres)
Site Development Plan Precinct 3	50 Dwelling Units	3 storeys (9 metres)
Site Development Plan Precinct 4	120 Dwelling Units	3 storeys (9 metres)
Total yield = 291 dwelling units		

Land Use Area 1 provides two forms of housing options in the form of detached dwellings and terrace housing. It is proposed that approximately 57% of Land Use Area 1 will comprise detached dwellings, and 43% will be in the form of terrace housing.

Land Use Area 2 – Mixed Use and Tourism

Land Use Area 2 is located centrally and beachside within the Detailed Planning Area and offers opportunity for the creation of a focal tourist node for the Detailed Planning Area. Land Use Area 2 is proposed to be developed as a mixed use precinct that provides for the establishment of high intensity residential accommodation alongside mixed use retail development. The proposed yields for Land Use Area 2 are shown in **Table 2**.

Table 2: Land Use Area 2 Precincts

Site Development Plan Precinct	Maximum Dwelling Yield	Maximum Building Height
Site Development Plan Precinct 5	125 Dwelling Units	• Where fronting the main boulevard street = 8 storeys (24 metres)
Site Development Plan Precinct 6	135 Dwelling Units	
Site Development Plan Precinct 7	125 Dwelling Units	
Site Development Plan Precinct 8	125 Dwelling Units	• Where fronting a residential access street = 3 storeys (9 metres)
Total yield = 510 dwelling units		

In addition to the above, the following maximum gross floor areas for commercial and retail development are proposed:

- Food Outlet, Function Room, Hotel and Restaurant = Maximum gross floor area of 3,500m².
- Commercial Premises, Health Care Premises, Laundry and Shop = Maximum gross floor area of 4,000m².

Land Use Area 2 involves the development of sites fronting a main 'Boulevard Street', which will be required to be designed to contain uses at ground level that provide for activation of the streetscape and the focal tourist node.

Land Use Area 3 – Residential B

Land Use Area 3 provides the opportunity for a range of medium to high density residential developments in a variety of configurations within areas of high amenity and accessibility within the Detailed Planning Area. Built form is to provide a gradation in development intensity between the higher density forms of development in Land Use Area 2 and the low density residential forms of development in Land Use Area 1. The proposed yields for Land Use Area 3 are shown in **Table 3**.

Table 3: Land Use Area 3 Precincts

Site Development Plan Precinct	Maximum Dwelling Yield	Maximum Building Height
Site Development Plan Precinct 9	125 Dwelling Units	8 storeys (24 metres)
Site Development Plan Precinct 10	75 Dwelling Units	6 storeys (18 metres)
Site Development Plan Precinct 11	80 Dwelling Units	6 storeys (18 metres)
Site Development Plan Precinct 12	39 Dwelling Units	4 storeys (12 metres)
Total yield = 319 dwelling units		

It is noted that dwelling unit yield can be transferred between Precincts 5 – 12 in Land Use Areas 2 and 3 provided that:

- the number of units identified for any given precinct is not exceeded by 20%;
- the total number of dwelling units does not exceed 829 dwelling units for those eight (8) precincts; and
- a minimum 80 short-term accommodation units is delivered.

Land Use Area 4 – Community Facilities

Land Use Area 4 provides for a series of community facilities across the Detailed Planning Area, as shown in **Figure 5** and **Table 4**.



Figure 5: Community Facility locations

Table 4: Land Use Area 4 Precincts

Community Facility	Land Area	Gross Floor Area (Maximum)	Maximum Building Height
Public Access Domain (Mall)	5,000m ²	Not applicable	1 storey (3 metres)
Surf Life Saving Club	5,000m ²	3,000m ²	3 storeys (9 metres)
Community Facility	3,000m ²	600m ² , or as otherwise deemed appropriate	3 storeys (9 metres)
Child Care Centre (45 place) or Respite Centre	1,500m ²	As deemed appropriate	3 storeys (9 metres)

Pursuant to the Kawana Waters Development Agreement and the Kawana Waters Community Development Strategy, the community facility land as described above is to be provided as follows:

- Child Care Centre

A 1,500m² site (Precinct 13) has been nominated for a privately operated Child Care Centre or Respite Centre which is in accordance with the Kawana Waters Community Development Strategy. Alternatively, the Child Care Centre or Respite Centre may be provided within a building located with Land Use Area 2 – Mixed Use. If after five years the site nominated for the Child Care Centre is not developed for the purpose of a Child Care Centre or Respite Centre, an independent assessment will need to be prepared to determine the future needs of a child care centre in this locality.

If the assessment determines that a future child care centre is warranted, then the site will continue to be identified as such within the master plan. If the assessment however determines that a child care centre is not warranted, then the site can be developed for residential land uses (Land Use Area 1).

- Surf Life Saving Club

Pursuant to the terms of the Community Development Strategy, land for a Surf Life Saving Club is to be transferred to the State with the registration of the first allotment within the relevant stage. It is noted that the Master Developer in this instance is only required to provide the developable land, not the facility itself. This surf club facility is however recognised within Annexure 15 of the Development Agreement, and therefore funds from the Community Facilities Trust Fund can be utilised to help fund the planning and construction of the facility.

The Detailed Planning Area Plan nominates a gross floor area of 3000m² for the surf lifesaving club facility, which is similar to the gross floor area of Kings Beach and Kawana Surf Clubs.

Council is in receipt of written support from Surf Lifesaving Queensland which is fully supportive of the proposed location of the facility land, and considers the site to be well located in close proximity to surrounding parkland and future community facilities.

In addition to the land contribution, the Master Developer is also required to construct the access to the beach and provide foreshore infrastructure such as lifeguard towers.

- Community Facility

The land for this community facility is to be provided to the Council at the time of the registration of the first allotment within the relevant stage in which the land is located.

Under the terms of the Community Development Strategy this facility is to be developed for a general community use such as a small hall, meeting rooms and kiosk for community/tourist information. Funds from the Community Facilities Trust Fund may be utilised for the delivery of this facility.

- Public Access Domain Mall

The intent of the Public Access Domain Mall is to form part of the community focal point for Bokarina Beach. This area will contain a mix of hard and soft landscaping and will in essence form an integral extension to the Village Park System.

Once again, pursuant to the provisions of the Development Agreement, the timing of the delivery of this land to Council is linked to the registration of the first allotment within the relevant stage.

Further detail around the recommended timing of the delivery of the above land is discussed in the 'Key Issues' section of this report.

Land Use Area 5 – Public Access Club Facility

Land Use Area 5 makes provision for a Public Access Club Facility measuring 1 hectare in area. Land for a Public Access Club Facility is provided centrally to the Detailed Planning Area and is located adjacent to the Village Park system. The Detailed Planning Area Plan nominates a maximum gross floor area for this facility to be 2,500m².

Under the Kawana Waters Community Development Strategy, the one hectare of land is to be provided to the Council in freehold title for public access club facilities if the facility has not been delivered within five (5) years of the registration of the first allotment in Bokarina Beach, or by 30 June 2020, whichever occurs sooner. The proposed location of the Public Access Club Facility is shown on **Figure 5**.

The Detailed Planning Area Plan includes Development Criteria and Urban Design Performance Criteria pertaining to this site. It is recommended however that the Detailed Planning Area Plan be amended to include specific controls for the building location, namely a building envelope to ensure that any future building on this site do not impact on the site lines from Nicklin Way through to the Village Park.

Land Use Area 6 – Open Space



Figure 6: Open Space Network

Land Use Area 6 makes provision for an extensive area of open space throughout the Detailed Planning Area. Land Use Area 6 comprises both a Village Park System and a Linear Park System as shown in **Figure 6**.

The Village Park System (East) is located centrally to the Detailed Planning Area and is collocated with the key community facilities. The Village Park (East) comprises two hectares of useable open space which is intended to be embellished with active and passive recreation areas. The Detailed Planning Area Plan sets out the minimum standards of embellishment for the Village Park system.

In the north-east portion of the Village Park (East), an area of the existing wetland is proposed to be retained along with a 10 metre wide buffer. The retention of the portion of the wetland results in the partial filling of the existing wetland (approximately 50%).

The Village Park (West) is comprised of Entrance Lake, which is located at the entry to the Detailed Planning Area and provides passive recreation areas.

Land Use Area 6 also comprises a Linear Park system measuring approximately 1.6 hectares in area. The Linear Park is located along the northern, southern, eastern and western boundaries of the Detailed Planning Area and is comprised of a combination of road reserve (measured from back of kerb) and land within the Detailed Planning Area boundary. The Linear Park will serve as a pedestrian thoroughfare along the external frontages of the Detailed Planning Area whilst also conveying stormwater during major rainfall events.

In addition to the above, the proposed Detailed Planning Area Plan also includes the provision of an extensive, connected pedestrian and cycle network that links the open space networks to both the residential areas and activity nodes.

ASSESSMENT

Kawana Waters Structure Plan

The approval of this Detailed Planning Area Plan is subject to both the Kawana Waters Structure Plan approval conditions and Structure Plan Development Criteria.

This assessment has determined that the Detailed Planning Area Plan is compliant with the Structure Plan approval conditions and the Structure Plan Development Criteria.

Development Control Plan 1 – Kawana Waters

In accordance with Section 4.10.1, areas that are designated as a Detailed Planning Area are considered to present particular opportunities for comprehensively planned focal developments. In this regard, Section 4.10.2(c) nominates broad planning and design criteria that development in Detailed Planning Area 2 must take into consideration. These include:-

This area comprises a large site of approximately 30 hectares across the Nicklin Way from Detailed Planning Area 1 and extending to the frontal sand dunes. It is the last large undeveloped beachfront site within the Kawana Waters Locality, and provides the opportunity for a focal Development based around public beach access and associated recreational activities for residents and visitors.

It is intended that Development of the Detailed Planning Area will be guided by the following broad criteria:-

- (i) Open space and community land with an area of approximately 5.9 hectares will be provided to cater for the needs of local residents and tourists. Controlled beach access will be provided from the park and from a site for a surf lifesaving club and public parking facilities as well as other community facilities intended to serve the local resident community. The make up of this area is to be as follows :-*

- Village Park System 2.0ha
 - Public Access Club Facilities 1.0ha
 - Linear Park 1.6ha
 - Public Access Domain (Mall) 0.5ha
 - Community Facilities 0.3ha
 - Surf Club Facility 0.5ha.
- (ii) *Complementary to the focal Development intent of this Detailed Planning Area a commercial/boutique retail/community/public domain (mall) precinct or precincts will be encouraged as preferred uses in this location with their design and relationship to meet the needs of local residents and tourists and which provides a vibrant focal point for the Kawana Waters Locality.*
- (iii) *There is to be no direct access to the Nicklin Way from individual land uses.*
- (iv) *There is to be controlled access only to Beach and Wurley Drive, and to any proposed new access road from the Nicklin Way.*
- (v) *The frontages to the Nicklin Way and Beach and Wurley Drives, other than for approved access points, are to contain linear parks approximately 10 metres wide (from kerb lines) and be landscaped to provide an attractive "presentation" of the Detailed Planning Area along these roads, to provide an "experience" for pedestrians and cyclists and to assist in buffering traffic noises.*
- (vi) *Appropriate linkages are to be provided to the Village Park and focal point through the Detailed Planning Area to existing developed areas and to areas west of the Nicklin Way for pedestrians and cyclists. There will be a grade separated, or signalised, linkage from this area under or across the Nicklin Way to Detailed Planning Area 1 and directly to the foreshores of the recreational lake and rowing course and its extensive foreshore paths and cycleways and community facilities. Road access within this Detailed Planning Area is to be so designed as to discourage north-south through traffic from using this area as an alternative route to the Nicklin Way.*
- (vii) *The Detailed Planning Area is to be Developed with lower intensity uses towards the edges of the Detailed Planning Area to ensure their compatibility with existing low density residential development north and south of the Detailed Planning Area. Higher intensities of Development will be encouraged towards the centre of the Detailed Planning Area, particularly around the focal Development, to assist in providing a sense of place. In the centre an 8 storey height limit is not to be exceeded. The Council will encourage the Development of a significant club facility or similar in this Detailed Planning Area which is sized to accommodate an area of 1ha of land for public access and enjoyment of club facilities. In the event that this use does not occur however, and residential is the preferred use, the Council will require a 1ha area of land to be set aside for public access club facilities.*
- (viii) *Land uses are to be predominantly residential in nature, with an emphasis on higher densities to a maximum height of 8 storeys towards the centre of the Detailed Planning Area. Various forms of tourist Development would be welcomed by the Council, should these prove to be commercially viable. Commercial Development will be limited to the focal area. In particular, activities of a highway commercial nature, such as retail showrooms, car sale yards, takeaway food premises and the like which prefer the exposure and direct access provided by an arterial and sub-arterial road frontage, will not be permitted along the Nicklin Way frontage of the Detailed Planning Area.*

An assessment of proposed Detailed Planning Area Plan has determined that the intent of the Detailed Planning Area 2 as set out within Development Control Plan 1 has been accurately incorporated within the proposed master plan document.

Pursuant to Section 7.4.3.2 of Development Control Plan 1, a Detailed Planning Area Plan must:

- (a) *outline the general nature, form, extent and location of Development for a Detailed Planning Area in the approved Structure Plan; and*
- (b) *show in more detail:-*
 - (i) *the elements of the Development Control Plan identified within the approved Structure Plan including those matters set out in 7.4.2.2(b); and*
 - (ii) *the land uses proposed in the Detailed Planning Area; and*
 - (iii) *the precincts and purposes for which those precincts will be Developed which require a Site Development Plan; and*
- (c) *comply with:-*
 - (i) *the Development Documents; and*
 - (ii) *the approved Structure Plan including any conditions of approval and Development Criteria; and*
- (d) *be prepared at a scale of 1:1500.*

Development Criteria

Section 7.4.3.2(c)(i) of the Development Control Plan 1 states that a Detailed Planning Area Plan is to “*control the form and extent of development within the Detailed Planning Area through Development Criteria*”. Development Criteria are parameters, performance standards or requirements that control the standard of development within the Detailed Planning Area. These are generally prescriptive controls, to which lower level Master Plans and development must comply with.

Due to the underlying zone of the land being Special Development pursuant to the Caloundra City Planning Scheme 1996, these development controls function as the planning scheme for this area.

Section 4 of the proposed Detailed Planning Area Plan outlines a number of Development Criteria for the Detailed Planning Area. These include:

- a) Criterion requiring the land within Detailed Planning Area 2 can only be developed for those uses specified in Table 1 for the Detailed Planning Area Plan including building height limitations and maximum yields (further detail on yield and building heights are provided in the Land Use Areas section of this report).
- b) Criterion relating to flood immunity, taking into account current predictions for climate change impacts.
- c) Criterion relating to Acid Sulfate Soils and the preparation of a detailed Acid Sulfate Soil Management Plan.
- d) Criterion relating to the provision of physical urban infrastructure, including:
 - Movement Networks
 - Open Space Networks
 - Stormwater and Water Sensitive Urban Design Infrastructure
 - Water and Sewerage Infrastructure
 - Power and Telecommunications Infrastructure, and
 - Landscaping.

An assessment of the proposed Development Criteria has determined that they are generally acceptable. Key issues pertaining to the Development Criteria are discussed within the 'Key Issues' section of this report.

Urban Design Performance Criteria

Section 7.4.3.2(c)(ii) of the Development Control Plan 1 states that a Detailed Planning Area Plan is to “control the form and extent of development within the Detailed Planning Area through Urban Design Performance Criteria, if appropriate”. Urban Design Performance Criteria are performance based planning controls generally consisting of an outcome and acceptable measures to achieve that outcome. A subsequent Site Development Plan where applicable will demonstrate how these outcomes will be achieved.

The key Urban Design Performance Criteria for each of the land use areas (refer to **Figure 3**) included within the Detailed Planning Area Plan are summarised in **Table 5** below.

Table 5: Detailed Planning Area Plan Urban Design Performance Criteria

Applying to all development within the Detailed Planning Area:	Applying to Land Use Area 1 – Residential A:	Applying to Land Use Area 3 – Mixed Use & Tourism:
<ul style="list-style-type: none"> • Lot Size • Stormwater Management • Car Parking and Access • Energy Efficiency • Acid Sulfate Soils • Advertising Devices • Acoustic Quality • Air Quality • Lighting • Refuse Management 	<ul style="list-style-type: none"> • Dwelling Houses and Terrace Houses:- <ul style="list-style-type: none"> • Building Envelopes • Terrace House Lots and Semi-detached Terrace House Lots • Building Design (Sub-Tropical Elements) • Residential Amenity • Car Parking / Access / Driveway Location • Home Occupation • Display Home, Temporary House and Land Sales Office • Bed & Breakfast - Homestay 	<ul style="list-style-type: none"> • Built Form • Building Siting, Design & Layout • Parking and Access • Mixed Use Development • Building Setbacks • Building Design (Sub-Tropical Elements) • Awnings • Ground Storey Height • Feature Lighting • Open Space/Landscaping and Fencing • Privacy and Amenity • End of Trip Facilities • Site Facilities • Requirements for a Caretakers Residence
Applying to Land Use Area 3 – Residential B:	Applying to Land Use Area 4 – Community Facilities:	Applying to Land Use Area 5 – Public Access Club Facility:
<ul style="list-style-type: none"> • Site Cover • Building Setback • Building Siting, Design and Layout • Lighting • Parking and Access • Privacy and Amenity • Building Design (Sub-Tropical Elements) • Open Space/Landscaping and Fencing • Site Facilities • Home Occupation • Requirements for a Caretakers Residence • Requirements for a Display Home and Temporary House and Land Sales Office 	<ul style="list-style-type: none"> • Building Address, Building Setbacks and Active Frontages • Car Parking & Access (On-Site) 	<ul style="list-style-type: none"> • Building Address, Building Setbacks and Active Frontages • Car Parking & Access (On-Site)

An assessment of the proposed Urban Design Performance Criteria has determined that they are generally acceptable. Key issues pertaining to the Urban Design Performance Criteria are discussed within the 'Key Issues' section of this report.

Site Development Design Parameters

Section 7.4.3.2(c)(iii) of the Development Control Plan 1 states that a Detailed Planning Area Plan is to “*control the form and extent of development within the Detailed Planning Area through Site Development Design Parameters if appropriate*”. Section 6 of the Detailed Planning Area Plan specifies that a Site Development Plan is required to be prepared and submitted to Council for each of the Site Development Plan Precincts 1 – 17. This is following approval of the Detailed Planning Area Plan as well as the matters that are required to be addressed in a Site Development Plan.

If the master planning process is fully applied, land use rights will be delivered via the Site Development Plan and negate the need for a subsequent Development Permit for Material Change of Use applications.

Key Issues

Wetland

The current proposal as submitted proposes to fill approximately fifty percent of the remaining wetland with the main body of the wetland to be retained as shown of **Figure 6**. A 10 metre wide buffer around the main body is also proposed.

Council's policy for natural waterways, including wetlands, is set out within the *Sunshine Coast Waterways and Coastal Management Strategy 2011–2021*. Within Council's policy, wetlands are recognised as important aquatic ecosystems and a principle for the management of natural waterways is that these important aquatic ecosystems are protected and enhanced.

Whilst it is acknowledged that the remaining wetland has been significantly modified from its original condition from filling and slashing, it still provides an important habitat for a number of invertebrates, frogs and aquatic birds. It is further considered that the wetland can provide an important complementary habitat adjacent to the dunal vegetation.

The wetland also provides landscape and heritage values. The site is the last remaining wetland adjacent to the coastal dunes between the Maroochy River to the north and the Currimundi Conservation Park to the south. As such, this is a strategically important area for the maintenance of wetland values in the region despite the degraded nature of the wetland on site.

With respect to the State assessment, the wetland is mapped as a HES Wetland (High Ecological Significance) pursuant to the *Environmental Protection Act 1994*. Despite these provisions there is however, no formal trigger for State involvement for the proposed filling of the wetland. Council is therefore, the approving authority for the proposed filling.

The wetland does however contain a number of nationally threatened species that have, or are likely to be found on the site (refer to **Table 6**). As such, any disturbance of the wetland triggers an application to be made to the State pursuant to the *Nature Conservation Act 1992*, and also to the Department of Environment (Commonwealth) for the *Environment Protection and Biodiversity Conservation Act 1999*.

Table 6: Identified fauna on Detailed Planning Area 2

Scientific Name	Common Name	Nature Conservation Act 1992 Status	Environment Protection and Biodiversity Conservation Act 1999
<i>Crinia tinnula</i>	Wallum froglet	✓	
<i>Litoria freycineti</i>	Wallum rocketfrog	✓	
<i>Litoria olongburensis</i>	Wallum sedgefrog	✓	✓
<i>Tenuibranchiurus glypticus</i>	Swamp crayfish	✓	

Pursuant to the *Nature Conservation Act 1992*, a Species Management Plan was prepared for the Acids Frogs (Wallum froglet, Wallum rocketfrog and Wallum sedgefrog) and Swamp acrayfish. The purpose of the Species Management Plan is to address the requirements under the *Nature Conservation (Wildlife Management) Regulation 2006* which specifies that a person must not tamper with a protected animals breeding place unless it is a part of a species management program approved by the State - in this case being the Department of Environment and Heritage Protection.

Recent studies and surveys of the site revealed the presence of the Wallum Froglet (listed as Vulnerable under the *Nature Conservation Act 1992*) and the Swamp Crayfish (listed as endangered under the *Nature Conservation Act 1992*). These previous studies did not reveal the presence of the Wallum Sedgefrog or the Wallum Rocketfrog which are both listed as vulnerable. However their breeding habitat is similar and were therefore included in the Species Management Plan.

The approved Species Management Plan however, only proposes to conserve that area nominated as the optimal breeding area as identified in **Figure 7**.

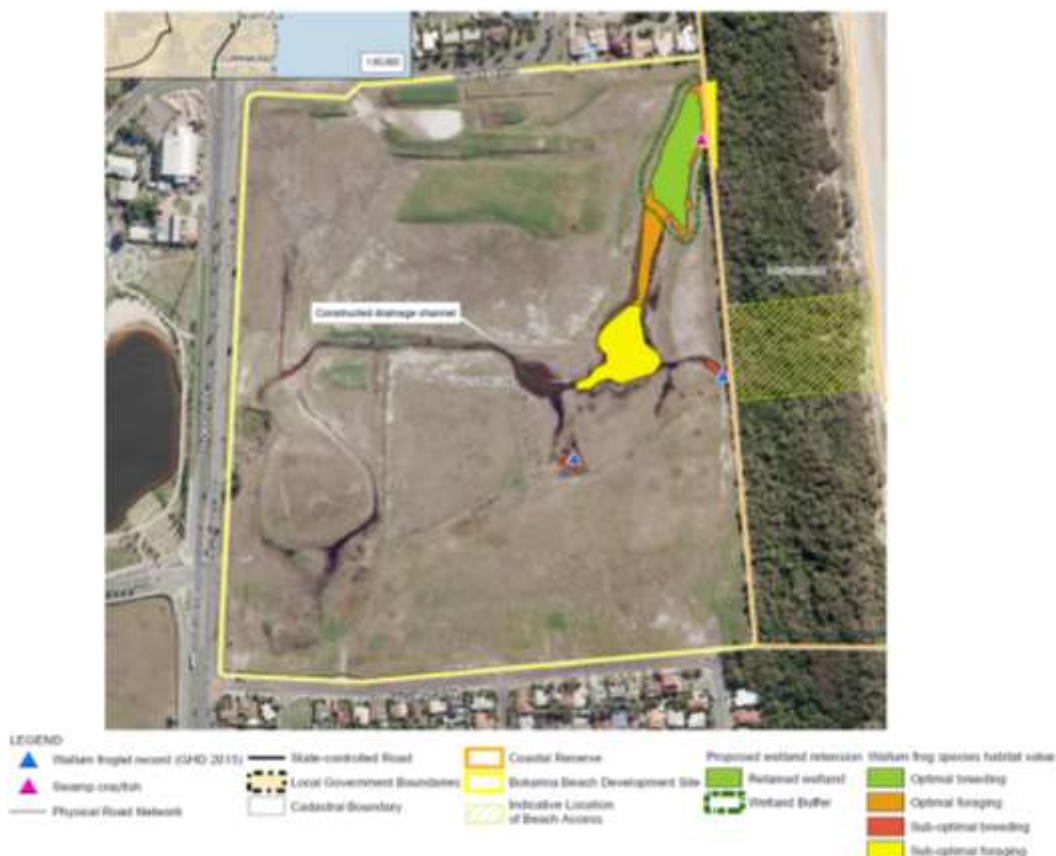


Figure 7: Wetland breeding and foraging areas

It should be noted that the obligations under the *Nature Conservation Act 1992* are only in regard to tampering with a protected animal's breeding place during construction. The *Nature Conservation Act 1992* does not extend to provisions for tampering with a protected animal's foraging habitat. The Department Environment and Heritage Protection have further advised however that the destruction of the wallum froglet optimal foraging habitat, and proposed mitigation substituting the optimal foraging habitat with the proposed designed buffer design is counter-intuitive. It would be preferable to retain both the optimal foraging habitat and ensure that the buffer function includes wallum froglet foraging habitat in its design.

Whilst from a purely conservation perspective, it would be preferable to retain the full extent of the remaining "natural wetland" as shown of **Figure 7**, the many competing uses and values of the site must also be recognised.

It is therefore recommended that the proposed area of the wetland to be retained be extended as follows:

- To include part of the optimal foraging area as shown on **Figure 8**;
- To extend and rehabilitate the wetland to the east as shown on **Figure 8** to provide a continuous vegetated area between the wetland and the dune; and
- To increase the buffer around the wetland to the west to fifteen metres (15m).



