

Agenda

ORDINARY MEETING

Thursday 23 August 2012

commencing at 9.00am

Council Chambers, Cnr Currie and Bury Streets, Nambour

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1 DECLARATION OF OPENING

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

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

That the minutes of the Special Meeting (Budget) 27 June 2012 and Ordinary Meeting held on 26 July 2012 be received and confirmed.

4 OBLIGATIONS OF COUNCILLORS**4.1 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.

4.2 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 in 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.

5 MAYORAL MINUTE**6 PRESENTATIONS**

7 REPORTS DIRECT TO COUNCIL

7.1 REGIONAL STRATEGY AND PLANNING

7.1.1 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE (RETIREMENT VILLAGE AND AGED CARE FACILITY) – 26-40 MENZIES DRIVE, PACIFIC PARADISE

File No: MCU03/0122

Author/Presenter: Principal Development Planner, Planning Assessment

Appendix: App A – Conditions of Approval (Pg 28)

Attachment: [Att 1 - Proposal Plans](#) (Att Pg 3)

Link to PD Online:

<http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/Default.aspx>

SUMMARY SHEET	
APPLICATION DETAILS	
Applicant:	KTMH Developments
Proposal	Material Change of Use for Retirement Village and Residential Care Facility
Properly Made Date:	14 July 2003
Information Request Date:	2 September 2004 (Acknowledgement Notice was reissued due to additional referral agency triggers)
Information Response Received Date:	1 November 2006 (Extended at request of applicant)
Decision Due Date	7 March 2007 - Assessment was put 'on hold' at request of applicant (2007, 2009) 18 March 2011 - Applicant provided additional information and requested council proceed with assessment. Further information provided 9 June 2011, 4 August 2011 and 4 June 2012
Number of Submissions:	2006 - 2 (1 objection, 1 supporting)
	2011 – 4 not properly made letters of support from local progress associations, and a support petition containing over 1,000 signatures
PROPERTY DETAILS	
Division:	8
Property Address:	26-40 Menzies Drive, Pacific Paradise
RP Description:	Lot 5 SP217624
Land Area:	54,270m ²
Existing Use of Land:	Detached Dwelling
STATUTORY DETAILS	
SEQRP Designation:	Urban Footprint

Planning Scheme	Maroochy Plan 2000 (7 May 2002)
Strategic Plan Designation:	Rural or Valued Habitat
Planning Area:	North Shore
Planning Precinct:	North Shore Rural
Assessment Type:	Impact

PURPOSE

The purpose of this report is to seek council's determination of an application for a Retirement Village and Aged Care Facility. The application is before council as the development is in conflict with the planning scheme.

EXECUTIVE SUMMARY

The application seeks a Development Approval for a Material Change of Use to construct a 120 bed Aged Care Facility and a 106 unit Retirement Village at 26-40 Menzies Drive, Pacific Paradise.

The application was lodged in 2003 and a decision has been delayed at the request of the applicant due to numerous state and local strategic planning exercises, including the South East Queensland Regional Plan, Local Growth Management Strategy, Growth Management Position Paper and the North Shore Structure Plan.

The site is zoned rural due to flooding and ecological constraints, and was originally part of a much larger rural area prior to the opening of the new Motorway exist to the airport. The lengthy timeframe of the application has resulted in changed circumstances for the site, with the completion of the Pacific Paradise Interchange and Bypass Road in 2009. . The developer has sought review of the zoning over a long period of time as a result of these changes.

As a result also, the ecological site constraints at the time of lodgement are no longer relevant given the changes brought about with the construction of the North Shore Connection Road (affecting the flooding characteristics of the site), and the lawful removal of vegetation from the site.

The applicant intends to fill the site above the Q100 regional flood event, with no offsite impacts. This would meet the requirements of both the Maroochy Plan and the State Planning Policy 1/03 - Mitigating the Adverse Impacts of Flood, Bushfire and Landslide for an acceptable level of risk based on the development being located above the Q100 regional flood event.

It should be noted, however, that the recent Queensland Flood Commission of Inquiry Report suggests that assumptions of an acceptable level of risk should not be based on a Q100 flood event. While the new level of risk is unknown at this time, it is expected that it will be greater than the Q100 flood event. It is expected that this will eventually result in new/amended State Planning Policies, which will filter down into local government Planning Schemes but, at this time, the Inquiry Report has no statutory effect, and changes to the state and local planning controls have not yet been flagged or occurred.

The *Integrated Planning Act 1997* states that an application in conflict with the planning scheme cannot be approved unless there are sufficient grounds in the public interest to justify the decision despite the conflict. This report concludes that there are sufficient

grounds to approve the application. In particular, there is a demonstrated need for the proposed development given:

- the economic impact report concluded that aged care beds in the catchment were effectively fully occupied, there were no such facilities available in the North Shore area and there was a significant under-supply of aged care beds and, specifically, a serious under-supply of integrated facilities offering both aged care and independent living units (retirement village units);
- it will supply a more affordable product than exists in the Twin Waters area;
- it will supply numerous full-time and part-time employment opportunities in the Pacific Paradise local area;
- the close proximity to the Pacific Paradise Local Centre to support independent living within the development; and
- the findings of council's "Sunshine Coast Housing Needs Assessment" (2009) background paper and Positive Ageing Strategy 2011–2016.

Having regard to the local need, and considering the changed nature of the site since the opening of the North Shore Bypass Road, it is considered that the approval is justified, despite the non-compliance with the planning scheme.

However, given the lack of detail contained in the plans, it is appropriate that only a Preliminary Approval be granted at this time, with the design of the retirement village and aged care facility being conditioned to comply with the applicable Codes.

OFFICER RECOMMENDATION

That Council:

- (a) grant a Preliminary Approval for Application No. MCU03/0122 for a Material Change of Use (Residential Care Facility and Retirement Village) situated at 26 - 40 Menzies Drive Pacific Paradise, in accordance with Appendix A; and**
- (b) find the following are sufficient grounds to justify the decision despite the conflict with the Planning Scheme:**
 - (i) there is a demonstrated need and community benefit for this facility;**
 - (ii) the nature, location and scale of the land use will retain the existing natural character and amenity of the precinct and not impact upon adjoining or proximate residential uses, existing traffic and access arrangements;**
 - (iii) the current zoning pre-dates the changes to the locality which have resulted from the construction of the North Shore Bypass Road. The site is no longer part of the extensive rural lands that surround the town area but, rather, a part of the bounded town area;**
 - (iv) the site is within easy walking distance of the town centre (supermarket, shops, tavern, bowling club) and is one of the few sites available for this use within the region that can provide such amenity for independent living without reliance upon motor vehicles;**
 - (v) the site adjoins existing urban zoned land;**

- (vi) the development will provide opportunities for affordable “ageing in place” for the local community, together with local full-time and part-time jobs; and
- (vii) the nature, location and scale of the development will not adversely impact the local community.

FINANCE AND RESOURCING

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

The quantum of infrastructure charges are unknown at this time given that the plans are conceptual and a preliminary approval only could be granted. Infrastructure charges, as per the Adopted Infrastructure Charges Resolution at the time of issue of a development permit, will be applicable.

The applicant would also be required to enter into an Infrastructure Agreement with Unitywater as the site is outside the sewerage network. These negotiations have commenced for the current proposal and a draft Infrastructure Agreement pertaining to construction requirements, connection to Unitywater’s network and contribution amounts has been devised but will not be required until a Development Permit is issued.

The draft Agreement may require amendment at that time, once final demand is known, as the current layout may require changes for the purpose of a full Development Permit.

PROPOSAL

The applicant seeks approval for a Development Permit for a Material Change of Use (Retirement Village and Residential Care Facility). The original application, as lodged in 2003, requested approval for a 143 unit retirement village. In 2006, the applicant added the Residential Care Facility component.

The current proposal involves a 106 unit Retirement Village, predominantly in single storey duplex form, with a few detached, single-storey units and a combined community facilities/administration building. An open recreation area containing gardens, pool and barbeque is proposed adjacent to the community building towards the front of the Retirement Village portion of the site, and generally behind the proposed Aged Care Facility located to the front of the site.

The proposed Aged Care Facility is shown on current proposal plans simply as an allocated area to the front of the site of 10,257m². Supporting documentation from the applicant describes the allocated area as able to support a facility of around 120 beds, with a mix of care levels (low, medium, high). Concept plans and documentation were provided describing how those beds and associated facilities (café, small convenience kiosk, administration, kitchen, consulting rooms) could be accommodated in the allocated area. The conceptual design includes 60 beds and the ancillary facilities on the ground floor in a main section, with a second wing containing 30 beds on the ground level and 30 beds on a second storey to that wing.

The aged care residents would have access to the community facilities, open recreation area and pool proposed for the Retirement Village, with this area connecting and separating the 2 uses.

To accommodate the uses, the applicant proposes filling of the site by approximately 70cm to achieve floor levels with Q100 flood immunity.

The plans submitted by the applicant, for both land uses, are conceptual and do not provide typical detailed floor plans and elevations. Despite a number of requests from council, the applicant has not provided these detailed plans for assessment at this time. Consequently, should council consider approval of the application, only a preliminary approval could be granted and would be subject to detailed information being supplied.

SITE DETAILS

Background/Site History

There is significant history to this application as it was originally lodged in July 2003 and has been subject to numerous rounds of discussions with the applicant and requested deferrals from the applicant due to various strategic planning processes.

When lodged, the subject site was zoned Rural, contained remnant vegetation and formed part of the much larger regional flood plain associated with the Mount Coolum National Park. The site area was also substantially larger than the current land parcel.

Following initial review of the application, the applicant was advised that the application was unlikely to be supported given the zoning and physical constraints associated with developing the site. The applicant was given the opportunity to withdraw the application, but elected to continue with the application. An extensive information request was issued in September 2003 through the Department of Local Government and Planning. This was via referral coordination under the *Integrated Planning Act 1997* requirements at the time, triggered as "prescribed development" under Schedule 7 of the, then, *Integrated Planning Regulation 1998* (area below a floodline adopted by the local government involving filling below the floodline in excess of 5,000m²).

In July 2004, council became aware that the applicant had not referred the application to a number of State Referral Agencies, and an amended Acknowledgement Notice was issued. The same Information Request was re-issued by the Department of Local Government and Planning in September 2004 in order that the IDAS process could re-commence.

Under the *Integrated Planning Act 1997*, the applicant had 12 months in which to respond to the information request. However, the applicant requested an extension of time for another 12 months, in order to allow for the design phase of the North Shore Connection Road to be completed by the former Department of Main Roads. The design of the bypass road at that time dissected the site, effectively isolating the southern section of the site from the Mount Coolum National Park locality. The applicant's request was granted by the Department of Local Government and Planning as referral coordinator.

In 2005, the South East Regional Plan included the southern part of the site within the Urban Footprint designation of the North Shore area, which meant council was required to consider the site in its preparation of a Local Growth Management Strategy.

Accordingly, the applicant sought yet a further deferral of the timeframe to lodge their information response on the basis that the former Department of Main Roads was not yet in a position to release its flood modelling, based on the impacts of the bypass construction. By then, the landowners had been issued with resumption notices for the construction of the North Shore Connection Road.

This request was not agreed to and, in November 2006, the applicant lodged a partial response, adding the proposed Residential Care Facility to the application.

The applicant again requested that the application be put on hold pending the results of modelling from the former Department of Main Roads as the Bypass design indicated it would benefit the development site in terms of flood management, as well as isolate the site from the Mount Coolum National Park vegetation linkage. The applicant subsequently made a further request to put the assessment on hold until the Local Growth Management Strategy had been advertised.

In 2008 (before amalgamation), council announced its intention to commence a structure planning exercise for the North Shore area. A draft version of the Local Growth Management Strategy was released to the public but, ultimately, that process was abandoned by the State Government. A Growth Management Position Paper was prepared (July 2008) after amalgamation as part of a submission to the South East Queensland Regional Plan review process, although this was only a policy document with no statutory weight.

In early 2009, the applicant again requested deferral of the application until the local area structure planning had been completed. The applicant's consultant negotiated with council to allow some final documentation to be provided for the assessment. Council officers followed up numerous times seeking this information.

Eventually, in early 2011, the applicant changed consultants and the information was promptly submitted to council. This information included an updated ecological report, a flood study and Integrated Water Management Plan, a needs analysis and letters and petition in support.

The lengthy passage of time since lodgement of the application has seen a number of changed circumstances surrounding the site and the proposed use:

- the local area structure planning exercise changed to focus on the Sunshine Coast Airport only, with all other local planning efforts being transferred to the preparation of the new planning scheme;
- the applicant was advised to submit information to council's Strategic Planning Branch to consider the rezoning of the site as part of the new planning scheme preparation (the applicant has pursued this option);
- the applicant obtained building approval for a residence and several sheds on the property, which entitled him to clear for fire breaks around the buildings, leaving minimal vegetation on the site. Approvals for building, earthworks and clearing under local laws were all issued, and the cleared vegetation was not classed as "endangered". Therefore, clearing for this purpose was permissible under the *State Vegetation Management Act 1999*;
- construction of the bypass commenced in 2007 and was opened in April 2009, severing the site from the previously adjoining National Park;
- new flood studies and modelling had occurred; and
- council had commenced background work on the Affordable Living and Positive Ageing Strategies, which were subsequently adopted in 2011.

Site Description

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



The subject site now comprises 5.427 hectares and is predominantly cleared with some patches of fragmented vegetation. There is a detached dwelling and a number of sheds constructed on the site.

The site is within 400 m of the local centre, providing for independent living for the able aged.

The site is effectively flat and mapped as flood prone land. The eastern and southern boundaries of the subject site form the edge of the Pacific Paradise Flood Levee, which was constructed following the 1992 flood events, and has a level of approximately 3.3m Australian Height Datum. This levee protects areas south of the site (including Menzies Drive) from regional flooding from the north. This results in the access to the subject site being affected by flooding from the south via backwater from the canal system. This results in the flood peak being lower in magnitude and occurring later than would otherwise occur without the presence of the levee for the Pacific Paradise locality.

Surrounding Land Uses

The site is located on Menzies Drive, which runs west from the intersection with David Low Way and provides access to the local business centre hub at Pacific Paradise, about 400m east on Menzies Drive along a flat grade. The local business centre contains a range of day-to-day uses including a supermarket, ATMs, a post office and chemist. Additionally, within the local centre are a bowling club, tavern, medical facilities and services such as hairdresser.

On the site's western boundary is an undeveloped, vegetated allotment, also in the rural precinct, which buffers the site from the Motorway. North of the site is part of Mt Cooloom National Park from which the site has been severed with construction of the bypass road.

The subject site abuts the Pacific Paradise State Primary School to the east and is low density residential development to the south.

Public transport is located on David Low Way 400-500m from the site along flat grade, and there are constructed pathways with links to Maroochydore and Noosa. Further north of the commercial site are the North Shore Sports Fields and the new North Shore Community Centre.

ASSESSMENT

Framework for Assessment

Instruments for Statutory Assessment

Under the *Integrated Planning Act 1997*, the application must be assessed against each of the following statutory planning instruments to the extent they are relevant to the development:

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

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

Statutory Instruments – State and Other

State Planning Policies

The following State Planning Policies are applicable to this application:

- State Planning Policy 1/92 - Development and the Conservation of Agricultural Land; and
- State Planning Policy 1/03 - Mitigating the Adverse Impacts of Flood, Bushfire and Landslide.

Only State Planning Policy 1/92 has been deemed by the Minister for Local Government and Planning as being appropriately reflected in council's planning scheme. This does not warrant further assessment.

State Planning Policy 1/03 - Mitigating the Adverse Impacts of Flood, Bushfire and Landslide

This State Planning Policy was adopted in September 2003, after the lodgement of the application. However, due regard must be given to this State Planning Policy. The State Planning Policy sets out the state's interest in ensuring that the natural hazards of flood, bushfire and landslide are adequately considered when making decisions about development, and addresses development issues associated with minimising the potential adverse impacts of these natural hazards.

The State Planning Policy identifies 2 main outcomes to determine the risk associated with natural hazard management.

OUTCOME 1

Within natural hazard management areas, development to which this State Planning Policy applies is compatible with the nature of the natural hazard, except where:

- *the development proposal is a development commitment; or*
- *there is an overriding need for the development in the public interest and no other site is suitable and reasonably available for the proposal.*

The subject site is inundated by flooding in local, regional and storm surge events with the current Q100 regional peak flood level at 2.84m Australian Height Datum.

Therefore, the subject site is located within a natural hazard area, given the existing levels at the site average 2m Australian Height Datum (approximately) and the levels of the lowest points in the road pavement of Menzies Drive (through which any evacuation route would have to pass) are approximately 1.8m Australian Height Datum.

The natural hazard management area for flood hazard is dependent on a local government adopting a defined flood event for the management of development in a particular locality and identifying the affected area in the planning scheme.

The State Planning Policy states that the appropriate defined flood event for determining a natural hazard management area event is the 1% Annual Exceedance Probability, otherwise known as a Q100 event. This position is also stated within the 7 May 2002 version of the Maroochy Plan 2000, which is the relevant planning scheme for the purposes of assessing this application. For the purposes of clarity, the defined flood event is the equivalent of the Q100 regional peak flood level.

To achieve compliance with this outcome, Annex 4 of the State Planning Policy sets out specific outcomes that development proposals should achieve.

1. *Development maintains the safety of people on the development site from all floods up to and including the defined flood event.*
2. *Development does not result in adverse impacts on people's safety or the capacity to use land within the floodplain.*
3. *Development minimises the potential damage from flooding to property on the development site.*
4. *Public safety and the environment are not adversely affected by the detrimental impacts of floodwater on hazardous materials manufactured or stored in bulk.*
5. *Essential services infrastructure (e.g. on-site electricity, gas, water supply, sewerage and telecommunications) maintains its function during a defined flood event.*

The associated guideline to the State Planning Policy outlines solutions to address these provisions.

With regard to point 1 above, 4 solutions are provided within the State Planning Policy Guideline. The development need meet only 1 of these criteria to comply:-

- 1.1 *Development is sited on land that would not be subject to flooding during the defined flood event.*

OR

- 1.2 *There is no increase in the number of people living or working on the site, except where the premises are occupied on a short-term or intermittent basis (e.g. by construction/maintenance workers, certain agricultural and forestry workers).*
- OR**
- 1.3 *For residential development: dwellings are sited so that the floors of all habitable rooms can be located above the defined flood event flood level.*
- OR**
- 1.4 *For non-residential development and development involving temporary or moveable residential structures (e.g. caravan parks and camping grounds):*
- a) *buildings are located and designed so that floor levels (except areas used for car parking) are at or above the defined flood event flood level; **or***
 - b) *there is at least one evacuation route that remains passable for emergency evacuations during all floods up to and including the defined flood event; **or***
 - c) *the premises are located in an area where there is sufficient flood warning time to enable safe evacuation; **or***
 - d) *a safe refuge is available for people within the development site.*

The applicant proposes to fill the site above the Q100 flood level to 2.94m Australian Height Datum and set minimum building floor levels at 3.24m Australian Height Datum. This satisfies the first and third specific outcomes.

With regard to point 2 (or above, 3 solutions are provided within the State Planning Policy Guideline. Similar to the first criterion, the development need meet only one of these criteria to comply.