Figure 8: Recommended area of wetland to be retained

The wallum frog species *Litoria olongbure* and *Litoria freycineti* are both listed as vulnerable species under the *Environment Protection and Biodiversity Conservation Act 1999*. Bokarina Beach is also adjacent to a breeding habitat for *Chelonia mydas* (Green Turtle) and *Caretta caretta* (Loggerhead Turtle). As such the proposal was referred to the Department of Environment wherein it was determined that proposed development is not a controlled action, therefore no further assessment will be required under the *Environment Protection and Biodiversity Conservation Act 1999*.

Location of Surf Club and Beach Access

The appropriateness of the location of the Surf Life Saving Club Facility land is dependent on being able to achieve beach access for emergency vehicles and being able to transport equipment to the beach.

Council officers through the assessment process of the application requested the Master Developer on the 25 February 2015 and 6 November 2015 to provide advice from the State that beach access would be approved in the proposed location adjacent to the Surf Life Saving Club Facility land.

The Master Developer considers that this information is premature and that issues pertaining to the proposed beach access should be dealt with in a subsequent application for a Development Permit for Operational Works. It should be noted that this application will require referral to the State Assessment Referral Agency as a Concurrence Agency for interfering with State Coastal Land above the high water mark, and the for the clearing of vegetation.

Whilst it is acknowledged that this future beach access is nominated as access 246 in Council's Coastal Pathways Strategy 2014, it still requires formal approval from the State.

Due to the obvious synergies between the Surf Life Saving Club site and the required beach access it is considered and agreed with the Master Developer that no lower level master plans will be approved in Detailed Planning Area 2 until such time that the beach access has been formally approved in location as nominated on Figure 12.

It is noted that the subject site at the time of writing this report is not within a Coastal Management District, but is however mapped as a Coastal Management Hazard Area – being Erosion Prone and Medium Storm Tide Inundation Area.

The Department of Environment and Heritage Protection has advised however that the site will be included within a Coastal Management District on 3 February 2016. In this regard the State as part of the master planning process will have the ability to impose any additional conditions once Council has provided a recommendation to the Department of Natural Resources and Mines. It is expected however, that this site has only been included within the Coastal Management District due to its current low laying nature.

Conditions have been recommended limiting beach access (vehicle and pedestrian) to one point and be designed to avoid or minimise interference with coastal resources and processes, including wind and sea erosion and accretion.

In addition to the above, this beach access will also need to be designed to minimise light spill from the proposed development onto the beach in order to not impact on the breeding of the Loggerhead Turtles (refer to 'Turtles' section of this report).

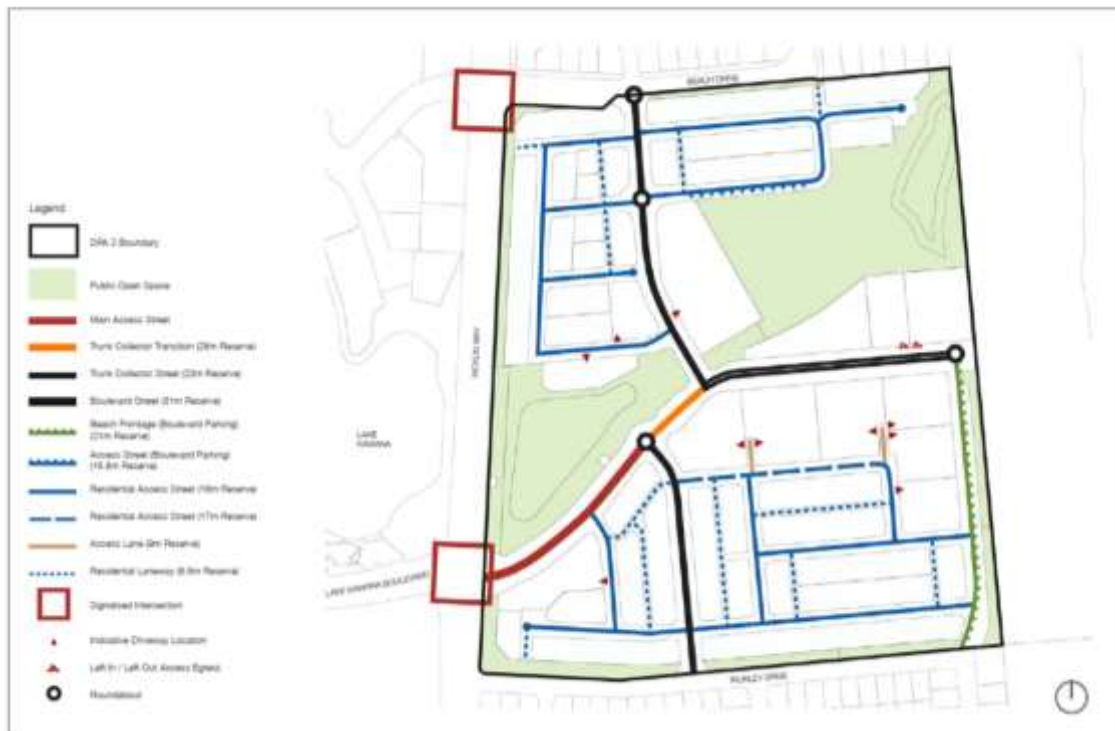
Vehicular access to proposed development

Figure 9: Proposed road network

The primary vehicular access for the proposed development will be via Nicklin Way at the existing Nicklin Way/Lake Kawana Boulevard intersection. This existing signalised T-intersection will be converted to a 4-way intersection by the addition of a new eastern leg (the 'Main Access Street') as shown in **Figure 9**.

To achieve 'connectivity' with the existing neighbourhoods immediately to the north and south of the Detailed Planning Area, and to facilitate local traffic movements between the Detailed Planning Area and these adjoining neighbourhoods, local street connections are also proposed as follows:-

- To Beach Drive, about 100 metres east of Nicklin Way
- To Wurley Drive, about 200 metres east of Nicklin Way
- To Wurley Drive, at the existing Wurley Drive/Oceanic Drive South corner

As Nicklin Way is a State controlled road, the Department of Transport and Main Roads is the approval authority for all works on that road. The Department has undertaken its own detailed modelling of the proposed upgraded Lake Kawana Boulevard intersection incorporating the new leg to Bokarina Beach, taking into account the traffic generation of the proposed development in addition to predicted future growth of traffic volumes on Nicklin Way. Subsequently advice was received from the Department on 8 February 2016 advising that it is supportive of the development proposal subject to a range of conditions primarily pertaining to the upgrading of Nicklin Way and also of the existing Lake Kawana Boulevard intersection (refer to **Appendix B**). Their key conditions include:-

- Upgrading of Nicklin Way along the entire site frontage to three through lanes north-bound and three through lanes south-bound, including on road cycle lanes. The additional south-bound lane is required to commence north of the Beach Drive intersection and extend to south of the Wurley Drive intersection. The additional north-bound lane is required to commence south of the Lake Kawana Boulevard intersection and to extend to north of the Beach Drive intersection.
- Provision of a left turn slip lane for southbound Nicklin Way traffic entering Bokarina Beach at the new intersection.

- Provision of two right turn lanes for southbound Nicklin Way traffic turning right into Lake Kawana Boulevard.
- Provision of a right turn lane, a through/right turn lane, and a through/left turn lane for the Bokarina Beach 'Main Access Street' approach to the new intersection.
- Provision of pedestrian crossing facilities on the northern, eastern (Bokarina Beach), and western legs of the Nicklin Way/Lake Kawana Boulevard/Bokarina Beach intersection.
- Provision of two indented bus stops on the south-bound lane of Nicklin Way along the site frontage located generally in accordance with CoastConnect Planning.

A number of residents of the 'Wurtulla Beach' neighbourhood, south of Wurley Drive, have expressed concern about the potential for additional vehicular traffic through their local streets and have suggested that there should be no street connections between the Detailed Planning Area and Wurley Drive. However provided the new Nicklin Way intersection delivers an efficient and convenient access to the Detailed Planning Area without causing excessive congestion for Nicklin Way traffic, it is considered unlikely that significant volumes of 'non-local' traffic would use Wurtulla Beach streets to access the Detailed Planning Area or to 'bypass' the new intersection ('rat running' via lower order local streets usually occurs only where the 'rat run' route provides a significantly quicker travel time). The detailed assessment by Department of Transport and Main Roads provides a degree of confidence that the new intersection will perform satisfactorily, even during peak hour periods, subject to the upgrading works nominated by the Department being implemented. Accordingly it is recommended that Council's approval of the Master Plan be conditional on the Master Developer accepting and implementing all of the conditions provided by the Department on 8 February 2016.

There is a possibility that additional road reserve dedication may be required to accommodate the works required by the Department of Transport and Main Roads, which may impact on the development footprint shown in the Detailed Planning Area Plan. A condition has been recommended requiring the developer to demonstrate, prior to the first Site Development Plan, whether additional road reserve widths are required to accommodate the works required by the Department of Transport and Main Roads.

On the basis that the Department of Transport and Main Roads is comfortable that the new Nicklin Way intersection will perform satisfactorily, the proposed internal connections of the Detailed Planning Area to Beach Drive and Wurley Drive are considered appropriate to facilitate local traffic access for neighbourhoods to the north and south – there will ultimately be a number of uses in the Detailed Planning Area (e.g. retail and commercial premises, surf lifesaving club, child care centre, etc) which will attract users from nearby neighbourhoods. Department of Transport and Main Roads officers also expressed their support for local street connectivity, so that vehicular trips between the proposed development and nearby neighbourhoods could be made without having to use Nicklin Way.

It is also noted that a connection to the Nicklin Way/Lake Kawana Boulevard intersection should occur with the first stage of development, rather than to Beach Drive or Wurley Drive, to avoid traffic impacts on existing local streets. A condition has been recommended accordingly.

Department of Transport and Main Roads has determined that the submitted Flooding Report shows that the development will result in some increased inundation of Nicklin Way near the Beach Drive intersection, and it has nominated a condition of approval requiring this issue to be addressed to achieve 'no worsening' – this could require a wider linear park along the Nicklin Way frontage (the major overland flow path). A condition has therefore been recommended requiring the Master Developer to demonstrate, prior to the first Site Development Plan, whether any additional width of linear park is required to satisfy the Department of Transport and Main Roads' requirements.

North-South Pedestrian Cycle Link

To the north and south of the Detailed Planning Area is the coastal pathway which provides a shared walking and cycle pathway from Pelican Waters to Tewantin.

Construction of the Coastal Pathway to the south of the Detailed Planning Area is currently underway and will be constructed up to existing Beach Access 247 located at the Oceanic Drive/Wurley Drive intersection. The construction of the Coastal Pathway to the north of the site is anticipated in the 2016/2017 financial year, and will be constructed up to the north-eastern boundary of the Detailed Planning Area. The Detailed Planning Area provides an important link in connecting these two sections of Coastal Pathway to the north and south.

The current proposal incorporates a three metre wide pathway at the eastern boundary of the site, which extends from Wurley Drive through the existing wetland area, then diverts into the dunal system. Opportunity exists with the Detailed Planning Area for this pathway connection to be improved, as follows:

- As per the current proposal, it is recommended that a three metre pathway is provided along the eastern boundary of the site, from Wurley Drive to the northern boundary of the Surf Lifesaving facility site, and
- A three metre pathway is provided in a north-west direction from the surf club, crossing over the ephemeral wetland via raised boardwalk which then runs parallel with the western side of the wetland (refer to **Figure 8**). The construction of this pathway and boardwalk would enable opportunities to integrate the values of the wetlands into local educational nodes along the pathway connection, whilst also minimising disturbance to the dunal system. It is noted that the design and construction of infrastructure along or across the wetland will need to incorporate best practice methods to minimise impacts on the wetland and supported species.

Provision for Public Transport



Figure 10: Public transport plan

Figure 10 identifies a route for possible future bus services through the Detailed Planning Area. The street carriageways proposed along this identified route will be sufficiently wide enough to accommodate bus traffic. In addition, **Figure 10** identifies a central location on the 'Main Access Street' for bus stops (with indented bus bays).

The Department of Transport and Main Roads *CoastConnect* project proposes future bus stops at two locations along the Nicklin Way frontage of the site – just south of Beach Drive and just north of Wurley Drive, as shown in **Figure 11**.



Figure 11: CoastConnect – Proposed bus stop locations

The Technical Reports lodged as supporting information for the application have considered this issue and have confirmed that the proposed layout can accommodate future indented bus bays as well as associated bus stop infrastructure on the Nicklin Way verge at these locations. Condition 15(g) of the Kawana Waters Structure Plan imposed by the Department of Transport and Main Roads requires that *CoastConnect* bus priority planning must be considered and allowed for in all lower level planning documents. Within the identified corridor all permanent structures and services must be located outside of any future widening as identified by the Department of Transport and Main Roads.

The existing Kawana Waters Structure Plan also includes a condition of approval requiring the Master Developer to provide a 'bus queue bypass lane' in Lake Kawana Boulevard at the approach to the Nicklin Way intersection at the time of future upgrading of the intersection. Accordingly, this requirement is recommended to be included as a condition of approval of this Master Plan.

The future community of the Detailed Planning Area can be serviced by light rail, as per the endorsed light rail route through the Kawana area. Development of the Detailed Planning Area does not impact on the endorsed light rail corridor.

Active Transport

Figure 12: Proposed pedestrian network

Development Control Plan 1 requires provision of linear parks along the Nicklin Way, Beach Drive, and Wurley Drive frontages of the Detailed Planning Area (10 metres wide, measured from kerb lines), to provide for pedestrian and cycle movements, landscaping, and traffic noise buffering. The submitted Detailed Planning Area Plan provides for the linear parks except for the western section of Beach Drive (between Nicklin Way and the proposed new roundabout at the Beach Drive/Glentree Street intersection). A condition is proposed, requiring provision of the linear park along Beach Drive.

Although Development Control Plan 1 envisages that the linear parks would accommodate pathways for pedestrian and cycle use, it is intended that the pathways along these frontages be located on the street verges rather than in linear parks because:

- Crime Prevention Through Environmental Design (CPTED) issues will be better addressed;
- The linear parks will be required to accommodate overland flow paths during major rainfall events, to avoid adverse flooding impacts on existing development, and
- Not having pathways in linear parks will allow more appropriate landscaping to screen acoustic fences on the property alignment.

In accordance with the obligations under the Kawana Waters Development Agreement, the Nicklin Way pedestrian underpass has been shown in the submitted documentation. Verbal advice from Department of Transport and Main Roads officers indicates that the Department will not object to the construction of the underpass provided Council accepts responsibility for its operation and its 'day to day' maintenance. The applicant's Consultant has confirmed that it will need to be built with the first stage of development as it is an integral part of the flooding and drainage 'solution'.

The submitted *Engineering Services Report* indicates that undergrounding of existing overhead power along the eastern side of Nicklin Way will be required for construction of the underpass – the proposed extent of undergrounding is not clarified in the *Report* but it is considered appropriate that it extend from the new intersection to the northern end of the

Village Park West, to optimise the vista from Nicklin Way to the proposed tourist node. A condition has been recommended.

Figure 12 shows the proposed pathway network and proposed provisions for on-road cycle lanes, comprising:

- 3 metre wide pathway along the Nicklin Way frontage, with connections to the proposed Nicklin Way underpass
- 2.5 metre wide pathway along Wurley Drive frontage
- 3 metre wide pathway along the 'Main Access Street' from Nicklin Way to the beachfront (section along the frontage of the Mixed Use/Tourism precincts will be 4 metres wide)
- 3 metre wide pathway along the 'Beach Frontage' street, and across the Village Park
- 2.5 metre wide pathway along internal Trunk Collector streets
- 3 metre wide 'walkable waterfront' pathway around the perimeter of the 'Entrance Lake', with connections to the Nicklin way underpass
- 1.5 metre wide pathway along internal access streets
- On-road cycle lanes on the 'Main Access Street' and Trunk Collector streets

Section 4.2.3.2.2 of the Master Plan nominates that the pathway network will be designed and constructed to the applicable standards with regard to *Access for Persons with a Disability*.

It is considered that the proposals detailed in the Master Plan will deliver appropriate an appropriate level of service for active transport. Conditions have been recommended where required.

Car parking

Public Car Parking

The adequacy of public area car parking associated with the commercial/retailing uses and beach users and the likelihood of spill over to adjoining residential streets has been assessed as part of the proposal. As stated previously, this was also a concern expressed by existing residents.

Council officers as part of the Request for Further Particulars required the applicant to undertake an assessment of on street and public area car parking demand associated with the proposed uses for the Detailed Planning Area.

Calibre Consulting undertook an analysis of car parking facilities with three (3) other surf club facilities on the Sunshine Coast - these being Kawana, Dicky Beach and Peregian Beach. These facilities were considered to be similar as they:

- Are collocated with a Surf Club Facility
- Have a similar demand and
- Are in close proximity to retail/commercial and residential areas.

Table 7: Comparison of surf lifesaving clubs and car parking provision

Location	SLSC Carparks – on site	Public Carparks	Total
Peregian Beach	4	138	142
Dicky Beach	51	75	126
Kawana Beach	30	97	127
Bokarina Beach	30	150	180

Based upon the comparisons provided in **Table 7** above, it is considered that sufficient public parking will be provided for future beaches users. It is accepted however, that similar to that of Mooloolaba, Bulcock Beach and Kings Beach for example, this car parking will also be used for parking associated with the retail and commercial sites. The retailing/commercial site will still however, be required to provide on-site car parking in accordance with the rates specified in the Detailed Planning Area Plan. Appropriate conditions have been recommended requiring that visitor car parking remain accessible at all times.

On site Car Parking

It is important that the development make adequate provision for on-site car parking associated with the proposed residential development.

The Development Criteria outlined within the Detailed Planning Area Plan nominates that for all detached dwellings (including that of Terrace lots), two parking spaces must be provided on-site. It is noted that these parking requirements are more stringent than the provisions in the Sunshine Coast Planning Scheme 2014 which requires only one on-site parking space for lots not exceeding 300m², and two on-site spaces for larger lots.

For attached dwelling development, the Development Criteria in the submitted Detailed Planning Area Plan nominates the following rates of provision for on-site resident and visitor parking:

- 1 space per unit for 1 and 2 bedroom units
- 1.25 spaces per unit for units with 3 or more bedrooms
- 1 space per 4 units for visitor parking

This (on-site) visitor parking rate is the same as in the Sunshine Coast Planning Scheme 2014, but the nominated resident parking rates are actually higher than the Sunshine Coast Planning Scheme 2014 (which requires only 1 space per unit regardless of the number of bedrooms).

It is also noted that the Probable Solutions nominated in the Development Criteria of the Detailed Planning Area Plan in regard to on-site parking provisions for non-residential uses are consistent with the provisions in Council's current Planning Scheme, which is considered acceptable.

On Street Car Parking

The Detailed Planning Area Plan nominates the provision of on street car parking for Land Use Area 1 (Residential A) in accordance with the Planning Scheme Policy in the Sunshine Coast Planning Scheme 2014, which is:

- 1 space per 2 dwelling houses on small lots (300m² or less), and
- 2 spaces per 3 dwelling houses on larger lots.

For the allotment mix proposed for Precincts 1-4 of the Site Development Plan (177 small lots, and 114 larger lots) a total of 167 on-street parking spaces are required.



Figure 13: Proposed on-street car parking

Figure 13 shows where on-street parking will be available and shows 189 on-street parking spaces in the streets serving the detached dwellings (this does not include parking on the beach side of the 'Beach Frontage' street, the kerbside spaces in the Boulevard fronting commercial/tourist uses, etc). Approximately half of these are proposed to be provided in indented parking bays (clear of traffic lanes). **Figure 13** shows where the remainder can be accommodated in local access streets, taking into account driveway locations and other infrastructure.

With the exception of Precinct 11 (Hotel site), all of the attached dwelling development will be either co-located with the commercial uses or adjacent to the beachfront. In these areas, significant amounts of on-street parking are proposed to serve the commercial activities and beach users. This on-street parking will also be available to satisfy any 'overflow' demand by the attached dwelling developments, particularly over-night demand.

Nicklin Way Pedestrian/Cycle Underpass

As part of the negotiations with the Master Developer regarding the 10th Deed of Variation to the Development Agreement, the timing and design criteria for the Pedestrian/Cycle underpass was established. Pursuant to Section 9.4 of the Development Agreement, the Master Developer must at their cost within 12 months of the registration of the plan for subdivision creating the 100th lot in the Detailed Planning Area, design and construct a pedestrian/cycle underpass under the Nicklin Way connecting Bokarina Beach and Eastbank.

The pedestrian/cycle underpass is to have a minimum dimension of 2.5 metres clear height and 3 metres clear width. The proposal will entail lifting the Nicklin Way by approximately 1.7 metres, with the length of the underpass being approximately 45 metres long. Nicklin Way is a State controlled road; therefore approval for the construction of the underpass is required from the Department of Transport and Main Roads.

As shown in **Figure 14**, the underpass is considered a critical piece of infrastructure as it will link the future Town Centre, Eastbank (including Sunshine Coast Stadium, Kawana State College), residential areas (Birtinya Island, Birtinya Peninsula and Kawana Forest) and the Beach in essentially an off road pedestrian/cycle network.



Figure 14: Relationship between Detailed Planning Area and Development Control Plan 1 area

A determination on the pedestrian/cycle was made by Council at the Special Meeting on 24 November 2014.

As part of the Request for Further Particulars issued to the Master Developer on 25 November 2015, Council officers requested the Master Developer to provide a construction methodology and staging plan of the underpass. Officers requested that the staging plan and methodology be approved by the Department of Transport and Main Roads. The main reason for this information was to:

- Ensure that the construction would have minimal impact on traffic flows on Nicklin Way and maintain two lane two way traffic flows at all times; and
- Ensure that the construction, including any interim traffic lanes, could be contained within the existing road reserve and that developable land was not required to be sterilised to enable construction.

The Master Developer submitted the construction methodology to the Department of Transport and Main Roads on 25 September 2015, however at the time of writing this report the Department were still undertaking their assessment.

It is apparent from the conditions provided by the Department of Transport and Main Roads that the Department does not object to the pedestrian/cycle underpass on the understanding that Council would be responsible for the ownership and maintenance of the underpass.

With respect to timing of the underpass, the Master Developer has advised that the underpass will be delivered with the first stage of the development as it is tied to the drainage network and upgrade works of Nicklin Way.

Turtle Habitat

From the period from November 2005 – March 2015, a total of 79 nesting crawls were recorded for *Caretta caretta* (Loggerhead turtle) along the foreshore from Currimundi Lake, Wurtulla to Wyanda Drive, Bokarina. This is an average of eight crawls per year over approximately 3.5 kilometres of coastline. It has been reported that this could be expected to increase into the future as the impacts of climate change on the Great Barrier Reef results in

a southward shift in nesting distribution. This could have the impact of shifting the main nesting beaches out of the protected zone of Mon Repos to the more developed beaches such as those on the Sunshine Coast.

In the long term, the Sunshine Coast may subsequently experience an increase in turtle nesting along its beaches. The impact of lights and 'glow' of the Detailed Planning Area is an important assessment consideration to ensure future turtle populations are not deterred from the area now and into the future.

As part of their application to the Commonwealth government (Department of Environment) to determine whether the development of the Detailed Planning Area was a 'Controlled Action' under the *Environment Protection and Biodiversity Conservation Act 1999*, the Master Developer has committed to undertake an 'as built' audit of lighting visible from the foreshore and littoral zone before nesting and hatchling season and undertake corrective actions.

Whilst this type of audit would capture the photopic light, it will not capture or measure the shorter wavelength light that marine turtles have greater sensitivity to. It is therefore recommended that the Master Developer use 'Digital Horizon' imaging to determine changes in light from the development and its impact on nesting marine turtles. This technology measures light between 400nm and 700nm, as well as photopic light. This would enable a more accurate and thorough assessment of the lighting impacts of development on turtle nesting.

The 'as-built' light survey would need to be undertaken by the Master Developer on completion of the development Precincts 1 – 4. This survey would identify any corrective actions to be implemented by the Master Developer.

In addition to the as-built light survey, it is also recommended that a light survey be undertaken prior to any development occurring on site (a pre-construction light survey), so that baseline data can be established and the level of impact of future development can be clearly understood.

These recommended light surveys are considered important in understanding and managing the impacts of light glow from the detached dwelling development of the Detailed Planning Area.

In addition to undertaking the light surveys, the Master Developer has articulated within their referral documentation to the Commonwealth a number of mitigation measures to be adopted during the design, construction and operational phases of the project to mitigate impact on turtle nesting sites. These are as follows:

Design Phase

- Position beach access tracks to minimise direct illumination of the foreshore.
- Restrict external flood lighting on buildings to below 10 metres.
- Restrict the use of illuminated external signage on the eastern (seaward) side of buildings.
- Retain vegetation within setbacks from the foreshore.
- Minimise the total number of outdoor lights required.
- Use low level outdoor lighting fitted with directional light shades where possible (e.g. bollard lighting instead of street lights).
- Minimise the height of street lights and install directional light shades on street lights to direct lighting away from the beach within 100 metres of the western boundary of foreshore reserve.
- Use low intensity and long wavelength (550 – 700 nanometers – orange to red) lights where possible.