- 2.1 *Works do not involve:*
- a) *any physical alteration to a watercourse or floodway including vegetation clearing; **or***
 - b) *net filling exceeding 50 cubic metres.*
- OR**
- 2.2 *The development complies with any applicable development criteria set out in a floodplain management plan.*
- OR**
- 2.3 *Where a floodplain management plan does not exist, the proposed works either:*
- a) *avoid any reductions of on-site flood storage capacity and contain within the subject site any changes to depth/duration/velocity of flood waters of all floods up to and including the defined flood event; **or***
 - b) *do not change the flood characteristics at the defined flood event outside the subject site in ways that result in:*
 - (i) *loss of flood storage;*
 - (ii) *loss of/changes to flow paths;*
 - (iii) *acceleration or retardation of flows; **or***
 - (iv) *any reduction in flood warning times elsewhere on the floodplain.*

The application does not comply with items 2.1 or 2.2 above, i.e. the site will be filled by substantially more than 50m³ and no floodplain management plan exists for this area. Therefore, item 2.3 applies.

By filling the site to address flooding risk, flood storage will be lost. However, this has occurred as a result of the construction of the bypass road and not as a result of the development itself. Given the construction of the bypass and the height of the flood levee, the flood characteristics of the site and surrounding locality are now contained, with no external worsening impacts. The warning times for evacuation routes also do not change for the same reasons.

With regard to point 3 above, the only stated solution is for dwellings to be sited such that all floors are located above the defined flood event level. The applicant proposes to fill the site to 2.94m Australian Height Datum and set minimum building floor levels at 3.24m Australian Height Datum, above the Q100 flood event level, thereby satisfying the criterion.

As the development does not propose to manufacture or store items of a hazardous nature, point 4 above is satisfied.

With regard to point 5 above, the solution states that all components of infrastructure that are likely to fail should be located above the defined flood event, and designed to exclude floodwater intrusion/infiltration. This can be conditioned if approval is granted.

The above assessment indicates that the development is compatible with the nature of the hazard and satisfies Outcome 1.

OUTCOME 2

Development that is not compatible with the nature of the natural hazard but is otherwise consistent with Outcome 1:

- *minimises as far as practicable the adverse impacts from natural hazards; and*
- *does not result in an unacceptable risk to people or property*

As the proposal satisfies Outcome 1, no further assessment is required.

While the above assessment indicates compliance with the relevant State Planning Policy provisions, this is based on the risk associated with a defined flood event of Q100, and does not address any larger flood event, such as the Probable Maximum Flood (the largest flood that could reasonably occur at a particular location, resulting from the probable maximum precipitation reflecting the 1 in 10,000 year flood). Recent considerations are provided in more detail within this report.

State Planning Policy 3/11 - Coastal Protection

This policy took effect after the application entered the decision making stage and, under the *Integrated Planning Act 1997*, there is no requirement to assess the application against this policy.

Regardless, the site is **not** affected by the Coastal Management District, but is within the Coastal Zone. The site is triggered by the Medium Hazard Area for Storm Tide Inundation. To effectively address the risks noted within the State Planning Policy, the site will need to be filled above the Q100 storm surge level at year 2100. This requires the site to be filled to a minimum of 2.94 Australian Height Datum, which the application proposes.

Accordingly, the proposal would comply with the State Planning Policy.

South East Queensland Regional Plan

The application was properly made prior to the introduction of the South East Queensland Regional Plan. However, some weight can be given to the document. The site is located within the Urban Footprint of the South East Queensland Regional Plan. The proposed development is generally consistent with the regional land use intent and desired regional outcomes for the Urban designation. There are some potential conflicts with the South East Queensland Regional Plan Regional Policy directives regarding flood management and natural hazards. These are discussed in greater detail below.

Assessment against the Planning Scheme

The applicable planning scheme for the application is the Maroochy Plan 2000 (7 May 2002).

Given the timeframes of the application, the planning scheme at the time of lodgement forms the basis of the assessment, i.e. a 2002 version of the planning scheme – some 10 years old. Under the decision rules of the *Integrated Planning Act 1997*, consideration of subsequent amendments to the planning scheme and new or amended State Planning Policies can only occur up until the application entered the decision stage, i.e. 7 March 2007.

The following sections relate to the provisions of the Planning Scheme at the time of lodgement.

Land Use

The subject site is located in the North Shore Planning Area in a Rural precinct (North Shore Rural). Although the site abuts the Pacific Paradise urban area, the subject site (along with the adjoining site to the west) is specifically described in the Precinct Intent Statement as ‘*an area of land adjacent to the northern edge of the Pacific Paradise precinct and to the west of the school severely constrained by flooding and drainage problems*’, and that the precinct comprises land that is ‘*intended to remain non-urban*’.

Given the changed circumstances associated with the construction of the bypass road and the isolation of the site from the vegetation corridor to the north, the statements in the Planning Scheme for this site do not accurately reflect what is now found on site.

Notwithstanding this, the proposed use of Aged Care Facility and Retirement Village are inconsistent uses in the Rural zone and the application is, therefore, required to follow an impact assessable application process. The development is a significant departure from the planning scheme, planning area and precinct intent statements.

The *Integrated Planning Act 1997* states that an application in conflict with the planning scheme cannot be approved unless there are sufficient grounds in the public interest to justify the decision despite the conflict.

Planning Need

The Department of Local Government and Planning released a Statutory Guideline to be read in conjunction with the *Sustainable Planning Act 2009* regarding planning need for a development. While this application was lodged under the *Integrated Planning Act 1997*, the guideline is still relevant.

The Guideline provides an example of what an urgent need for the proposal might be:

'Example — A local government has identified that there is an undersupply of residential care accommodation in the local government area and, as a result, there is likely to be a significant shortfall in the amount of accommodation available in the next five years. Criteria to identify appropriate sites to accommodate this development are being formulated for inclusion in the planning scheme, however, finalisation of this detailed planning work would unduly delay the delivery of appropriate residential care accommodation.'

The applicant has submitted a report, which concluded that:

- aged care beds in the catchment were effectively fully occupied;
- there were no such facilities available in the North Shore area; and
- generally, there was a significant under-supply of Aged Care beds and specifically a serious undersupply of integrated facilities offering both Aged Care and Independent Living Units (retirement village units).

The report was undertaken by Foresight Partners and was based on both proposed uses and assuming a catchment of 10km radius, which encompasses Buderim, Maroochydore, Mudjimba, Marcoola, Mt Coolum and Coolum.

In respect of the retirement village component (as an isolated use), there is an expected under-supply in the catchment area, with a forecast demand from the catchment area for an additional 97 units per year, or 485 units over 5 years between 2011 and 2016, and 102 units per year, or 510 units over the 5 years between 2016 and 2021. The report notes that there are some vacancies in the immediate locality (Twin Waters Living Choice) but this development is aimed at the "high" end of the market.

Council's Sunshine Coast Housing Needs Assessment (2009) background paper also highlights shortfalls and increasing need for aged care and residential options associated with the region's ageing population. It found:

The projections of household type and the findings for aged persons in relation to dwelling form and size suggest the following key needs in relation to the provision of housing for older people:

- *A substantially increased supply of smaller detached houses on smaller lot sizes, semidetached housing and attached dwellings are necessary to accommodate the future needs of older people;*
- *An increase in non-private integrated care for older people; and*
- *Consideration should be given to encouraging a balance of the supply of low and high level care to ensure that frail elderly people are not forced to move from the Sunshine Coast when a higher level of care becomes necessary.*

The current adopted Positive Ageing Strategy 2011–2016 identifies the need for residential and aged care options for the region's elderly. Principle 6 - Opportunities for All to an Independent Lifestyle - suggests that council facilitate independent living and ageing in place through planning for affordable living and the provision of appropriate housing and aged care options. Similarly, the Affordable Living Strategy 2010–2020 identifies the need for increased aged care accommodation and seeks to increase levels to Federal benchmark standards.

It is agreed there is a demonstrated need for the proposed development and community benefit which will arise from its construction, in terms of addressing seniors' housing (particularly given the proximity to most necessary services and facilities, which is not readily available in most retirement village proposals given the large land parcels required are mostly located on the "outskirts" of developed areas). The proposal also allows for true ageing in place, where persons may require higher level care as they become less independent and less mobile.

While there is an identified need for the development, the applicant must also demonstrate that the site is suitable for the development and the site constraints can be satisfactorily addressed.

Assessment against Applicable Use Code

The applicable planning scheme code for the purposes of assessment is the Code for Retirement Villages and Residential Care Facilities. This code addresses site location, size and density, accessibility within the site, safety and security, and waste management.

Location

The acceptable measure in the Code for Retirement Villages and Residential Care Facilities requires such uses to be located with close and convenient access to everyday facilities, preferably in a local centre precinct or within 400m of a local centre.

Notwithstanding its rural zoning, the site achieves the location criteria in the Code as it is within 400m of the Pacific Paradise local business centre. This is unusual and provides for the continuing independence of residents who can not drive or walk very far. Very few such sites now exist through the existing urban areas of the Coast with most recent approvals of retirement living unable to meet this criteria.

The site is level, access to facilities adjoining the site is level and pedestrian paved (from the school frontage towards the local centre and on the southern side of Menzies Drive to the intersection with Timari Street), or additional footpaths can be easily constructed (on the site's frontage to Menzies Drive). Public transport is within 500m and the main centres of Maroochydore and Nambour (including the hospital) are directly and easily accessed via the Sunshine Motorway or Nambour–Bli Bli Road and within 10–15 minutes.

This position is consistent with the current version of Maroochy Plan 2000.

Size and Density

The Code for Retirement Villages and Residential Care Facilities provides a dwelling unit factor of 500 for retirement villages, i.e. the applicable site area should be divided by this number to reach the acceptable number of dwellings. In this case, although the design is preliminary, dividing the area currently proposed of 5.4 hectares by 500, gives 108 units. The current plans show 106 retirement village units and 120 aged care beds. This is substantially above the dwelling unit factor for the site, even if the site was zoned for residential purposes.

However, the purpose of the density controls is to ensure that adequate on-site facilities are able to be provided to cater for the development, such as access and egress for residents, emergency vehicles and visitors, landscaping, recreational facilities and private living spaces.

The development complies with the above for the following reasons:

- the retirement units provide sufficient space for visitor parking in driveways;
- the internal street circulation allows for access and egress by emergency vehicles;
- private open space (courtyards) can be achieved for each unit; and
- suitable community open space and common recreational facilities are provided.

In addition, the location of the site favours an increase in density given the proximity to services required for the general public, particularly the elderly.

Accordingly, the proposed density for the land use is considered to address the requirements of the planning scheme.

Accessibility, Safety and Security and Waste Management

The Code requires that:

- no dwelling is located greater than 250m from the recreation, social, health and support services located on the site;
- 1 habitable room window must face public or communal streets;
- sufficient lighting is provided throughout the development;
- landscaping heights do not allow for concealment;
- directional signage is provided to the site entrance and individual dwelling units; and
- adequate waste management is contained on site.

The above provisions can be addressed in any detailed design work for the site.

Assessment against Other Codes

Stormwater

The submitted Integrated Water Management Plan is not consistent with the most recent site plan. As such, only a preliminary approval could be granted at this time if approval were contemplated.

Noise Impacts

A noise report was undertaken in 2006, prior to the Department of Transport and Main Roads designation of Transport Noise Corridors across the State Controlled Roads within the Sunshine Coast Council region which were gazetted on 13 August 2010. The subject lot is within a Transport Noise Corridor, which will trigger the Queensland Development Code Mandatory Part 4.4 "Buildings in the Transport Noise Corridors", which sets building standards for residential buildings (classes 1 to 4), including townhouses, units, hotels and motels. The code details noise reduction requirements for habitable rooms across 4 noise categories and contains information on acceptable materials for floors, walls, roofs, windows and doors to achieve appropriate noise reductions.

The noise categories of the code are calculated in the absence of any constructed barriers, subsequently the inclusion of a barrier between the proposal and the North Shore Connection Road as proposed by the Noise Impact Assessment will affect those previously calculated noise categories, and most likely cause some of the noise categories over the dwellings to reduce.

Accordingly, a revised report will need to provide the respective noise categories over the lot in the presence of the barrier and present these new categories in accordance with the Queensland Development Code Mandatory Part 4.4 "Buildings in the Transport Noise Corridors". The new categories will then inform the applicant of the necessary noise reduction requirements for habitable rooms to be adopted in accordance with the Queensland Development Code.

The revised report will be an approved document and a property notation will be included to inform any purchasers of the development or building certifiers of the new categories.

The need for a revised noise report provides another reason why only a preliminary approval could be granted at this time if approval were contemplated.

Flooding Risk

Current Situation

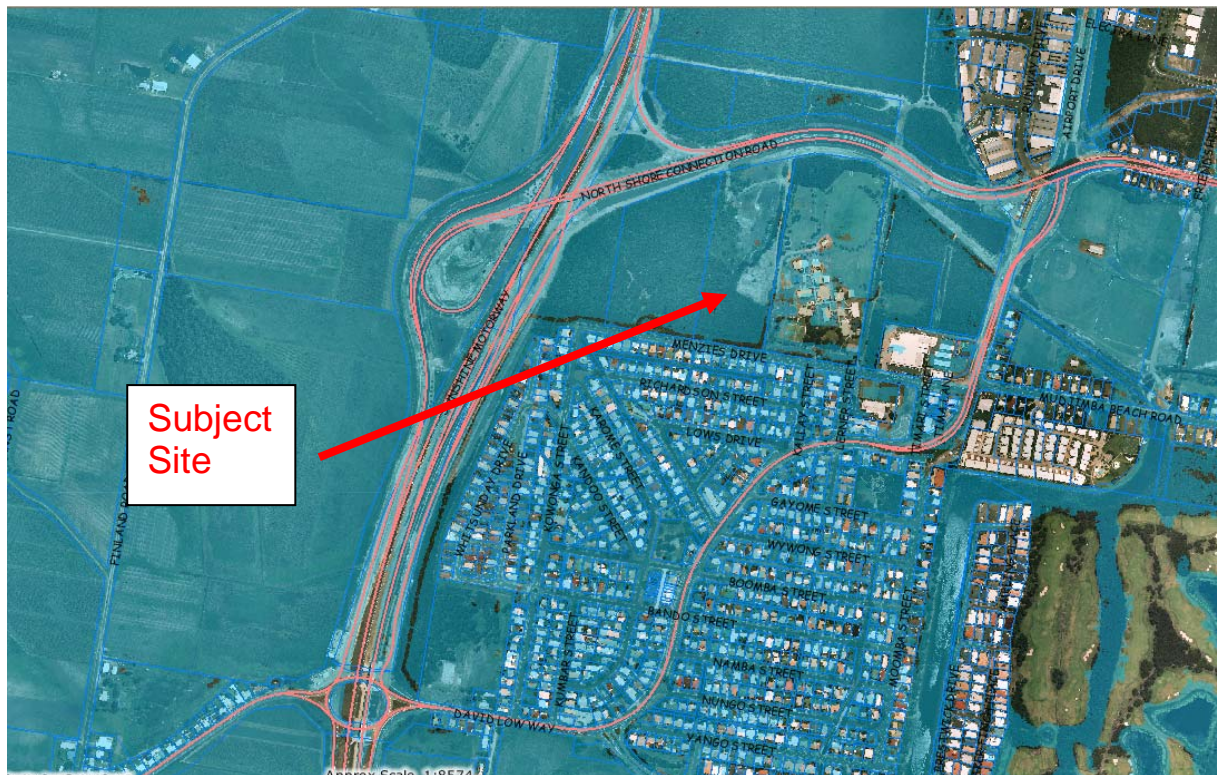
Prior to the construction of the Pacific Paradise Interchange and Bypass, the subject site formed part of the major floodplain area associated with the Mount Coolum National Park wetland. Since this time, the site has been effectively cut off from this regional floodplain area.

The existing levels at the site average 2m Australian Height Datum (approximately) and the levels of the lowest points in the road pavement of Menzies Drive (through which any evacuation route would have to pass) are approximately 1.8m Australian Height Datum.

Given this, the subject site is totally inundated by flooding in local, regional and storm surge events, with the current Q100 regional peak flood level at 2.84 metres Australian Height Datum.

The eastern and southern boundaries of the subject site form the edge of the Pacific Paradise Flood Levee, which was constructed following the 1992 flood events and which has a level of approximately 3.3m Australian Height Datum. This levee protects areas south of the site (including Menzies Drive) from regional flooding. This results in the access to the subject site being affected by flooding from the south via backwater from the canal system. This results in the flood peak being lower in magnitude and occurring later than would otherwise occur without the presence of the levee.

A plot of the current Q100 regional flood event is provided below, i.e. the areas shaded in blue.



This plot shows that most of the Pacific Paradise area is below the current Q100 flood event level

Assessment against the Relevant Planning Scheme Provisions

The Planning Area and Precinct Intent broadly identifies that development “of the land within the precinct and adjacent to the northern edge of the Pacific Paradise precinct and to the west of the school is to provide for measures to ensure an acceptable level of flood immunity and a non-worsening or improvement of flooding conditions in the area”.

The applicable code, the Design Code for Flooding, is similar in nature to the State Planning Policy, as it assumes an acceptable level of risk, being the Q100 event. This is highlighted within the Acceptable Measure where it states:

Allotment levels of Emergency Services, Hospital, residential, commercial and industrial developments are above the 100 year ARI flood level

The proposal complies with this provision given the site is proposed to be filled with floor levels will be above this flood event.

The Maroochy Plan 2000 generally adopts an approach that filling in the floodplain should not result in any worsening of floodwater flows off-site.

The flood study dated January 2011, provided by Cardno, examines the flood impacts from the development on both local and regional flood characteristics. The report concludes that filling the site will cause no impacts during a 1 in 100 year Average Recurrence Interval regional flood event. This conclusion is supported by the fact that the site has been largely isolated from the broader floodplain by the construction of the Pacific Paradise Interchange and Bypass.

The proposal will result in a loss of regional floodplain storage. This is a significant consideration given the rural designation of the land and the potential for cumulative impacts to occur should other rural land in the floodplain be similarly filled. To address this issue, an independent background flood report (provided by Hydralogic, 2011) has considered this issue in the context of the rest of the floodplain, and concluded that the loss of floodplain storage is acceptable given the site is now isolated from the remainder of the broader floodplain by the new Pacific Paradise Interchange and Bypass Road.

Evacuation Routes

Evacuation routes, in the event of a flood event, are not addressed in either the State Planning Policy 1/03 - Mitigating the Adverse Impacts of Flood, Bushfire and Landslide or the Maroochy Plan 2000.

To determine whether evacuation of the residents is feasible, 3 scenarios are considered:

- a Q100 event under current climate conditions (2.84m Australian Height Datum);
- a Q100 event under climate conditions at year 2100 (2.94m Australian Height Datum); and
- a Probable Maximum Flood event (4.68m Australian Height Datum).

Regional flood modelling indicates that the evacuation route from the site to the Motorway becomes first inundated, and untrafficable, at either:

- David Low Way south of the intersection with Airport Drive. This occurs during a Q50 regional event (corresponding to a flood level at the site of 2.72m Australian Height Datum); or
- in Menzies Drive when the downstream Maroochy River/Canal level exceeds 1.8m Australian Height Datum.

For a Q100 regional flood event under current climate conditions, over 40 hours elapse from the start of the flood event until either David Low Way or Menzies Drive become inundated. This long flood warning time occurs due to the site being located close to the mouth of the Maroochy River and the time it takes for a flood peak to propagate through the catchment to the river mouth.