Construction Phase

- Construction works are to be restricted to daylight hours during the turtle nesting and hatching season (October to April).
- Restrict the use of flood lighting from October to April (turtle nesting and hatching season).
- For the construction of the north-south pedestrian/cycle link, delineation of a works area will need to be surveyed by an appropriately qualified and experienced fauna spotter/catcher for the presence of active turtle nests prior to any works within that area commencing.
- Where the works area cannot avoid the identified nest, all eggs within identified nests are to be relocated by the fauna spotter/catcher to a suitable habitat.

Operational Phase

- Maintain directional light shades on street lights within 100 metres of the western boundary of foreshore reserve. Replace faulty directional lighting shades where needed.
- Provide interpretive information informing visitors that the foreshore is an active nesting site for turtles and provide information on lighting impacts and mitigation measures (e.g. turning off lights when not in use and closing blinds/curtains after dark).

Conditions have been recommended which require the above actions to be undertaken at the relevant stage of development. Particularly in relation to the 'design' stage listed above, conditions have been recommended which require the proposed Urban Design Performance Criteria relating to lighting to be bolstered to provide more robust controls for external signage, lighting and building design. The recommended bolstered criteria are detailed below:

Specific Outcome	Probable Solution
<p>Lighting and signage adjacent to the dune area is designed to minimise disruption to adjacent turtle breeding grounds as follows:</p> <ul style="list-style-type: none"> a) External feature lighting is positioned below 10 metres in height; b) Smart lighting technology (including dimming control) is incorporated in levels above 10 metres in height, in order to allow Council the ability to reduce light emissions during critical turtle breeding periods; c) The use of illuminated external signage on the eastern (seaward) sides of buildings is restricted; d) Be accompanied by a substantial vertical shielding to reduce sky glow; e) Avoid the use of halogen, metal halide, or fluorescent lights, and use only white lights contained areas where colour rendition is required; f) The number and wattage of lights is minimised, and lights are recessed into structures wherever possible; g) The use of timers or motion activated light sensors is maximised; h) Low Pressure Sodium lighting is used as a first choice light source, and high pressure sodium lights where low pressure is not practical; and i) Reflective materials are used to delineate pathways, and embedded lighting is used wherever possible. 	<p>No probable solution prescribed.</p>

In particular, as the sites identified for eight storey development are anticipated to be on-sold from the Master Developer, the above controls are seen as fundamental in controlling potential lighting impacts from eight storey development.

It is noted that the eight storey development proposed centrally within the Detailed Planning Area will be located approximately 200 metres from the beach due to the expansive dunal system which measures approximately 130 metres in width. Surveys have also determined that only a small portion of the top floor of the eight storey buildings (Precinct 8 and 9) will be visible (refer to 'Building Heights' section of this report for further information). It is considered that the large dunal system does provide a considerable physical buffer between the foreshore and development sites, thereby reducing the level of impact of lighting on turtle nesting areas (also when designed in accordance with the criteria detailed above).

In addition to the above, conditions have also been recommended which require that beach access to be designed so that it is not a straight or direct route that would allow light created by and associated with the development to filter to the beach.

Flooding and Stormwater Conveyance

The proposed drainage and stormwater plan for the Detailed Planning Area is illustrated in **Figure 15**.



Figure 15: Proposed drainage and storm water plan

The site is subject to both backwater flooding from regional flooding of the Mooloolah – Currimundi system and from local flooding caused by the urban areas to the north and south draining onto the site. A Flood Investigation Report has been prepared by the Master Developer's consultants and modified in response to issues raised by Council.

The volume of stormwater was identified by Council in the initial assessment of the application to be critical for the proposed development. This is because large volumes of stormwater pond within the site and surrounding areas and drain relatively slowly under the Nicklin Way. The applicant was instructed to use the Duration Independent Storm (DIS) temporal pattern which has significantly more water than within standard Australian Rainfall and Runoff (ARR) temporal patterns. Further, a sensitivity analysis has been run with the 22 March 2012 flood event which for the Kawana area was in excess of a 1% Annual Exceedence Probability (AEP) flood event.

The biggest challenge with respect to the Detailed Planning Area in terms of flooding is how to convey stormwater from areas to the north and south of the site through the site while providing development with the required level of flood immunity. This has been achieved by upgrading the capacity of the pipes under the Nicklin Way and providing a channel and pipe network around the west and southern boundaries of the site.

No increase in flood levels has been achieved with the exception of Beach Drive near the intersection with the Nicklin Way. Calibre Consulting report that this increase is acceptable because the westbound lanes remain trafficable. This however ignores that there is a centre median in Beach Drive and traffic lights at the Nicklin Way. In order to drive east down the west bound lanes would be a substantial departure from the road rules and vehicles would not be able to return to the correct side of the road until after the roundabout. This situation is not supported and conditions are recommended requiring the following:

- a) For the 1% Annual Exceedence Probability (AEP) event undertake works such that there is no increase in flood levels in the highest eastbound lane of Beach Drive between the Nicklin Way and the proposed roundabout OR
- b) For the 1% Annual Exceedence Probability (AEP) event undertake works such that the highest eastbound lane of Beach Drive is trafficable in accordance with the Queensland Urban Drainage Manual (QUDM).

Stormwater Quantity and Lawful Point of Discharge

The site discharges through pipes under the Nicklin Way to Lake Kawana which is the lawful point of discharge for the development. There is no overland flowpath over the Nicklin Way except in extreme events.

Entrance Lake

The design criteria for the Entrance Lake are considered generally acceptable. The proposed maximum depth is approximately 4.65 metres under normal conditions which is greater than best practice guidelines which specify a 3 metre maximum depth to manage stratification. The existing Lake Kawana is deeper but has a long fetch to break up stratification. Given the small size of the lake and limited potential for active mixing, a maximum depth of 3.65 metres is recommended.

To achieve appropriate 'turnover' of the water in the Entrance Lake, a circulation pumping system is proposed. A submersible pump will be installed in a 'below-ground' pump well near the lake edge, discharging the pumped flow to the northern end of Tokara Canal via the existing underground stormwater drainage system in Baroona Street. A control system is proposed to ensure that the pump will cease operation during periods of rainfall, to avoid adverse impacts on the capacity of the pipe drainage system along Baroona Street. These proposals are consistent with the previously planned overall circulation strategy for Lake Kawana.

The Entrance Lake and the proposed new culverts under Nicklin Way which connect the Entrance Lake to Lake Kawana are an integral part of the flooding and drainage 'solution' for the development, and the applicant's consultant has confirmed that these need to be delivered with the first stage of development. A condition to this effect has been recommended.

For the Entrance Lake, the proposed details in the submitted Detailed Planning Area Plan show a concrete revetment wall around about 50% of the perimeter of the lake and a boulder wall around the remainder of the perimeter. The proposed 3 metre wide 'walkable waterfront' pathway is shown adjoining the concrete revetment wall, but where a boulder wall is shown the pathway is proposed to be separated from the boulder wall by a landscaping strip.

Council's Infrastructure Services Department has advised that concrete revetment walls are the preferred option because their experience with existing boulder walls is that ongoing maintenance is 'very costly'. A condition requiring concrete revetment walls has therefore been recommended.

Stormwater Quality/Water Sensitive Urban Design

The applicant is proposing to use a mixture of at source and end of line bioretention devices to achieve the required best practice load based targets. Council's Request for Further Particulars challenged the applicant to maximise the use of end of line devices, which have been maximised where possible. The remaining at source devices are considered to be relatively well integrated into the development. The stormwater quality treatment strategy is outlined in the Concept Stormwater Quality Management Plan prepared by Calibre Consulting (summarized in **Figure 15**).

The determination of the required catchment area to maintain the existing wetland is considered to be flawed. The assessment does not take into account the reduced size of the wetland reducing the catchment area required and the differences in response time and quality of stormwater from the urban catchment. The urban catchment would result in inflows into the wetland much more frequent than for the undeveloped catchment due to the increase in impervious area. The water balance undertaken does not take into consideration this factor which is considered critical. This combined with the treated urban catchment having much more pollutants and different chemistry to the natural catchment is the basis for the catchment to the wetland needing to exclude urban runoff.

The dune catchment area draining to the wetland is proposed to be reduced in size. This is not supported and it is recommended that flows from the southern portion of the dunes be diverted around the surf club to the wetland. This will maintain enough inflow into the wetland and be a natural catchment.

Further work is required to determine the outlet configuration to maintain a healthy wetland. Factors which need to be considered are the changed catchment area, the required extended detention depth, and the extended detention time. A report to determine this is recommended to be prepared and submitted with the operational works application.

The lake is not considered as part of the stormwater quality treatment system. It forms part of the broader Lake Kawana system and its quality will be managed through a proposed pumping system to maintain an acceptable lake turnover time.

Erosion and Sediment Control

There are no major impediments to the implementation of best practice erosion and sediment control on this site. Erosion and sediment control can be conditioned as part of subsequent operational works development applications.

Tourist Node Development Criteria

The Tourist Node is identified as Precincts 5 to 8 of the Detailed Planning Area. The primary intent of the Tourist Node is to provide for a range of tourist accommodation and supporting retail and commercial land uses such as restaurants, shops, coffee shops and entertainment facilities. The following key components of the Tourist Node development criteria include:

- Tourism Accommodation:- With respect to the tourism accommodation, the Detailed Planning Area Plan does permit Motels however it does not prescribe it as an outcome. It is considered that the majority of tourism accommodation on the Sunshine Coast in essence takes the form of Multiple Dwellings such as that in Kings Beach, Mooloolaba and Bulcock Beach. It is considered important however, that Multiple Dwellings/Accommodation Buildings are designed to facilitate and encourage short term accommodation. In this regard all development within these precincts will

be required to provide foyers at ground level including receptions areas, short term parking and set down areas adjacent to the reception areas (porte-cochere) and utility rooms for housekeeping/laundry etc.

The current drafting of the Detailed Planning Area Plan however only nominates these facilities as a probable solution and not a specific outcome. Given one of the primary intents of the Detailed Planning Area is for tourism accommodation, it has been recommended that these facilities that will encourage tourism be mandated as an outcome. Appropriate conditions have been recommended.

- Primary Active Frontages:- **Figure 16** indicates that Precincts 5 to 8 contain a primary active frontage at ground level. Ground level uses on a primary active frontage are restricted to those that foster activity and social interaction such as restaurants, cafes including indoor/ outdoor dining, and shops.

Along these frontages, building openings and windows should be maximized to avoid large areas of blank walls. The Detailed Planning Area Plan at present only prescribes that a minimum of fifty per cent (50%) contain openings along this frontage. It is recommended that this criterion be increased to a minimum of eighty percent (80%).

The Tourist Node also contains two nominated at grade pedestrian connections enabling permeability through this area for residents to the south. The provisions contained within the Detailed Planning Area Plan also require that a minimum of 30 metres of these pedestrian connections be activated.

No driveways are permitted along the Primary Active Frontage, with all precincts within the Tourist Node being access from the Residential Access Street to the south.



Figure 16: Active Frontage Locations

- Awnings:- Continuous cantilevered awnings having a width of four metres (4m) extending from the podium are required to be provided along the entire length of the Primary and Secondary Active Frontages (as indicated in **Figure 17**). This width of awning is generally consistent with that along the Mooloolaba Esplanade. The proposed awnings are to have a minimum height of 3.5 metres to a maximum height

of 4.5 metres to the outer edge. The variation in height allows for greater articulation and defining entry points to buildings.

- Residential interface:- In order to minimise the impact of the proposed eight storey towers on the low density residential development to the south (particularly overshadowing), controls stipulated within the Detailed Planning Area Plan require that development transition downs to a maximum height of three storeys. The three storey development will comprise residential development adjacent to the southern frontage. Pursuant to the development controls, the maximum height of a building cannot exceed three storeys within 30 metres of the southern boundary of Precincts 6 and 7 (refer to **Figure 18**).
- Site Cover, Building Setbacks and Massing:- The Detailed Planning Area Plan for the Tourist Node Precincts 5 - 8 specifies the building setbacks, site cover and massing controls for each of the precincts (refer to **Figure 17**). These controls address the ground level, podium elements as well as the towers for each site. It should be noted that for these precincts, the site cover of the tower element has been restricted (30% to 40%) in order to avoid a continuous massing of buildings in this node.

Furthermore, provisions have also been incorporated into the Detailed Planning Area Plan to ensure that in the event that precincts are either wholly or partially amalgamated that the setback provisions and building massing provision still apply as per the original precinct. This will control the separation between towers, building mass and scale in order to avoid a “walled” effect of buildings.

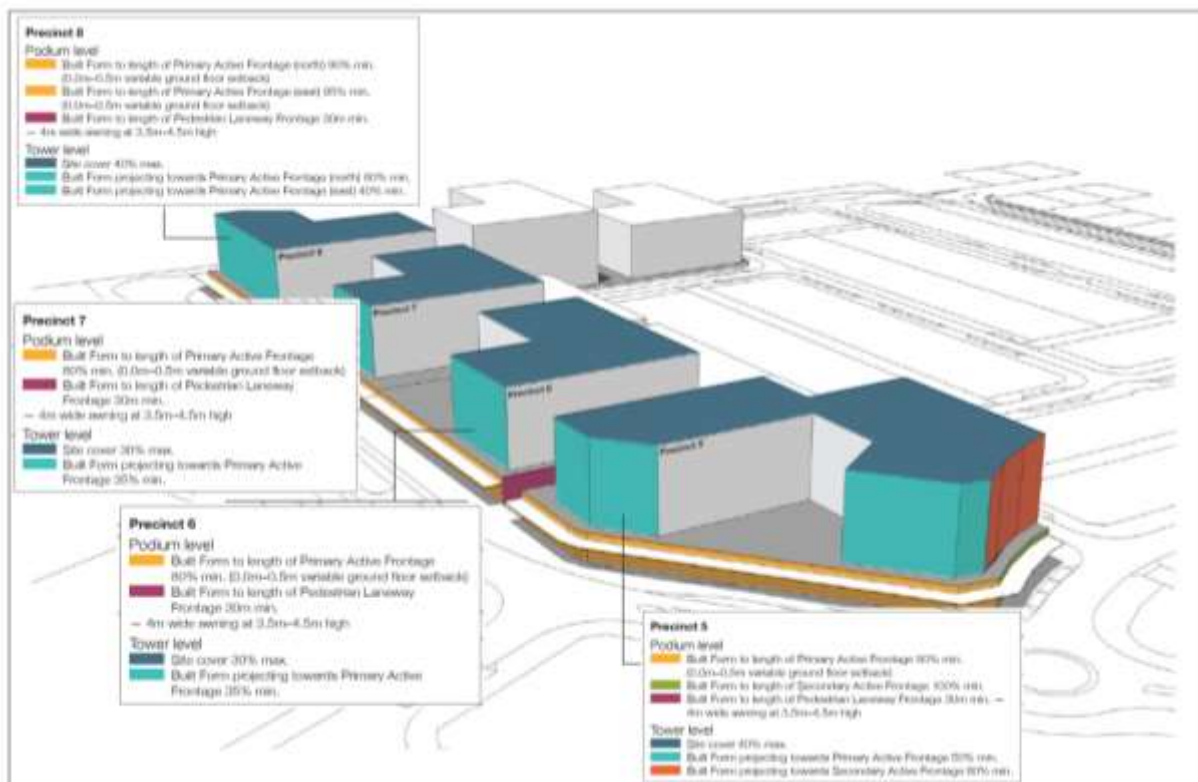


Figure 17: Proposed frontage, site cover and massing controls (refer to Map 13A of Attachment 1 for larger image)

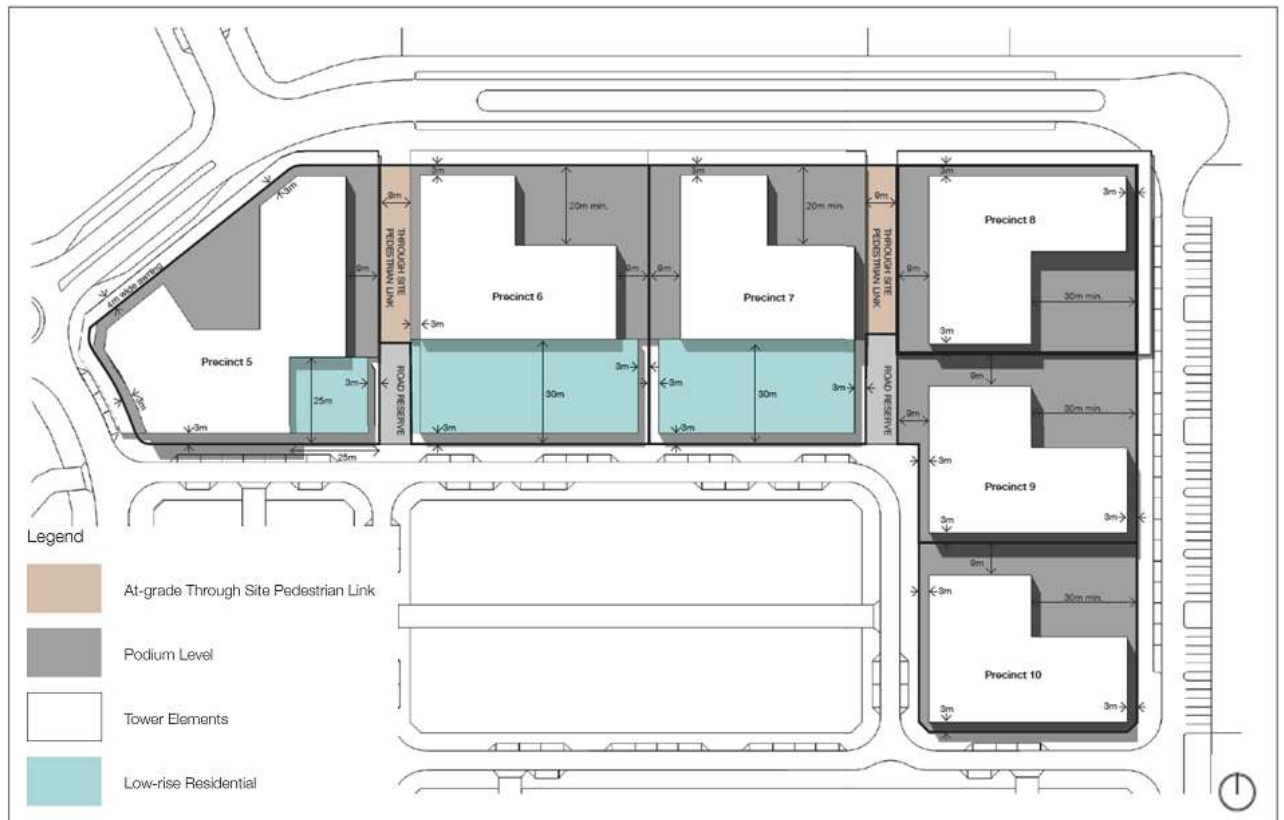


Figure 18: Tourist Node Building Setbacks (refer to Map 13D of Attachment 1 for larger image)

Land Use Area Residential B – Precincts 9 to 12

Precincts 9 and 10 are included as part of the wider Tourist Node, but are included in Land Use Area 3 – Residential B. These sites are not proposed to be mixed use developments, but are proposed to be developed for either short or long term residential uses (including Accommodation Building, Motel or a Multiple Dwelling). Setbacks for Precincts 9 and 10 are summarised in **Figure 18** which are similar to those of the broader Tourist Node.

Precinct 11 is located at the entry to the Detailed Planning Area and can also be developed with Residential B land uses, being either short or long term residential uses. Precinct 11 has however been identified by the Master Developer as a preferred site for short term accommodation. Under the Detailed Planning Area Plan, the precinct is proposed to be developed with a minimum allocation of 80 dwelling units for short term accommodation unless provided elsewhere within the Detailed Planning Area. Under the 'Building Heights' section of the report, the building height for Precinct 11 is recommended to be four storeys (as opposed to six storeys) to ensure compliance with Development Control Plan 1, and to be commensurate to the surrounding low density residential development.

With respect to Precinct 12, under the current proposal this precinct is proposed to be developed for either short or long term residential purposes with a maximum dwelling yield of 39 units. Under the 'Precinct 12' section of this report, it is recommended that Precinct 12 be removed from the development proposal.

Timing for the delivery of Community Infrastructure

As discussed earlier in this report, pursuant to the provisions of the Kawana Waters Development Agreement and Community Development Strategy the Surf Life Saving Club Facility land, Community Centre site and Public Access Domain Mall are all to be provided to the Council, or the State in the case of the Surf Club, at the time of registration of the first lot within the relevant precinct.

Given the likelihood that the low density residential product will be developed first, it is appropriate that the timing of the beach access and village park be linked to the development of a percentage of detached lots rather, than the development of a precinct within the Tourist Node which is likely to be developed considerably later.

It is therefore, recommended that community infrastructure components be delivered as follows:

- Beach access, village park, surf life saving club land, community facility site, public access domain mall be provided at the timing of the registration of the 200th lot within Site Development Plan Precincts 1 to 4;
- Lifeguard facilities be provided within 6 months of the completion of the beach access, unless agreed otherwise with by Council; and
- The north-south pedestrian/cycle link be provided at the time of the registration of the last residential lot within Site Development Plan Precincts 1-4.

Appropriate conditions have been recommended.

Population threshold

Map 4 of Development Control Plan 1 sets out the maximum population threshold for the Detailed Planning Area - being 3650 people.

Based on the proposed 291 residential allotments and 829 attached units, and using an average household size of 2.4 persons per household, the predicted population for the Detailed Planning Area is approximately 2688 people. This is well below the maximum population threshold as set out by Development Control Plan 1.

It is noted that an average household size of 2.4 persons has been applied for both detached dwellings and attached units, where a rate of 1.8 persons would normally be applied for attached units. Even when applying a greater rate towards attached units, the population threshold is not exceeded. It is also considered that the gap between the predicted population of 2688 people and the population threshold of 3650 people does provide spare capacity to accommodate a potential influx of tourists to the Detailed Planning Area during peak seasons.

Building Heights

Pursuant to the provisions contained in Section 4.10.2(c) of Development Control Plan 1, higher densities of development will occur to the center of the Detailed Planning Area, particularly around the focal tourist node. Development in the center of the Detailed Planning Area can have a maximum height of 8 storeys (24 metres)(refer to **Figure 19**).

In this instance, 8 storeys is proposed for Precincts 5 to 9 of the Detailed Planning Area which is consistent with the provisions of Development Control Plan 1.



Figure 19: Proposed building heights

It is considered that due to the width of the dunal system (approximately 130 metres wide) and the proposed setback of 200 metres of the proposed eight storey towers to the beach, the potential overshadowing on the beach will be minimal in the late afternoon.

Local residents have also raised concerns about the eight storey towers being visible from the beach. The applicant has provided a number of cross sections showing the impact of the proposed development on sightlines from the foreshore. These cross sections are provided in **Attachment 3**. These cross sections indicate that from the foreshore only a small portion of the top floor of the eight storey buildings (Precinct 8 and 9) will be visible.

It is noted that the cross sections provided in Attachment 3 vary from those submitted with the response to council's request for further particulars. The applicant has provided the following justification for the difference in the cross sections which were contained in the application pursuant to the *Environment Protection and Biodiversity Conservation Act* wherein it was stated that the top four floors of the tallest building (i.e. eight storeys) may be visible from some sections of the foreshore:

- Finished ground levels – As annotated on the revised sections, the Precinct 8, 9 and 10 finished ground levels have been reduced on the back of current earthworks modelling, as outlined in the reports submitted to Council in support of the currently proposed Detailed Planning Area Plan; and
- Building height recognition (Precincts 8 and 9) – As referenced on revised Sections A and B of Attachment 3, the updated visual impact profiles recognise that each eight storey building will not exceed 25 metres, when interpreting 8 storeys to be in accordance with the currently proposed Detailed Planning Area Plan development controls; and
- Building height recognition (Precinct 10) - As referenced on revised Section C of Attachment 3, the updated visual impact profile recognises that a six storey building will not exceed 19 metres, when interpreting six storeys to be in accordance with the currently proposed Detailed Planning Area Plan development controls; and
- As annotated on each of the provided sections, the existing dune vegetation height has now been interpreted as being a conservative average height of 5 metres tall, above the surveyed existing surface profile.

The impact of this development however, in terms of the distant views will not be dissimilar to that of Point Cartwright or Currimundi Lake. It must also be noted that from a commercial perspective, the viability and success of Bokarina Beach becoming a focal tourist node will also to a certain degree be dependent on the tourist accommodation offering coastal and ocean vistas such as that of Bulcock Beach, Kings Beach, Cotton Tree, Golden Beach, Mooloolaba and Marcoola.

As previously mentioned, the primary intent of proposed Precinct 11 (refer to **Figure 4**) is for a motel or similar form of short term accommodation. The proposed dwelling yield for this site is approximately 80 dwelling units. It is considered however that the proposed height of 6 storeys does not necessarily comply with the provisions contained within Development Control Plan 1, in that the higher densities of development are encouraged towards the center of the site. There is also a concern over the potential loss of amenity for residents immediately adjacent to the south. As such it is considered that Precinct 11 should have a maximum height of 4 storeys. This height is also consistent with the height of the "Edge" development immediately to the west.

Concerns have also been expressed by local residents pertaining to the proposal being inconsistent with Development Control Plan 1 in that the outer edges of the Detailed Planning Area are not compatible with the existing low density residential development to the north and south. It has been recommended that a two storey height maximum be required for all lots adjacent to Beach Drive and Wurley Drive in order to provide a more compatible development between existing and new residential areas. The Master Developer has also positioned their larger lot product to the northern and southern edges of the Detailed Planning Area in order provide greater integration between the development and existing residential areas.

Precinct 12

Precinct 12 (refer to **Figure 4**) is proposed to be developed for medium density residential development, being either a Multiple Dwelling, Accommodation Building or Motel. It has an assigned residential yield of 39 dwelling units and a four storey height limit. A number of concerns have been raised by council officers with respect to Precinct 12 and the impact of development in this location concerning:-

- Encroachment of sight lines from Nicklin Way through to the village park and dunal system beyond;
- Will present as an obtrusive development due to the difference from the lake level and the proposed building pad (approximately a two metre height difference); and
- The interface with the open space and low rise residential development to the north. It would be extremely difficult to design a building that will address both the residential development to the north and the open space/ entrance to Bokarina Beach to the south.

Furthermore it is considered that additional open space is justified in this locality due to:

- The linear park adjacent to the Nicklin Way, Beach and Wurley Drive frontages is being used for stormwater conveyance during major rainfall events. This area constitutes approximately one hectare of open space;
- The loss of useable open space in Village Park East due to the requirement to extend the area of the wetland to be retained to include part of the optimum foraging area for the acid frogs.

It is therefore recommended that the Detailed Planning Area Plan be amended to delete Precinct 12. It is noted that pursuant to the provisions contained in Table 1 of the Detailed Planning Area Plan, the proposed yield can be transferred to Precincts 5 -11 therefore resulting in no loss of development yield within the Detailed Planning Area.

Village Park & Public Access Domain Mall



Figure 20: Village Park (East)

The Detailed Planning Area involves the development of a Village Park comprised in two parts – Village Park (East) and Village Park (West).

Village Park (East) is centrally located and provides a key focal point for the Detailed Planning Area and surrounding areas. In accordance with the requirements of Development Control Plan 1, the minimum embellishments for the Village Park are as follows:

- 2 hectares of useable park area
- Public toilets
- Playground equipment
- Pathways
- Garden/Tree planting areas
- Shelter shed/Pavilion
- Flexible play areas and seating areas. Informal play areas are to be a minimum 1,200m² in area, which have the ability to be used as more formalised meeting/seating areas when required.

Conditions are recommended which require the above minimum embellishments to be provided. Preliminary concepts have been prepared for the Village Park (East)(refer to **Figure 20**), however further design detail will be provided at the Operational Works stage. It is noted that Village Park (East) includes the area of wetland to be retained and the associated wetland buffer. Under the 'Wetland' section of this report, the area of wetland to be retained and the buffer width are recommended to be increased. This may result in some loss to the two hectares of useable open space as required by Development Control Plan 1. Considering the competing environmental and recreational values for the site, it is considered that a minor shortfall in the two hectares of useable open space requirement would be acceptable in this circumstance and will be offset by additional park at Precinct 12.

Providing an extension to the Village Park (East), the Master Developer is required to provide a Public Access Domain Mall in accordance with the Kawana Waters Community Development Strategy. The intent of the Public Access Domain Mall is to provide a focal point for the Detailed Planning Area in conjunction with the surrounding commercial, boutique retail and community uses. A preliminary concept has been provided for the Mall which is proposed to be a hardstand area with seating and landscaping, which could potentially function as an area for markets and events in the future. Further design detail will be provided at the Operational Works stage.

Village Park (West) provides the key entry into the Detailed Planning Area and is primarily comprised of Entrance Lake and passive recreation areas (refer to **Figure 21**). Village Park (West) also provides the entry/exit point to the Nicklin Way pedestrian and cycle underpass. Further design detail for Village Park (West) will occur at the Operational Works stage.



Figure 21: Village Park (West)

Acoustic Controls

A Noise Impact Assessment for the Detailed Planning Area was prepared by Ask, dated 20 November 2015 and submitted as supporting information with the Detailed Planning Area Plan. The Detailed Planning Area is located along a Nicklin Way, which is identified as a State-controlled Noise Corridor. Appropriate acoustic treatments are therefore required in order to protect the amenity of residents.

The Noise Impact Assessment makes the following recommendations:

- That a 2.2 metre or 2.3 metre noise barrier be constructed along the residential allotments adjacent to Nicklin Way (refer to **Figure 22**);
- A 1.8 metre high noise barrier be constructed at the western ends of Beach Drive and Wurley Drive, and
- A 2.0 metre noise barrier be constructed between Precinct 11 and adjacent residential allotments.

Landscape buffering is proposed to be incorporated into the Linear Park along Nicklin Way, Beach Drive and Wurley Drive in order to screen and soften the visual impact of the noise barriers. Appropriate conditions regarding noise barriers and landscape buffering are recommended, and will also be attached to the subsequent Design Plan approval.

It is also noted that developments within Land Use Area 2 and Land Use Area 3 will be required to undertake individual acoustic assessments at the subsequent Site Development Plan stage in order to ensure an appropriate level of acoustic amenity is achieved for these developments.



Figure 22: Location of Noise Barriers

As Nicklin Way is a State controlled road, the noise assessment and acoustic report is required to be approved by the Department of Transport and Main Roads. At the time of writing this report, no advice has been received by the State. As the Site Development Plan is required to identify noise affected lots, a condition has been recommended requiring that formal approval of the acoustic report from the Department of Transport and Main Roads is required prior to the approval of any Site Development Plan.

Water Supply and Sewerage Reticulation

The application has been supported by concept plans and associated network analyses showing proposed servicing of the Detailed Planning Area with reticulated water and sewerage. Unitywater has assessed the proposal and advised of its required conditions of approval.

It is noted that an existing sewer pump station is located along the Nicklin Way frontage of the Detailed Planning Area. Conditions have been recommended by Unitywater which require the following upgrades to the sewer pump station infrastructure:

- Creation of a lot to accommodate the sewer pump station infrastructure, measuring approximately 500m²
- Provision of an on-site driveway and turnaround area
- Provision of bollards at the driveway entry to restrict public access, and
- Provision of a deceleration lane and parking bay along Nicklin Way to provide staff safe access to the sewer pump station.

Located adjacent to Village Park (West), the sewer pump station is located at the key entry into the Detailed Planning Area and has the potential to impact on the entry statement and view lines into the site. This infrastructure has not been proposed or recommended to be relocated away from Nicklin Way due to the cost and complexities of relocating a pump station on the main trunk sewer. Council officers will work alongside Unitywater to endeavour to minimize any visualize impacts from Nicklin Way.

Power and Telecommunications Infrastructure

The submitted Detailed Planning Area Plan includes Development Criteria which requires that all lots be serviced by underground power and telecommunications infrastructure. This will be reinforced by conditions on the design plan approval.

A condition of the Design Plan approval will also require the Master Developer to install all necessary conduits to ensure that the residential areas are NBN-ready.

Acid Sulfate Soils

The Detailed Planning Area Plan includes Development Criteria which requires that prior to any bulk earthworks or civil works to construct development infrastructure, detailed assessment of acid sulfate soils is required in accordance with the provisions of the State Planning Policy. A Detailed Acid Sulfate Soil Management Plan will be submitted as part of a Development Permit for Operational Works.

Site Development Plan

The proposed Site Development Plan only relates to Land Use Area 1(Residential A) being Precincts 1 - 4 of the Detailed Planning Area. Development within this Land Use Area will primarily be for a range of detached and terrace housing.

The permitted residential yield for Precincts 1 – 4 as prescribed in the Detailed Planning Area Plan is 291 detached dwelling units. The mix of lot types for Precincts 1-4 is shown in **Table 8** below.

Table 8: Proposed Lot Mix as contained within proposed Site Development Plan

Lot Type	No. Lots
Terrace Lots	90
Semi-detached Terrace Lots	34
Detached lots less than 300m ² (frontage greater than 8.5m)	53
Detached lots greater than 300m ² (8.5m-12.5m frontage)	3
Detached lots 300m ² and larger (frontage greater than 12.5m)	111
	Total Lots = 291 Lots

A total of 43% of the total lot product is proposed to be terrace housing, as demonstrated in **Figure 23** below. In addition:

- Total lots under 300m² (including terrace lots) = 61% of total proposed lots
- Total lots over 300m² = 39% of total proposed lots



Figure 23: Proposed terrace lot product

The mix of lot sizes and frontages provided throughout the Detailed Planning Area must be designed to ensure that the road network can readily accommodate all necessary infrastructure and landscaping without impacting on the functionality of the vehicle and pedestrian network. The mix of lot sizes/frontages will therefore need to be designed to achieve integrated outcomes for on street car parking, driveways, stormwater treatment devices, street lighting, landscaping and cater for pedestrian/cycle paths on nominated routes. All of this information must be overlaid in order to demonstrate that all the infrastructure can be accommodated within the nominated road reserves. An example of this is shown in **Figure 24**.



Figure 24: Consolidated infrastructure plan (refer to Maps 7A – 7I of Attachment B for larger images)

Given the narrow frontages of the proposed lots, competing infrastructure within the streets (water, sewer, electrical, telecommunications, piped stormwater, stormwater quality improvement devices, on-street parking and street trees) often conflict with driveway locations. In order to avoid conflicts, the following will be conditioned at the Design Plan stage so that the Master Developer will be required to construct the kerb crossovers for:

- lots that have a mandatory built to boundary wall
- all front-loaded Terrace lots and
- lots where the driveway location is constrained due to infrastructure.

The driveway must be constructed from the kerb to the property boundary where sewer access chambers are located in proposed driveways. Relevant conditions will be imposed at the Design Plan stage.

At present Council officers are only seeking delegation for the Site Development Plan and not approval for the following reasons:-

- Officers are still working through a number of design issues with respect to the detailed design outcomes, including urban design criteria;
- Further details are required from the applicant demonstrating that the Department of Transport and Main Roads requirements pertaining to the new Nicklin Way intersection works can be accommodated without impacting on the current development footprint;
- The proposed beach access point is required to be approved by the Department of Environment and Heritage Protection to ensure that the proposed access can be co-located with the nominated Surf Life Saving Club site; and

- The Site Development Plan cannot be approved until such time that the Minister for the Department of Natural Resources and Mines has approved the Detailed Planning Area Plan.

Headworks

Headworks for sewer and water supply will be triggered with the subsequent application for a Design Plan. Unitywater is the responsible entity to issue the Notice of Financial Contribution.

Legal

Council does have a legal obligation pursuant to the Development Agreement to make a determination with respect to the Master Plan applications within the specified timeframes.

Legal advice has been sought in regards to potentially reducing the permitted building height from eight storeys to four storeys. Pursuant to Development Control Plan 1 - Kawana Waters, the height limit proposed for Bokarina Beach can be up to eight storeys in height towards to the centre of the site. It is considered that the proposal is consistent with the height provisions as contained within Development Control Plan 1. As such, any reduction in height would constitute a change in development entitlements. In accordance with section 18 of the Kawana Waters Development Agreement, if Council seeks to amend the Caloundra City Planning Scheme 1996, which is inclusive of Development Control Plan 1, Council must pay to the Master Developer compensation. Compensation in this instance may be both the injurious affection arising from the amendment to the Caloundra City Planning Scheme 1996, but also compensation pertaining to fulfilled development obligations such as community facilities land, sewerage works (internal and external), sewerage headworks contributions, odour control works and roadworks.

Policy

There are no policy implications arising from this report.

Risk

Council is required to assess and make a recommendation in regards to the Detailed Planning Area Plan in accordance with the contractual requirements of the Kawana Waters Development Agreement.

Previous Council Resolution

There are three former council resolutions relevant to this report.

Council Resolution OM15/166 - Ordinary Meeting 17 September 2015:

That Council resolve the petition tabled by Councillor P Cox in relation to request to prevent planned vehicle access to Oceanic and Wurley Drive, Wurtulla from Bokarina Beach Development, be received and referred to the Chief Executive Officer to determine appropriate action.

Council Resolution (SM14/34) – Special Meeting 24 November 2014

On 24 November 2014, Council noted confidential discussions which were had in regards to the Detailed Planning Area:

That Council:

- (a) note the discussions and delegate to the Chief Executive Officer to proceed as discussed in confidential session*
- (b) delegate to the Chief Executive Officer to propose to make, prepare and progress the statutory process required under the Sustainable Planning Act 2009 for the making of a Temporary Local Planning Instrument as discussed in confidential session.*

Council Resolution SM10/90 – Special Meeting 7 December 2010

At the Special Meeting of the 7 December 2010, Council resolved that further consideration be provided to the Bokarina Beach proposal:

That Council:

- (a) delegate authority to the Chief Executive Officer to modify the policy position of Council resolved at the Special Meeting of 6 May 2009 in respect of the endorsed Kawana Position Paper and to negotiate, implement and finalise (including execution) changes to the Kawana Waters Development Agreement and other Kawana Waters Development Documents;*
- (b) delegate authority to the Chief Executive Officer to prepare and progress proposed planning scheme amendments in accordance with the Sustainable Planning Act 2009;*
- (c) delegate authority to the Chief Executive Officer to give public notice of the proposed planning scheme amendments in accordance with the Sustainable Planning Act 2009, if the Chief Executive Officer is satisfied that the Minister's conditions do not significantly change the policy position contained in the proposed planning scheme amendments;*
- (d) delegate authority to the Chief Executive Officer to negotiate, implement and finalise (including execution) any infrastructure agreement or other legal document in respect of the ongoing future management and maintenance of roads within the Kawana Town Centre, where resolution of access, social equity, maintenance and other public interest matters can be achieved to the satisfaction of the Chief Executive Officer;*
- (e) delegate authority to the Chief Executive Officer to determine an application for a master plan or an amendment of a master plan application in accordance with the Kawana Waters Development Documents;*
- (f) delegate authority to the Chief Executive Officer to take all necessary action including action under the Sustainable Planning Act 2009 to progress the development of the educational establishment activities associated with a TAFE; and*
- (g) note that further detailed consideration of the Bokarina Beach Master Plan (detailed planning area plan) will be considered at a future meeting specifically addressing issues such as*
 - (i) the environmental values and management options for the Bokarina Wetland and the wetlands future;*
 - (ii) the proportion of tourism accommodation in the medium density precincts; and*
 - (iii) the overall urban design and architectural standards for the public realm and built form components.*

Related Documentation

- Development Lease No. 2
- Development Control Plan No. 1 and the Caloundra City Planning Scheme 1996
- The Kawana Waters Development Agreement
- The Transport Infrastructure Agreement
- The Hospital Infrastructure Agreement
- The Community Development Strategy

Critical Dates

The Master Developer has indicated that they will be out of residential land stock by late 2016. The approval of this application is critical to ensure the continued economic growth and investment within the Kawana area.

Implementation

Council is required to issue both the Master Developer and the Minister for the Department of Natural and Mines a Notice of Determination within ten (10) working days of Council making its determination.

Once the Minister for the Department of Natural Resources and Mines has approved the higher order Master Plan (Detailed Planning Area Plan), an application for a Site Development Plan will need to be approved by council (under delegated authority).

In addition, the Master Developer will need to lodge a Design Plan application pursuant to the *Land Act 1994* in order to subdivide the leasehold land. Subsequent to this, a Development Permit for Operational Works will also be required to carry out bulk earthworks to subdivide the land.

8.2.2 EXTENSION OF THE TIMEFRAME TO PREPARE A LOCAL GOVERNMENT INFRASTRUCTURE PLAN (LGIP)

File No:	Statutory Meeting 25 February 2016
Author:	Manager Transport and Infrastructure Policy Regional Strategy & Planning Department
Appendices:	App A - Sunshine Coast Council Local Government Infrastructure Plan Project Schedule 177
Attachments:	Att 1 - Advice to local governments (Applying for an extension to the timeframe to prepare a local government infrastructure plan (LGIP)) 179

PURPOSE

The purpose of this report is to seek Council's approval to make application for an extension of the timeframe to prepare a Local Government Infrastructure Plan, as required by State Government legislation.

EXECUTIVE SUMMARY

Under current legislation all councils are required to have adopted a complying Local Government Infrastructure Plan prior to the 1 July 2016. The State has recognised that this deadline is not going to be achieved by many councils due to the complex requirements in developing a complying Local Government Infrastructure Plan. The *Sustainable Planning Act, 2009*, has been amended to give councils the opportunity to request an extension to the 1 July 2016 deadline.

The process for the request for extension is for Council to formally approve the submission of an application for an extension and also to formally approve the project plan accompanying that application. This report addresses those two requirements.

It is recommended that the making of an application for an extension of the timeframe to prepare a Local Government Infrastructure Plan be undertaken with Council approval.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Extension of the Timeframe to Prepare a Local Government Infrastructure Plan (LGIP)"**
- (b) approve the making of an application to the State for an extension of the timeframe to prepare a Local Government Infrastructure Plan until 1 July 2018, and**
- (c) approve the "Sunshine Coast Council Local Government Infrastructure Plan Project Schedule" as provided in Appendix A.**

FINANCE AND RESOURCING

There are no Financing and Resourcing issues associated with this report as it is purely an administrative requirement.

CORPORATE PLAN

Corporate Plan Goal:	<i>A strong community</i>
Outcome:	2.4 - People and places are connected
Operational Activity:	2.4.2.1 - Facilitate the delivery of efficient transport systems and connections through multi modal network planning and studies, and planning partnerships with the Department of Transport and Main Roads
Corporate Plan Goal:	<i>Service excellence</i>
Outcome:	4.2 - Services and assets are efficient, appropriately maintained and managed to meet the needs of a growing community
Operational Activity:	4.2.2 - Manage the infrastructure network planning and charges to optimise funding for future growth assets

CONSULTATION

Internal Consultation

There has been no internal consultation.

External Consultation

There has been no external consultation.

Community Engagement

There has been no community consultation.

The need for extensive consultation will arise as the Local Government Infrastructure Plan is developed and goes through its public consultation process.

PROPOSAL

Background

At the March 2015 Ordinary Meeting, the following was reported to Council.

In May 2014, Sunshine Coast Council adopted its first Planning Scheme, which included the Priority Infrastructure Plan as Part 4 of that Scheme. As the State driven process of Infrastructure Planning and Charges Reform reached its conclusion with legislation changes in June 2014, Council's Priority Infrastructure Plan became a Local Government Infrastructure Plan. However, a 24 month sunset clause applied to this document, with a new Local Government Infrastructure Plan, required to be fully developed and adopted by 1 July 2016 that complies with the State's Statutory Guidelines.

(Council Officers are well advanced in preparing a new draft Local Government Infrastructure Plan for future consideration by Council prior to submitting same to the Planning Minister).

The State Government, in reviewing the Sustainable Planning Act 2009 (SPA) has amended the timeframe by which local governments need to comply, extending that timeframe from 'before 1 July 2016' to 'before 1 July 2018'. Further to this, the Act limits this extension to only those local governments that have received the approval of the Planning Minister to an application for an extension of their Local Government Infrastructure Plan preparation timeframe.

The document setting out the requirements for making an extension application is provided as **Attachment 1 – Advice to local governments [Applying for an extension of the timeframe to prepare a local government infrastructure plan (LGIP)]** dated January 2016, including the cover letter from the Deputy Premier, dated 8 January 2016.

In satisfying State Government Guidelines, Council is also required to provide, with the extension application, a project plan that demonstrates how the local government will finalise the Local Government Infrastructure Plan within the extended timeframe. Accordingly, a project plan is provided as **Appendix A – Sunshine Coast Council Local Government Infrastructure Plan Project Schedule**. The major milestones in the project plan requiring attention are:

1. Appointed Reviewer's approval of draft Local Government Infrastructure Plan.
2. Report to Council's July 2016 Ordinary Meeting seeking approval to submit the draft Local Government Infrastructure Plan to the Planning Minister.
3. Submit the proposed Local Government Infrastructure Plan to the Planning Minister, July 2016.
4. Ministerial Review, July/August 2016.
5. Report to Council's September 2016 Ordinary Meeting, with a Local Government Infrastructure Plan satisfying the Planning Minister and seeking Council approval to go to public consultation.
6. Public Consultation, October, November 2016 and prepare a Report to Council based on submissions received.
7. Report to Council's January 2017 Ordinary Meeting, on the proposed Local Government Infrastructure Plan following public consultation, seeking approval to submit a final Local Government Infrastructure Plan to the Planning Minister.
8. Ministerial Review, February/March 2017.
9. Report to Council's March/April 2017, Ordinary Meeting, advising of Ministerial requirements and seeking approval of the Local Government Infrastructure Plan for adoption and inclusion in the Sunshine Coast Council Planning Scheme.

The application to the Planning Minister is required to include details of future budget forecasts and staff resources required for the development of the Local Government Infrastructure Plan, which will be duly provided.

Legal

There is a legal imperative for Council to comply with State Government requirements if it wishes to adopt a conforming Local Government Infrastructure Plan, enabling a continuing ability to collect Infrastructure Charges and to retain certain conditioning powers on development approvals relating to trunk infrastructure.

Policy

The Local Government Infrastructure Plan will replace the interim Local Government Infrastructure Plan currently effective as Part 4 of the Sunshine Coast Council Planning Scheme and providing the ongoing legal currency to Part 4 of the Planning Scheme.

Risk

There are a number of risks attaching to this report, all relating to not having approval for an extension in preparing a Local Government Infrastructure Plan by 1 July 2016 and, not having an approved Local Government Infrastructure Plan in place by 1 July 2018.

- Financial – Council will be unable to levy Infrastructure Charges on development past 1 July 2016, putting at risk approximately \$1 Million per month in future lost revenue.
- Development Assessment – Without a Local Government Infrastructure Plan in place by 1 July 2016 or an approval from the Planning Minister for an extension to 1 July 2018, Council will be unable to impose certain conditions on development relating to trunk infrastructure. This will also have a financial implication.

Previous Council Resolution

Ordinary Meeting 26 March 2015 – Council Resolution (OM15/32)

That Council:

- (a) receive and note the report titled “**Extension of the Timeframe to Prepare a Local Government Infrastructure Plan (LGIP)**”;*
- (b) in accordance with Section 982 (3) of the Sustainable Planning Action resolve to make the Sunshine Coast Regional Council Local Government Infrastructure Plan; and*
- (c) note that a draft Local Government Infrastructure Plan will be provided for Council consideration and approval for submission to the Minister in August 2015.*

Related Documentation

There is no related documentation in relation to this report.

Critical Dates

It is critical that Council approves the submission of an application for an extension of the timeframe to prepare a Local Government Infrastructure Plan in a timely manner, sufficient to have the Planning Minister’s approval before 1 July 2016. The State Government’s advice to local governments requires applications for extension of the timeframe to prepare a Local Government Infrastructure Plan to be submitted by 27 May 2016. With Council elections scheduled for 19 March 2016, it is prudent to have Council’s approval to proceed without delay.

Implementation

The application will be submitted to the Planning Minister as soon as possible after receiving Council’s approval.

8.3 CORPORATE SERVICES**8.3.1 DECEMBER 2015 FINANCIAL PERFORMANCE REPORT**

File No: Financial Reports - Statutory Meeting 25 February 2016

Author: Coordinator Financial Services
Corporate Services Department

Attachments: Att 1 - December 2015 Financial Performance Report191

PURPOSE

To meet Council's legislative obligations, a monthly report is to be presented to Council on its financial performance and investments.

EXECUTIVE SUMMARY

The monthly financial performance report provides Council with a summary of performance against budget at the end of each month in terms of the operating result and delivery of the capital program.

Budget Review 2 2015/16 was adopted by Council on 28 January 2016. All graphs and tables contained in this report have been updated to compare actual results against forecast (Budget Review 2 2015/16).

Operating Performance

The operating result at 31 December 2015 of \$18.9 million shows a positive variance of \$13 million compared to the YTD forecast budget. Budget Review 2 2015/16 changes have been profiled from January 2016 to June 2016 for operating adjustments, and therefore YTD variances are not reflective of Budget Review 2 adjustments.

Table 1: Operating Result as at 31 December 2015

December 2015	Forecast Budget \$000	YTD Forecast Budget \$000	YTD Actual \$000	YTD Variance \$000	Variance %
Operating Revenue	395,974	188,730	197,343	8,612	4.6
Operating Expenses	371,661	182,846	178,487	(4,360)	2.4
Operating Result	24,313	5,884	18,856	12,972	220.5

Achievement of the full year budgeted operating result will allow Council to meet its debt repayments and capital expenditure commitments.

Capital Performance

As at 31 December 2015, \$61.1 million (32.7%) of Council's \$186.6 million forecasted 2015/16 Capital Works Program was financially expended (including region making projects). The year to date anticipated spend was \$73.2 million, with financial expenditure 16.5% behind forecast.

Investment Performance & Cash holdings

Council's investment portfolio remains within the guidelines established under the Investment Policy.

For the month ending 31 December 2015 Council had \$289 million in investment cash (excluding Trust Fund) with an average interest rate of 2.94%, being 0.68% above benchmark.

OFFICER RECOMMENDATION

That Council receive and note the report titled “December 2015 Financial Performance Report”.

FINANCE AND RESOURCING

There are no finance and resourcing implications from this report.

CORPORATE PLAN

Corporate Plan Goal: *A public sector leader*

Outcome: 5.2 - A financially sustainable organisation

Operational Activity: 5.2.2 - Ensure council's finances are well managed and systems are in place to analyse performance, generate revenue, reduce costs and manage contracts

CONSULTATION**Internal Consultation**

All departments or branches participated in the formation of the recommendations associated with this report.

External Consultation

No external consultation is required for this report.

Community Engagement

No community engagement is required for this report.

PROPOSAL

The operating result at 31 December 2015 of \$18.9 million shows a positive variance of \$13 million compared to the YTD forecast position.