However, the proximity to the river mouth acts to significantly reduce flood warning times when either a Q100 climate change scenario or Probable Maximum Flood scenario is considered. Under either of these scenarios, the water level at the start of the event already exceeds the minimum level in Menzies Drive, highlighting the sensitivity of the Pacific Paradise road network in any case. Under more extreme events such as the Probable Maximum Flood or a Q100 scenario incorporating future sea level rise, flood warning times are essentially zero, with the site remaining isolated for up to 48 hours during an extreme flood event above the Q100 (Hydralogic, 2011).

In relation to functioning services and utilities, the likelihood of services working in a Q100 event and above would be as could be expected for anywhere in Pacific Paradise. In more extreme flood events, where the development is inundated, it is anticipated that none of the services would work at the site or at other major facilities.

Considering Flood Risk beyond the Q100 Flood Event

More Recent Thinking

2 publications, *Planning for stronger, more resilient floodplains Part 2 – Measures to support floodplain management in future planning schemes* by Queensland Reconstruction Authority, and *Floodplain Management in Australia – Best Practice Principles and Guidelines* by CSIRO SCARM Report No. 73 (also referenced by the Queensland Flood Commission of Inquiry report) both strongly advocate a risk-based approach to floodplain management and are critical of contemporary Queensland practice which assumes simply filling land to the Q100 flood level eliminates flood hazard to an acceptable level. Queensland Reconstruction Authority (2012) specifically states: “...good planning needs to consider more than just the 1% AEP flood (Q100). In particular, good land use planning should consider the possibility of a range of floods across the full floodplain extent, and also give greater attention to the consequences of flood”.

Queensland Flood Commission of Inquiry

The Queensland Flood Commission of Inquiry was instigated by the State Government following the extreme flood events of 2010/2011. The Commission was set up to investigate the flood events, including land use planning in order to minimise future flood impacts. Similar to the Queensland Reconstruction Authority document, the final report considered the appropriateness of planning for a Q100 event and whether this is an acceptable level of risk for development.

The report recommends, among other community facilities, that aged care facilities should be *located and designed so as to function effectively during, and immediately after a flood.*

The report further references the Standing Committee on Agriculture and Resource Management Report *Floodplain Management in Australia: Best Practice Principles and Guidelines* which states that *“housing for the aged is best sited in flood-free areas because of the additional time likely to be involved in evacuation, and the dangers of slower evacuation”.*

The statements made in the Queensland Flood Commission of Inquiry Report raise concern that the previous assumptions of an acceptable level of risk should not be based upon a Q100 flood event.

While the new level of risk is unknown at this time, it is expected that the new acceptable level of risk will be greater than the Q100 flood event and is likely to form the basis of new/amended State Planning Policies, which will filter down into Local Government Planning Schemes.

To address the possibility of a State Government change in policy position, the applicant, in March 2012, suggested the possibility of increasing the floor level of the Residential Care Facility above the Probable Maximum Flood Level of 4.68m Australian Height Datum. The plans show the Residential Care Facility at the front of the site, with a natural ground level of approximately 2m Australian Height Datum. This proposal would result in a building floor level requiring 2.7m of fill (or 27,000m³), with a 2 storey building being located on top of this fill. This is an extreme response to the issues raised and results in a visually dominating building fronting residential dwellings on the southern side of Menzies Drive. Officers also doubt that this would constitute a minor change (which would require the application process to recommence).

However, for the purposes of this assessment, both the relevant and current versions of the Maroochy Plan 2000, as well as the relevant State Government policy position, maintain that an acceptable level of risk for such uses is a Q100 regional flood event. While this provides the minimum standard, the proposal has provided for temporary safe refuge well above this level on the proposed second storey of the Residential Care Facility.

Ecological Constraints

The subject site was originally shown as a combination of Rural or Valued Habitat (over an area generally commensurate with the current parcel area) and Special Purpose - Conservation (over that part which has now been either resumed for the bypass or severed by the bypass to the north). As the bypass road has been constructed, development is proposed solely on the Rural and Valued Habitat portion of the site. As such, the Special Purpose designation is not relevant.

The site was previously included within an Urban designation under the 1996 Strategic Plan, along with the adjoining residential and business areas of Pacific Paradise/North Shore. The subject site was a heavily vegetated parcel, containing remnant vegetation, and acted as a link between the Mt Coolum National Park vegetation to the north, the adjacent site to the west and farther south towards the vegetation mosaics around Maroochy River and, together with its floodplain characteristics (part of the caneland/rural floodplain and storage areas to the west), would have met the above strategic intentions of the Maroochy Plan and Strategic Plan.

The site remains designated as Rural or Valued Habitat under the Maroochy Plan 2000.

The Strategic Plan broadly describes the purpose of the designation as including the protection of important habitat and vegetation communities, as well as sections or tracts of land that function as links or corridors for closely located vegetation mosaics in the planning scheme area. It notes that many of these parcels are in private ownership, but form broad linkages between principal conservation areas and major vegetation zones within and outside of the (former) shire.

However, the subject site no longer forms part of the broader vegetation corridor to the north as the applicant had building approval for a residence and several sheds on the property, which entitled him to clear for fire breaks around the buildings, leaving minimal vegetation on the site.

Council's environmental specialist officers are of the view that the site no longer has the characteristics that would justify its conservation either in its own right or as part of a corridor linkage, due to the clearing of the site and its severance from the vegetation communities to the north by the bypass road.

Other Matters for Consideration

Positive Ageing Strategy and Affordable Living Strategy

The most relevant strategies to this proposal are the adopted Sunshine Coast Affordable Living Strategy and Sunshine Coast Positive Ageing Strategy. The applicable policy statement within the Affordable Living frameworks states – *Council will strive to achieve a provision of housing and aged care that promotes positive housing and ageing in place.*

The Sunshine Coast Affordable Living Strategy 2010-2020 contains a framework of 7 outcomes and associated principles:

- housing diversity;
- housing affordability;
- self contained neighbourhoods;
- transport options;
- supportive environments;
- resource efficiency; and
- economic development.

This policy has been created to provide guidance on how the specific housing needs for our community (including the aged) may be achieved. The proposal meets many of the outcomes and principles identified in the Sunshine Coast Affordable Living Strategy relating to the particular aged community sector as follows:

- caters for a range of dwelling types and income levels;
- provides pedestrian access to an extensive range of local goods, services and social opportunities and is within close proximity to public transport for higher order needs;
- the location is central to many of the surrounding areas from which the applicant predicts residents will originate. This could minimise loss of existing social connections, social activities and friendships; and
- provision of on-site facilities supports the intention of self-contained neighbourhoods and a supportive environment.

Complementing the Affordable Living Strategy, the Sunshine Coast Positive Ageing Strategy 2011-2016 focuses on council's commitment to older people on the Sunshine Coast. It recognises the percentage of the Coast's population over 55 years of age (approximately 29%) and is supported by a set of 7 guiding principles. These are in line with a number of key international, national and state strategic documents. The principles are:

- equitable access for all;
- dignity and respect;
- diversity;
- safety;
- participation and connectedness;
- opportunities for all to an independent lifestyle; and
- collaborative partnerships.

One of the key outcomes of the strategy is to advocate for and promote age-friendly Sunshine Coast communities. Age-friendly communities promote participation, active lifestyles, safety and accessibility for older people and communities. The proposal meets many of the outcomes and principles identified in the Sunshine Coast Positive Ageing Strategy as follows:

- it is located to ensure residents have access to services, community infrastructure and programs that enhance their quality of life;
- it will provide housing choice, disabled access and diversity;
- it will provide on-site opportunities to help older people feel physically and emotionally safe in their homes and in the community;
- with the large range of on-site facilities and easy access to the North Shore Community Centre, it will provide opportunities for residents to remain socially connected through participation in community life and decision-making processes and remain active; and
- the retirement village and residential care facility will allow residents to maintain their independence and live an active lifestyle, while having additional support if needed (social, safety, health and wellbeing).

Economic Implications

The applicant has submitted a report by Foresight Partners, based on both proposed uses and assuming a catchment of 10km radius, which encompasses Buderim, Maroochydore, Mudjimba, Marcoola, Mt Coolum and Coolum.

During construction, the report expects the following (based on both components being constructed), where 1 "job" equates to full-time employment for one person for 1 year:

- 149 direct jobs - recipients include, for example, construction workers and sub-contractors;
- 161 jobs created through indirect employment - in such support industries as manufacturing and road transport; and
- 108 jobs created through induced employment generated by construction expenditure. This effectively translates to a third round of employment creation and includes, for example, employment generated in the retail and hospitality sectors.

During operation, the report suggests that about 50 ongoing jobs would be generated by the aged care component, and that about 6-8 jobs could be expected to be generated associated with management of the village.

Council's Economic Development Branch agrees with the content of the report, and supports approval of the application.

Traffic and Transport

The site is well serviced by public transport with a bus stop located 400-500m away along David Low Way, taking patrons to Maroochydore or Coolum and beyond to Noosa.

Traffic volumes around the site are unlikely to be adversely affected given the low demands for vehicles for retirement villages.

The site is connected to footpaths which will be extended to the development site in the event of approval.

CONSULTATION

IDAS Referral Agencies

The application was referred to the following IDAS referral agencies:

Concurrence

Department of Main Roads

The department is a concurrence agency for State Controlled Road matters. The department responded by letter dated 3 September 2004 giving an approval with conditions being that the applicant must be responsible for any works or contributions to alleviate any impacts that occur to the State-controlled road network that may arise from the development and that the applicant is responsible for achieving acoustic quality objectives.

Advice

Department of Natural Resources and Mines

The department is an advice agency for acid sulphate soil matters. The department provided a request at information stage that the applicant conduct a review to ascertain whether the State Planning Policy was triggered and provided advice upon the guidelines for development. The department did not provide any further comment or assessment.

It is expected that this issue will be addressed at the time of a development permit for operational works.

Third Party

Department of Primary Industries and Fisheries

The application was referred to the department for comment by the Department of Local Government and Planning as referral coordinator. The Department of Primary Industries and Fisheries did not have any matters for the coordinated information request and has not provided any further assessment or comment in respect of the proposal.

Department of Natural Resources and Mines

As third party advice agency, the department provided some comment in the coordinated request for information in respect of the process for verifying the mapped Regional Ecosystems, as well as requirements under the *Aboriginal Cultural Heritage Act 2003*.

Environmental Protection Agency

As a third party advice agency, the agency requested information pertaining to flora and fauna on the site, proposed clearing and any plans for revegetation of the site.

The agency responded by letter dated 8 November 2006 with recommendations (based on the site conditions at the time) suggesting that, if council supported the application, conditions could be included pertaining to retention of any “of-concern” vegetation, a minimum width of vegetation buffer on the northern boundary of 30m, and stormwater treatment devices to be located outside vegetated areas to protect the biodiversity integrity of any vegetation to be retained on the site.

The “of-concern” vegetation is located on the northern side of the North Shore Connection Road. As such, no such buffer is required. However, a 20m wide vegetated buffer to Pacific Paradise Interchange and Bypass Road is recommended.

Other Referrals

Unitywater

The application was forwarded to Unitywater and their assessment forms part of this report.

Internal Referrals

The application was forwarded to the following internal council specialists and their assessment forms part of this report:

- Engineering, Environment and Hydraulics and Water Quality, Engineering and Environment Assessment Branch; and
- Strategic Land Use Planning.

Public Notification

The application was publicly notified for 30 business days in accordance with the requirements of the *Integrated Planning Act 1997* in 2006. Two properly made submissions and 5 not properly made submissions were received. The submissions consisted of a letter of general support from the adjoining land owner to the west and a letter of concern/objection from the Sunshine Coast chapter of the Wildlife Protection Association.

As the application was advertised in 2006, there was no legal requirement for the applicant to re-advertise the proposal but, with the change in planning consultant, the applicant door-knocked in the local area in March 2011, and further “not properly made” submissions were received.

The “not properly made submissions” included letters of support from 3 local progress associations (Pacific Paradise, Mudjimba, Marcoola) and a local traders association (North Shore), as well as a petition document in support of the proposal with an excess of 1,000 signatures. These are predominantly (if not entirely) from the local area including Pacific Paradise, Twin Waters, Mudjimba and Marcoola.

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

Issues	Comments
<p><u>Properly Made (2007)</u></p> <p>Suitable Location Provides retirement community with contemporary dwellings and benefits from proximity to shopping and transport.</p> <p>Detrimental Impact on Values of Site Adjoins Noosa National Park Adjoins wetland Significant vegetation on site Environmental Management Plan should be drawn up to manage construction Suggest deferral of assessment until after bypass is fully detailed or constructed</p> <p><u>Not Properly Made (2011)</u></p> <p>Summary of points There is a need for the proposal in the locality Will support local residents/offer needed services It is suitably located in proximity to services and transport Local area, residents and businesses will benefit</p>	<p>Agreed. This is a rare site in context of developed neighbourhoods, as most sites large enough (usually over 3ha) to support a retirement village or similar in proximity to centres, have been developed. The predominant location for application for retirement villages currently is outside of centres, where village buses are usually required to off-set access issues.</p> <p>Disagree (due to changed circumstances) The values described by this submission have been significantly altered by past events including construction of the bypass and its effect on the wetland values of the site and adjoining site as well as clearing of the subject site. The application was ultimately deferred due to events until after the bypass construction. Current assessment by environmental officers allows for support of the proposal, subject to some conditions in respect of buffers, setbacks, fencing and re-vegetation/landscaping.</p> <p>Agreed The proposal has demonstrated need and community benefit (social and economic) The proposal meets location requirements (proximity and access) under the planning scheme codes</p>

CONCLUSION

The application has been assessed against the relevant State Planning Policies and the Maroochy Plan 2000 relevant in 2003.

The proposed Aged Care Facility and Retirement Village are inconsistent uses in the Rural zone. The development is, therefore, a significant departure from the planning scheme, planning area and precinct intent statements.

The *Integrated Planning Act 1997* states that an application in conflict with the planning scheme cannot be approved unless there are sufficient grounds in the public interest to justify the decision despite the conflict.

It is agreed that there is a demonstrated need for the proposed development and community benefit that will arise from its construction given:

- the Foresight Partners' Report concluding that aged care beds in the catchment were effectively fully occupied, there were no such facilities available in the North Shore area, there was a significant under-supply of aged care beds and, specifically, a serious under-supply of integrated facilities offering both aged care and independent living units (retirement village units);
- the close proximity to the Pacific Paradise Local Centre; and
- the findings of council's "Sunshine Coast Housing Needs Assessment" (2009) background paper and Positive Ageing Strategy 2011–2016.

The design of the retirement village and aged care facility can also be conditioned to comply with the applicable Codes.

The applicant intends to fill the site above the Q100 regional flood event. The assumptions in both the Maroochy Plan and the State Planning Policy 1/03 - Mitigating the Adverse Impacts of Flood, Bushfire and Landslide for an acceptable level of risk are based on the development being located above the Q100 regional flood event. Additionally, temporary safe refuge will be provided well above this level.

The offsite impacts associated with filling the subject site have been considered and, while floodplain storage will be lost, the characteristics of the site are such that no off-site impacts result.

When assessed purely against the relevant scheme provisions in place at the time of lodgement, the application broadly complies with the planning scheme (other than zoning) and reasons for approval despite the conflict can be formed.

The Queensland Flood Commission of Inquiry Report suggests that previous assumptions of an acceptable level of risk should not be based upon a Q100 flood event. While the new level of risk is unknown at this time, it is expected that the new acceptable level of risk will be substantially greater than the Q100 flood event. This decision will form the basis of new/amended State Planning Policies, which will filter down into Local Government Planning Schemes.

However, on balance and considering the statutory assessment against the planning scheme at the time of lodgement, the application satisfies the planning scheme requirements and is recommended for approval.

Given the lack of detail contained in the plans, it is appropriate that a Preliminary Approval only be granted at this time.

APPENDIX A - CONDITIONS OF APPROVAL

1. APPLICATION DETAILS

Application No: MCU03/0122
Street Address: 26–40 Menzies Drive, Pacific Paradise
Real Property Description: Lot 5 SP217624
Planning Scheme: Maroochy Plan 2000 (7 May 2002)

2. DECISION DETAILS

The following type of approval has been issued:

- Preliminary Approval for Material Change of Use (Residential Care Facility and Retirement Village)

3. RELEVANT PERIOD OF APPROVAL

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

4. ASSESSMENT MANAGER CONDITIONS

PLANNING

1. Prior to the issue of a development permit, provide detailed site plans, floor plans and elevations of the proposed development showing the following
 - (a) a minimum floor level for all buildings of 3.24 m Australian Height Datum;
 - (b) the maximum height of 8.5 metres above the minimum floor level listed in part (a) above;
 - (c) a maximum of 106 two bedroom units (or equivalent in dwelling unit factor) for the Retirement Village;
 - (d) a maximum of 120 beds for the Residential Care Facility;
 - (e) the development must be setback a minimum of 6 metres from the front (southern) boundary;
 - (f) a 3 metre wide landscaping strip along the road frontage of the subject site;
 - (g) the development must be set back a minimum of 6 metres from the eastern boundary, including 2 metres of landscaping abutting the school, 2 metre wide footpath and 2 metres building setback;
 - (h) a 20 metre wide planted buffer to the Pacific Paradise Interchange and Bypass Road with native plants endemic to the area with a matured height and density to achieve a dense screen to the Pacific Paradise Interchange and Bypass;
 - (i) the development must use sustainable building materials, solar panels and water reuse in the design of the building. The buildings should also reflect best solar orientation in their design; and
 - (j) the design of the private roads within the Retirement Village must allow for a side load (wheelie bins) waste collection vehicle.

CIVIL ENGINEERING

2. Stormwater must be collected and lawfully discharged from the development site and from works associated with the development in accordance with Council's Development Design Planning Scheme Policy and QUDM.

HYDRAULICS AND WATER QUALITY

3. Prior to the issue of a development permit, provide an amended Integrated Water Management Plan which addresses the following issues:
 - (a) demonstrate how surface levels within the development will be provided to maintain the function and not lower the performance of the current flood levee which traverses the site;
 - (b) demonstrate how an adequate flood refuge area above the Probable Maximum Flood (PMF) will be provided within the second floor of the aged care facilities for all residents and employees of the site and how such a refuge will be able to be operated to provide all basic services during such as event;
 - (c) provide a revised flood impact assessment demonstrating no off-site flood impacts for a full range of Average Recurrence Interval (ARI) events up to and including the 1 in 100 year ARI event for both the local and regional flood events. The revised assessment is to be based on roughness parameters which correspond to a landscape/rehabilitation concept plan for the site and specifically dealing with the proposed landscaping of the channels and perimeter of the site; and
 - (d) provide a Flood Emergency Management Plan which is suitable to be used by the future operators and residents of the site and documents procedures and strategies that will be employed in a flood event to ensure the safety of people is not compromised. The plan is to consider events up to and including the PMF and is to document both evacuation and refuge strategies.

ENVIRONMENTAL HEALTH

4. Prior to issue of a development permit, provide an updated Noise Assessment Report. The following requirements for this report include:
 - (a) identify within the assessment the road traffic noise affected dwellings within the Sunshine Motorway and/or the Pacific Paradise Interchange and Bypass Road Transport Noise Corridor; and
 - (b) identify within the report from the findings of those dwellings within the corridor which have assigned by the report a noise category lower than that assigned by the Queensland Development Code (QDC) Mandatory Part 4.4 "Buildings in the Transport Noise Corridors".