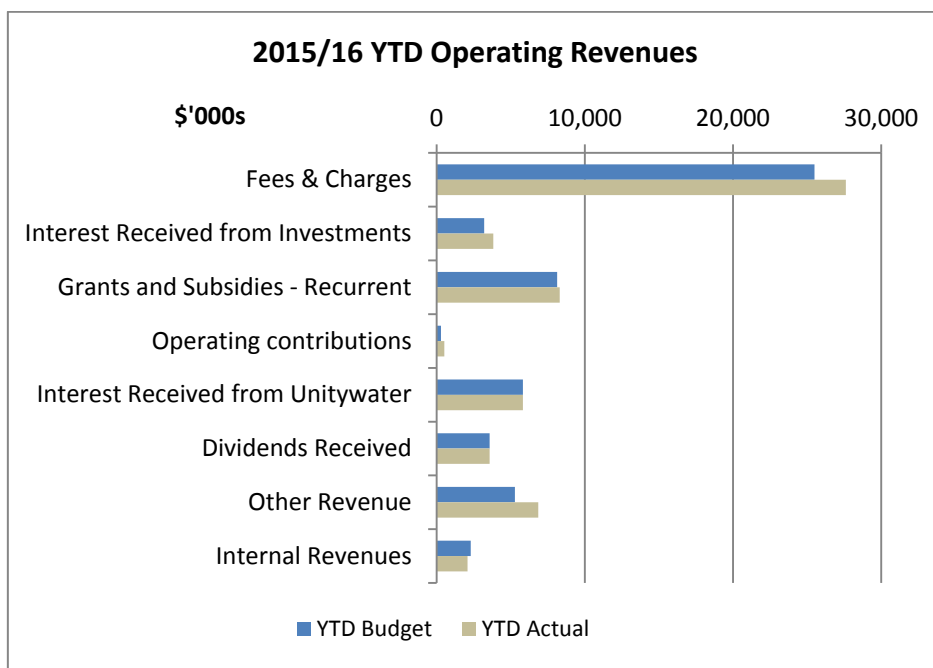
Achievement of the full year budgeted operating result will allow Council to meet its debt repayments and capital expenditure commitments.

Operating Revenue

Year to Date (YTD) actual revenues as at 31 December 2015 of \$197.3 million shows a positive variance of \$8.6 million.

Table 2: Substantial Revenue variances as at 31 December 2015

Operating Revenue Large Variances	YTD Forecast Budget \$000	YTD Actual \$000	YTD Variance \$000	Variance %
Net Rates and Utility Charges	118,575	120,652	2,077	1.8
Fees and Charges	32,453	34,999	2,546	7.8
Other Revenue	6,164	9,177	3,013	48.9
Interest Received from Investments	3,850	4,611	761	19.8
Operating Grants and Subsidies	8,481	8,824	344	4.1



Budget Review 2 2015/16

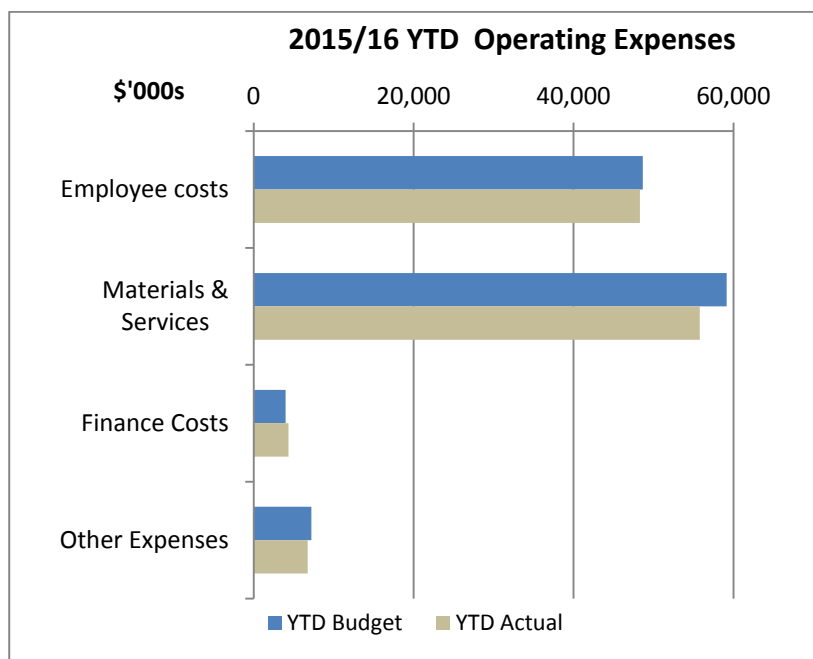
Budget Review 2 2015/16 will increase full year anticipated revenue by \$9.7 million. The adjustments will remove YTD variances for Net Rates & utility Charges, Fees & Charges & Interest Received from Investments. Budget Review 2 2015/16 changes have been profiled from January 2016 to June 2016 for operating adjustments.

Operating Expenses

Year to Date (YTD) actual expenditure as at 31 December 2015 of \$178.5 million shows a positive variance of \$4.3 million.

Table 3: Substantial Expenditure variances as at 31 December 2015

Operating Expenditure Large Variances	YTD Current Budget \$000	YTD Actual \$000	YTD Variance \$000	Variance %
Employee Costs	62,019	61,505	(515)	(0.8)
Materials and Services	73,041	68,899	(4,143)	(5.7)
Finance Costs	4,758	5,186	428	9.0



Budget Review 2 2015/16

Budget Review 2 2015/16 will increase operating expenditure by \$2.8 million. Budget Review 2 2015/16 changes have been profiled from January 2016 to June 2016 for operating adjustments.

Employee Costs

Employee costs are currently showing a favourable variance of \$515,000, or 0.8%. Budget Review 2 2015/16 has allowed for an increase of \$943,000, relating to 1.2 new permanent and 7.6 new temporary positions. Throughout the Budget Review 2 2015/16 process, funding for a number of new temporary positions were not approved, with the funding to be allocated internally from the favourable YTD variances.

Materials and Services

Materials and Services are \$4.1 million favourable to budget at the end of December. Budget Review 2 2015/16 will increase materials and service budget by \$1.9 million. The increases to materials and services relate to additional revenue (business units, grants, MOI's etc.) and new approved initiatives.

Finance Costs

The unfavourable variance on interest expense of \$428,000 is under review.

Capital Revenue

Capital revenues, at \$55.1 million, are in line with the YTD Forecast Budget of 53.8 million

Table 4: Capital revenue variances as at 31 December 2015

Capital Revenue Large Variances	YTD Forecast Budget \$000	YTD Actual \$000	YTD Variance \$000	Variance %
Capital Grants and Subsidies	4,000	4,186	186	4.6
Capital Contributions - Cash	16,000	16,679	679	4.2
Contributed Assets	33,812	34,230	418	1.2

Capital Expenditure

As at 31 December 2015, \$61.1 million (32.7%) of Council's \$186.6 million forecasted 2015/16 Capital Works Program was financially expended (including Region Making Projects). The year to date anticipated spend was \$73.2 million, with financial expenditure 16.5% behind schedule.

Capital Works Program	YTD Forecast Budget \$000	YTD Actual \$000	YTD Variance \$000	Variance %
Total SCC Base Capital Program	60,865	52,715	(8,150)	(13.4)
Total Region Making Capital Program	12,312	8,389	(3,923)	(31.9)
Total Capital Works	73,177	61,104	(12,073)	(16.5)

The capital program for 2015/16 contains core Sunshine Coast Council projects as well as significant region making projects.

The core Sunshine Coast capital program has expended \$52.7 million against a target of \$60.1 million (-13.4%) as at 31 December 2015. The region making projects have expended \$8.4 million against a target of \$12.3 million (-31.9%).

Capital Works Program	Forecast Budget \$000	YTD Forecast Budget \$'000	YTD Actual \$000	YTD Variance	% Variance on YTD budget
Aerodromes	548	279	194	(85)	(30.5)
Buildings and Facilities	8,781	2,451	1,846	(605)	(24.7)
Coast and Canals	2,067	960	1,290	330	34.3
Divisional Allocations	3,115	1,410	1,106	(304)	(21.5)
Environmental Assets	1,523	1,020	697	(324)	(31.7)
Fleet	3,935	1,463	998	(465)	(31.8)
Holiday Parks	791	259	207	(52)	(20.0)
Information Technology	5,192	2,704	1,882	(822)	(30.4)
Parks and Gardens	15,563	6,950	7,020	70	1.0
Quarries	496	262	116	(146)	(55.8)
Stormwater	6,478	4,161	3,047	(1,114)	(26.8)
Strategic Land and Commercial Properties	11,340	3,070	1,476	(1,594)	(51.9)
Sunshine Coast Airport	6,886	2,089	1,431	(658)	(31.5)
Transportation	64,466	30,380	26,515	(3,865)	(12.7)
Waste	7,818	3,406	4,890	1,484	43.6
Total SCC Base Capital Program	138,997	60,865	52,715	(8,150)	(13.4)
Maroochydore City Centre - SCC Delivery	9,904	3,287	5,571	2,284	69.5
Maroochydore City Centre - Suncentral Delivery	24,156	8,122	1,500	(6,622)	(81.5)
Palmview	2,500	-	-	-	-
Sunshine Coast Airport Runway	1,225	340	333	(7)	-
Solar Farm	9,866	564	984	421	74.6
Total Region Making Capital Program	47,652	12,312	8,389	(3,923)	(31.9)
TOTAL	186,649	73,177	61,104	(12,073)	(16.5)

Budget Review 2 2015/16

A full review of the core capital program was performed as part of Budget Review 2 2015/16. All programs are confident in achieving the revised program, with regular forecasting and workshops being undertaken within the Infrastructure Services Department.

Region Making Projects

There were no adjustments to the Maroochydore City Centre projects as a result of Budget Review 2 2015/16. Once contracts have been finalised for works in January 2016, SunCentral will perform a full review of expected financial expenditure for the 2015/16 & 2016/17 financial years. It is anticipated that the results of this review will be brought to Council in May 2016 and the budgets will be updated accordingly.

Table 6: Capital job quantities and budgeted value by status as at 31 December 2015 (excluding region making projects)

Project summary by Job status (SCC Core only)	Number of Capital Jobs	%	Current Budget \$000	%
Not Started	127	10.4	6,376	4.6
Works in Progress	750	61.6	110,938	79.8
Complete	311	25.5	19,268	13.9
On Hold/Cancelled	30	2.5	2,416	1.7
Total	1,218		138,997	

There were no significant changes to the status of projects in the month of December.

Investment Performance & Cash Holdings

Council's investment portfolio remains within the guidelines established under the Investment Policy.

For the month ending 31 December 2015 Council had \$289 million in investment cash (excluding Trust Fund) with an average interest rate of 2.94%, being 0.68% above benchmark.

Comparing these results to the same period last year, Council held \$216 million in cash (excluding Trust Fund) and the average interest rate was 3.42%, being 0.67% above benchmark.

The benchmark used to measure performance of cash funds is Bloomberg AusBond Bank Bill Index (BAUBIL) and the Bank Bill Swap Rate (BBSW) for term deposits.

Table 7: Cash Flow variances as at 31 December 2015

Net Cash Flows	YTD Current Budget \$000	YTD Actual \$000	YTD Variance \$000	Variance %
Operating Activities	40,883	53,575	12,692	0.3
Investing Activities	(66,830)	(44,403)	22,427	(0.3)
Financing Activities	(6,873)	(6,873)	-	-
Closing Cash Balance	254,566	289,685	35,119	0.1

This higher cash holding is made up of:

- Higher than anticipated cash from operating activities of \$12.6 million, this reflects the higher income and lower expenditure highlighted in this report.
- Lower than anticipated cash spent on investing activities \$22.4 million, which highlights that the capital expenditure is lower than budget and income from capital contributions and grants is higher than budget.

Legal

This report ensures that Council complies with its legislative obligations with respect to financial reporting in accordance with Section 204 of the *Local Government Regulation 2012*.

Investment of funds is in accordance with the provisions of the *Statutory Bodies Financial Arrangements Act 1982* and the associated Regulations and the *Local Government Act 2009*.

Policy

Council's 2015/16 Investment Policy, 2015/16 Debt Policy, 2015/16 Revenue Policy and Revenue Statement.

Corporate Services Credit Accounts, Debt Collection and Write Off Policy.

Risk

Failure to achieve the budgeted operating result will negatively impact Council's capacity to complete its capital expenditure program.

Previous Council Resolution**Special Meeting Budget 25 June 2015, Council adopted the 2015/2016 Budget - Council Resolution (SM15/20)**

That Council:

- (a) *receive and note the report titled "Adoption of the 2015/2016 Budget and Forward Estimates for the 2016/2017 to 2024/2025 Financial Years"*
- (b) *adopt the 2015/2016 Capital Works Program, endorse the indicative four-year program for the period 2016/2017 to 2019/2020, and note the five-year program for the period 2020/2021 to 2024/2025 (Appendix A) and*
- (c) *adopt the 2015/2016 Budget Schedules (Appendix B) including Forward Estimates.*

Ordinary Meeting 17 September 2015, Council adopted the Budget Review 1 2015/16 (OM15/151)

That Council:

- (a) *receive and note the report titled "Budget Review 1 2015/16"*
- (b) *adopt the amended 2015/16 Budget Financial Statements to include the identified operating and capital budget adjustments (Appendix A)*
- (c) *establish a Natural Disaster Restricted Cash Component of \$5 million, funded from the 2014/15 operating result and*
- (d) *in addition to (b) and (c), amend the budget to include the sum of \$90,000 in 2015/16 budget for Caloundra Skate Park as part of the Aquatic Centre complex.*

Ordinary Meeting 10 December 2015, Council amended the 2015/16 Capital Expenditure budget (OM15/253)

That Council delegate authority to the Chief Executive Officer to enter into negotiations and finalise the acquisition of the identified property in accordance with the outcome of discussions in the confidential session in relation to proposed land acquisition - Maleny.

Ordinary Meeting 10 December 2015, Council amended the 2015/16 Capital Expenditure budget (OM15/254)

That Council delegate authority to the Chief Executive Officer to enter into negotiations and finalise the acquisition of the identified property in accordance with the outcome of discussions in the confidential session in relation to proposed land acquisition - Eumundi.

Related Documentation

There is no related documentation for this report.

Critical Dates

There are no critical dates for this report.

Implementation

There are no implementation details to include in this report.

**8.3.2 EXCEPTION UNDER LOCAL GOVERNMENT REGULATION 2012 -
PROPOSED LEASE TO A COMMUNITY ORGANISATION**

File No: Statutory Meeting 25 February 2016
Author: Senior Property Officer
Corporate Services Department
Appendices: App A - Proposed Leases to 5 Community Organisations 203

PURPOSE

The purpose of this report is to seek an exception from council, in accordance with *Local Government Regulation 2012*, from the tender/auction process to allow the renewal of five (5) leases to community organisations (**Appendix A**).

EXECUTIVE SUMMARY

The *Local Government Regulation 2012* provides that a local government may only dispose of an interest in land (including leases to community organisations) other than by tender/auction, if an exception applies. Disposal to a community organisation is considered an exception under s.236(1)(b)(ii).

The organisations recommended for leasing have occupied the sites for considerable periods and facilitate community participation in sporting, cultural and community activities.

The leases will be for a period of ten years and will be in accordance with the council approved standard terms community lease.

S.236(2) provides that a local government must decide by resolution that an exception applies. A resolution that exceptions apply will allow the renewal of the five (5) leases without the need to engage in a tender/auction process.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Exception under Local Government Regulation 2012 - proposed lease to a community organisation"
- (b) resolve, pursuant to s.236(2) *Local Government Regulation 2012*, that exceptions to dispose of an interest (lease) in the properties identified in Appendix A, other than by tender or auction applies and
- (c) note that the exception applies as the disposal is pursuant to section 236(1)(b)(ii), to the following community organisations:
 - (i) The Old Witta School Community Centre Inc.
 - (ii) Mudjimba Community Kindergarten and Preschool Association Inc.
 - (iii) Nambour Lapidary Club Incorporated
 - (iv) Rotary Club of Nambour Inc. and
 - (v) The Sunshine Coast Badminton Association Inc.

FINANCE AND RESOURCING

There are no financial or resourcing impacts relating to this matter.

CORPORATE PLAN

Corporate Plan Goal:	<i>A strong community</i>
Outcome:	We serve our community by providing this great service
Operational Service:	S5 - Community venues - providing, managing and administering the hiring and leasing of community and cultural venues and other performance venues

CONSULTATION

Internal Consultation

Advice in relation to the application of exception provisions of *Local Government Regulation 2012* has been received from the Manager Procurement and Contracts and Solicitor, Legal Services.

Divisional Councillors and relevant operational areas have been consulted about the proposed leases and no objections were received.

External Consultation

Each of the recommended community organisations have been consulted in relation to the proposed tenure arrangements.

Community Engagement

Community Services officers have met with club representative's and were satisfied that the operations being conducted in these locations were in the communities best interests, that these groups are financially sustainable and exemplify strong governance in committee operations. For these reasons the organisations are recommended for renewal.

PROPOSAL

Council manages 227 community tenure arrangements and when due for renewal, the Property Management Branch seeks advice from the Community Services Department. Community Services, on behalf of the community organisations has sought the renewal of the five (5) leases listed in **Appendix A**.

The *Local Government Regulation 2012* provides the process by which a local government may dispose of valuable non-current assets, which include land or an interest in land (e.g. leasing of land and/or buildings). It provides that a disposal, other than by tender/auction, may only occur if an exception applies. A disposal to a community organisation is considered an exception under s.236(1)(b)(ii). A community organisation is defined in the *Local Government Regulation 2012* as:

- (a) an entity that carries on activities for a public purpose; or
- (b) another entity whose primary objective is not directed at making a profit.

For an exception to apply, council must decide in accordance with s.236(2) of the *Local Government Regulation 2012* that an exception applies.

The five (5) organisations recommended for continued leasing have occupied the sites for considerable periods and facilitate community participation in sporting, cultural and community activities.

Community Services have recommended the five (5) organisations for continued leasing as they are confident the organisations are providing a commendable service to members, clients and the wider community.

A resolution that exceptions apply to the five (5) will enable community leases to be entered into without the need to engage in a tender/auction process.

The leases will be for a period of ten years and will be in accordance with the council approved standard terms community lease.

Legal

Legal Services has been consulted on this process to ensure council complies with s.236 of the *Local Government Regulation 2012*.

Policy

This request is in accordance with the following council policies:

- 1) *2015/16 Procurement Policy*; and
- 2) *Community Groups Occupying Council Owned or Council Controlled land and/or Infrastructure Policy*.

Risk

There are no risk issues to address in relation to this report.

Previous Council Resolution

Ordinary Meeting 11 December 2014 – Council Resolution (OM14/175)

That Council:

- (a) *receive and note the report titled “Community Groups Occupying Council Owned or Council Controlled Land and/or Infrastructure Policy”*
- (b) *adopt the Strategic Policy – Community Groups Occupying Council Owned or Council Controlled Land and/or Infrastructure Policy (Appendix A)*
- (c) *note that adoption of this policy will formalise the exiting interim policy principles and tenure arrangements for community groups; and*
- (d) *note the draft Community Leaseholder Toolkit.*

Related Documentation

There is no other documentation relevant to this report.

Critical Dates

There are no critical dates relevant to this report.

Implementation

Should council resolve that exceptions apply, leases to the community organisations will be arranged.

8.3.3 DISPOSAL OF LAND - WATERHOLE PLACE BLI BLI - PART OF LOT 962 ON SP 264835

File No:	F2015/90760 - Statutory Meeting 25 February 2016
Author:	Senior Property Officer Corporate Services Department
Attachments:	Att 1 - Location Of Easements 209 Att 2 - Survey Plan 211

PURPOSE

The purpose of this report is to seek an exception from Council, in accordance with the *Local Government Regulation 2012*, from the tender/auction process to allow registration of easements for sewerage over Council freehold land.

EXECUTIVE SUMMARY

The *Local Government Regulation 2012* provides the process by which a local government may dispose of a valuable non-current asset, which includes land or an interest in land (e.g. easement). It provides that a disposal, other than by tender or auction, may only occur if an exception applies. Section 236(1)(b)(i) provides an exemption if the disposal is to a government agency.

Section 236(2) provides that a local government must decide by resolution that an exception applies.

Council was requested by KHA Development Managers on behalf of WM Projects No 2 Pty Ltd, to consider two sewerage easements in Lot 962 on SP 264835 which will facilitate a residential subdivision at Kilkie Avenue Bli Bli. A locality map of the subdivision is provided as **Attachment 1**.

The easements are for sewerage and the requested aggregated area is 381 m². The easements will be in favour of Northern SEQ Distributor-Retailer Authority (Unitywater). A proposed easement plan is attached (**Attachment 2**)

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Disposal of Land - Waterhole Place Bli Bli - Part of Lot 962 on SP 264835 " and
- (b) resolve, pursuant to section 236 (2) of the *Local Government Regulation 2012*, that an exception to dispose of two easements in Lot 962 on SP 264835 other than by tender or auction applies, as the disposal is, pursuant to section 236(1)(b)(i), to a government agency.

FINANCE AND RESOURCING

The impact on Council's freehold land was valued at \$2,000 with valuation costs being \$2,000. Should Council resolve that an exception applies, Council will invoice the applicant for the value of the easement and the valuation costs (\$4,000).

All direct expenditure associated with these dealings, including the survey plan and easement documentation will be met by the applicant.

CORPORATE PLAN

Corporate Plan Goal: *Service excellence*

Outcome: We serve our community by providing this great service

Operational Service: S24 - Property management - comprehensive management of council's land and building assets to ensure that Council's property dealings are optimised, centrally managed and supports Council's objectives

CONSULTATION

The works associated with these easements has been undertaken by the developer prior to Council's consideration. As a result of this, in principle approval was given to the creation of easements, subject to nominated conditions, final approval by Council, and compensation paid.

Advice in relation to the exception provisions of the *Local Government Regulation 2012* has been received from the Manager Procurement and Contracts and Solicitor, Legal Services.

Internal Consultation

These works were undertaken by the developer prior to obtaining Council's consent. Due to the nature of the retrospective approval now being sought, no Request for Comments process was undertaken.

External Consultation

Council Officers from Property Management have liaised with KHA Developments on this matter.

Community Engagement

Due to the internal administrative nature of this report there has been no community engagement in relation to this matter.

PROPOSAL

The applicant is proposing the reconfiguration of a lot, REC07/0055.04 and OPW09/0159. This stage of the development will require two easements for sewerage containing an aggregated area of 381m², through Council's freehold property described as Lot 962 on SP 264835.

Sixteen of the proposed lots will rely on the two sewerage easements being granted for the proposed subdivision at Kilkie Court, Bli Bli.

The proposed easements will be in favour of Northern SEQ Distributor-Retailer Authority (Unitywater).

The *Local Government Regulation 2012* provides the process by which a local government may dispose of a valuable non-current asset, which includes land or an interest in land (e.g. easement). It provides that a disposal, other than by tender or auction, may only occur if an exception applies. Section 236(1)(b)(i) provides an exception if the disposal is to a government agency.

For an exception to apply, Council must decide in accordance with section 236(2) of the *Local Government Regulation 2012* that an exception applies.

A resolution that an exception applies will enable an easement to be entered into without the need to engage in a tender or auction process.

Legal

Legal Services has been consulted on the application of section 236 exception process.

Policy

This report was developed in accordance with the Procurement Policy in relation to the disposal of Council assets.

Risk

There are no risk issues to address in relation to this report.

Previous Council Resolution

There is no previous resolution in relation to this request.

Related Documentation

There is no related documentation relevant to this report.

Critical Dates

While there are no specific critical dates for this easement, it is incumbent on Council to finalise the easement expeditiously so that service providers and other land owners are provided with an acceptable level of service.

Implementation

Should Council resolve that an exception apply, the applicant will be invoiced for the land and valuation costs. Upon payment, Council will execute the easement document and the related survey plan.

8.3.4 SOLE AND SPECIALISED SUPPLIER LISTINGS

File No:	Contracts - Statutory Meeting 25 February 2016
Author:	Coordinator Procurement and Contract Performance Corporate Services Department
Appendices:	App A - Sole Supplier List 219
	App B - Specialised Supplier List 229

PURPOSE

The purpose of this report is to present a list of sole and specialised suppliers to council for adoption as exceptions to the general contracting provisions contained in the *Local Government Regulation 2012 (LGR 2012)*.

EXECUTIVE SUMMARY

The *Local Government Regulation 2012* provides different processes for council to establish medium and large-sized contractual arrangements for the provision of goods and services, including works.

For medium-sized contractual arrangements, which have a value of \$15,000, but less than \$200,000, three written quotes must be invited. For large-sized contractual arrangements, which are those with a value \$200,000 or more, written tenders must be invited.

The LGR 2012 also provides a number of exceptions to those general provisions. The sole and specialised supplier listings are two of those exceptions.

Council may resolve to create a sole supplier listing where it is satisfied that only one supplier is reasonably available for the goods or services sought.

Council may also resolve to create a specialised supplier listing, where because of the specialised or confidential nature of a service it would be impractical or disadvantageous to invite quotes or tenders.

Applications have been received from council officers who engage with suppliers that may satisfy either of those categories. Those applications have been assessed to determine if the suppliers meet the requirements for the proposed category.

Suppliers have also been removed from the previously list presented in March 2015, as they have been identified by council officers as no longer being sole or specialised.

Resolution creating these lists will allow council to engage with these sole or specialised suppliers in a more timely and effective manner, ultimately providing for a better and more responsive service to the region.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Sole and Specialised Supplier Listings”**
- (b) adopt the Sole Supplier List (Appendix A) and**
- (c) adopt the Specialised Supplier List (Appendix B).**

FINANCE AND RESOURCING

Each department that utilises suppliers from the sole and specialised supplier listings will do so from their individual budgets.

CORPORATE PLAN

Corporate Plan Goal: *A public sector leader*

Outcome: 5.2 - A financially sustainable organisation

Operational Activity: 5.2.2 - Ensure council's finances are well managed and systems are in place to analyse performance, generate revenue, reduce costs and manage contracts

CONSULTATION

Internal Consultation

Internal consultation has occurred on an ongoing and as required basis since the establishment of the sole and specialised supplier listings in July 2013, and since it was updated on 26 March 2015.

Consultation has been conducted with:

- council officers from each department who submitted an application to have a supplier included on one of the lists; and
- council officers from each department who conducted a review of suppliers from the previous sole or specialised supplier listings;

from the following branches:

- Community Services:
 - Community Facilities and Planning;
 - Community Relations;
 - Community Response;
- Corporate Services:
 - Corporate Governance;
 - Finance;
 - Information Communication Technology Services;
 - Property Management;
- Corporate Strategy and Delivery:
 - Commercial Projects;
 - Communication;
 - Economic Development;
 - Strategy and Coordination;
 - Sunshine Coast Airports;
- Infrastructure Services:
 - Disaster Management;
 - Environmental Operations;
 - Fleet and Quarry Services;
 - Project Delivery;
 - Transport Infrastructure Management;
 - Waste and Resource Management;
- Office of Mayor and CEO:
 - Branch Management;
 - Legal Services;

- Regional Strategy & Planning:
 - Departmental Management;
 - Environment and Sustainability Policy;
 - Major Urban Developments;
 - Strategic Planning; and
 - Transport and Infrastructure Policy.

External Consultation

No external consultation was required in the preparation of this report.

Community Engagement

No community engagement was required in the preparation of this report.

PROPOSAL

The *Local Government Regulation 2012* provides different processes for council to establish medium and large-sized contractual arrangements for the provision of goods and services, including works.

For medium-sized contractual arrangements, which have a value of \$15,000, but less than \$200,000, three written quotes must be invited. For large-sized contractual arrangements, which are those with a value \$200,000 or more, written tenders must be invited.

The *Local Government Regulation 2012* also provides a number of exceptions to those general provisions. The sole and specialised supplier listings are two of those exceptions.

Section 235 of the *Local Government Regulation 2012* states:

A local government may enter into a medium-sized contractual arrangement or large-sized contractual arrangement without first inviting written quotes or tenders if—

- (a) the local government resolves it is satisfied that there is only 1 supplier who is reasonably available; or
- (b) the local government resolves that, because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for the local government to invite quotes or tenders.

With regards to the sole supplier listing, council must be satisfied that the supplier is the only one reasonably available.

Council may create a specialised supplier listing, where due to the specialised or confidential nature of the services sought, it would be impractical or disadvantageous to invite quotes or tenders.

Internal applications have been received from council officers who engage with suppliers that may satisfy either of those categories. Those applications have been assessed to determine if the suppliers meet the requirements of the relevant subsection that the application relates to.

A review process has also been conducted with council officers that engaged suppliers on the sole and specialised supplier listings that were established in March 2015. This involved review of the value for money proposition of the contract with the supplier, the suppliers' performance, and risk assessment associated with the contract.

Of the suppliers on the Sole Supplier list that were reviewed, 97% are meeting or exceeding expectations with regards to their performance. Two (2) suppliers were below expectations, and council officers are working with those suppliers to improve their performance.

Of the suppliers on the Specialised Supplier list that were reviewed, 100% are meeting or exceeding expectations with regards to their performance.

When presented to council in March 2015, the Sole Supplier list included 55 suppliers, and the Specialised Supplier list included 139 suppliers.

There are 66 suppliers in the Sole Supplier list – Appendix A. Since the list was last adopted by Council in March 2015, four (4) suppliers have been removed and 15 additional suppliers have been included.

There are 144 suppliers in the Specialised Supplier List – Appendix B. Since the list was last adopted by Council in March 2015, nine (9) suppliers have been removed, three (3) suppliers have had their name updated, and 14 additional suppliers have been included.

Both the proposed Sole Supplier list – Appendix A, and Specialised Supplier List – Appendix B, provide for council's needs, and meet the requirements of section 235 of the *Local Government Regulation 2012*.

Legal

There may be legal implications if council was to contract with sole or specialised suppliers without either completing the normal contracting process, or resolving to create the proposed listings.

Policy

The following policy has been complied with:

- Procurement Policy

Risk

There is a risk associated with legislative compliance, should council not resolve to create the listings or fails to undertake the quote or tender process

Previous Council Resolution

Ordinary Meeting 26 March 2015 - Council Resolution (OM15/35)

That Council:

(a) receive and note the report title "Sole and Specialised Supplier Listings" and

(b) adopt the Sole Supplier Listing (Appendix A) and

(c) adopt the Specialised Supplier Listing (Appendix B).

Related Documentation

- Individual applications for Sole or Specialised Suppliers from council officers;
- Individual Sole and Specialised Supplier reviews by council officers;
- Email correspondence from council officers, to the Procurement and Contracts branch, with suppliers no longer considered sole or specialised; and
- Council's Procurement Policy.

Critical Dates

The lists will be effective from the date of the resolution.

Implementation

Implementation will immediately follow council resolution.

8.3.5 PROPOSAL TO GRANT A 30 YEAR LEASE TO MAROOCHY BEACH GYMNASTICS ASSOCIATION

File No:	Statutory Meeting 25 February 2016
Authors:	Coordinator Portfolio Management Corporate Services Department Sport and Recreation Officer Community Services Department
Attachments:	Att 1 - Maroochy Beach Gymnastics Site Map253 Att 2 - Maroochy Beach Gymnastics Front Elevation - left255 Att 3 - Maroochy Beach Gymnastics Front Elevation - right.....257 Att 4 - proposed new lease area259

PURPOSE

The purpose of this report is to seek Council approval to enter into a 30 year lease with Maroochy Beach Gymnastics Association Inc. over part Lot 586 SP236984. In addition, a resolution is sought that an exception to dispose of an interest in land (lease), other than by tender or auction applies, in accordance with the provisions of *Local Government Regulation 2012*.

EXECUTIVE SUMMARY

Maroochy Beach Gymnastics Association Inc. currently holds a 10 year lease, expiring on 30 November 2016. The site (refer Aerial Plan – Attachment 1), on Wisers Road, is a State Reserve, reserved for the purposes of Recreation.

Council's "*Community Groups Occupying Council Owned or Controlled Land and/or infrastructure*" policy endorses standard terms and conditions for community tenure arrangements. One of the guiding principles of the Policy is in relation to the tenure period, being a maximum 10 years for leases. However, Council may consider a longer tenure period should exceptional circumstances be demonstrated.

In addition, compliance with section 236(2) of the *Local Government Regulation 2012* is required prior to entering into a lease with Maroochy Beach Gymnastics Association Inc. This legislation details the process by which a local government may dispose of valuable non-current assets, which includes land or an interest in land (e.g. leasing of land and/or buildings). It provides that a disposal, other than by tender or auction, may only occur if council has decided, by resolution that an exception may apply. The exception can be applied in this instance as Maroochy Beach Gymnastics Association Inc. is a defined community organisation, as required by section 236(1)(b)(ii).

The purpose for seeking exception for a 30 year lease period for Maroochy Beach Gymnastics is due to the association's plans for a significant extension and renovation of the facility, to be funded by the association and other external funding avenues sourced by the association.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Proposal to grant a 30 year lease to Maroochy Beach Gymnastics Association "
- (b) resolve that in accordance with the policy for "Community Groups Occupying Council Owned or Council Controlled Land and/or Infrastructure", Maroochy Beach Gymnastics Association Inc. has demonstrated that exceptional circumstances apply in this instance, which enables council to consider a 30 year lease term, instead of the usual 10 year term (with special conditions in relation to construction of improvements)
- (c) resolve an exception to dispose of an interest (lease) in land, other than by tender or auction, applies, in accordance with the provisions of the *Local Government Regulation 2012* section 236(2) and
- (d) note that the exception applies as the disposal to Maroochy Beach Gymnastics Association Inc. is to a community organisation pursuant to section 236(1)(b)(ii).

FINANCE AND RESOURCING

There are no internal financial or resourcing impacts relating to this matter.

The association indicates the anticipated \$1.5 million project will be funded through:

- Get Playing Plus funding program (closing 1 April 2016) - \$500,000
- Maroochy Beach Gymnastics Association savings - \$300,000
- Crowd funding initiative through the Australian Sports Foundation - \$200,000
- Bank loan guaranteed by local investors - \$500,000

CORPORATE PLAN

Corporate Plan Goal: *A strong community*

Outcome: 2.1 - Safe and healthy communities

Operational Activity: 2.1.3.2 - Implement prioritised projects from community facility master plans

CONSULTATION**Internal Consultation**

- Councillor Hungerford
- Community Facilities and Planning
- Economic Development
- Legal Services
- Property Management

External Consultation

Department of National Parks, Sport and Racing

Community Engagement

Maroochy Beach Gymnastics Association Inc.

PROPOSAL

Maroochy Beach Gymnastics Association Inc. currently holds a lease over Lot C, part Lot 586 SP236984 on Wises Road, Maroochydore (refer Attachment 1). The lease will expire on 30 November 2016. The land is a State Reserve, reserved for the purpose of Recreation.

The Association is in the process of planning and securing funding for a significant extension and upgrade to their current facilities. Having reached their membership capacity of over 800 members in their current 30 year old facility, the Association has a strongly demonstrated need to renovate and expand to increase capacity for its growing membership base, and to provide greater usage and diversity of programs. To comply with safety requirements and accessibility standards, the Association has engaged architects and planners to ensure the design will cater for all abilities. Council's endorsed *Sunshine Coast Sport and Active Recreation Plan 2011-2026* recommends:

- *the expansion of the Maroochy Beach Gymnastics Club as the regional facility for the Sunshine Coast.*
 - *support the club to prepare a concept plan and capital cost estimate which addresses building extension, car park upgrade, car park security lighting, expanded office space, additional toilets/change rooms, and larger viewing area;*
 - *if de-gazettal of the road reserve adjacent to the club's lease boundary is necessary to accommodate expansion of the building, advocate within council for speedy resolution of this issue on the club's behalf;*
 - *support the club to source internal and external funding.*

The Association provides services not only to its core membership but also to external groups and schools who use the facility for cross training and fitness opportunities during periods of lower utilisation, accounting for up to an additional 100 athletes. The expansion and upgrade will also result in a viable and attractive destination to host large events and competitions at state and potentially national level.

Positioned within close proximity to the Maroochydore CBD, the facility is ideally located as a regional level facility. Due to its proximity to the Maroochydore Priority Development Area, the upgraded building will also provide an aesthetically pleasing entry statement at one of the future city centre's key gateways.

To achieve this expansion and renovation, estimated to cost approximately \$1.5 million, the Association will apply to the Queensland Government's Get Playing Plus Funding Program, which can fund up to one third of the total project cost. The application must demonstrate the Association's ability to contribute the remaining 67% of the total project cost. At this point in time, the Association have close to \$300,000 in savings available to allocate to the project and have launched a crowd funding initiative through the Australian Sports Foundation in which they aim to raise a further \$200,000.

In addition, the Association have an undertaking from a financial institution to borrow \$500,000, of which local investors have offered to act as guarantee. The bank loan and guarantee, however, are dependent upon the Association securing a 30 year lease over the facility.

Plans of the extension and renovation are included in Attachments 2 and 3.

Council's "*Community Groups Occupying Council Owned or Controlled Land and/or infrastructure*" policy endorses standard terms and conditions for community tenure arrangements. One of the guiding principles of the Policy is in relation to the tenure period,

being a maximum 10 years for leases. However, Council may consider a longer tenure period should exceptional circumstances be demonstrated.

In addition, compliance with section 236(2) of the *Local Government Regulation 2012* is required prior to entering into a lease with Maroochy Beach Gymnastics Association Inc. This legislation details the process by which a local government may dispose of valuable non-current assets, which includes land or an interest in land (e.g. leasing of land and/or buildings). It provides that a disposal, other than by tender or auction, may only occur if council has decided, by resolution, that an exception may apply. The exception could be applied in this instance as Maroochy Beach Gymnastics Association Inc. is a community organisation, as required by section 236(1)(b)(ii).

Should Council resolve to provide an exception for a 30 year lease to Maroochy Beach Gymnastics Association Inc. the lease will provide timeframes for commencement of construction requirements (within 1 year of the lease commencement date) and completion of construction requirements (within 3 years of the lease commencement date). If these dates are not met, Council will be able to review the lease term.

It should be noted that support from Council for a 30 year lease will require approval from the State Government.

Legal

Legal Services Branch has been consulted regarding this proposal to ensure it complies with the *Land Act* and with s.236 of the *Local Government Regulation 2012*.

A disposal to a community organisation is considered an exception under s.236 (1)(b)(ii). A community organisation is defined in the *Local Government Regulation 2012* as:

- (a) *an entity that carries on activities for a public purpose; or*
- (b) *another entity whose primary object is not directed at making a profit.*

Policy

This proposal is in accordance with the following council policies:

1. *Community Groups Occupying Council Owned or Council Controlled land and/or Infrastructure* – subject to exceptional circumstances being demonstrated to enable a longer lease term of 30 years to be granted, instead of the standard 10 year lease term as stated in this policy.

2. *Procurement Policy*

Council endorsed the *Sunshine Coast Sport and Active Recreation Plan 2011-2026* in March 2011 which informs Council policy on community sporting facility provision within the region.

Risk

Community expectations surrounding length of tenure periods – other incorporated associations or clubs making similar requests.

Council being seen as not supporting externally funded club improvement plans that adhere to Council adopted plans.

Maroochy Beach Gymnastics Association Inc. not successfully obtaining external funding and as a result not fulfilling obligations of proposed lease (special conditions) relating to construction commencement and completion.

Previous Council Resolution

Ordinary Meeting 11 December 2014 – Council Resolution (OM14/175)

That Council:

- (a) receive and note the report titled “Community Groups Occupying Council Owned or Council Controlled Land and/or Infrastructure Policy”*
- (b) adopt the Strategic Policy – Community Groups Occupying Council Owned or Council Controlled Land and/or Infrastructure Policy (Appendix A)*
- (c) note that adoption of this policy will formalise the existing interim policy principles and tenure arrangements for community groups and*
- (d) note the draft Community Leaseholder Toolkit.*

Special Meeting (Strategies) 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

- *Sunshine Coast Sport and Active Recreation Plan 2011-2026*
- *Land Act*
- *s.236 of the Local Government Regulation 2012*

Critical Dates

The association is applying to the Department of National Parks, Sport and Racing’s Get Playing Plus funding program and require confirmation of the tenure period prior to, and in sufficient time to make application, before the program’s closing date of 1 April 2016.

Implementation

Should Council resolve to enter into a 30 year lease and that an exception applies, a lease to Maroochy Beach Gymnastics Association Inc. will be formalised, then registered with the State Government Titles Office.

8.4 COMMUNITY SERVICES

8.4.1 FILM INCENTIVE SCHEME

File No: Statutory Meeting 25 February 2016

Author: Director Community Services
Community Services Department

Appendices: App A - Review of Film Industry Incentives267

PURPOSE

This report has been prepared in response to the Notice of Motion tabled by Councillor McKay at the 12 November, 2015 Ordinary Meeting that Council *inter alia* “request the Chief Executive Officer to investigate the development of an investment incentive scheme to attract and support the development of a film industry on the Sunshine Coast and report to council by May 2016”.

EXECUTIVE SUMMARY

In response to the Notice of Motion tabled at the 12 November, 2015 Ordinary Meeting the AEC Group Pty Ltd (AEC) were appointed.

AEC conducted a review of film industry development and incentives used to secure film, TV and associated production. Their report (Appendix A) outlines a variety of film incentive programs in Australia and identifies what is currently being undertaken to support the film industry in key locations.

The report recommends that if the Sunshine Coast Council wishes to encourage the film industry to develop locally, Council must understand that other locations - namely the Gold Coast and Sydney - have considerable advantages in terms of the level of infrastructure (i.e. studios) and considerable existing supply chains (i.e. contractors, equipment suppliers, etc.).

The report recommends that Council could consider all of the following to provide a sound basis for the establishment of a film industry on the Sunshine Coast:

- A **cash grant program** (similar to the Gold Coast) that could extend to a maximum of \$200,000 (in order to be competitive). This program would require a formalised program to apply for funding and to evaluate applications. As the Sunshine Coast Council already has an investment incentive program, this film incentive could potentially follow similar processes.
- A **dedicated film industry development officer**, whose role is to promote the Sunshine Coast as a film location and that provides a single point of contact for the industry, including film makers and producers. This position would be in charge of administering the incentive program and the marketing program.
- A **streamlined permitting process** to ensure quick (24 hour) turnaround for film companies and a proactive regulatory process to close roads and/or gain access to areas for filming.
- A **marketing program** to promote the location and provide funding for the film industry development officer to engage with Screen Queensland and Ausfilm as well as host producers and film makers on location scouting trips.

- A **Sunshine Coast film directory** of locations, crew and facilities that would be updated on an annual basis.

Should Council not see the benefit of taking on board the entire suite of recommendations of the AEC report, it is proposed by Council officers that a minimalist approach be taken in relation to attracting and developing the film industry on the Sunshine Coast, including:

- a streamlined permitting process to ensure quick turnaround periods for regulatory and permitting processes controlled by Council (noting that the Community Land Permits team already provides 24 hours turnaround for film applications and Council offers a nil permit fee if the film directly attributes to advertising the Sunshine Coast region).
- the development of a Sunshine Coast film directory of locations, crew and facilities that would be updated on an annual basis
- any requests for Council funding of film companies/productions be considered for funding under Council's Community Grants or Regional Arts Development Fund (RADF) programs in the first instance; or referred to the Economic Development Branch to be assessed in line with the Major Events sponsorship application process and with any recommendations for funding from this process be referred to Council for consideration.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Film Incentive Scheme"
- (b) adopt a minimalist approach in relation to attracting and developing the film industry in the Sunshine Coast region including timely permitting processes; establishing a film directory of locations, crew and facilities (updated annually); and considering requests for film industry funding as part of existing Community Grants, RADF or Major Events programs and
- (c) refer the "Review of Film Industry Incentives" (Appendix A) to the Sunshine Coast Arts Advisory Board for consideration within the context of developing a 20 year Regional Arts and Cultural Plan.

FINANCE AND RESOURCING

The AEC Group research was procured in line with Local Government and Sunshine Coast Council procurement policies and processes.

The cost of the research, \$6,897 (excluding GST) was funded by the Community Relations and Economic Development Branch budgets.

There are no additional budget implications from the council report's recommendations.

CORPORATE PLAN

Corporate Plan Goal: *A new economy*

Outcome: 1.5 - A natural, major and regional event destination

Operational Activity: 1.5.1.3 - Source and secure new major and regional events

CONSULTATION

The AEC Group report uses a range of case studies to develop its recommendations. No further consultation has been undertaken.

Internal Consultation

- Portfolio Councillor, Community Programs
- Manager, Economic Development
- Manager, Community Relations
- Coordinator, Community Land Permits and Parking

External Consultation

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

Community Engagement

A significant community engagement program was undertaken to develop the Sunshine Coast Regional Economic Development Strategy 2013-2033 which does not identify the Film Industry as one of the region's seven high-value industries.

PROPOSAL

In response to the Notice of Motion tabled at the 12 November, 2015 Ordinary Meeting, the AEC Group Pty Ltd (AEC) were appointed to conduct a review of film industry development and incentives used to secure film, TV and associated production.

The AEC report (Appendix A) outlines a variety of film incentive programs in Australia. Case studies of current activities being undertaken to support the film industry were conducted for the following areas:

- Queensland State Government
- NSW State Government
- Gold Coast City Council
- Ipswich City Council
- Townsville City Council
- Western Sydney

In relation to the role of education providers, the report looked at the provision of film related courses at TAFE East Coast and the University of the Sunshine Coast including enrolment numbers and course types. However, the report concludes that while these courses may grow with the evolution of an industry, these education providers have a relatively minor (albeit important) role to play in encouraging the film industry to establish itself on the Sunshine Coast.

The report recognises that the film industry (including major motion pictures, made for TV movies, TV series' and commercials, and music videos) can provide a significant boost to a local economy. Film productions are similar to many tourism events in that they require an influx of people and businesses that spend money locally and then leave, with the correlation that the larger the production, the larger the local expenditure. However, the report recommends that if the Sunshine Coast Council wishes to encourage the film industry to develop locally, Council must understand that other locations, namely the Gold Coast and Sydney have considerable advantages in terms of the level of infrastructure (i.e. studios) and considerable existing supply chains (i.e. contractors, equipment suppliers, etc.). At the same time, these locations have existing marketing programs that have been in existence for some time and have gained traction in the market place.

While these disadvantages are not insurmountable, Council must recognise that other competing locations have an existing foothold in the industry and the Sunshine Coast would be required to invest in marketing and other programs over time in order to be successful. In order to encourage the film industry, the consultant report recommends that Council could consider the following incentives and programs:

- A **cash grant program** (similar to the Gold Coast) that could extend to a maximum of \$200,000 (in order to be competitive). This program would require a formalised program to apply for funding and to evaluate applications. As the Sunshine Coast Council already has an investment incentive program, this film incentive could potentially follow similar processes
- A **dedicated film industry development officer**, whose role is to promote the Sunshine Coast as a film location and that provides a single point of contact for the industry, including film makers and producers. This position would be in charge of administering the incentive program and the marketing program
- A **streamlined permitting process** to ensure quick (24 hour) turnaround for film companies and a proactive regulatory process to close roads and/or gain access to areas for filming
- A **marketing program** to promote the location and provide funding for the film industry development officer to engage with Screen Queensland and Ausfilm as well as host producers and film makers on location scouting trips
- A **Sunshine Coast film directory** of locations, crew and facilities that would be updated on an annual basis

It is proposed by AEC that the combination of all of these initiatives would provide a sound basis for the establishment of a film industry on the Sunshine Coast. It should be noted that time will be required to gain traction in the market place and see the results of many of these initiatives. It is likely that after five years, the program should provide strong annual results. Further, AEC noted that delivering only one or two of the recommended programs above is not likely to yield desired results.

The report indicates that ease of business (e.g. obtaining permits), the availability of infrastructure such as film studios and marketing (i.e. proactively engaging with film producers and “selling” the Sunshine Coast as a film making location) are key to developing an industry. With this in mind - and the fact that the Regional Economic Development Strategy 2013-2033 does not identify the Film Industry as one of the region’s seven high-value industries - it is proposed that a minimalist approach be taken in relation to attracting and developing the film industry on the Sunshine Coast. Such an approach would include:

- a streamlined permitting process to ensure quick turnaround periods for regulatory and permitting processes controlled by Council (noting that the Community Land Permits team already provides 24 hours turnaround for film applications)
- the development of a Sunshine Coast film directory of locations, crew and facilities that would be updated on an annual basis
- any requests for Council funding of film companies/productions be considered for funding under Council’s Community Grants or RADF programs in the first instance; or referred to the Economic Development Branch to be assessed in line with the Major Events sponsorship application process and with any recommendations for funding from this process be referred to Council for consideration.

Council officers also proposed that the AEC report be referred to Council’s newly established Sunshine Coast Arts Advisory Board for consideration within the context of developing a 20 year Regional Arts and Cultural Plan for the Coast.

Council’s Community Relations Branch will also continue to work with the creative sector in developing/growing film festivals or competitions which encourage and develop local film makers.

Legal

There are no legal implications to this report.

Policy

- Regional Economic Development Strategy 2013 – 2033
- Cultural Development Policy (2012)

Risk

There is no risk in relation to this report.

Previous Council Resolution

The report responds to part c) of previous Council resolution (OM 15/218) Ordinary Meeting 12 November 2015:

That Council:

- (a) note funding of \$7,100 under the RADF program (May 2015) to locally based company Heritage Films International to assist with costs associated with the production of a feature film "Where is Daniel"*
- (b) refer an amount of \$43,000 to Council's Budget Review 2 process to further assist with the costs associated with the production of the film "Where is Daniel" and*
- (c) request the Chief executive Officer to investigate the development of an investment incentive scheme to attract and support the development of a film industry on the Sunshine Coast and report to council by May 2016.*

Related Documentation

There is no related documentation relevant to his report.

Critical Dates

There are no critical dates relevant to this report.

Implementation

If the minimalist approach is endorsed in relation to attracting and developing the film industry on the Sunshine Coast, the following actions will be implemented:

- Community Relations Branch to use existing resources to establish a film directory of locations, crews and facilities and update the directory on an annual basis.
- AEC report and any further council resolutions in relation to Film Industry development will provided as part of a package of information for the future Sunshine Coast Arts Advisory Board's consideration to develop the 20 year Regional Arts and Cultural Plan.

**8.4.2 THE EVENTS CENTRE CALOUNDRA - NATIONAL STRONGER
REGIONS FUND ROUND THREE**

File No: Statutory Meeting 25 February 2016

Author: Manager Community Facilities & Planning
Community Services Department

To be provided as a late report.