UNITYWATER

5. Reticulated water must be provided to the development.
6. Reticulated sewerage must be provided to the development.

5. REFERRAL AGENCIES

The referral agencies applicable to this application are:

	Referral Status	Referral Agency and Address
State Controlled Roads	Concurrence	Department of Transport and Main Roads PO Box 1600 Sunshine Plaza Postal Shop MAROOCHYDORE QLD 4558
Response	<i>The agency provided its response on 3 September 2004 (Reference No. 80/133/702.8 (AO) f27 lah4691). A copy of the response is attached, including any conditions the agency has for the development.</i>	
Acid Sulphate Soil	Advice	Department Of Environment and Resource Management GPO Box 2454 BRISBANE QLD 4001
Response	<i>The agency did not provide a response.</i>	

A copy of any referral agency conditions is attached.

6. APPROVED PLANS

Not Applicable.

7. REFERENCED DOCUMENTS

Not Applicable.

8. ADVISORY NOTES

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

Infrastructure Contributions

1. This development permit may trigger an "Adopted Infrastructure Charge Notice" (if applicable) to be issued in accordance with Councils "Adopted Infrastructure Charges Resolution (No.1) 2011" under the State Planning Regulatory Provision (Adopted Charges) and the "Sustainable Planning Act 2009". Infrastructure Contributions will be calculated at the time of issue of any Development Permit.
2. Infrastructures Charges for Water and Sewer are to be in accordance with the Infrastructure Agreement signed between the applicant and Unitywater.

Unitywater

3. Connection to the Unitywater live water supply and live sewerage system must be undertaken by Unitywater at the applicant's cost.

Equitable Access and Facilities

4. The plans for the proposed building work have NOT been assessed for compliance with the requirements of the Building Code of Australia – Part D3 as they relate to

people with disabilities. Your attention is also directed to the fact that in addition to the requirements of the Building Code of Australia – Part D3 as they relate to people with disabilities, one or both of the following may impact on the proposed building work:

- (a) the *Disability Discrimination Act 1992* (Commonwealth); and
- (b) *Anti-Discrimination Act 1991* (Queensland).

The Sunshine Coast Regional Council recommends that the following matters be considered to address equitable access and facilities in the building:

- (a) the building and environs should be designed to meet the requirements of the Human Rights and Equal Opportunity Commission “Advisory Notes on Access to Premises” and AS 1428.2;
- (b) applicants should be aware that a “Disability Standard on Access to Premises” is currently being developed and most likely will impose changes on the Building Code of Australia; and
- (c) any services and facilities in the building complex should allow independent, dignified and equitable use of the services and facilities for all people.

Aboriginal Cultural Heritage Act 2003

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

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

You should contact the Cultural Heritage Co-ordination Unit on 07 3239 3647 to discuss any obligations under the *ACH Act*.

9. PROPERTY NOTES

Not Applicable.

10. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME

Not Applicable.

11. FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Material Change of Use (Residential Care Facility and Retirement Village)
- Development Permit for Operational Work
- Development Permit for Building Work

12. SELF ASSESSABLE CODES

Not Applicable.

13. SUBMISSIONS

There were 2 properly made submissions about the application. In accordance with *Integrated Planning Act 1997*, the name and address of the principal submitter for each properly made submission is provided and attached.

14. REASONS / GROUNDS FOR APPROVAL DESPITE CONFLICT WITH SCHEME

The Assessment Manager considers the decision conflicts with the planning scheme and the following are sufficient grounds to justify the decision despite the conflict:

1. the nature, location and scale of the land use will retain the existing natural character and amenity of the precinct and not impact upon adjoining or proximate residential uses, existing traffic and access arrangements;
2. the current zoning pre-dates the changes to the locality which have resulted from the construction of the North Shore Bypass Road. The site is no longer part of the extensive rural lands that surround the town area but, rather, a part of the bounded town area;
3. the site is within easy walking distance of the town centre (supermarket, shops, tavern, bowling club) and is one of the few sites available for this use within the region that can provide such amenity for independent living without reliance upon motor vehicles;
4. the site adjoins existing urban zoned land;
5. the development will provide opportunities for affordable “ageing in place” for the local community, together with local full-time and part-time jobs; and
6. the nature, location and scale of the development will not adversely impact the local community.

15. RIGHTS OF APPEAL

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Integrated Planning Act 1997* is attached.

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

16. OTHER DETAILS

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

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7.1.2 APPLICATION FOR AMENDMENTS TO MASTER PLAN NO.14 TO PERMIT THE ESTABLISHMENT OF A CAR PARK (TEMPORARY) WITHIN PRECINCT 3 AND 4 OF DETAILED PLANNING AREA 1

File No: MPC12/0003
 Author: Project Director Urban Development
 Regional Strategy and Planning
 Appendix: App A – Conditions of Approval (Pg 42)
 Attachment: [Att 1 – Amended Master Plan No. 14](#) (Att Pg 7)

SUMMARY SHEET	
APPLICATION DETAILS	
Application Number:	MPC12/0003
Applicant:	Stockland Development Pty Ltd C/- RPS
Proposal:	Amendments to Master Plan No. 14 (Detailed Planning Area Plan – Eastbank/Regatta North) 2001 to permit the establishment of a Car Park (temporary)
Properly Made Date:	30 July 2012
Information Request Date:	Not applicable
Information Response Received Date:	Not applicable
Decision Due Date:	28 September 2012 (60 days)
No. of Submissions:	Not applicable
PROPERTY DETAILS	
Division:	3
Property Address:	Lake Kawana Boulevard, Wurtulla
RP Description:	Part of Lot 521 SP176150
Land Area:	63,580m ²
Existing Use of Land:	Vacant
STATUTORY DETAILS	
SEQR Designation:	Urban Footprint
Planning Scheme:	Caloundra City Planning Scheme 1996
Strategic Plan Designation:	Urban
Planning Area:	Land subject to Development Control Plan 1 – Kawana Waters
Precinct Description:	Land is located in Precinct 3 and 4 of Detailed Planning Area 1
Assessment Type:	Amendment to Master Plan No. 14 (Detailed Planning Area Plan – Eastbank/Regatta North) 2001

PURPOSE

The purpose of this report is to seek Council's determination of an application for amendment to Master Plan No. 14 (Detailed Planning Area Plan – Eastbank/Regatta North) 2001 to permit the establishment of a Car Park (temporary) within Precinct 3 and 4 of Detailed Planning Area 1.

The application is before Council as the application relates to an amendment to a higher order master plan – a Detailed Planning Area Plan.

EXECUTIVE SUMMARY

The application seeks to amend Master Plan No. 14 to allow for a temporary Car Park to be established on part of Lot 521 SP176150 on Lake Kawana Boulevard, Wurtulla. Master Plan No.14 identifies this land as Precinct 3 and 4 of Detailed Planning Area 1.

The temporary Car Park is proposed to be located on land owned by the Uniting Church (Blue Care) located opposite The Edge building. The temporary Car Park is proposed to operate as a pay and display Car Park to be established and managed by PriPark (Private Parking Management).

The amendment to the Master Plan would allow the use of the site as a temporary Car Park until such time as the site is developed to its ultimate land use intent or 31 December 2017, whichever occurs earlier.

It is recommended that the proposed amendments to Master Plan No. 14 be approved.

OFFICER RECOMMENDATION

That Council APPROVE WITH CONDITIONS Application No. MPC12/0003 and issue a Notice of Determination to amend Master Plan No. 14 (Detailed Planning Area Plan – Eastbank/Regatta North) 2001, in accordance with Appendix A.

FINANCE AND RESOURCING

There are no identified finance and resourcing implications that relate to this application.

CORPORATE PLAN

Corporate Plan Theme: *Managing Growth*

Emerging Priority: 7.1 The areas for growth and renewal are clearly defined
Strategy: 7.1.5 Make decisions on development applications in accordance with the planning scheme and defend those decisions

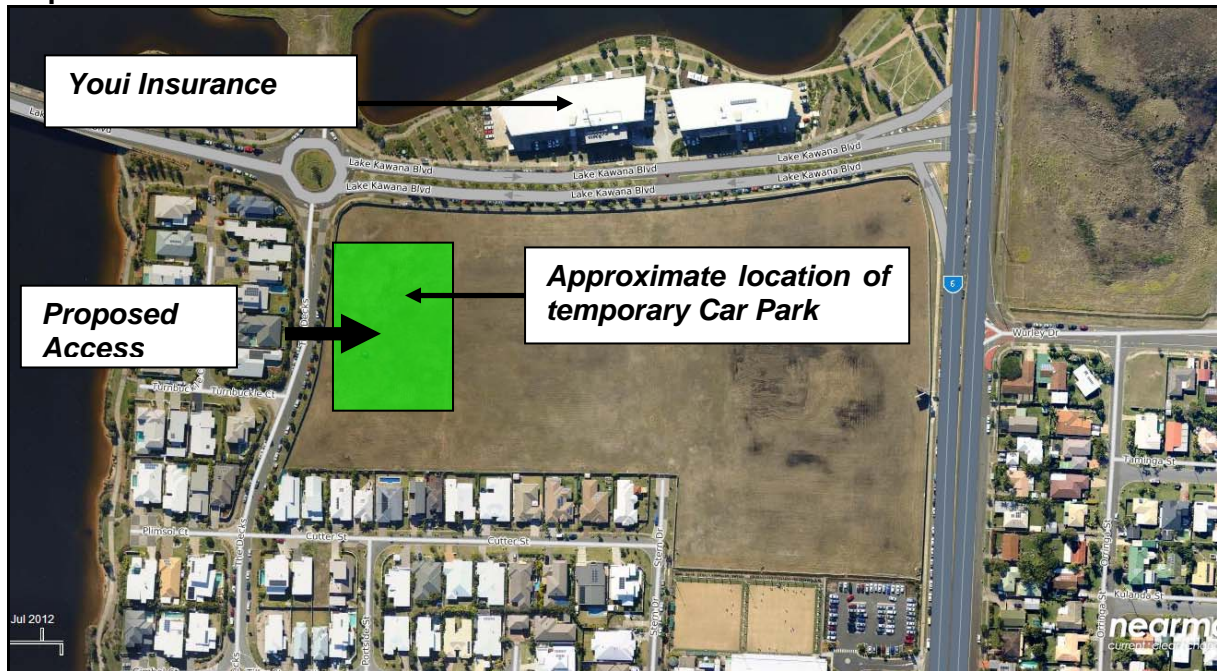
Corporate Plan Theme: *Robust Economy*

Emerging Priority: 1.3 Infrastructure for economic growth
Strategy: 1.3.1 Facilitate the delivery of key infrastructure projects for our preferred economic growth

PROPOSAL

Uniting Church (Blue Care) in a joint venture with PriPark (a private parking management company), are proposing to establish a temporary Car Park (pay and display) on the western side of Lot 521 on SP176150, being the site owned by Uniting Church, located opposite The Edge building (**Map 1**).

Map 1



It is intended that a temporary Car Park be established on the western portion of the subject site with vehicle access being gained from The Decks. It is intended the vehicular access be established at the same access location approved as part of the Material Change of Use application to establish a Retirement Community and Aged Persons Home. The temporary Car Park is proposed to be located such that residential amenity is not impacted upon through the provision of generous setbacks and buffer areas and is intended to operate as a pay and display Car Park that will be managed by PriPark. Detailed designs of the temporary Car Park are required to be submitted with the subsequent amendment to Master Plan No. 60 (Site Development Plan – Eastbank/Regatta North – Precincts 2-4) 2008.

To enable a temporary Car Park to legally be established on the Uniting Church (Blue Care) site given its location within the Development Control Plan 1 Kawana Waters (DCP1), an amendment of Master Plan No.14 (Detailed Planning Area Plan – Eastbank/Regatta North) 2001 and Master Plan No. 60 (Site Development Plan – Eastbank/Regatta North – Precincts 2-4) 2008 is required to be undertaken by the Master Developer (Stockland) in accordance with the Master Planned Community Development Process outlined in DCP1 and the Development Agreement.

Table 1 of Master Plan No. 14 does not permit the establishment of a Car Park albeit of a temporary nature on this site. Accordingly, it is proposed to include Car Park (temporary) as a Defined Use in Table 1 with respect to Precinct 3 and Precinct 4 only. This proposal necessitates the following amendments:

- (a) Amendment to page 44 (**section 9.4 - Precinct 3**) Site Development Plan. Requirements of Master Plan No.14 to include the following additional clause:-

9.4.3 The western portion of this Precinct may be used as a temporary Car Park until such time as the site is developed to its ultimate land use intent or 31 December 2017, which ever occurs earlier. The temporary car park use must not exceed its operational period as stated above, without the approval of Council and the Master Developer. Detailed design of any temporary Car Park must be submitted at Site Development Plan stage.

- (b) Amendment to page 44 (**section 9.5 - Precinct 4**) Site Development Plan. Requirements of Master Plan No.14 to include the following additional clause:

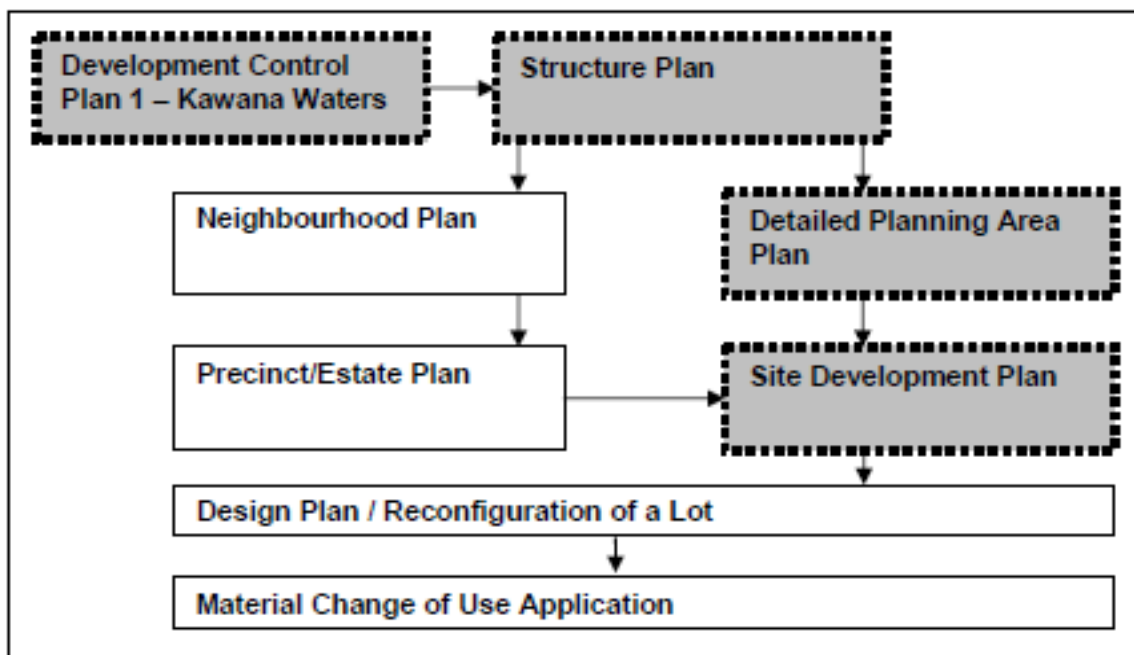
9.5.3 The western portion of this Precinct may be used as a temporary Car Park until such time as the site is developed to its ultimate land use intent or 31 December 2017, which ever occurs earlier. The temporary car park use must not exceed its operational period as stated above, without the approval of Council and the Master Developer. Detailed design of any temporary Car Park must be submitted at Site Development Plan stage.

- (c) Amend page 58, Table 1 (Precinct 3) of Master Plan No.14 to include 'Car Park (temporary)' as a Defined Use.
- (d) Amend page 59, Table 1 (Precinct 4) of Master Plan No.14 to include 'Car Park (temporary)' as a Defined Use.

SITE DETAILS

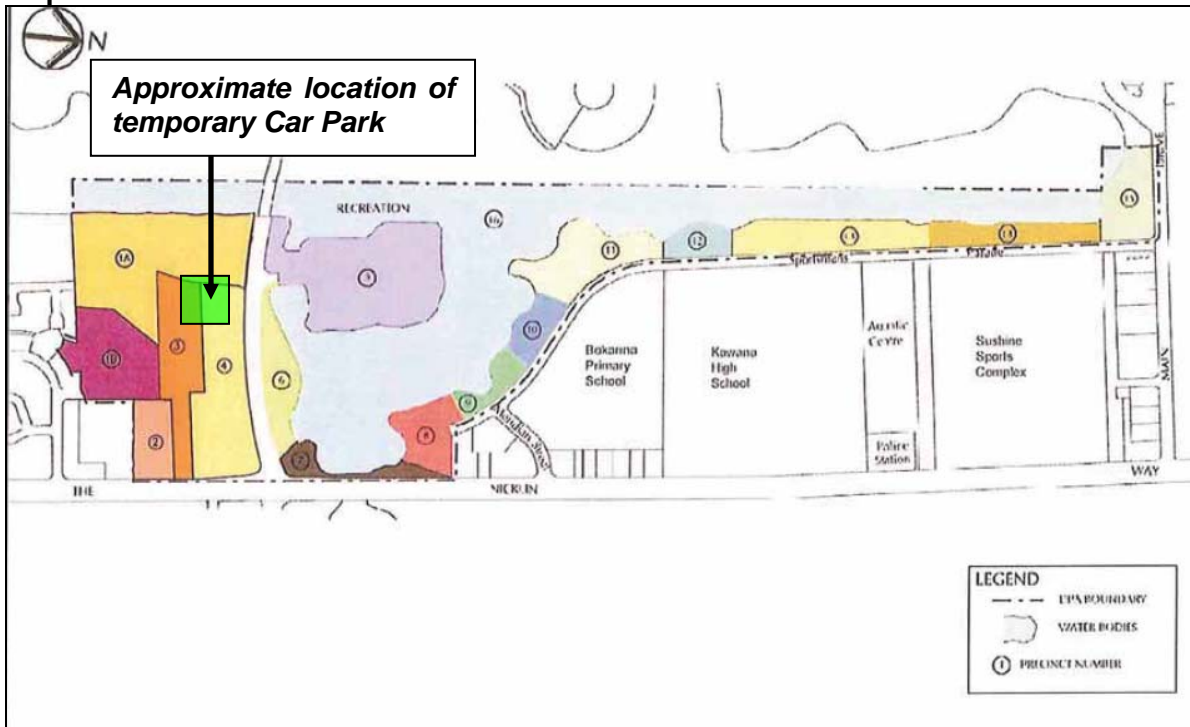
Background / Site History

Pursuant to the Caloundra City Plan 2004, the subject site is located within Development Control Plan 1 – Kawana Waters contained within the Caloundra City Planning Scheme 1996. Under the provisions of Development Control Plan 1, development of land within this area must follow the Master Planned Community Development Process as demonstrated below.



Depending on whether the land is designated as a Detailed Planning Area or Urban under the Development Control Plan 1 dictates the development process to be undertaken. The land subject to this application is located within Detailed Planning Area 1. This area is known as "Eastbank" and is divided into 16 Precincts. In this instance, the proposed amendments relate to Precinct 3 and 4 as indicated in **Map 2** below.

Map 2



Site Description

The subject site is Lot 521 SP176150, which is 63,580m² in size and is bound by Nicklin Way to the east, Lake Kawana Boulevard to the north, The Decks to the west and some residential and Kawana Waters Bowls Club to the south (**Map 3**).

Map 3



ASSESSMENT

State Planning Policies/Management Plans

No State Policies or Management Plans are triggered as a result of this application.

South East Queensland Regional Plan (2009-2031)

The subject site is located within the Urban Footprint under the South East Queensland Regional Plan. The proposal does not compromise the achievement of the Regional Policies.

Development Documents

The subject site is located within Development Control Plan 1 – Kawana Waters which is the subject of the Kawana Waters Development Agreement. As such, any development of the site is subject to the provisions of Development Control Plan 1, the Development Agreement and the applicable Master Plans. On review of the higher order Development Documents, the proposed amendments are generally compliant.

Preferred and Acceptable Uses

The application seeks to establish a Car Park (temporary) as a Defined Land Use within Precinct 3 and Precinct 4. The proposed amendment maintains the ultimate development intent for the site which is to be developed as a Retirement Community and Aged Persons Home over time. This amendment provides the opportunity for a temporary off-street car parking solution to be established on the portion of the site not required for Stage 1 works with a view to alleviating the current on-street car parking pressures currently being experienced in the Wurtulla/Bokarina area.

Landscape and Built Form

The proposed temporary Car Park is intended to be located behind the existing sign fencing that surrounds the subject site and as such will be screened from public view.

This aspect is to be addressed in more detail as part of the assessment of the subsequent amendment to Master Plan No. 60.

Traffic and Transport Considerations

It is intended the vehicular access be established at the same access location (via The Decks) approved as part of the Material Change of Use application to establish a Retirement Community and Aged Persons Home over the site.

It is intended that a yellow 'No Stopping' line along the western side of The Decks between Lake Kawana Boulevard and Tiller Street and along the eastern side of The Decks between the proposed access driveway extending north to the corner of Lake Kawana Boulevard be established to allow more road width for through traffic on The Decks and also remove sight distance restrictions.

This aspect is to be addressed in more detail as part of the assessment of the subsequent amendment to Master Plan No. 60.

Stormwater Quality

The subject site is currently grassed. Should a temporary Car Park be established the surface will be required to be sealed and the existing grassed surfaces retained around the perimeter of the parking area. This arrangement will provide a basic level of treatment of stormwater runoff and the impact of the proposed temporary use is considered to be low risk with respect to impact of stormwater discharge.

This aspect is to be addressed in more detail as part of the assessment of the subsequent amendment to Master Plan No. 60.

Economic Development

The amendments recommended by this report support the opportunity for a land use to be established on the subject site which will support a major employer of the region and assist to alleviate the current on-street car parking issues being experienced in the Wurtulla/Bokarina area.

The proposed amendment does not impact on the long-term viability of the subject site for higher order uses.

Other Matters for Consideration

Sunshine Coast Council Policy Framework

The proposed amendment has not been assessed against the Strategies for the following reasons:

- it is consistent with Development Control Plan 1 and the Kawana Waters Structure Plan;
- the planning impacts of the proposal are not of regional significance; and
- it is not a use which is so unusual, unknown and/or unanticipated in nature that it warrants a wider assessment.

CONSULTATION

Internal Consultation

Officers from Economic Development Branch, Infrastructure Services Branch (Transport and Engineering Service) have been consulted in relation to this proposal and are supportive of it.

External Consultation

Consultation in relation to this proposal and the required master plan amendments has been undertaken with the Master Developer (Stockland), the Uniting Church (owner of the land), PriPark (the manager of the proposal) and Youi Insurance as the major employer in the area.

Community Engagement

No community consultation is required as part of the consideration of this amendment.

REFERRALS

Internal Referrals

The application did not require referral to any internal specialists.

External Referrals

The application did not require referral to any external agencies.

CONCLUSION

It is considered the proposed amendment is consistent with the intent of DPA1 as described in DCP1 Kawana Waters and the Structure Plan.

A Car Park (temporary) within Precinct 3 and 4 of Detailed Planning Area 1 is considered to be an acceptable land use at this location.

It is recommended that the proposed amendment to Master Plan No. 14 (Detailed Planning Area Plan – Eastbank/Regatta North) 2001 be approved, subject to the conditions contained within **Appendix A**.

APPENDIX A – CONDITIONS OF APPROVAL**1. APPLICATION DETAILS**

Application No:	MPC12/0003
Street Address:	Lake Kawana Boulevard, Wurtulla
Real Property Description:	Part of Lot 521 SP176150
Planning Scheme:	Caloundra City Planning Scheme 1996

2. DECISION DETAILS

The following type of approval has been issued:

- Notice of Determination for amendment to Master Plan No.14 (Detailed Planning Area Plan – Eastbank/Regatta North) 2001.

3. RELEVANT PERIOD OF APPROVAL

Not applicable

4. ASSESSMENT MANAGER CONDITIONS**PLANNING**

1. Amend page 44 (**section 9.4 - Precinct 3**) Site Development Plan Requirements of Master Plan No.14 to include the following additional clause:
 - 9.4.3 The western portion of this Precinct may be used as a temporary Car Park until such time as the site is developed to its ultimate land use intent or 31 December 2017, which ever occurs earlier. The temporary car park use must not exceed its operational period as stated above, without the approval of Council and the Master Developer. Detailed design of any temporary Car Park must be submitted at Site Development Plan stage.
2. Amend page 44 (**section 9.5 - Precinct 4**) Site Development Plan Requirements of Master Plan No.14 to include the following additional clause:-
 - 9.5.3 The western portion of this Precinct may be used as a temporary Car Park until such time as the site is developed to its ultimate land use intent or 31 December 2017, which ever occurs earlier. The temporary car park use must not exceed its operational period as stated above, without the approval of Council and the Master Developer. Detailed design of any temporary Car Park must be submitted at Site Development Plan stage.
3. Amend page 58, Table 1 (Precinct 3) of Master Plan No.14 to include 'Car Park (temporary)' as a Defined Use.
4. Amend page 59, Table 1 (Precinct 4) of Master Plan No.14 to include 'Car Park (temporary)' as a Defined Use.

GENERAL

5. Amended pages of Master Plan No. 14 (Detailed Planning Area Plan – Eastbank/Regatta North) 2001 incorporating the required amendments shall be submitted to Council for approval within 90 days of the date of this Notice of Determination.
6. All other conditions and advice notes of previous approvals and amendments for Master Plan No. 14 (Detailed Planning Area Plan – Eastbank/Regatta North) 2001 shall continue to apply.

5. ADVISORY NOTES

- (a) Six hard copies and an electronic copy of the final version of the amended Master Plan document for Council's endorsement is required.
-

7.1.3 ENDORSEMENT OF NOOSA BIOSPHERE GOVERNANCE DIRECTORS

File No: ECM Projects - Biosphere

Author: Coordinator Biosphere and Partnerships
Regional Strategy and Planning

Appendix: [App A - Noosa Biosphere Limited Amended Constitution](#) (Att Pg 79)

PURPOSE

The purpose of the report is to seek Council's endorsement for the appointment of six Noosa Biosphere Governance Board directors due to resignations and the recent Council election.

EXECUTIVE SUMMARY

The Noosa Biosphere Limited Company (NBL) has been officially in operation since 9 December 2008. It was established to advance the Noosa Biosphere Reserve under the charter of UNESCO's Man and the Biosphere Program by progressing the objects as outlined in the Company Constitution. The Company is 100% owned by Sunshine Coast Council and Council is the only entity that can appoint Board directors.

The NBL Constitution requires that Council endorse directors for appointment. The Constitution provides for a board consisting of two Category 1 Directors (Divisional Councils 11 and 12); three Category 2 Directors (nominated from the general community) and five Category 3 Directors (nominated from the Biosphere Community Sector Boards). Category 1 Board Directors are appointed for the term of the Council in which they serve and require reappointment following local government elections. The other categories of Directors are appointed by Council through the Chief Executive Officer for a 12 month period, annually at the Company's Annual General Meeting.

Where vacancies arise new Directors are appointed by Council for the remainder of the relevant term. This report recommends five new candidates to replace positions vacant following the resignations of Michael Donovan and Geoff Walters (Category 2 Directors); Greg Livingstone - Economic and Peter Schofield – Social; Kate English – Education, Research and Development (Category 3 Directors).

Council's endorsement of Councillor Russell Green (Councillor for Division 11) as a Category 1 Director is also required. Councillor Tony Wellington (Councillor for Division 12) has decided not to take a place on the board. The Constitution does not currently make provision for this circumstance and the amended constitution proposes to address this circumstance. Refer Appendix A – Noosa Biosphere Limited Amended Constitution – Rule 14

Endorsement of this report will establish the Noosa Biosphere Governance Board membership as follows:

Existing Directors	Proposed Directors
Dr Sue Davis (Community – Chair)	Steve Cooper (Community)
Cr Russell Green (Councillor -reappointment)	Lindy Atkin (Community)
Mary-Jane Weld (Environment)	Steven Boyd (Economic)
Leah Barclay (Cultural)	Rob Wallbridge (Social)
Peter Homan (Tourism Noosa)	Neil Tindale (Education R&D)

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Endorsement of Noosa Biosphere Governance Directors”.**
- (b) adopt the Noosa Biosphere Ltd Amended Constitution (Appendix A); and**
- (c) endorse the following Category 1, 2 and 3 Directors on the Noosa Biosphere Governance Board:**
 - (i) Councillor Russell Green (Category 1 Director);**
 - (ii) Lindy Atkin (Category 2 Director);**
 - (iii) Steve Cooper (Category 2 Director);**
 - (iv) Steven Boyd (Economic Board – Category 3 Director);**
 - (v) Rod Wallbridge (Social Board – Category 3 Director); and**
 - (vi) Neil Tindale (Education Research and Development – Category 3 Director).**

FINANCE AND RESOURCING

In 2012/2013 the principle source of funding for the company is a budget allocation from Council in the Regional Strategy and Planning budget of \$261,287 (Operation Number: Noosa Biosphere - 57133), inclusive of the Biosphere Project Officer position.

In addition, support is provided to the Board by Coordinator Biosphere and Partnerships and other Council staff on request. Councillors received a briefing on the company’s structure, business plan and activities as part of its 2012/2013 budget deliberations.

Changes to the Constitution are also proposed that will result in reduced costs to Council for Audit of Noosa Biosphere Ltd. without reducing governance or legislative requirements. Refer Appendix A – Noosa Biosphere Limited Amended Constitution – Rule 82.

CORPORATE PLAN

Corporate Plan Theme: *Innovation & Creativity*

Emerging Priority: 3.1 Partnerships and alliances that drive innovation
Strategy: 3.1.1 Foster partnerships with governments, business and the community to encourage innovation and sustainability
3.1.2 Identify opportunities for the region following the United Nations recognition of the Noosa Biosphere

The Noosa Biosphere Reserve supports the implementation of a wide variety of Corporate Plan priorities and strategies.

CONSULTATION

Internal Consultation

This report has been developed in consultation with the Governance Board Assessment Panel of directors Sue Davis (Chair), Kate English, Michael Donovan, and staff Ben McMullen (Coordinator Biosphere and Partnerships) and Helen Gregory (Biosphere Project Officer), the Company Secretary Mr Wayne Jensen (Financial Planning and Performance Manager, Financial Planning), and recommended by the Noosa Biosphere Ltd. Governance Board. John Hall (Chief Legal Officer) has been consulted regarding proposed changes to the Noosa Biosphere Ltd Constitution and the amendment process to be applied to give effect to the changes.

Note, the Company Secretary is appointed by Council and remunerated by Noosa Biosphere Limited.

External Consultation

Applications for the two vacant Category 2 Directors were invited through advertisements placed in two local newspapers circulating in the Noosa Biosphere area. Existing Sector Board Members also circulated information throughout their networks.

Community Engagement

Community engagement in this report has been via the relevant Noosa Biosphere Community Sector Boards.

PROPOSAL

The Noosa Biosphere Limited is a Company Limited by Guarantee, owned by the Sunshine Coast Council. The Company was established to provide a framework for Council to work in partnership with the community to progress the functions of the Noosa Biosphere in accordance with the UNESCO Man and the Biosphere Program.

The Governance Model was established by Council based on the maintenance of the community sector boards model of community participation that was in place in the Noosa Biosphere area at the time of the Sunshine Coast Council amalgamation.

The Company's Constitution provides for an 11 person board of directors to be made up of 3 categories of directors. Refer Appendix A – Noosa Biosphere Limited Amended Constitution - Section 13 - 18 of the Constitution outline the make up and process for appointment of directors to the Board.

Eligible Category 1 Directors are the Councillors from Division 11 and 12 of the Sunshine Coast Regional Council. These Divisions correspond to the area of the Noosa Biosphere. Category 1 Directors are appointed for the duration of the local government term. Cr Green has indicated his agreement to be reappointed to the position of Company Director for Noosa Biosphere Limited. Cr Wellington has written to the Chief Executive Officer indicating that he does not wish to take up the position of Director for Noosa Biosphere Limited. Rule 14.2 (2) has been added to allow council to appoint a replacement director in place of Cr Wellington. Refer Appendix A – Noosa Biosphere Limited Amended Constitution.

Category 2 directorship is open to members of the broader community. To be considered for a Category 2 Director position, an individual must respond to a call for nominations for this Category of director. These take place from time to time when a vacancy for a Category 2 Director occurs. Category 2 Directors are selected to support a holistic approach to the Biosphere Governance Board activities including community engagement, governance and financial management skills.

Category 3 Directors are nominated from each of the Noosa Biosphere Community Sector Boards and Tourism Noosa. If a sector board or Tourism Noosa does not nominate a director to fill a vacant position on the Governance Board, the constitution makes provision for Council to make an alternative appointment to the position.

Category 2 and Category 3 Directors are appointed for up to 12 months and must be re-appointed by Council's representative at the Company's Annual General Meeting, which is held in November each year. Where a vacancy on the board occurs more than 3 months prior to the next Annual General Meeting, the constitution requires that it should be filled by a new director.

At its meeting held on the 16th November 2011, Council appointed Category 2 and 3 Directors to form the Noosa Biosphere Governance Board. Three Category 2 Directors were appointed from the wider community and six Category 3 Directors were appointed following nomination by the various Noosa Biosphere Sector Boards (including Tourism Noosa).

New candidates for Director positions have eventuated due to the resignations of Michael Donovan and Geoff Walters (Category 2), Greg Livingstone (Economic Board), Peter Schofield (Social Board) and Kate English – Education Research and Development (Category 3).

Michael Donovan was the inaugural Chair of the Governance Board since 2008. He, foreshadowed their intention to step down from the Governance Board in late 2011. To ensure a smooth change over with a minimal loss of corporate knowledge, Mr. Donovan agreed to the extension of an additional six months to his term. This was agreed to by the Board and endorsed by Council.

Geoff Walters was appointed to the Governance Board as a Category 2 Director (Community) on the 20th September, 2010 and has resigned his Governance Directorship.

Greg Livingstone was the Economic Board's representative on the Governance Board since the 6th April, 2011 and resigned his Governance Board Directorship. Greg remains an active member of the Economic Sector Board.

Peter Schofield was the Social Board's representative on the Governance Board since the 20th September, 2010 and resigned from all formal roles with Noosa Biosphere Limited.

Kate English was appointed to the Governance Board to represent the Education, Research and Development Sector Board in April 2011 and has resigned her Governance Directorship. Kate remains an active member of the Education, Research and Development Sector Board.

Nominations for Category 3 Directors were called from within the Economic Board, Social Board and Education, Research and Development Board membership for replacement representatives on the Governance Board. Nominations have been received from the boards as follows:

- Steven Boyd - Economic Board
- Rod Wallbridge – Social Board
- Neil Tindale - Education, Research and Development Board

In June 2012, nominations were sought for Category 2 Directors via local media outlets, the Noosa Biosphere webpage and community networks to fill a number of positions in the Noosa Biosphere community based governance structure. Four nominations for two Category 2 Director positions were received from:

1. Steve Cooper
2. Lindy Atkin
3. Ian Richards
4. Randall Gibson

All applications were considered by an assessment panel established by the Noosa Biosphere Governance Board. The panel consisted of Dr Sue Davis (Chair Noosa Biosphere Governance Board and Category 2 Director), Michael Donovan (former Chair of Noosa Biosphere Governance Board and Category 2 Director), Helen Gregory (Noosa Biosphere Project Officer) and Ben McMullen (Coordinator Biosphere and Partnerships).

The recommendation of the panel was considered by the Noosa Biosphere Governance Board at its meeting on 17 July 2012. The Board endorsed the recommendation that Steve Cooper and Lindy Atkin fill the two Category 2 Director positions. The candidates recommended for appointment were considered to provide the best mix of skills and connections to the community of Noosa Biosphere and the wider region. The board also suggested that the nominations of Ian Richards and Randall Gibson be circulated to other Biosphere Sector Boards for consideration, as both candidates had expressed an interest in serving the Noosa Biosphere in another capacity if they were unsuccessful with their Governance Board Director nomination.

At the July 17 meeting the Governance Board also endorsed the recommendation for Council to appoint Steven Boyd, Rod Wallbridge and Neil Tindale to fill casual vacancies for three Category 3 director positions left vacant by recent resignations.

Legal

The Noosa Biosphere company constitution requires that Council appoint all board members including where a vacancy arises from resignation of a sitting board member.

The Council appoints a Company Secretary to support the activities of the Governance Board. Wayne Jensen (Financial Planning and Performance Manager, Financial Planning), currently holds this position.

Rule 82 of the Constitution currently requires Noosa Biosphere Ltd to appoint an independent Auditor. Appendix A – Noosa Biosphere Limited Amended Constitution proposes modified words to provide for audit in accordance with the Corporations Act 2001. Under current legislative provisions this proposed change would result in reduced costs to Council.

Policy

There are no policy implications arising from this report.

Risk

If the Council does not appoint suitable new directors to replace resigning directors the Board will not be able to fulfil the constitutional requirements related to having a quorum of members at meetings. Under these circumstances the Company will not have sufficient directors to hold meetings and pass resolutions, effectively preventing the ongoing business operations of the Company.

Previous Council Resolution

Ordinary Meeting 26 October 2011 (Council Resolution OM11/262):

That Council:

- (a) *receive and note the report titled 'Endorsement of Noosa Biosphere Governance Directors';*
- (b) *endorse the appointment of two new Directors, Sue Davis (Community) and Mary-Jane Weld (Environment);*
- (c) *endorse the appointment of the following Category 2 Director (Community) and Category 3 Director (Sector Board representatives) to form the next Noosa Biosphere Governance Board, as recommended by the Noosa Biosphere Working Group and the respective Sector Boards:*
 - *Michael Donovan (Community)*
 - *Geoffrey Walters (Community)*
 - *Greg Livingstone (Economic)*
 - *Peter Schofield (Social)*
 - *Peter Homan (Tourism Noosa)*
 - *Sue Davis (Community) (Chair)*
 - *Mary-Jane Weld (Environment)*
 - *Leah Barclay (Cultural)*
 - *Kate English (Education R&D)*
- (d) *delegate authority to the Chief Executive Officer to represent Council as the Member of the Noosa Biosphere Limited at its Annual General Meeting to appoint Board Members as outlined in (c).*

Related Documentation

- Appendix A – Noosa Biosphere Limited Amended Constitution
- Noosa Biosphere Management Plan 2009-2012
- Noosa Biosphere Operational Plan 2012/013

Implementation

The appointment of the nominated directors provides for appropriate representation from the Noosa Biosphere Sector Boards and wider community, in line with the governance structure as set out in the Noosa Biosphere Limited Constitution.

Notification of Council's decision will be forwarded to all applicants and the Board.

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7.2 FINANCE AND BUSINESS

7.2.1 CORPORATE PLAN PROGRESS REPORT – JUNE 2012

File No: ECM 18/01/2011

Author: Corporate Planning and Performance Reporting Manager
Corporate Governance

Attachment: [App A - Progress Report on the Implementation of the Corporate Plan 2009-2014](#) (Att Pg 113)

PURPOSE

This report presents an annual update on the progress with the implementation of the Sunshine Coast Council Corporate Plan 2009-2014. The *Local Government Act 2009* requires a report be presented to council, and made available to the community, on the annual review of the implementation of the 5-year Corporate Plan.