8.5 INFRASTRUCTURE SERVICES

8.5.1 LOCAL DISASTER MANAGEMENT PLAN 2015-2018

File No:	Statutory Meetings
Author:	Coordinator Disaster Management Infrastructure Services Department
Appendices:	App A - Sunshine Coast Local Disaster Management Plan 2015-2018 (Under Separate Cover) Att Pg 225
Attachments:	Att 1 - Inspector General Emergency Management Audit Report (Under Separate Cover) Att Pg 307

PURPOSE

Under Section 1.3.1 of the *Queensland Disaster Management Act 2003*, a local government must develop a Local Disaster Management Plan consistent with the Strategic Policy Framework and the relevant disaster management guidelines. The Sunshine Coast Council Local Disaster Management Plan 2015 - 2018 (The Plan) is presented for adoption by Council.

EXECUTIVE SUMMARY

The revised Sunshine Coast Council Local Disaster Management Plan 2015 – 2018 supercedes the previous plan, which was a carry-over from the previous Council (pre de-amalgamation) and still accommodated Noosa Council. Both councils have signed a memorandum of understanding to continue to provide each other with disaster assistance should the need arise, however it was also determined that both councils would produce and adopt their own specific disaster management plans.

The Plan's primary focus is to ensure the safety of our community. It aims to preserve lives and prevent injuries, to mitigate property damage and to protect our environment.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Local Disaster Management Plan 2015-2018" and**
- (b) formally adopt the Sunshine Coast Council Local Disaster Management Plan 2015-2018 (Appendix A).**

FINANCE AND RESOURCING

The Plan requires annual review. Recurrent costs associated with review of The Plan are funded from within the Strategic Disaster Management budget. There is \$15,000 allocated each year for the annual review of The Plan.

CORPORATE PLAN

Corporate Plan Goal:	<i>A strong community</i>
Outcome:	2.1 - Safe and healthy communities
Operational Activity:	2.1.1 - Manage the Local Disaster Management Committee and provide disaster management services, information and advice

CONSULTATION

A consultation process was undertaken to ensure key stakeholders were provided the opportunity to review The Plan and to provide feedback in order to update the previous version of the plan.

Internal Consultation

- Chief Executive Officer Sunshine Coast Council
- Director Infrastructure Services / Local Disaster Coordinator
- Disaster Management Department

External Consultation

- Sunshine Coast Local Disaster Management Group
- Office of the Inspector General Emergency Management
- Queensland Fire and Emergency Services

Community Engagement

Community consultation was considered, but not required as the previous plan has had extensive community consultation.

PROPOSAL

The Plan builds on the previously adopted Sunshine Coast Local Disaster Management Plan 2014. That plan was a combined plan that covered the needs of both Sunshine Coast and Noosa Shire Councils.

The Plan is now a standalone plan covering the Sunshine Coast Council.

The Plan successfully met all the requirements of an external audit (**Attachment 1**) conducted on the 7th September 2015 by the Office of the Inspector General Emergency Management (IGEM) and the Executive Officer of the District Disaster Management Group, and in fact exceeded the average score in every assessment category. The Plan was unanimously endorsed by the Sunshine Coast Local Disaster Management Group on the 2nd December 2015.

The Plan identifies actions to ensure an effective and coordinated response to a disaster event in support of our local communities and provides guidance to facilitate a speedy recovery and return to a safe and secure environment as soon as possible after a disaster.

The Plan integrates federal and state disaster management arrangements and details how the district group can best provide assistance as and when required.

The Plan is based upon the principles contained in the Queensland *Disaster Management Act 2003*, an all hazards approach, and a commitment to building resilient communities by undertaking specific strategies to prevent, prepare for, respond to and recover from disaster events.

Legal

Legal advice was sought to ensure that the *Disaster Management Act 2003* requires local governments to develop The Plan, which was confirmed to be the case.

Policy

The Plan identified Council as having an active role in disaster management and supports a comprehensive approach to prevention, preparedness, response and recovery in partnership with the community and other key agencies.

As such, The Plan continues to provide Council with a policy framework, governance arrangements and operational procedures to comply with its legislative obligations and deal with a range of disaster and emergency situations.

Risk

The Plan identified and sought to mitigate the risks to people, the economy, the environment, infrastructure and property in the event of a disaster occurring on the Sunshine Coast. A regional disaster risk assessment covering 24 natural and human-made hazards which may impact on the region has been compiled. This risk assessment took into account seasonal variations of the risks to ensure a more dynamic and accurate assessment of the risk exposures for the region.

The hazards considered in this assessment included:

1. East Coast Low Pressure System
2. Severe Thunderstorm / Electrical Storm
3. Tropical Cyclone (Cat 1/2/3 Sandy Cape to Point Danger)
4. Tropical Cyclone (Cat 4/5 Sandy Cape to Point Danger)
5. Storm Tide (> HAT 0.5m)
6. Flood (Q20 impacting on Sunshine Coast Region)
7. Dam Failure
8. Tornado (Grade F1 - Winds 117-180 kmh)
9. Major Earthquake
10. Tsunami (>10m wave and Land Inundation >1km inland)
11. Landslide
12. Prolonged Drought
13. Bushfire (Rural and Interface Areas)
14. Major Fire (Urban/Industrial Areas)
15. Hazardous Material Accident (Land Transport Corridor)
16. Hazardous Material Accident (Marine Environment)
17. Major Passenger Transport Accident (Road/Rail Casualties)
18. Major Air Transport Accident
19. Pandemic
20. Extreme High Temperatures (>36 degrees, >2 days)
21. Exotic Animal/Plant Disease
22. Terrorism
23. Cyber Security Incident (Emerging Risk)
24. Black Swan (Unpredictable, Extreme/Concurrent Events)

Previous Council Resolution

At its Ordinary Meeting on the 23rd August 2012 Council passed resolution OM12/109 :

That Council:

- (a) receive and note the report titled "2012/2013 Sunshine Coast Local Disaster Management Plan";*
- (b) adopt the 2012/2013 Sunshine Coast Local Disaster Management Plan (Appendix A) as its approved plan for disaster management on the Sunshine Coast;*
- (c) endorse the membership of the Sunshine Coast Local Disaster Management Group (Appendix B); and*
- (d) delegate to the Mayor, as the Chair of the Sunshine Coast Local Disaster Management Group, the appointment of members of the Local Disaster Management Group in consultation with the Local Disaster Coordinator.*

At its Ordinary Meeting on 27 February 2014, Council passed resolution OM14/21:

That Council:

- (a) receive and note the report titled "Adoption of Sunshine Coast Council and Noosa Shire Council Local Disaster Management Plan 2014" and*
- (b) formally adopt the Sunshine Coast Council and Noosa Shire Council Local Disaster Management Plan 2014 (Appendix A)*

Related Documentation

- *Queensland Disaster Management Act 2003 (Reprint October 2014)*
- *Queensland State Disaster Management Plan (Reviewed May 2015)*
- *Queensland Disaster Management Strategic Policy Framework (2010)*
- *Queensland Disaster Relief and Recovery Arrangements Guidelines (2013)*
- *Queensland State Planning Policy (July 2014)*

Critical Dates

Council approval for The Plan is required as soon as possible.

Implementation

The Plan, as endorsed by the Local Group on 2nd December 2015, is currently providing operational guidance for local disaster management operations, including the local disaster coordination centre. The Plan will be distributed to key agencies and partners and made available in hard copy to the public through council's libraries and upon request to members of the public in electronic form.

**8.5.2 BULL SHARK MANAGEMENT - TWIN WATERS CLOSED
CONSTRUCTED COASTAL LAKE SYSTEM**

File No: Environmental Management
Author: Coordinator Coastal, Constructed Water & Planning
Infrastructure Services Department

PURPOSE

The purpose of this report is to provide the background to the current bull shark issue in council-managed closed constructed coastal lakes. The report considers the costs, logistics, risks and implications of initiating a single year trial shark survey and non-lethal relocation program of Twin Waters closed constructed lake system at a cost of \$60,000.

EXECUTIVE SUMMARY

Bull sharks utilise almost all coastal habitats (freshwater, estuarine and near-shore) with their lifecycle relying on access to all these habitats. Bull sharks stay in fresh water for long periods of time to feed and breed and are reported by the Queensland Museum to be an aggressive species that is considered dangerous to humans.

Council regularly receives bull shark sightings in council-managed closed constructed coastal lake systems including recent video footage of seven bull sharks in the Twin Waters Lake System. These sightings often escalate to a request from the community to have these marine creatures removed.

The increase in bull shark sightings has highlighted the need to gain a greater understanding of current bull shark population dynamics and behaviour in the region's closed constructed coastal lake systems. Discussions with relevant experts have indicated that this could be achieved through a targeted survey and, if required, non-lethal shark relocation program. Council has been advised that the cost of a single year trial program in the Twin Waters Lake system would be approximately \$60,000.

It should be noted that this is not a matter that council has jurisdiction over with the State Government having responsibility for the management and regulation of Queensland's wildlife and its habitat. Sharks are managed via an active Shark Safety Program. Verbal advice from State Government officers is that they will not support an expansion of the Shark Safety Program into the coastal lakes and artificial waterway environments for a range of practical and cost related reasons. The conclusion of the State Government is that Local Government would be best placed to manage these council managed areas. Council has recently written to the Minister responsible for the Department of Agriculture and Fisheries (DAF) to confirm.

Finally, it should be noted that, any trial undertaken by council in relation to this issue could be perceived to be a new service and may see an increase in community expectation for council to replicate this work in other locations on the Sunshine Coast, on a regular basis from now on.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Bull Shark Management - Twin Waters Closed Constructed Coastal Lake System” and
- (b) note a budget allocation for 2016/2017 for \$60,000 will be required if council wishes to undertake a single year trial bull shark survey and non-lethal relocation program for the Twin Waters Closed Constructed Coastal Lake System.

FINANCE AND RESOURCING

If supported by council the cost of the shark survey and non-lethal relocation program is estimated at \$60,000 and will need to be considered as part of a future 2016/17 operational budget submission.

CORPORATE PLAN

Corporate Plan Goal: *An enviable lifestyle and environment*
Outcome: 3.2 - Well-managed and maintained open space, waterways and foreshore assets

CONSULTATION

A range of stakeholders have been consulted as part of this report.

Internal Consultation

- Divisional Councillor
- Director Infrastructure Services
- Manager Environmental Operations

External Consultation

- Large Shark Researcher
- Queensland Government Department of Agriculture and Fisheries Shark Control Program Officers

Community Engagement

The proposed program has a key objective of undertaking informed community education and participation.

PROPOSAL

Bull sharks utilise almost all coastal habitats: freshwater, estuarine and near shore marine waters with their lifecycle relying on access to all habitats along this continuum. The species can grow up to 3.4 meters long and is the only widely distributed shark that stays in fresh water for long periods of time to feed and breed. Females do give birth in river mouths/systems where the young will live for up to five years.

Bull sharks are reported as an aggressive species that is considered dangerous to humans. This is due to the bull shark's omnivorous diet and habitat preferences and because it has been responsible for attacks in the Brisbane River and Gold Coast canals as well as other parts of Australia (reference: Queensland Museum).

For council this will typically mean that regular bull shark sightings are reported in council-managed closed constructed coastal lake systems such as Twin Waters. These requests often escalate to a community desire for council to remove these marine creatures from the highlighted systems.

At this point in time council's response would typically include the following range of actions:

- media release with generic swimmer caution notes supplied from organisations such as Department of Agriculture and Fisheries (DAF), Queensland Museum and Surf Life Saving Queensland
- the placement of generic caution signage highlighting the risks of marine creatures at key access areas to the identified water bodies and/ or coastal lakes
- reconfirming council's 'no swimming' position within artificial water bodies with site users and
- exploring options of utilising swimming enclosures at key locations.

Note: Council has previously undertaken one removal from the Noosa Waters canal system utilising a commercial permitted provider. This action was at significant cost to council (in excess of \$60,000) and resulted in the removal and death of a single bull shark.

Recently council has been provided video footage from the community of an estimated seven bull sharks of similar 1.2 meter lengths sighted in the Twin Waters system. Twin Waters is a freehold coastal lake system owned by council which is closed to the Maroochy River by a rock weir which overtops on highest astronomical tide events. There are two tidal exchange pipes of 1500 mm diameter; there are no grates on these pipes. This sighting prompted an onsite visit to receive a brief on the habitat, ecology and increasing movement of bull sharks within the Gold Coast waterways from Dr Jonathan Werry who is a key large shark research scientist undertaking extensive bull shark research in Queensland on behalf of the State Government, Gold Coast City Council, Moreton Bay Council, Griffith University and Sea World.

This presentation highlighted that bull shark management programs in other locations were informed by an understanding of bull shark population dynamics and behaviour.

Bull Shark Survey Option

If council does wish to act on this issue the advised option would be a shark survey and non-lethal relocation program targeting Twin Waters with the objective of this single year trial project to develop a better understanding of the bull shark population dynamics via the following actions:

- Survey the Twin Waters lake system to gain an understanding of the current bull shark populations
- Relocate and tag sharks from the system through an active netting program
- Identify specific water body holes with concern for human interaction based on the long-term and fine-scale movements of bull sharks at/within identified holes
- Test long-term movements between deep holes and risks associated with these movements
- Identify long-term movement trends within the Maroochy River
- Identify and develop a risk based management response program for Sunshine Coast rivers and canals and
- Undertake informed community participation/education (e.g. identification tagging studies, community engagement).

It is estimated that the cost of the shark survey and non-lethal relocation program would be \$60,000 for the single year.

Please note bull sharks are most active in the warmer months of September to May. Any trial program should be undertaken during this time.

State Government Shark Safety Program (SPP)

It should be noted that this is not a matter that council has jurisdiction over with the State Government having responsibility for the management and regulation of Queensland's wildlife and its habitat. Sharks are managed via an active Shark Safety Program. Recent conversations with State Government DAF officers in relation to progressing support on this issue has highlighted that, while there have been numerous reports about the presence of principally bull sharks in canals and estuaries with two fatal attacks in the Gold Coast canal systems, a State review of the program did not support an expansion of the Shark Safety Program into the estuarine and canal environments for a range of practical and cost-related reasons. The conclusion was that Local Government would be best placed to manage these council trustee/ freehold areas in aiding bather safety through such actions as public education and swimming enclosures.

Council has recently written to the State DAF Minister requesting funding support for the research program proposed and to confirm the State Government's position in relation to these types of programs.

Any trial undertaken by council in relation to this issue would be seen as a new service and no doubt has the potential to be seen as a precedent by the community that council now undertakes responsibility for these types of shark management programs. This could escalate into expectations of an annual program being requested for other lake systems and even into the canal areas. Again it needs to be reinforced that bull shark management is not a council jurisdictional responsibility but it is high unlikely that the State Government will either take action nor co fund any programs based on recent conversations and past experiences.

Legal

Council's Chief Legal Officer provided a response that advises that as the local authority, council has certain management roles in respect to coastal lakes and artificial waterways.

Council has erected signage in strategic locations on its internal waterways to alert the public to the potential presence of sharks.

The intended survey program does not infer any deficiency in council's current management practices of internal waterways but rather is a responsible approach to investigating anecdotal evidence of possible changes in bull shark populations and to better understand their territorial behavior.

As the presence of bull sharks in our waterways is a natural phenomenon and their associated risk is one that is virtually impossible to eliminate, it is important that council does not, by its actions, suggest the waterways will be made safe from the danger of sharks.

Note in Queensland bull sharks have a legal size limit protection over 1.5m under *Fisheries Regulation Act 2008*.

Policy

The report is consistent with the principles of the following strategies:

- Biodiversity strategy 2010-2021
- Waterways and coastal management strategy 2011-2021

Risk

External risk advice sourced by Corporate Governance provides that a survey of bull sharks in key lakes systems provides important data to understand and manage the risks to swimmers unaware of the presence of sharks.

This information will help council to take reasonable steps to manage the risk of sharks in waterways and avoid foreseeable injury to swimmers.

LGM, council's insurer, believe it is appropriate that the risks associated with the existence of bull sharks in waterways for which council is trustee be considered and addressed by council.

In addition as highlighted, the State Government has primary responsibility for the management and regulation of Queensland's wildlife and its habitat. Any trial undertaken by council in relation to this issue would be seen as a new service and no doubt has the potential to be seen as a precedent by the community that council now undertakes responsibility for these types of shark management programs. This could escalate into expectations of an annual program being requested for other lake systems and even into the canal areas.

A very clear communication plan will be developed, to mitigate this risk, highlighting that any shark survey and non-lethal relocation program of Twin Waters is a single year trial only for this immediate location with a further report to be provided to council on the outcomes. In addition the communication plan would reinforce that this issue is generally not a matter that council has jurisdiction over with the State Government having responsibility for the management and regulation of sharks via an active Shark Safety Program.

Previous Council Resolution

Council has previously considered a funding request for this type of program in the development of the 2015/16 operational budget and chose not to proceed with an allocation of funds.

Related Documentation

A report on the Queensland Shark Safety Program – March 2006

Critical Dates

There are no critical dates relevant to this report. However it is noted that for the purposes of a trial bull sharks are most active from September through to May.

Implementation

Implementation would occur subject to the funding outcomes of the 2016/17 budget process.

8.5.3 NAMBOUR HERITAGE TRAMWAY PROJECT UPDATE

File No: Statutory Meeting 25 February 2016
Author: Project Coordinator
Infrastructure Services Department
Attachments: Att 1 - Additional Information (*Under Separate Cover*) -
Confidential*Conf Att Pg 5*

PURPOSE

This report provides a project update as per Council's Resolution (OM15/52) in relation to The Nambour Heritage Tramway project.

EXECUTIVE SUMMARY

The Nambour Heritage Tramway project is designed to re-activate the heritage listed tram line that was initially established to transport sugar cane through the centre of Nambour.

The project is an element of the Nambour Activation Plan which is a joint initiative between the Sunshine Coast Council and the Nambour Alliance, and was adopted by Council in October 2015 for implementation. The Plan provides a framework to activate Nambour to enable local businesses and communities to energise their township and celebrate their place.

The Nambour Heritage Tramway project scope includes the purchase of the world's first battery powered, solar generated, a 610 mm gauge heritage style tram, along with the provision of depot and terminus facilities, and intersection and signal upgrades as necessary. The operating model, as currently proposed, includes running half hourly, at least five or six days a week. The tram should carry 16 to 24 passengers. The business model relies primarily on a volunteer workforce for maintenance of the rolling stock and the operation of the tramway scheme.

At the Ordinary Meeting of Council on 23 April 2015, Council resolved (OM15/52) to support the Nambour Heritage Tramway project via a joint funding and partnership arrangement with the Nambour Heritage Tramway Group (now the Nambour Tramway Company), subject to a number of conditions that will be formalised in the Heads of Agreement currently under development.

The Nambour Tramway Company is proposed to act as Rail Infrastructure Manager and Rail Transport Operator, and as such will be required to obtain appropriate accreditations to satisfy the requirements of the relevant Queensland legislation.

As identified in the Feasibility Analysis of the Nambour Heritage Tramway report an amount of at least \$2.1 million may be required to deliver the project, and an on-going operational funding commitment will be required from the Nambour Tramway Company to operate and maintain the tram.

As per Resolution (OM15/52) Council allocated \$500,000 in the 2015/16 approved capital works budget and will include a further \$500,000 in each of the 2016/17 and 2017/18 draft budgets for consideration. A further \$600,000 is to come from The Nambour Tramway Company through fund raising and grant funding by no later than 30 June 2017. Accordingly, the Tramway Company has been actively seeking grant funding, and undertaking additional fundraising activities.

The scope of the Council budget allocation is to provide project management resourcing, procurement expertise, support for design and other consultancy services, approvals, land acquisition/dedication and construction costs for the track refurbishment, depot and terminus facilities, and intersection alterations as necessary. It is currently proposed to establish the west terminus at 28 Mill Street, Nambour. This block of land is owned by Council but has been identified as being surplus to Council. It is proposed that Council retain ownership of this block and it is developed as the tramway depot site. Should this proceed, the land asset value will be accounted for as a cost of the project and Council's capital cash commitment will be reduced by the value of the land accordingly. A future report will be provided to Council detailing land access requirements from other land to enable future access of the tram to this site.

Future plans from the Nambour Tramway Company include the construction of a backpackers' style accommodation and associated facilities at 28 Mill Street. This facility would be funded and managed by the Nambour Tramway Company. The feasibility of this additional scope item will be assessed as part of the business case review for the tramway scheme. This will be presented to Council with the next project report.

It is proposed to position the east terminus along Howard Street, in the vicinity of the Aldi supermarket site. A further report will be prepared for Council's consideration detailing property acquisitions that may be required to facilitate the establishment of the eastern terminus site.

Council has formed a joint project team with specialised Council resources and senior representatives of the Nambour Tramway Company to work through the development of the project.

It is important to note that dedication of Council owned 28 Mill Street to the Nambour Heritage Tramway project by Council and construction of depot and terminus facilities, track and intersection works by Council shall be subject to the successful achievement of the following hold points:

- Hold Point 1 Execution of the Heads of Agreement between Council and the Nambour Tramway Company, subject to ratification by Council
- Hold Point 2 The Nambour Tramway Company submitting an updated business case analysis to demonstrate its ability to operate the scheme into the future, including the backpackers' accommodation which is additional scope item
- Hold Point 3 Nambour Tramway Company securing the required \$600,000
- Hold Point 4 Parking requirements for and access to 28 Mill Street secured through neighbouring land as required
- Hold Point 5 acquisition of a suitable property to allow construction of the east terminus

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Nambour Heritage Tramway Project Update"**
- (b) request the Chief Executive Officer to provide a project update to Council on the execution of the heads of agreement, project costing, business case, fund raising and grant funding status and**
- (c) note that works will continue to progress on the design development and associated approvals.**

FINANCE AND RESOURCING

As identified in the Feasibility Analysis of the Nambour Heritage Tramway report that was presented to Council in April 2015 an amount of at least \$2.1 million may be required to deliver the project, and it would require considerable on-going operational commitment.

The capital fund allocations as per Resolution (OM15/52) are summarised in **Table 1** below.

Table 1 – Nambour Heritage Tramway project funding (OM15/52)

Funding amount	Source	Purpose
\$500,000	Council capital works budget 2015/16 (B3798)	Land acquisition, design, approvals
\$500,000	Council draft capital works budget 2016/17 (ID18565) for consideration by Council at the time	Land acquisition, design, approvals, construction of depot and terminus facilities, stops, track refurbishment, intersection upgrades, signalling
\$600,000	Fund raising and grants to be sourced by the Tramway Company by no later than 30 June 2017	Design and purchase of the tram; Accreditations under relevant rail safety legislation
\$500,000	Council draft capital works budget 2017/18 (ID18565) for consideration by Council at the time	Land acquisition, design, approvals, construction of depot and terminus facilities, stops, track refurbishment, intersection upgrades, signalling

Fundraising and grant funding

The Nambour Tramway Company has been actively seeking grant funding and undertaking other fund raising activities.

An application was made to the Queensland Department for Tourism, Major Events, Small Business and the Commonwealth Games under the Queensland Tourism Infrastructure Fund (QTIF) 2016/17 for \$500,000. The dollar-for-dollar matching funding is provided through the \$500,000 in Council's 2015/16 budget. It is anticipated that the announcement about this grant would be made around March 2016. Should the application be successful, the fabrication of the tram (by the Nambour Tramway Company), and construction of terminus facilities (by Council) will need to commence within two months of the execution of the funding agreement (or by approximately May/June 2016) and be completed by 30 June 2017.

A second application, for a Gaming Fund Grant of \$35,000 was also submitted in December 2015 to support tram design costs.

The Tramway Company is working on an application under the National Stronger Regions Fund (NSRF) Round 3, applying for \$500,000 for the purposes of constructing the depot facility and west terminus. The unconditional dollar-for-dollar matching funding is provided through the \$500,000 in Council's 2015/16 budget. Applications for NSRF Round 3 close in March 2016 and the results are not expected to be announced before July 2016.

According to Resolution (OM15/52) The Nambour Tramway Company is responsible for purchasing the tram. The reason for submitting the NSRF application for the west terminus and depot is because the funding conditions only support fixed infrastructure projects which makes the tram ineligible. Therefore, in the event that this application is successful while the QTIF grant for the tram is not successful, consideration will be given if this grant fund sourced by the Nambour Tramway Company's is able to be recognised as meeting the required funding conditions.

Fund raising efforts produced over \$31,000 to date, largely through the monthly Tramfest events. With the Company's Deductible Gift Recipient application in progress, a number of corporate sponsors have also indicated their keen interest to support the tramway scheme and one of the Company Directors is dedicated to securing corporate sponsorship opportunities. Another fund raising avenue being pursued by the Nambour Tramway Company is Crowd Funding, and two short film clips have already been produced with the view of launching the appeal in early 2016.

Land requirements - west terminus and depot

It is currently proposed to establish the west terminus at 28 Mill Street, Nambour (refer **Figure 2**).

The subject land, which is owned by Council, currently accommodates a vacant child care centre and has been identified as being surplus to Council requirements.

It is proposed that Council suspend the sale of this land and retain ownership, subject to the successful achievement of Hold Points 1 to 5.

Confidential Attachment 1 provides additional information relating to 28 Mill Street, Nambour and is provided to Council in confidence under Section 275 (h) of the *Local Government Act 2009*.

Should Council retain ownership of this parcel of land and develop it for the purposes of the tramway scheme, the land asset value will be accounted for as a cost of the project and Council's capital cash contribution will be reduced accordingly. A future report will be provided to Council to support decision making about the land dedication.

It is proposed to position the east terminus along Howard Street, in the vicinity of the Aldi supermarket site. A further report will be prepared for Council's consideration detailing property acquisitions that may be required to facilitate the establishment of the eastern terminus site.

Design and construction costs

As identified in the Feasibility Analysis of the Nambour Heritage Tramway report that was presented to Council in April 2015 (OM15/52) an amount of at least \$2.1 million may be required to deliver the project.

The project estimates, including design and construction costs are being reviewed through the project development process, and details shall be provided to Council in the next progress report.

Operating costs

The Feasibility Analysis that was presented to Council in April 2015 tested a number of scenarios and concluded that none of the scenarios returned a financially feasible result, requiring considerable on-going operational commitment as follows:

- If full cost recovery was assumed, then Council would be required to input between \$4.2 million (where substantial in-kind services were provided) to \$9.6 million (where no in-kind services provided) over the 30 year period.
- If capital costs were assumed to be sunk, the annual subsidy required would be between \$97,000 (where substantial in-kind services were provided) to \$494,000 per annum (where no in-kind services were assumed).

The Nambour Heritage Tramway Group presented further analysis at the Ordinary Meeting in April 2015 that aimed to minimise or even negate the operating deficit through maximising volunteer support and proposing a more robust revenue base. This analysis is required to be developed further, by an independent consultant, to demonstrate the Nambour Tramway Company's ability to operate the scheme into the future, including cost/benefit assessment of the backpackers' accommodation venture which shall be funded and managed by the Nambour Tramway Company.

This revised business case analysis will be presented to Council as part of the next project report.

CORPORATE PLAN

Corporate Plan Goal:	<i>A strong community</i>
Outcome:	2.3 - Culture, heritage and diversity are valued and embraced
Operational Activity:	2.3.2 - Conduct further due diligence assessment for the Nambour Heritage tramway
Corporate Plan Goal:	<i>An enviable lifestyle and environment</i>
Outcome:	3.4 – A region shaped by clever planning and design
Operational Activity:	3.4.1.4 – Progress Local Area Planning and place development for key centres: Nambour

CONSULTATION

Internal Consultation

- Divisional and Place Portfolio Councillor
- Transport and Infrastructure Policy (Regional Strategy and Planning)
- Transport and Infrastructure Management (Infrastructure Services)
- Project Delivery (Infrastructure Services)
- Procurement and Contracts (Corporate Services)
- Legal Services (Office of Mayor and CEO)
- Development Services (Regional Strategy and Planning)
- Communications (Corporate Strategy and Delivery)
- Corporate Governance (Corporate Services)
- Property Management (Corporate Services)
- Strategic Planning (Regional Strategy and Planning)
- Environment and Sustainability (Regional Strategy and Planning)
- Community Facilities and Planning (Community Services)
- Human Resources - Health and Safety (Corporate Services)
- Finance

External Consultation

- Nambour Tramway Company (The Nambour Heritage Tramway Group at the time of reporting to Council in April 2015)
- Queensland Department of Environment and Heritage Protection
- Queensland Department of Transport and Main Roads

Community Engagement

Extensive community engagement was undertaken during the development of the feasibility study which was presented to Council on 23 April 2015, and also as part of the development of the Nambour Activation Plan that was adopted by Council on 15 October 2015.

The monthly Tramfest events remain a highly effective and successful community engagement tool as is The Friends of the Tram group who maintain a Facebook presence and issue monthly newsletters.

It's been agreed that milestone-related media and messaging will be carried out by Council while the Nambour Tramway Company and The Friends of the Tram group will continue communications and community engagement in relation to fund raising and maintaining project profile and community support.

PROPOSAL

Background

Nambour, as a town, was largely the by-product of the Moreton Central Sugar Mill which began operating in 1897. The town prospered from the sugar industry but suffered badly when the Mill closed in 2003.

The Nambour Heritage Tramway project is designed to re-activate the heritage listed tram line that was initially established to transport sugar cane through the centre of Nambour.

The project is an element of the Nambour Activation Plan which is a joint initiative between the Sunshine Coast Council and the Nambour Alliance, the town's peak business and community representative body. This Plan, adopted by Council in October 2015 for implementation, aims to provide a framework to activate Nambour to enable local businesses and communities to energise their township and celebrate their place.

The Nambour Heritage Tramway project scope includes the purchase of the world's first battery powered, solar generated, two foot (610 mm) gauge heritage style tram, along with the provision of depot and terminus facilities, and intersection and signal upgrades as necessary. The operating model, as currently proposed, includes running half hourly, at least five or six days a week, with 16 to 24 passengers. The business model relies primarily on volunteer workforce for maintenance of the rolling stock and operation of the tramway scheme.

At the Ordinary Meeting of Council on 23 April 2015 (OM15/52) Council resolved to support the Nambour Heritage Tramway project via a joint funding and partnership arrangement with the Nambour Heritage Tramway Group (now the Nambour Tramway Company), subject to the successful achievement of a number of Hold Points.

The Nambour Tramway Company is proposed to act as Rail Infrastructure Manager and Rail Transport Operator, and as such will be required to obtain appropriate accreditations to satisfy the requirements of relevant Queensland legislation.

The Feasibility Analysis that was presented to Council in April 2015 identified a range of social and economic benefits, and risks presented by the venture.

Benefits:

- the potential to assist in strengthening the identity and uniqueness of Nambour, leading to improved community pride, visitation and expenditure in Nambour
- the potential to create a point of difference for functions and events in Nambour which is in line with the vision of the Nambour Activation Plan
- connect with and become part of the broader fabric of tourism attractions and visitor offerings of the Sunshine Coast hinterland and
- tram link between two new supermarket precincts (Aldi and Coles) and better access to goods and services, particularly for older people, which is a large component of the Nambour demographic.

Risks:

- potentially limited tourism benefit due to the perception that the tram's route is too short or not interesting enough, and therefore the assumed patronage not being achieved
- some stakeholders noted that the 'tram that goes nowhere' is not something they want Nambour to be known for
- potential for safety related incidents arising from the on-road passenger operation
- volunteering required to operate and maintain the scheme may not be present over the longer term, making the viability of the scheme into the future questionable

Governance and delivery model

The governance and delivery model adopted by Council (OM15/52 April 2015) is summarised in **Table 2**.

Table 2 – Governance and delivery model

	Tramway Company	Council
Purchase and own	Rolling stock	Land, buildings, tracks, and signals Fixed assets to be leased to the Tramway Company for the purpose of the operation of the tramway scheme
Roles and responsibilities	Design, specification and fabrication of rolling stock	Design, specifications and construction of buildings, stops, track refurbishment, intersection upgrades, and signalisation
	Act as Rail Infrastructure Manager and Rail Transport Operator	
Accreditation, permits, approvals	Rail Safety accreditation and associated safety management systems	Provide support to the Company to obtain necessary accreditation
	Interface agreements with DTMR and Council	Provide support to the Company to negotiate the interface agreements
		DTMR approval for Currie Street / Howard Street intersection
	Translink approval is required in acknowledgement that the tramway is not a public transport scheme	Provide support to the Company
	Provide support to Council	Compliance with QLD Heritage Acts and Regulations
	Provide support to Council	Development Applications for the development of the east and west terminus sites
Funding	\$600,000 fully realisable by 30 June 2017 (or such other earlier date)	Support the Tramway Company with funding applications
		\$500,000 in 15/16 with further \$500,000 in 16/17 and 17/18 to be considered in the draft budget
Public Relations	Community engagement in relation to fund raising and to maintain project profile and community support	Milestone related media and messaging

The Resolution requires that the above framework be formalised in the form of a Heads of Agreement which is currently under development.

Land and infrastructure requirements

This section describes the land and infrastructure requirements to support the proposed tramway scheme. **Figure 1** shows the alignment of the 850 m long track and **Figure 2** outlines the proposed land and access arrangements for the west terminus site. .

The track alignment maximises the use of the existing track. The condition of the track and the traffic management requirements for each intersection will be assessed by an appropriately qualified consultant.

Figure 1 – Tram alignment



West terminus and depot

It is currently proposed to establish the tramway depot at 28 Mill Street, Nambour (2RP224422). A concept design by Greenway Architects confirms that the site is of sufficient size and can accommodate a practical and iconic design for the required facilities. It also identifies the need for securing access and car parking availability through neighbouring land.

This land is currently owned by Council and is occupied by a childcare centre which is not in operation. The existing structures are scheduled to be demolished by March/April 2016 (outside of the scope of the Nambour Heritage Tramway project) with the view of releasing the land to the market for sale.

It is proposed that Council retain ownership of this block and construct the depot facilities, for these to be then leased to the Nambour Tramway Company for the purposes of the tramway operations.

The depot site will accommodate a maintenance/storage shed, tram parking bays, the west terminus stop, an information centre and ticketing booth.

Future plans from the Nambour Tramway Company include the construction of a 'backpackers' style' accommodation and associated facilities (e.g. catering) at 28 Mill Street. The Tramway Company would sub-lease this to an appropriate operator.

The potential backpackers' accommodation is proposed to be funded and managed by the Tramway Company, and is additional to what was outlined at the time of the previous Council meeting (April 2015). The feasibility of this additional scope item will be assessed as part of the business case review and will be presented to Council with the next project report.

Under the *Sunshine Coast Planning Scheme 2014*, 28 Mill Street is zoned Community facilities (annotated 3. Child care centre). The proposed depot and terminus facilities may fall under the definition of a 'community use' which is Exempt development (no development application required) if located on Council owned or controlled land and undertaken on or behalf of the Council. Consideration will need to be given whether the operation of the tramway scheme under a lease arrangement with Council satisfies this criterion.

The backpackers' residence, being 'short term accommodation' would require Impact assessable development application under the Community facilities zone, should it proceed.

Confidential **Attachment 1** provides additional information relating to 28 Mill Street, Nambour and is provided to Council in confidence under Section 275 (h) of the *Local Government Act 2009*.

Figure 2 - West terminus



East terminus

It is proposed to position the east terminus along Howard Street, in the vicinity of the Aldi supermarket site. A further report will be prepared for Council's consideration detailing property acquisitions that may be required to facilitate the establishment of the eastern terminus site.

Consultancy Requirements

There will be a range of consultancy services required for the assessment of the tracks and intersections and to develop the design for the terminus facilities. These design services (traffic engineering, civil, stormwater etc.) will be procured by Council.

It is proposed that Greenway Architects and Rail Safety Consulting Australia be endorsed as Specialised Suppliers for this project in recognition of the specialised nature of the consultancy required and their extensive past involvement with the project. This will be brought to Council via a separate report.

The tram design and fabrication services will be procured directly by the Nambour Tramway Company.

Legal

The draft Heads of Agreement between Council and the Nambour Tramway Company is currently under development, and will be brought to Council for ratification prior to execution. It will formally recognise the parties' roles and responsibilities, including governance, insurance coverage, key project hold points and confirmation of project funds contributed by the parties.

Specific legal considerations for this project include the following:

- The Nambour Heritage Tramway Group has now been incorporated as the Nambour Tramway Company, as a not-for-profit entity
- Compliance with all relevant legislation and regulations is the responsibility of the Nambour Tramway Company, as Rail Infrastructure Manager and Rail Transport Operator
- Contractual arrangements between the Nambour Tramway Company as the Rail Infrastructure Manager and Rail Transport Operator and the State, e.g. interface agreement for the operational management of the Currie Street / Howard Street signalised intersection
- Contractual arrangements with Council including leases for use of Council land and various fixed assets, as well as interface agreements for Howard Street and Mill Street
- Insurance: as the Nambour Tramway Company is an incorporated body, Council's insurer LGM QLD cannot provide coverage under scheme rules. The Nambour Tramway Company will need to take out its own insurance to cover public liability, professional indemnity, workers compensation, volunteer workers and other needs. There is a Community Organisation Insurance Scheme specifically established to provide a range of insurance policies to meet the needs of community groups at a reduced price. All buildings owned by Council are insured. Where a Council owned building is leased to a community organisation the cost of insurance to Council is recoverable under the lease arrangement if required.

Policy

- Nambour Activation Plan 2015
- Regional Economic Development Strategy 2013 – 2033
- Social Infrastructure Strategy 2014

Risk

Risk	Mitigation
The Nambour Tramway Company is not able to raise the required \$600,000.	Only progress with design and approvals; any land acquisition/dedication, or construction of terminus facilities and intersections to be subject to the required funds being secured by the Tramway Company and all other Hold Points
Grant funding for the tram becoming available before Hold Points are achieved	Negotiate grant funding agreement conditions if possible
Car parking availability and access to 28 Mill Street cannot be successfully negotiated with neighboring land owners	Start negotiations early; 28 Mill Street will not be dedicated to the project until these hold points are met
Adequacy of business case assumptions such as forecast patronage, capital and operating costs	Feasibility and viability to be revisited during project development; need to look at scenarios where assumed patronage numbers are not achieved
Collision with road vehicles, injuries to passengers /staff or pedestrians; even low impact incidents may result in impacts on services, poor publicity, potential impact on patronage, increases in insurance costs and potential loss of accreditation	The Nambour Tramway Company, as Rail Transport Manager and Rail Transport Operator, is to ensure that the design, signage, operation and maintenance, and staff and volunteer training are adequate; public awareness campaigns are to be conducted
The volunteer base may decline over time and the community organization (the Nambour Tramway Company) would be unable to keep the scheme running; there is a potential that there will be community expectation that Council should 'take over' the operation at its own cost	On-going management of community expectations and clarity about the role of Council; On-going relationship management with the volunteers and the Friends of the Tram

Previous Council Resolution**Ordinary Meeting 15 October 2015 – Council Resolution (OM15/174)**

That Council:

- (a) receive and note the report titled “**Nambour Activation Plan**”
- (b) adopt the Nambour Activation Plan (Appendix A) and
- (c) refer a funding request to undertake a feasibility study for the establishment of a water splash park in association with the Nambour Aquatic Centre to the 2016/17 budget considerations.

Ordinary Meeting 23 April 2015 – Council Resolution (OM15/52)

That Council:

- (a) receive and note the report titled “**Nambour Heritage Tramway Feasibility Assessment Report**”
- (b) note the Feasibility Analysis of the Nambour Heritage Tramway report
- (c) note that an amount of at least \$2.1 million in funding may be needed to deliver the project
- (d) support the Nambour Heritage Tramway project via joint funding and partnership arrangement with the Nambour Heritage Tramway Group (the Group), whereby the Group is responsible for the purchase of the tram, is the act as the Infrastructure Manager and Rail Transport Operator of the Tramway; with the Council responsible for land acquisition, buildings, tram tracks and signalling upgrading

- (e) *note that considerable work has been completed and that additional work is required between Council and the Group to complete overall project governance and funding, key project hold points for future decision by Council and joint partnership arrangements, before a final project funding arrangement, project start date, can be confirmed by Council*
- (f) *request the Chief Executive Officer to include an allocation of \$500,000 in the 2015/16 draft Budget for future consideration by Council and further, that an additional amount of \$500,000 be included in each for the 2016/17 and 2017/18 draft Budgets for consideration by Council at the time. Further that these funds represent the maximum funding allocation by Council for this project and further that such funding is to be available for land acquisition, building and other associated capital works approved from time to time by the Chief Executive Officer*
- (g) *pending funding as per (f) above, being included in the 2015/16 budget request the Chief Executive Officer to draft a Heads of Agreement document in consultation with the Group, to formally recognise the parties' roles and responsibilities including the governance, funding and key project hold points described above; confirmation of the \$600,000 project funds to come from the Group via a combination of fund raising and grants from other governments fully realisable by 30 June 2017 or such other earlier date; agreed assets and operations insurance coverage; recognition that Council supports the Group in any application for funding to other governments, provides support to the Group to obtain necessary accreditation and an Infrastructure Manager and Rail Transport Operator and continues to provide support and advice and*
- (h) *pending funding as per (f) above, being included in the 2015/16 budget request the Chief Executive Officer to provide a project report to Council by 31 December 2015 on the status of key project hold points, project milestones, potential funding arrangements and the status of the Heads of Agreement document with the Group.*

Ordinary Meeting 27 February 2014 – Council Resolution (OM14/18)

That Council:

- (a) *receive and note the report titled “**Nambour Heritage Tramway Issues Paper Report**”*
- (b) *receive the Nambour Heritage Tramway Issues Paper (Appendix A)*
- (c) *give in principle support for the re-activation of the existing heritage listed tramway line, located in Howard, Currie and Mill Streets Nambour, to accommodate the future running of an electric tram and all associated historic rail vehicles*
- (d) *request the Chief Executive Officer to have further due diligence assessment carried out considering:*
 - (i) *detailed costings, including asset condition reports of existing infrastructure and rolling stock*
 - (ii) *funding sources*
 - (iii) *cost-benefit / financial viability analysis*
 - (iv) *Council's legal and financial liability*
 - (v) *extent of community capacity and capability to support the project in terms of volunteers, sponsorship and funding from all sources and potential legacy implications for council*
- (e) *reallocate up to \$50,000 from the 2013/2014 Division 10 Councillor Emergent Capital Works and Minor Operational Works Policy funding allocations for the due diligence assessment of the project and*
- (f) *allocate further funds from the Division 10 Councillor funds in the 2014/2015 financial year should they be required to complete the due diligence assessment.*

Ordinary Meeting 13 December 2012 – Council Resolution (OM12/197)

Notice of Motion – Nambour Tramway Development

That Council request the Chief Executive Officer, in consultation with the Divisional Councillor, to bring to Council a report including an issues paper for the development of the Nambour Tramway utilising the existing heritage listed sugar cane locomotive line with such reports to cover the following:

- *outline of the proposal*
- *proposed ownership and operations of rolling stock*
- *route alignment*
- *property tenure issues*
- *essential infrastructure required*
- *planning and approval issues*
- *key stakeholders and any agreements required*
- *community aspirations and limitations*
- *cost estimates for:*
 - *construction (Capital Costs)*
 - *operating costs*
 - *revenue potential and*
- *other items as relevant.*

Related Documentation

Feasibility Analysis of the Nambour Heritage Tramway, October 2014
Sunshine Coast Tourism Region - Destination Tourism Plan, August 2014

Critical Dates

It is anticipated that the announcement about the \$500,000 grant funding through the Queensland Tourism Infrastructure Fund would be made around March 2016. Should the application be successful, the fabrication of the tram by the Nambour Tramway Company, and construction of terminus facilities by Council will need to commence within two months of the execution of the funding agreement (or by approximately May/June 2016) and be completed by 30 June 2017.

Considering that it is not likely that the Hold Points will be achieved by this time, and that design will be completed, with approvals and permits all obtained by this time, it may be necessary to negotiate alternative timeframes within the grant funding agreement.

Implementation

It is important to note that the dedication of Council owned 28 Mill Street to the Nambour Heritage Tramway project, construction of depot and terminus facilities by Council, and track and intersection works by Council shall be subject to the successful achievement of the following hold points.

Hold Points and Reporting	Timeframe
Hold Point 1 - Preparation of the Heads of Agreement between Council and the Nambour Tramway Company for ratification by Council	March/April 2016
Hold Point 2 - The Nambour Tramway Company submitting an updated business case analysis to demonstrate its ability to operate the scheme into the future, including the backpackers' accommodation which is additional scope item	May 2016
Council report <ul style="list-style-type: none"> - ratification of the Heads of Agreement, - project costing, - business case, - fund raising and grant funding status. 	
Hold Point 3 - Nambour Tramway Company to secure \$600,000	no later than 30 June 2017
Hold Point 4 - parking requirements for and access to 28 Mill Street secured through neighbouring land	To be negotiated
Hold Point 5 – acquisition of a suitable property and appropriate access to allow construction of the east terminus	To be negotiated

8.6 CORPORATE STRATEGY AND DELIVERY

Nil

8.7 OFFICE OF THE MAYOR AND THE CEO**8.7.1 AUDIT COMMITTEE MEETING 25 JANUARY 2016**

File No:	Statutory Meetings
Author:	Manager Audit and Assurance Office of the Mayor and Chief Executive Officer
Attachments:	Att 1 - Audit Committee Minutes 25 January 2016315

PURPOSE

To provide Council with information on matters reviewed at the Audit Committee Meeting held 25 January 2016 (*Section 211 Local Government Regulation 2012*) and make recommendation to Council on any matters that the Audit Committee considers need action or improvement (*Section 105 of the Local Government Act 2009*).

EXECUTIVE SUMMARY

The Audit Committee is a mandatory Advisory Committee of Council established in accordance with Section 105 of the *Local Government Act 2009*. The Committee is comprised of Mr Peter Dowling (External Chair), Mr Len Scanlan (External Member), Cr Chris Thompson and Cr Christian Dickson.

The Audit Committee agenda was distributed electronically to all Councillors on 18 January 2016 with agenda reports categorised as Chief Executive Update, External Audit, Governance and Risk, and Internal Audit reports.

In addition to the standard Audit Committee reporting, the 2014/15 Final Audited Statements and associated Queensland Audit Office Final Management Report, the 2015/16 External Audit Plan and the KPMG Fraud Risk Management Project were presented.

OFFICER RECOMMENDATION

That Council receive and note the report titled “Audit Committee Meeting 25 January 2016”.

FINANCE AND RESOURCING

There are no finance and resourcing issues associated with this report.

CORPORATE PLAN

Corporate Plan Goal:	<i>A public sector leader</i>
Outcome:	5.2 - A financially sustainable organisation
Operational Activity:	5.2.2 - Ensure council's finances are well managed and systems are in place to analyse performance, generate revenue, reduce costs and manage contracts

CONSULTATION

Internal Consultation

Executive Leadership Team

External Consultation

External members of the Audit Committee

Community Engagement

There has been no community engagement

PROPOSAL

The Audit Committee is a mandatory Advisory Committee which meets three times each year and is established in accordance with *Section 105 Local Government Act 2009*. The Committee has no delegated authority and is a source of independent advice to Council and to the Chief Executive Officer.

The Committee is comprised of Mr Peter Dowling (External Chair), Mr Len Scanlan (External Member), Cr Chris Thompson and Cr Christian Dickson. The Audit Committee agenda has previously been distributed electronically to all Councillors.

The overall objective of the Audit Committee is to assist the Council and the Chief Executive to discharge their duties, in particular:

- Corporate Governance and responsibilities in relation to the organisation's financial reporting, internal control structure, risk management systems and the external and internal audit functions
- maintain an independent and objective forum promoting transparency, accountability and an ethical culture throughout council
- maintain by scheduling regular meetings, open lines of communications with Council, Executive Management, External Audit and Internal Audit, to exchange information and views
- oversee and appraise the quality and efficiency of audits conducted by both the Internal and External Audit functions and
- ensure both the Internal and External Audit functions are independent and effective.

In accordance with *Section 211 of the Local Government Regulation 2012*, the Audit Committee must provide Council with a written report about the matters reviewed at the Audit Committee Meeting and make recommendation to Council on any matters that the Audit Committee considers need action or improvement (*Section 105 of the Local Government Act 2009*).

The matters reviewed at the 25 January 2016 Audit Committee Meeting were as follows.

Chief Executive Officer's Update

- Update on significant issues being addressed by Council.

External Audit Reports

- 2014/15 Final Audited Statements, associated Queensland Audit Office Final Management and Closing Reports
- The Queensland Audit Office certified the Financial Statements and issued an unmodified opinion

- The 2015/16 External Audit Plan

Governance Reporting

- Work Health and Safety report covering safety statistics and two reportable incidents
- Governance and Risk report covering Risk Review and Risk Management Integration, receipt of the 2015 LGM Queensland Risk Management Excellence Award, Business Continuity Plans, Complaints Management and Governance Awareness Program
- Fraud Risk Management Project 2015/16 progress report from consults KPMG to address the results of the Queensland Audit Office report on Fraud Management in Local Government

Internal Audit Reports

The following internal audit reports were presented at the meeting.

- Major Events Sponsorship
- Accounts Payable System including Payment Request and Petty Cash Analysis
- Waste Collection – Revenue and Contract Payments
- Audit and Assurance Status Report covering the approved annual work plan

Management's implementation of the 16 internal and external audit recommendations is being monitored by the Audit Committee.

Legal

There are no legal implications with this report

Policy

Compliance with the *Local Government Act 2009* and *Local Government Regulation 2012*.

Risk

Specific risks have been detailed in the various agenda reports.

Previous Council Resolution

Audit Committee and Internal Audit Charters were previously endorsed by Council 16 October 2014.

Related Documentation

Audit Committee Agenda for 25 January 2016 was issued to Councillors 18 January 2016.

Critical Dates

There are no critical dates associated with this report.

Implementation

Implementation of both the Audit Committee resolutions and the internal and external audit recommendations are monitored by the Audit Committee.

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 - DISPOSAL OF RURAL RESIDENTIAL LAND - MALENY COMMUNITY PRECINCT****File No:** Statutory Meeting 25 February 2016**Author:** Principal Property Officer
Corporate Services 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.

11.2.2 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - QUARTERLY PROGRESS REPORT - QUARTER 2, 2015/2016**File No:** Statutory Meeting**Author:** Manager Corporate Governance
Corporate Services Department

This report 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 SERVICESNil

11.5 CORPORATE STRATEGY AND DELIVERY**11.5.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - MAJOR AND REGIONAL EVENTS SPONSORSHIP APPLICATIONS****File No: Statutory Meeting 25 February 2016****Author: Senior Major Events Liaison Officer
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.

11.6 OFFICE OF THE MAYOR AND THE CEONil

12 NEXT MEETING

The next Ordinary Meeting will be held on 10 March 2016 in the Council Chambers, 1 Omrah Avenue, Caloundra.

13 MEETING CLOSURE