This report also outlines a timeline for a review of the Corporate Plan.

EXECUTIVE SUMMARY

The Corporate Plan was adopted in May 2009 following wide community consultation. The Corporate Plan is an aspirational document that sets the vision for council '*To be Australia's most sustainable region – vibrant, green and diverse*'. It is council's core strategic document and it identifies the priorities for council until 2014 and beyond. The document guides council's decision-making, operations and resource allocations to achieve its strategic vision.

The Corporate Plan Progress Report shows the key achievements made in the past three years associated with the eight themes and 37 emerging priorities in the Corporate Plan. It also outlines the key focus areas for 2012/2013 adopted by council through the operational plan. Table 1 provides a summary of these key achievements under the eight themes.

Theme	Summary of key achievements
Robust economy	Supporting local business and building key infrastructure, a sustainable tourism industry and a strong rural sector through the Economic Development Strategy, and the Natural Advantage and Rural Action Plans.
Ecological sustainability	Protection and enhancement of the Sunshine Coast environment through strategies and plans addressing biodiversity, climate change, energy transition, the environment, waste minimisation, and waterways – to name only a few.
Innovation and creativity	Building innovation and creativity in partnership with the community via the Creative Communities Cultural Plan, the Regional Arts Development Fund, and the Regional Gallery Programs.
Health and wellbeing	Promoting safe and healthy communities through – for example – the Local Disaster Management Plan, and

Theme	Summary of key achievements
	encouraging active lifestyles via council's Skate & BMX Strategy, the Sport and Active Recreation Plan, and the Sunshine Coast Aquatics Plan.
Social cohesion	Encouraging equity, networks and a sense of identity and belonging by addressing affordable living, community events and organisations, positive ageing, reconciliation, volunteers, and youth.
Accessibility and connectedness	Building a better public transport system, transport network, telecommunications and universal access through strategies for access and inclusion, active transport, sustainable transport, and travelling 'smart'.
Managing growth	Providing appropriate infrastructure and services that meet the needs of the Sunshine Coast region while ensuring the heritage and the character of communities and towns are protected. This is supported through the Social Infrastructure and the Open Space Strategies.
Great governance	Consulting with the community through the Community Engagement Framework, the Community Plan and the new Local Laws; ensuring open governance and strong financial management; and employing a skilled and innovative workforce through programs such as Value & Success.

Table 1. Key achievements by corporate plan theme

The Operational Plan 2012/2013 includes a project to review the Corporate Plan and this is scheduled during Quarter 2 of 2012/2013. The proposed timeline and steps to consider a renewed Corporate Plan are included in this report.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Corporate Plan Progress Report – June 2012";**
- (b) note the "Progress Report on the Implementation of the Corporate Plan 2009-2014" (Appendix A); and**
- (c) undertake a formal review of the Corporate Plan 2009-2014 with a view to having a new Corporate Plan adopted by February 2013.**

FINANCE AND RESOURCING

Costs in relation to the Corporate Plan are met as follows:

- Preparing the progress report – Corporate Governance branch core budget
- Reviewing and adopting the corporate plan – Corporate Governance branch core budget
- Implementing the strategies in the corporate plan – considered by council through annual operational plans and budgets.

CORPORATE PLAN

Corporate Plan Theme: *Great Governance*

Emerging Priority: 8.1 Effective business management
Strategy: 8.1.1 Develop and implement a governance framework that provides transparent and accountable processes and enhances council's reputation

Corporate Plan Theme: *Great Governance*

Emerging Priority: 8.1 Ethical, accountable and transparent decision-making
Strategy: 8.1.3 Councillors and employees are aware of the importance of ethical behaviour, compliance with codes of conduct and providing complete information and advice

Corporate Plan Theme: *Great Governance*

Emerging Priority: 8.2 Effective business management
Strategy: 8.2.1 Develop indicators and measure the performance of council and the success in achieving its vision

CONSULTATION

Internal Consultation

The progress report has been compiled utilising information obtained from Annual Reports, Quarterly Progress Reports and other briefing papers presented to council since July 2009.

External Consultation

There has been no external consultation in relation to this report however the report is a planning and accountability document required under the *Local Government Act 2009* and is made available to the community following adoption.

Community Engagement

Community engagement in relation to key achievements in the report was undertaken where appropriate, in accordance with the relevant project plans and the Community Engagement Policy.

PROPOSAL

Background

Council adopted the Corporate Plan 2009-2014 in May 2009. The vision in the Corporate Plan is: *'To be Australia's most sustainable region – vibrant, green and diverse'*. The themes and strategies within the Corporate Plan are aligned to assist with the achievement of this vision.

The Corporate Plan was formed following extensive research and community engagement and involvement. It is council's core strategic document and it identifies the priorities for council until 2014 and beyond. It also guides council's decision-making, operations and resource allocations each year through the development of the Annual Operational Plan.

Council is required under the Local Government Act to consider the progress of the implementation of the Corporate Plan and this is managed through a formal report to council each year. The key achievements presented in the report are based on the period 1 July 2009 to 30 June 2012 (Appendix A).

The progress report

The progress report has been compiled utilising information from Annual Reports, Quarterly Reports and other briefing papers presented to council since 2009. Overall, the report identifies that extensive work has been undertaken on strategy development, community engagement, capital works programs, achieving organisational efficiencies and cost savings.

The key achievements in the progress report show that the vast majority of strategic documents and plans that underpin the corporate plan are now being implemented.

The report is presented under the 37 emerging priorities that support the eight themes in the Corporate Plan. It identifies the key achievements and current focus under each emerging priority. Key achievements for each emerging priority have been limited to a page.

Reviewing the Corporate Plan 2009-2014

The formation of the second elected Sunshine Coast Regional Council in April 2012 has provided the opportunity to review past achievements and the future direction set in the Corporate Plan. To progress this opportunity, the Operational Plan 2012/2013 included a project to review the Corporate Plan 2009-2014.

The Corporate Plan is council's core strategic document and it is important that this document aligns with the strategic direction of the new council. At the strategic retreat held in May 2012, council reaffirmed its vision to be *Australia's most sustainable region – vibrant, green and diverse*. It is now timely to review the other components of the plan.

The ideal time to undertake a review of the Corporate Plan is in Quarter 2 of 2012/2013 as this allows for changes to be considered in time for the 2013/2014 Budget. Table 2 outlines the proposal for the review.

Step	Commentary	Completion date
Workshop planning and possible engagement of specialist facilitator	Corporate Governance branch to work closely with the portfolio councillor and Executive Office.	Sept 2012
Workshop with Councillors and Executive Leadership Team	One-day workshop.	Oct/Nov 2012
Corporate Plan updated and draft version presented to Council	Specialist team work with portfolio councillor on the drafting of the corporate plan. Council briefed at Strategic Discussion Forum.	Dec 2012
Council adopts renewed Corporate Plan	New 5 year plan considered by council if needed; this will be subject to the number of changes identified.	Feb 2013

Table 2. Review approach

Legal

There is a legislative requirement for council to consider a report on progress with implementing the corporate and operational plans. This report meets the requirements of the Local Government (Finance, Plans and Reporting) Regulation 2010, section 120(3).

Policy

There is no policy associated with reviewing a progress report on the implementation of the corporate plan. Regular reviews of the corporate plan are a component of the Strategic Corporate Planning and Reporting Framework.

Risk

In accordance with Council's Enterprise Risk Management Framework, the significant risks associated with this report are:

- **Reputation/Public Image** – undertaking a review of the corporate plan outlines the future direction of council and minimises the risk that the plan is not in line with community needs.(Medium risk)
- **Business activity** – reviewing a progress report with implementing the corporate plan allows council to project how it is tracking under each of the corporate plan themes. Monitoring implementation minimises the risk of not achieving the corporate plan emerging priorities. (Medium risk)

Previous Council Resolution

Council received and noted a report on 'Implementation of the Corporate Plan' at the Ordinary Meeting 27 April 2011, (PSC) Item 4.1.6.

Council Resolution (OM11/106)

That Council:

- (a) receive and note the report titled "Implementation of the Corporate Plan";*
- (b) note "Progress Report on the Implementation of the Corporate Plan" (Appendix A); and*
- (c) undertake a formal review of the Corporate Plan 2009-2014 by December 2011.*

Related Documentation

- Sunshine Coast Council Corporate Plan 2009-2014
- Previous Operational Plans
- Quarterly Progress Reports presented to council since adoption of the Corporate Plan

Critical Dates

An annual review on progress is now due. The previous review report was considered in April 2011. The Corporate Plan is for a 5 year period and expires 30 June 2014.

Implementation

Corporate Governance branch will manage publication and the report will be distributed to libraries and placed on council's website.

7.2.2 COUNCILLOR CODE OF CONDUCT

File No:	ECM 23 August 2012
Author:	Manager Council Services and Business Integration Finance and Business
Appendix:	<u>App A - Amended Strategic Policy - Councillor Code of Conduct</u> (Att Pg 155)
Attachment:	<u>Att 1 - LGAQ Circular 2012-037</u> (Att Pg 157)

PURPOSE

The purpose of this report is to request Council to consider minor amendments to the Strategic Policy "Councillor Code of Conduct" (the Code).

EXECUTIVE SUMMARY

The Local Government Association of Queensland (LGAQ) has notified all councils that had previously adopted the Model Councillor Code of Conduct that minor amendments were necessary to clarify the wording of the code. The clarification relates to the required actions of the chief executive officer when dealing with a complaint about failure to comply with the Code and a minor reference to the responsible State Government Department.

As advised by the LGAQ via circular 2012-037 (Attachment 1), Councils that have adopted the Model Councillor Code of Conduct need to amend the Code to clarify the required actions of the Chief Executive Officer when assessing a complaint relating to the Code.

Minor amendments to the final paragraph of the Code are recommended, clarifying the required actions should a complaint be made about the conduct of the mayor or deputy mayor and to update the name of the responsible State Government Department.

OFFICER RECOMMENDATION

That Council:

- (a) receive the report titled "Councillor Code of Conduct"; and
- (b) adopt the amended Strategic Policy "Councillor Code of Conduct" (Appendix A).

FINANCE AND RESOURCING

Costs of amending the Strategic Policy "Councillor Code of Conduct" will be met within the operational branch budget.

CORPORATE PLAN

Corporate Plan Theme: *Great Governance*

Emerging Priority:	8.1	Ethical, accountable and transparent decision-making
Strategy:	8.1.1	Develop and implement a governance framework that provides transparent and accountable processes and enhances council's reputation

Corporate Plan Theme: *Great Governance*

Emerging Priority: 8.1 Ethical, accountable and transparent decision-making
Strategy: 8.1.2 Ensure legislative compliance and awareness

Corporate Plan Theme: *Great Governance*

Emerging Priority: 8.1 Ethical, accountable and transparent decision-making
Strategy: 8.1.3 Councillors and employees are aware of the importance of ethical behaviour, compliance with codes of conduct and providing complete information and advice

CONSULTATION

Internal Consultation

- Chief Executive Officer
- Executive Director Finance and Business

External Consultation

The model code of conduct was developed by King and Co Solicitors and endorsed by the LGAQ Executive on 30 August 2010. Council was advised by the LGAQ in its circular 2012-037 of the need to clarify the content of the code in relation to non-compliance and a breach of procedure under the Act.

Community Engagement

There has been no community engagement required for this matter.

PROPOSAL

The "Councillor Code of Conduct" adopted by council is the model code developed by King and Co Solicitors and endorsed by the LGAQ Executive.

The LGAQ has notified all councils that had previously adopted the Model Councillor Code of Conduct that minor amendments were necessary to clarify the wording of the Code. The clarification relates to the required actions of the chief executive officer when dealing with a complaint about failure to comply with the Code.

The amendment to the final paragraph "*Consequences of Failing to Comply with this Code*" as it relates to the mayor and deputy mayor, amends the code to ensure it does not contradict the Local Government Act 2009. This is in so far, that should a complaint be made about either the mayor or deputy mayor failing to comply with the Code, the chief executive officer (of Council) must refer the complaint to the Chief Executive of the Department of Local Government.

A further minor amendment has been made to reflect the current title of the Queensland Department of Local Government (previously the Department of Infrastructure and Planning)

The amendments are shown in the following before and after extracts from page 2 of the policy:

Before:

A failure to comply with this code by the mayor or deputy mayor will be considered misconduct and referred to the Chief Executive of the Department of Infrastructure and Planning (see section 177(5)(a) of the Local Government Act 2009).

After:

A failure to comply with this code by the mayor or deputy mayor will be referred to the Chief Executive of the Department of Local Government (see section 177(5)(a) of the Local Government Act 2009).

Legal

The *Local Government Act 2009* (Chapter 6, Part 2) sets out the requirements for dealing with complaints about the conduct and performance of Councillors.

Policy

This report deals with a proposed amendment to the Sunshine Coast Council Strategic Policy "Councillor Code of Conduct" adopted by Council on 8 June 2011. The proposed minor amendments clarify the content of the code and its application.

Risk

Council has been notified by the LGAQ that the previously adopted Model Councillor Code of Conduct requires minor amendments to clarify the wording of the Code. The clarification relates to the required actions of the chief executive officer when dealing with complaints relating to the Code.

Previous Council Resolution

Council Resolution (OM11/144)

That Council:

- (a) receive and note the report titled "Councillor Code of Conduct"; and*
- (b) adopt the Model Code of Conduct for Councillors (Appendix A).*

Related Documentation

Local Government Act 2009

Critical Dates

There are no critical dates in relation to this report.

Implementation

Following council approval, action will be taken to amend the Strategic Policy "Councillor Code of Conduct", record the amended policy in council's Policy Register, and publish the amended policy on council's intranet and corporate website.

The Mayor and Councillors will be provided with a copy of the new policy for their information.

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7.3 EXECUTIVE OFFICE

7.3.1 2012 - 2013 SUNSHINE COAST LOCAL DISASTER MANAGEMENT PLAN

File No: ECM 23 August 2012

Author: Local Disaster Coordinator
Executive Office

Attachments: [App A - SC Local Disaster Management Plan](#) (Att Pg 159)
[App B - SC Local Disaster Group Membership](#) (Att Pg 617)

PURPOSE

To present the 2012 - 2013 Sunshine Coast Local Disaster Management Plan (the 2012 Plan) and membership of the Sunshine Coast Local Disaster Management Group (the Local Group) for council endorsement.

EXECUTIVE SUMMARY

The Sunshine Coast Regional Council has a legislative responsibility to develop a Local Disaster Management Plan in accordance with Section 57(1) of the *Disaster Management Act 2003*.

The 2012 - 2013 Sunshine Coast Local Disaster Management Plan (Appendix A) updates the 2009 Coast Local Disaster Management Plan to reflect the November 2010 amendments to the *Disaster Management Act 2003*, the recommendations of the Queensland Floods Commission of Inquiry and the experiences of the 2011 and 2012 wet seasons.

It has been developed in consultation and collaboration with the Sunshine Coast Local Disaster Management Group and was endorsed by the Local Group at its March 2012 meeting.

The 2012 Plan aims to minimise the effects of; coordinate the response to; and ensure the recovery from a disaster or emergency affecting the Sunshine Coast Region. It provides for a coordinated and effective system of disaster management for the Sunshine Coast region.

The purpose of the 2012 Plan is to ensure community safety to preserve lives, livelihoods and the environment in the event of a disaster affecting the region. The 2012 plan has a strong focus on building community awareness and resilience.

The new Plan will be reviewed either annually or following activation of the plan as the result of a disaster by the Local Group. If as a result of a review major changes are proposed to the Plan, the Local Disaster Coordinator will submit the revised Plan to council for renewal.

As the 2012 Plan proposes some changes to the membership of the Local Group to make disaster management operations more efficient and effective, this report seeks Council endorsement of the proposed new membership of the Local Group and a new delegation to allow the Mayor as the Chair of the Sunshine Coast Local Disaster Management Group to appoint members of the Local Group. Previously this delegation has rested with the Chief Executive Officer.

OFFICER RECOMMENDATION

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.

FINANCE AND RESOURCING

Funding for Disaster Management is incorporated within the Executive Office branch under Strategic Disaster Management. It is broken down into two cost centres the Strategic Disaster Management Team and State Emergency Services.

In 2012/2013 the budget allocations are as follows:

Strategic Disaster Management Team	\$546 545
State Emergency Services	\$516 425

There are no financial implications arising from the adoption of the 2012 Sunshine Coast Local Disaster Management Plan

CORPORATE PLAN

Corporate Plan Theme: *Health & Wellbeing*

Emerging Priority: 4.1 Safe and healthy communities
Strategy: 4.1.4 Maintain and develop council's emergency and disaster management planning, prevention, response and recovery capabilities

CONSULTATION

Internal Consultation

- Chair Local Disaster Management Group (2008-2012), Councillor T Dwyer
- Deputy Chair Local Disaster Management Group (2008-2012) former Councillor R Abbot
- Executive Director Infrastructure Services
- Chief Legal Officer
- Chief Information Officer

- Manager Corporate Governance
- Manager Customer Relations
- Team Leader Disaster Management
- Community Programs Manager
- Members of Council's Emergency Operations Team
- Representatives Sunshine Coast Airport

External Consultation

- Superintendent Terry Borland, District Disaster Coordinator
- Inspector Mark Henderson, Deputy District Disaster Coordinator
- Senior Sargeant Peter Grace, Executive Officer District Disaster Group
- Inspector Kevin Devitt, Superintendent Queensland Fire and Rescue Service (QFRS)
- Inspector Gary Seaman, Area Director Rural Operations, QFRS
- Peter Twomey, Regional Director North Coast, Emergency Management Queensland (EMQ)
- Andrew Wyatt, Area Director Sunshine Coast, EMQ
- Steve Fairless, Principal Asset Officer Energex
- Patricia Occelli, Regional Director Department of Communities
- Allen Stevenson, Community Recovery Officer Dept of Communities
- Neil Reid, Area Director Sunshine Coast Queensland Ambulance Services
- Leisa Bourne, Regional Manager, Red Cross
- John Caruso, Regional Contact Manager ABC Coast FM Radio
- Aaron Purchase, Lifesaving Services Coordinator, Surf Life Saving Queensland

Community Engagement

The 2012 Local Plan informs council's disaster management engagement, education and awareness programs and activities.

PROPOSAL

The 2012 -2013 Sunshine Coast Local Disaster Management Plan has been developed by the Sunshine Coast Local Disaster Management Group which was established by council in May 2008. It supersedes the 2009 Sunshine Coast Local Disaster Management Plan which was approved by council in October 2009.

The 2012 Plan updates the 2009 Coast Local Disaster Management Plan to reflect the November 2010 amendments to the *Disaster Management Act 2003*, the recommendations of the Queensland Floods Commission of Inquiry and the on ground experiences of the 2011 and 2012 wet seasons.

It is consistent with the principles contained in the State Disaster Management Group's Disaster Management Strategic Policy Framework which focuses on a comprehensive, all hazards approach with all levels and agencies of government working in partnership to reduce the effects of disasters and emergencies.

The 2012 Plan also builds on the four guiding principles outlined in the November 2010 amendments in the *Queensland Disaster Management Act 2003*. These principles are:

1. disaster management should be planned across the four phases – prevention, preparation, response and recovery;
2. all events, whether natural or caused by human acts or omissions, should be managed in accordance with the strategic policy framework, the State disaster management plan, and any disaster management guidelines;
3. local governments should primarily be responsible for managing events in their local government area; and
4. district groups and the State group should provide local governments with appropriate resources and support to help the local governments carry out disaster operations.

The new Plan like its predecessor aims to minimise the effects of; coordinate the response to; and ensure the recovery from a disaster or emergency for all types of disaster events affecting the Sunshine Coast Region. It provides for a coordinated and effective system of disaster management for the Sunshine Coast region.

The purpose of the Plan is to ensure community safety to preserve lives, livelihoods and the environment in the event of a disaster affecting the region. The 2012 plan has a strong focus on building community awareness and resilience.

As it has been adopted by the Local Group the 2012 Plan is currently available to the community on council's website, and upon adoption by council will be made available through council's libraries and upon request to members of the public in electronic form.

The new Plan will be reviewed either annually or following activation of the plan as the result of a disaster by the Local Group. If as a result of a review substantial changes to the Plan are proposed, the Local Disaster Coordinator will submit the revised Plan to council for endorsement. If the changes are of a minor nature they will be endorsed by the Local Group and the Plan amended.

As the 2012 Plan proposes some changes to the membership of the Local Group to make disaster management operations more efficient and effective, this report seeks Council endorsement of the proposed new membership of the Local Group (refer Appendix B).

As membership of the Local Group is subject to change and appointments to the Group need to follow a formal process the Local Group at its March 2012 meeting recommended that council, in accordance with Section 33 of the Disaster Management Act, delegate the appointment of members of the Sunshine Coast Local Disaster Management Group to the Chair of the Local Group in consultation with the Local Disaster Coordinator. Previously this delegation has rested with the Chief Executive Officer. However the proposed new delegation to the Mayor as Chair of the Local Group (a position which under the *Disaster Management Act 2003* must be held by a Councillor) is more in keeping with the November 2010 amendments to the Act which requires the Chair of the Local Group (rather than the Chief Executive Officer) to appoint a suitably qualified person as the Local Disaster Coordinator.

Legal

The Sunshine Coast Regional Council has a legislative responsibility to develop a Local Disaster Management Plan in accordance with Section 57 and Section 58 of the *Disaster Management Act 2003*.

Section 57 states:

- (1) *A local government must prepare a plan (a local disaster management plan) for disaster management in the local government's area.*
- (2) *The plan must include provision for the following:*
 - (a) *the State group's strategic policy framework for disaster management for the State, and the local government's policies for disaster management;*
 - (b) *the roles and responsibilities of entities involved in disaster operations and disaster management in the area;*
 - (c) *the coordination of disaster operations and activities relating to disaster management performed by the entities mentioned in paragraph (b);*
 - (d) *events that are likely to happen in the area;*
 - (e) *strategies and priorities for disaster management for the area;*
 - (f) *the matters stated in the disaster management guidelines as matters to be included in the plan;*
 - (g) *other matters about disaster management in the area the local government considers appropriate.*

Section 58 states:

A local disaster management plan must be consistent with the disaster management guidelines.

Policy

The 2012 Plan identifies 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 new Plan provides 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 2012 Plan identifies and seeks to mitigate the risks to people, the economy, the environment, and infrastructure and property in the event of a disaster occurring on the Sunshine Coast.

As part of revising the 2012 Plan, a regional disaster risk assessment covering 24 natural and human-made hazards that may impact on the region was compiled. This risk assessment took in to 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)

This risk assessment is detailed in Section 2.11 of the 2012 plan.

As a result of undertaking the risk assessment detailed sub plans to mitigate the highest areas of risk have been developed and included in the 2012 Plan. These sub plans are for flooding, wildfire, and hazardous material accident.

Previous Council Resolution

At its Ordinary Meeting on the 8th May 2008 Council passed resolution OM08/13 which states:

That Council:

- (a) *nominate Councillor Dwyer (as Chairperson), Councillor Tatton (as Deputy Chairperson) and Councillor Abbot to be members of the Sunshine Coast Local Disaster Management Group, and;*
- (b) *delegate to the Chief Executive Officer the power; -*
 - (i) *to appoint members of the Sunshine Coast Local Disaster Management Group (excluding Councillors) as outlined in attachment one Delegation of Authority – Disaster Management;*
 - (ii) *to appoint the Executive Officer for the Sunshine Coast Local Disaster Management Group as outlined in attachment one Delegation of Authority – Disaster Management; and*
 - (iii) *to appoint a person to the Sunshine Coast District Disaster Management Group as outlined in attachment one Delegation of Authority – Disaster Management;*
- (c) *note the ongoing operation of the three local sub-groups.*

At its Ordinary Meeting on the 29th October 2009 Council passed resolution OM09/313 which states:

That Council:

- (a) receive and note the report titled "Sunshine Coast Local Disaster Management Plan";*
- (b) adopt the Sunshine Coast Local Disaster Management Plan (November 2009 version) (Appendix A as amended) as its approved plan for disaster management on the Sunshine Coast;*
- (c) note and endorse the membership of the Local Disaster Management Group as outlined of the Sunshine Coast Local Disaster Management Plan as shown at Appendix A (as amended);*
- (d) request the Chief Executive Officer to ensure appropriate circulation and promotion of the Sunshine Coast Disaster Management Plan; and*
- (e) acknowledge the excellent work of the Local Disaster Management Group and Council staff in the development of the Plan.*

At its Post Election Meeting on 23 May 2012, Council resolved (as part of resolution PEM 12/02) that Council:

- (d) appoint Cr Tim Dwyer as a continuing member on the Sunshine Coast Local Disaster Management Group and both Cr Tim Dwyer and Cr Chris Thompson as continuing members on the Sunshine Coast Regional Council Audit Committee until such time as otherwise resolved by Council.*

Related Documentation

- Natural Disasters in Australia: Reforming mitigation, relief and recovery arrangements (2002) Council of Australian Governments' report
- Queensland Disaster Management Act (2003)
- Queensland Floods Commission of Inquiry Interim Report (2011)
- Queensland Floods Commission of Inquiry Final Report (2012)

Critical Dates

The *Disaster Management Act 2003* requires that Local Disaster Management Plans be reviewed annually.

The 2012 Plan has been prepared to take into account the experiences of the 2011 and 2012 wet seasons, the November 2010 amendments to the *Disaster Management Act 2003* and the recommendations of the Queensland Floods Commission of Inquiry. As such it represents a significant updating of the 2009 Plan and requires council approval.

Council approval for the 2012 Plan is required as soon as possible.

Implementation

The 2012 Plan, as endorsed by the Local Group, is currently providing operational guidance for local disaster management operations, including the local disaster coordination centre. As such it is available to the community on council's website.

Upon formal adoption by council it will be distributed to key agencies and partners and made available in hard copy to public through council's libraries and upon request to members of the public in electronic form.

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7.4 COMMUNITY SERVICES

7.4.1 COMMUNITY PARTNERSHIP AND SPORTS FIELD MAINTENANCE FUNDING PROGRAMS 2012

File No: ECM 23 August 2012

Author: Community Connections Team Leader
Community Services

Appendices: [App A – Community Partnership Funding Program 2012/13](#) (Att Pg 619)
[App B – Sports Field Maintenance Funding Program 2012 Recommendations](#) (Att Pg 630)

Attachments: [Att 1 – Community Partnership Funding Program 2010 and 2011](#) (Att Pg 631)
[Att 2 - Sports Field Maintenance Funding Program 2011 Second Year Funding](#) (Att Pg 638)

PURPOSE

The purpose of this report is for council to consider and endorse funding recommendations for the 2012 round of applications for:

- (a) the Sunshine Coast Council's Community Partnership Funding Program; and
- (b) the Sunshine Coast Council's Sports Field Maintenance Funding Program.

EXECUTIVE SUMMARY

COMMUNITY PARTNERSHIP FUNDING PROGRAM

The Community Partnership Funding Program was endorsed by council at the Ordinary Meeting of 10 December 2009, and launched early in 2010. There is one Community Partnership Funding Program round per year and the Program is now in its third year. This year's program opened on 16 April 2012 and closed on 31 May 2012.

The Community Partnership Funding Program offers up to three years of funding towards operational expenses. It is a vehicle whereby council can work alongside selected community organisations to achieve its vision for the future as articulated in council's Corporate Plan. It allows for longer term funding agreements to be negotiated, giving partner groups greater certainty of funding and the chance to plan ahead. It relies on the active engagement of community organisations and acknowledges the contribution of community groups and volunteers to the region.

A total of 86 applications were received in eight categories requesting \$2,200,995.89 in funding. There were no new applications received in the ninth category, Community Pools.

Following pre-assessment to ensure applicant eligibility, assessment panels were convened for each category and applications were reviewed by the relevant panel. The panels determined recommendations for each category.

It is recommended that 49 applications be funded, to an amount of \$453,598. Details of funding recommendations are attached at Appendix A.

Organisations which were awarded two or three years of funding in the 2010 or 2011 Community Partnership Funding Program rounds which include the 2012/2013 financial year will also receive funding. These allocations are listed in Attachment 1.

In addition to the provision of funding, council officers will work with successful partner organisations to develop strong relationships to build capacity towards good governance and sustainable practices. Interaction with successful community organisations will include the development of partnership agreements and regular reporting requirements.

SPORTS FIELD MAINTENANCE FUNDING PROGRAM

The Sports Field Maintenance Funding Program was endorsed by council at the Ordinary Meeting on 2 February 2011, including the recommendation to *'adopt a 70% council funding contribution of the full contractor rate to maintain fields.'* The program was launched in 2011.

The program is based on a philosophy of partnership and involves council entering into an agreement with sporting organisations which have primary responsibility for the maintenance of one or more sports fields. It shares the same governance principles as the Community Partnership Funding Program. The program is jointly managed between Community Services and Infrastructure Services and is premised on four elements:

- sports field maintenance is to a district competition standard;
- costs are attributed per field, per annum and based on the sport played;
- council's contribution is a percentage of the full contractor rate and;
- the program is not applicable to specialised, exclusive and/or restricted access sports.

Pivotal to the program is a dedicated council Parks Community Sports Field Officer (Parks and Gardens) to provide expert advice and support to sporting organisations on maintaining their sports fields to a district competition standard.

There is one Sports Field Maintenance Funding Program round per year. The 2012 round of this funding program opened on 16 April and closed on 31 May. As the majority of eligible sporting organisations were allocated multi year funding in the 2011 funding round, just four (4) applications were submitted in this round.

Following pre-assessment to ensure applicant eligibility, an assessment panel was convened and reviewed the applications. The review clarified the type of sport played, number of fields and period of maintenance.

Of the four (4) applications received, it is recommended that three (3) be funded, to a total amount of \$55,804. Details of funding recommendations are attached at Appendix B

Organisations which were awarded multiple years of funding in the 2011 Sports Field Maintenance Funding Program round will also receive funding. These allocations are listed in Attachment 2.

In addition to the provision of funding, council officers will also work with successful partner sporting organisations to build capacity, develop a maintenance agreement and sound maintenance practices to ensure their facility is maintained to district competition level

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Community Partnership and Sports Field Maintenance Funding Programs 2012”;
- (b) endorse the Community Partnerships Finding Program Recommendations (Appendix A); and
- (c) endorse the Sports Field Maintenance Funding Program Recommendations (Appendix B).

FINANCE AND RESOURCING

The 2012-2013 approved budgets that are utilised for the **Community Partnership Funding Program** total \$2,111,000. The funding request of \$2,200,995.89 was in excess of the program budget. A rigorous assessment process produced an outcome aligned to available funding. As partnerships are allocated (subject to budget and council approval) for one, two or three year funding periods, there are implications for future budgets up to 2014-2015. Partnerships are funded from council’s Community Partnership Funding Program budget and other budgets as detailed below.

Table 1: Budget Implications - Community Partnership Funding Program

	BUDGET 2012-2013	2012-2013	2013-2014	2014-2015
2010/2011 round - 3rd/final year		\$832,375		
2011/2012 round - 2nd year		\$797,099		
2011/2012 round - 3rd/final year			\$733,679	
2012/2013 round - 1st year		\$453,598		
2012/2013 round - 2nd year			\$269,328	
2012/2013 round - 3rd/final year				\$169,828
Total Budget Implications		\$2,083,072	\$1,003,007	\$169,828
Funding Sources				
Community Partnership Funding Program		\$874,614	\$499,775	\$35,500
Community Programs Unit (Community Safety)		\$90,000	\$90,000	
Economic Development Branch		\$175,280	\$113,860	\$17,500
Environment Levy		\$787,794	\$222,553	\$80,100
Heritage Levy		\$81,119	\$76,819	\$36,728
Sport & Recreation Facilities Unit (Community Pools)		\$74,265		
Total Funding Sources	\$2,111,000	\$2,083,072	\$1,003,007	\$169,828

The 2012/2013 approved budget for the *Sports Field Maintenance Funding Program* is \$620,000.

As per the Council resolution (2 February 2011), funding has been allocated based on a 70% council funding contribution of the full contractor rate to maintain fields. As funding is allocated (subject to budget and council approval) for one, two or three year funding periods, there are implications for future budgets. Annual CPI is applicable to second and third year allocations.

In the current round, funding recommendations were made for a maximum of two years to align the completion dates with the completion dates of organisations which were awarded multiple years of funding in the 2011. The Sports Field Maintenance Funding Program budget will cover the recommended new expenditure of \$55,804 for this program.

Table 2: Budget Implications - Sports Field Maintenance Funding Program

	BUDGET 2012-2013	2012-2013	2013-2014	2014-2015
2011/2012 round - 2nd year* (includes 1.2% CPI)		\$581,331		
2011/2012 round - 3rd/final year*			\$566,608	
2012/2013 round - 1st year		\$55,804		
2012/2013 round - 2nd year*			\$55,804	
Total Budget Implications		\$637,135	\$622,412	
Funding Sources				
Sport Field Maintenance Funding Program		\$637,135	\$622,412	
Total Funding Sources	\$620,000	\$637,135	\$622,412	
<i>*Annual CPI applies to 2nd and 3rd year of funding.</i>				

There is a \$17,000 shortfall between the amount allocated and the amount in the budget for the Sports Field Maintenance Funding Program. It is noted that this \$17,000 can be covered by the \$27,563 surplus in the Community Partnership Funding Program. This budget reallocation will be addressed via council's quarterly budget review process.

CORPORATE PLAN

Corporate Plan Theme: *Health & Wellbeing*

Emerging Priority: 4.2 Active lifestyles

Strategy: 4.2.3 Promote physical activity and recreation

Corporate Plan Theme: *Social Cohesion*

Emerging Priority:	5.2	Strong community groups and networks
Strategy:	5.2.1	Value and support community organisations and volunteers across the region
Strategy:	5.2.2	Encourage community organisations and local communities to be self sufficient
Strategy:	5.2.3	Support community initiatives through appropriate provision of information, expertise and resources

CONSULTATION**Internal Consultation*****Community Partnership Funding Program***

Stage one assessment (pre-assessment of applicant and proposal) was undertaken by Community Connections team members. Community Connections staff and category experts made up membership of the assessment panels for stage two. Panel membership for stage two was as follows:

Community Capital

- Team Leader, Community Connections, Community Services – Chair
- Community Programs Manager, Community Services
- Development Officer (Grants), Community Connections, Community Services

Community Facilities

- Team Leader, Community Connections, Community Services – Chair
- Community Programs Manager, Community Services
- Development Officer (Grants), Community Connections, Community Services

Community Pools

No new applications.

Cultural Development:

- Team Leader, Community Connections, Community Services – Chair
- Community and Cultural Venues Manager, Community and Performance Venues, Community Services
- Performing Arts Curator, Community and Performance Venues, Community Services
- Senior Events Co-ordinator, Civic and Community Events, Community Services
- Senior Development Officer (Creative), Creative Communities, Community Services
- Development Officer (Grants), Community Connections, Community Services

Cultural Heritage

- Team Leader, Community Connections, Community Services – Chair
- Cultural Heritage and Learning Manager, Libraries and Gallery Services, Community Services
- Cultural Heritage Curator, Cultural Heritage and Collections, Community Services
- Heritage Library Coordinator, Learning Outreach Services, Community Services
- Development Officer (Grants) Community Connections, Community Services

Emergency Service and Community Safety

- Team Leader, Community Connections, Community Services – Chair
- Strategic Project Officer, Community Programs, Community Services
- Development Officer (Grants) Community Connections, Community Services

Economic Development

- Team Leader, Community Connections, Community Services – Chair
- Regional Services Manager, Economic Development, Finance and Business
- Development Officer (Grants) Community Connections, Community Services

Environment

- Team Leader, Community Connections, Community Services – Chair
- Project Manager Environment Initiatives, Environment Policy, Regional Strategy and Planning
- Team Leader Community Conservation Partnerships, Environmental Operations, Infrastructure Services
- Waterways Projects Officer, Environment Policy, Regional Strategy and Planning
- Senior Project Officer (Grants), Community Connections, Community Services

Sport, Recreation and Healthy Living

- Team Leader, Community Connections, Community Services – Chair
- Community Leasing Officer, Community Leasing and Assets, Community Services
- Community Leasing and Assets Manager, Community Facilities, Community Services
- Development Officer, Community Sport and Facility Planning (2), Community Services
- Sport and Recreation Support Officer, Community Sport and Facility Planning (2), Community Services
- Senior Project Officer (Grants), Community Connections, Community Services

Sports Field Maintenance Funding Program

Stage one assessment (pre-assessment of applicant and proposal) was done by Community Connections team members. Community Connections staff and category experts made up membership of the assessment panel for stage two. Panel membership for stage two was as follows:

- Team Leader, Community Connections, Community Services – Chair
- Development Officer, Community Sport and Facility Planning, Community Services
- Sport and Recreation Support Officer, Community Sport and Facility Planning (2), Community Services
- Parks Community Sports Field Officer, Parks and Gardens, Infrastructure Services
- Community Leasing and Assets Manager, Community Facilities, Community Services
- Community Leasing Officer, Community Facilities, Community Services
- Senior Project Officer (Grants), Community Connections, Community Services

External Consultation

External consultation is not applicable to the Community Partnership Funding Program or the Sports Field Maintenance Funding Program.

Community EngagementCommunity Partnership Funding Program

Grants Development Officers liaised with community organisations across the region, providing assistance with proposal development, the preparation of the application content and the application process.

Sports Field Maintenance Funding Program.

Grants Development Officers and the Parks Community Sports Field Officer liaised with eligible sporting organisations, providing assistance with the application content and the application process.

PROPOSAL

The 2012 rounds of the Community Partnership Funding Program and the Sports Field Maintenance Funding Program opened on 16 April and closed on 31 May 2012.

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

The Community Partnership Funding Program has nine (9) categories, and looks to support a broad range of community organisations across the region. Categories are:

- Community Capital
- Community Facilities
- Community Pools
- Cultural Development

- Cultural Heritage
- Economic Development
- Emergency Services and Community Safety
- Environment
- Sport, Recreation and Healthy Living

The Sports Field Maintenance Funding Program seeks to achieve a consistent level of field maintenance across the region to district competition standard. The program takes into account that sports fields currently vary in quality, maintenance and safety standards. It also notes that the capacity of sporting organisations to deliver appropriate maintenance outcomes varies in line with clubs' finances, volunteer levels and the base standard of the sports ground.

A dedicated council Parks Community Sports Field Officer (Parks and Gardens) was appointed to support the Sports Field Maintenance Funding Program in December 2012. This officer visits sporting organisations that are part of the program, providing education and training on turf maintenance best practices; encouraging safe working procedures; supporting maintenance procurement outcomes for the use of contractors and purchase of materials; and assisting each club in the development of a sports ground maintenance planner specific to their needs.

Council officers manage the funding programs, including promotion, support, assessment and distribution of funding for the program and work to build community capacity in applicant organisations. Internal partnerships for each Community Partnership Funding Program funding category and for Sports Field Maintenance Funding Program have been established across the organisation, both for promotion of the program and for assessment of applications.

Promotion and support

A comprehensive promotion plan was developed to ensure information about these funding programs reached the wider community. This included electronic information, media and print. A Fact Sheet was created for each funding program, and these were distributed widely across the community.

Meetings were held with potential applicants, and assistance provided with the completion of the online application forms. Community Sport and Facility Planning officers promoted the Sports Field Maintenance Funding Program directly to eligible sporting organisations to ensure they understood both the intent of the program and the process for application. Staff responded to countless telephone enquiries, emails and action requests in regard to both programs.

Applications

Council received 86 Community Partnership Funding Program applications for a total of \$2,200,995.89 and four (4) Sports Field Maintenance Funding Program proposals. Proposals for Community Partnership Funding Program funding were diverse, in the range of programs covered and the type of groups applying and there was a broad geographic spread of applicants across the region. The limited number of proposals for the Sports Field Maintenance Funding Program received was in line with expectations, as the majority of eligible sporting organisations were allocated multi year funding in the 2011 funding round.

The application process for Sports Field Maintenance Funding Program did not include a request for a specific funding amount, and it was made clear to applicants that funding offered would be based on a contribution to the cost of field maintenance, depending on sport type, period of maintenance and number of fields.

Assessment

Community Partnership Funding Program

Both general and category specific assessment criteria were endorsed by council before the initial launch of the program in 2010. Assessment of applications was based on these criteria.

A two-stage assessment process was established to determine recommendations to council:

- Pre-assessment by council officers to determine applicant and proposal eligibility.
- Proposal assessment for each category by panels made up of council officer category experts, grants staff and councillors.

In order to ensure good governance in the assessment process, training and guidance were given to panel members at the start of the assessment, and any Declarations of Interest relating to an applicant or application were recorded. Team Leader, Community Connections chaired each panel, and also moderated all assessment outcomes, to ensure a consistent process, standard scoring and the application of sound assessment principles.

The assessment process resulted in a priority list of applications aligned to the assessment criteria. The list included a recommended funding amount per annum and the funding timeframe (one, two or three years). Panel comments and comments for the letters to applicants were recorded at the assessment panels to ensure transparency. The comments for the letters outlined funding conditions and also provided additional information e.g. contact details for an appropriate council officer for further information or support.

As this is a three year funding program, many recommendations are to fund organisations for the full term. However, in some instances, a one or two year funding term was recommended e.g. because of impending changes in circumstances.

The final assessment outcomes were compared to budget availability. A summary is included below and a full outcome report attached at Appendix A.

2012/2013 Community Partnership Funding Program Funding Round Summary

Category	Proposals received	Funding requested	Proposals recommended	Cost of recommended funding	% applicants recommended
Community Capital	15	\$546,832.00	4	\$21,073	27%
Community Facilities	2	\$22,131.15	1	\$3,000	50%
Community Pools	0	0	0	0	n/a
Cultural Development	9	\$109,350.50	5	\$22,500	56%
Cultural Heritage	5	\$52,855.00	5	\$39,955	100%
Economic Development	7	\$377,740.00	5	\$105,500	71%

Category	Proposals received	Funding requested	Proposals recommended	Cost of recommended funding	% applicants recommended
Emergency Services & Community Safety	7	\$156,323.69	3	\$18,000	43%
Environment	10	\$499,443.80	8	\$193,570	80%
Sport, Recreation & Healthy Living	31	\$436,279.75	18	\$50,000	58%
Total	86	\$2,200,955.89	49	\$453,598.00	57%

Organisations which were awarded multiple years of funding in the 2010 or 2011 Community Partnership Funding Program rounds which include the 2012/2013 financial year will also receive funding. These allocations are listed in Attachment 1.

Sports Field Maintenance Funding Program

The assessment of applications for this funding program required clarification of tenure, type of sport played on the field/s, number of fields, and period of maintenance. An assessment panel of category experts and grants officers worked through all applications. Outcomes were compared to budget availability.

Of the 4 applications received, it is recommended that 3 be funded, to an amount of \$55,804. Two years of funding is recommended to align completion dates with those of organisations which were awarded multiple years of funding in the 2011 round. The recommendations for funding are in line with the council resolution to adopt a 70% council funding contribution of the full contractor rate to maintain fields, and are included in this report for Council endorsement, at Appendix B.

2012/2013 Sports Field Maintenance Funding Program Funding Round Summary

Funding was allocated for a range of sports fields:

Type of Sport	#Senior Fields Funded	# Junior Fields Funded	Total # Fields Funded	Funding Allocated
Athletics	1		1	\$9,254
Cricket	3		3	\$27,762
Soccer	4		4	\$18,788
TOTALS	8		8	\$55,804

Organisations which were awarded multiple years of funding in the 2011 Sports Field Maintenance Funding Program round will also receive funding. These allocations are listed in Attachment 2.

Notification

Upon Council endorsement of this report, successful applicants in both programs will be contacted and partnership agreements will be negotiated. It is expected that partner community organisations will have a clear and on-going line of communication with council officers, in order to achieve the goal of an effective council and community partnership.

Conditions of agreement will be determined, and these will include reporting and acquittal requirements, payment schedule (if applicable) and any conditions to be met prior to funding being awarded. Sports Field Maintenance Funding Program recipients will also be required to sign a maintenance agreement, which will clarify expectations in relation to the maintenance of the sports fields covered by the agreement. Once the agreement/s and an invoice are finalised and signed, funding will be awarded.

Councillors may wish to make a presentation to a successful partner organisation and this can be arranged.

A list of successful partner organisations will also be posted on Council's website, and a range of promotional opportunities for these significant funding programs will be arranged.

Unsuccessful applicants will be advised by letter and where relevant, referrals will be made to appropriate council officers for further advice or assistance.

Review

The first year of the Sports Field Maintenance Funding Program is now complete and the program is to be reviewed and a progress report will be provided to council by the end of December 2013.

Conclusion

The Community Partnership Funding Program and the Sports Field Maintenance Funding Program have both been enthusiastically received by a broad range of community organisations, and partnerships with Council are keenly sought. The programs will bring significant positive change to the community of the Sunshine Coast.

Legal

The activities to be undertaken by the funding are many and diverse and it is not possible to give a succinct legal overview of the legal liability implications because of the diversity of activity.

However, it can be said the act of providing funding does not, of itself, raise issues of legal liability for council. Rather it is the conduct of the funding recipient in carrying out what may be considered a local government type activity on local government owned or controlled land that will have some legal liability exposure issues for council. This will be mitigated, as best as is possible, by having the successful funding applicants enter into Agreements that spell out the relationship between the parties and obligate them to be incorporated bodies with adequate risk management plans, levels of insurance, training, reporting, financial controls. Ongoing support from Council officers where required will also address this risk.

Policy

The recommendation is in accordance with *Local Government Finance Standards*, and is in accordance with the adopted Community Partnership Funding Program Policy and Sports Field Maintenance Funding Policy. Any changes to the Community Partnership Funding Program or Sports Field Maintenance Funding Program funding recommendations will need to be supported by reasons from council and those reasons recorded.

Risk

It is possible, despite the rigorous process that there may be some negative reaction from unsuccessful applicants. Discussion will be held with these groups to assist with seeking future council and/or external funding as well as capacity building.

Previous Council Resolutions

Council Resolution 10 December 2009 (OM09/365)

That Council:

- (a) *receive and note the report titled "Transition Funding Recommendations and Community Partnerships Funding Policy and Program Guidelines";*
- (b) *endorse the transition funding amounts proposed (Appendix A), including the requirement that recipient organisations be advised funding processes and amounts will be subject to review for 2010/2011 year and beyond;*
- (c) *endorse the Community Partnerships Funding Policy, (Appendix B); and*
- (d) *endorse the Community Partnerships Funding Program guidelines for 2010/2011 and beyond (Appendix C).*

Council Resolution 2 February 2011 (OM11/12)

That Council:

- (a) *receive and note the report titled "Sports Field Maintenance Funding Program";*
- (b) *adopt a 70% council funding contribution of the full contractor rate to maintain fields, noting potential funding sources and refer funding to 2011/12 budget process;*
- (c) *adopt the Sports Field Maintenance Funding Program Policy (Appendix A) and note Guidelines (Appendix B); and*
- (d) *request the Chief Executive Officer to review the Sports Field Maintenance Funding Program one year after adoption and provide a progress report back to council.*

Council Resolution 16 November 2011 (OM11/280)

That Council:

- (f) *endorse the principle that councillors not participate in future grants and funding assessment panels.*

Related Documentation

- Community Partnership Funding Program Fact Sheet and Guidelines
- Sports Field Maintenance Program Fact Sheet and Guidelines

Critical Dates

It is proposed that the next round of Council's Community Partnership Funding Program and Sports Field Maintenance will open on 16 March 2013 and close on 1 May 2013.

Implementation

Following endorsement of this report, notification of outcomes will take place in August 2012.

Partnership arrangements will be determined and funding will be distributed throughout September and October 2012, depending on receipt of invoice, signed conditions of agreement, and, for Sports Field Maintenance Funding Program funding recipients, signed maintenance agreement.

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7.4.2 PEREGIAN ORIGINALS CONCERTS AT PEREGIAN BEACH PARK

File No: TE12/0252

Author: Community Land Permits Project Manager
Community Services

Attachments: [Att 1 - Temporary Event Approval](#) (Att Pg 641)
[Att 2 - Peregian Originals Permit Monitoring Summary](#) (Att Pg 650)
[Att 3 - Aerial View of Peregian Beach Park](#) (Att Pg 651)
[Att 4 - Peregian Originals Site Plan](#) (Att Pg 652)
[Att 5 - Peregian Originals long term Business Plan](#) (Att Pg 653)
[Att 6 - Peregian Originals long term Business Plan Appendices](#) (Att Pg 743)
[Att 7 - Peregian Originals Financial Report 2011-2012](#) (Att Pg 772)
[Att 8 - Peregian Originals Financial Summary](#) (Att Pg 781)
[Att 9 - Peregian Originals Draft Traffic Management Plan](#) (Att Pg 784)

PURPOSE

The purpose of this report is to consider the future of Peregian Originals Concerts conducted by *East Coast Originals Incorporated* at Peregian Beach Park, in line with council's resolution (OM12/76) in June 2012.

EXECUTIVE SUMMARY

Further to the report tabled at council's Ordinary Meeting in June 2012 and the subsequent council resolution (OM12/76), the *East Coast Originals Incorporated* presented their long term Business Plan to council's Ordinary Meeting in July 2012.

The presentation consisted of the group's president, Ms Anita Sweeney addressing the group's intentions in relation to holding Peregian Originals Concerts in Peregian Beach Park over a five year period.

Following the issuing of a permit to *East Coast Originals Incorporated* to conduct Peregian Originals Concerts in Peregian Beach Park, as per part (c) of council's resolution (OM12/76) in June 2012, only one event has taken place at the time of writing this report, with the event scheduled for the third Sunday in July 2012 being cancelled due to wet weather.

In an effort to meet the requirements set out in part (e) of council's resolution, an information forum between Council and local residents was held on 16 July, 2012. Residents at this information forum raised the following matters in relation to the Peregian Originals Concerts being held in Peregian Beach Park:

- traffic and parking;
- noise;
- litter;
- environmental impact on a local park;
- use of a local park by an event of this size;
- frequency of the event;
- accessibility to the park on event days;

- alcohol consumption in a public place; and
- use of a public space for commercial gain.

Based on the contents of the long term Business Plan supplied by *East Coast Originals Incorporated*, the concerns raised by the local residents at the information forum held on 16 July, 2012 and the matters raised in the officers report tabled at the Ordinary Meeting on 28 June 2012, it is the officers opinion that the number of Peregian Originals events be reduced to 12 per annum, allowing one (1) event per month on the first and third Sunday of each month, in an effort to:

- a. provide residents who do not support the event to have a reprieve from the event occurring twice monthly;
- b. reduce the level of impact this recurrent event is having on the Peregian Beach Park; and
- c. create a better balance between the success of the event with the local amenity.

It is also proposed that should the event be cancelled due to wet weather on the first Sunday of the month, council would allow the event to occur on the third Sunday of the month, therefore allowing the full 12 events to occur throughout the year.

In addition, it is the council officers' opinion that the event organiser be self regulating in order to reduce the level of permit monitoring that is currently being provided, bringing this into line with existing permit monitoring arrangements for all other approved temporary events across the Sunshine Coast region. Such an arrangement results in council officers conducting ad-hoc inspections to monitor parking and local law regulation and noise monitoring as is the case for all other approved temporary events across the Sunshine Coast region.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Peregian Originals Concerts at Peregian Beach Park";
- (b) authorise the Chief Executive Officer to issue the *East Coast Originals Incorporated* with a permit to allow 8 concerts, held once a month at Peregian Beach Park for the period 1 October 2012 to 30 June 2013, where the permit holder is required to fully comply with all permit conditions;
- (c) subject to full compliance of the permit conditions, authorise the Chief Executive Officer to issue ongoing permit renewals to *East Coast Originals Incorporated* following the expiry of event permits on the 30 June each year for the Peregian Originals to hold 12 concerts per annum held once per month at Peregian Beach Park under delegated authority, in line with *Sunshine Coast Regional Council Local Law 1 (Administration) 2011*; and
- (d) endorse the continuation of quarterly meetings with adjoining residents and these meetings be coordinated and chaired by the divisional councillor.

FINANCE AND RESOURCING

Council has provided financial support to the *East Coast Originals Incorporated* for the Peregian Originals concerts in excess of \$30,000 since its inception. In addition to this, in late 2008 the Peregian Originals (prior to becoming the incorporated organisation, *East Coast Originals Incorporated*) received a minor grant to assist them to purchase portable toilets and bins. Council also provided financial support to enable the Peregian Originals to stage their public rally in December 2009 and assisted with costs to develop a Traffic Management Plan and engage traffic controllers to assist in the event's overall safety and success.

Council provides electricity for the event and has also allocated staff resources to work with the *East Coast Originals Incorporated* to support them better in meeting the compliance requirements of the Peregian Originals event permit.

Following the renewal of the *East Coast Originals Incorporated*'s event permit in March 2011 to conduct Peregian Originals Concerts, officers conducted twice monthly inspections of the concerts for parking and local regulation and noise monitoring until 30 June 2012. The total operating expenditure associated with monitoring permit compliance up until 30 June 2012 amounts to approximately \$31,000. Monitoring parking at each of the events has resulted in approximately \$40,000 in operating revenue.

The administration time required to compile and distribute twice monthly inspection reports to the Divisional Councillor are as follows:

- Permit Monitoring Officer (Level 3 - \$29.57/hour) – ½ hour to compile data
- Environmental Health Officer (Level 5 - \$36.24/hour) – 1 hour to compile data
- Business Support Officer (Level 3 - \$31.06/hour) – ½ hour to download infringement data
- Community Land Permits Officer (Level 4 - \$34.02/hour) – 1 hour to compile inspection report

This results in total of three and a half hours to compile and distribute the report, amounting to approximately \$116.11 per event. Based on the 23 events that have been monitored this is approximately \$2,670.53 in administration time since the permit renewal in March 2011 to 30 June 2012.

CORPORATE PLAN

Corporate Plan Theme: *Ecological Sustainability*

Emerging Priority:	2.2	Our natural environment preserved for the future
Strategy:	2.2.1	Engage with the community to assist with the protection of our environment through sustainable practices and resource minimisation
Emerging Priority:	2.4	Healthy waterways and foreshores
Strategy:	2.4.2	Maintain and improve the quality of beaches, waterways, lakes, rivers, canals and wetlands

Corporate Plan Theme: *Innovation & Creativity*

Emerging Priority: 3.1 Partnerships and alliances that drive innovation
Strategy: 3.1.1 Foster partnerships with governments, business and the community to encourage innovation and sustainability

Corporate Plan Theme: *Health & Wellbeing*

Emerging Priority: 4.2 Active lifestyles
Strategy: 4.2.2 Encourage healthy and balanced lifestyles

Corporate Plan Theme: *Social Cohesion*

Emerging Priority: 5.1 Equity and opportunities for all
Strategy: 5.1.5 Provide equitable access to council's facilities, services and access ways

Emerging Priority: 5.3 A sense of identity and belonging
Strategy: 5.3.3 Support community and neighbourhood celebrations, events and local festivals
 5.3.5 Encourage neighbourhoods to work together to build community awareness and understanding

Corporate Plan Theme: *Managing Growth*

Emerging Priority: 7.1 The areas for growth and renewal are clearly defined
Strategy: 7.1.2 Develop and implement strategies to retain the unique character of our centres, villages and towns

Emerging Priority: 7.4 Timely and appropriate infrastructure and service provision
Strategy: 7.4.3 Ensure the provision of parks, open space and community infrastructure consistent with identified local and regional needs

Corporate Plan Theme: *Great Governance*

Emerging Priority: 8.1 Ethical, accountable and transparent decision-making
Strategy: 8.1.2 Ensure legislative compliance and awareness

CONSULTATION**Internal Consultation**

Internal Consultation for the Peregrin Originals Concert Permit Renewal is as follows:

- Branch Business Support Coordinator, Community Response
- Chief Legal Officer, Legal Services
- Community Land Permits Manager, Community Land Permits
- Community Land Permits Officer, Community Land Permits

- Coordinator Open Space Strategy & Heritage, Social Policy
- Divisional Councillor
- Environmental Health Officers, Healthy Places
- Executive Director, Community Services
- Healthy Places Manager, Healthy Places
- Landscape Architect, Urban Design
- Manager Community Response
- Operations Coordinator, Community Land Permits
- Parking Officers, Response Services
- Permit Monitoring Officers, Community Land Permits
- Response Services Manager, Response Services
- Senior Management Accountant, Financial Services
- Team Leader Landscape Urban Design (North)

External Consultation

External Consultation for the Peregian Originals Concert Permit Renewal is as follows:

- East Coast Originals Inc.
- Queensland Police Service
- Peregian Beach residents (ongoing complainants)

Community Engagement

In accordance with the Peregian Originals Review conducted in early 2011, Council conducted a broad community engagement process where the independent consultants met with the event organisers and other relevant key stakeholders, including:

- Peregian Beach residents
- Peregian Originals patrons
- Peregian Beach Business Association
- Peregian Beach Surf Lifesaving Club's Market Coordinator.

PROPOSAL

The Peregian Originals is a popular music event, held on the 1st and 3rd Sundays of each month conducted by the *East Coast Originals Incorporated*. The Originals started as a small acoustic event in the town square at Peregian but quickly outgrew this venue and moved to the Peregian Beach Park adjoining the shopping centre and the surf club. The event has now been running for over 10 years and continues to grow in popularity, generally with an attendance of upwards of 500 people. With more well known performers the event can increase in crowd swell at it's largest to anywhere between 1,000 to 2,000 attendees.

Between November 2010 and February 2011 independent consultants undertook the review and focussed on the event organiser's compliance with the conditions of the operating permit and prepared a series of recommendations to inform proposed changes to a permit renewal.

The review of the Peregian Originals was conducted in conjunction with the local business owners, residents and *East Coast Originals Incorporated* and event supporters.

In addition, councillors were asked to contribute their views to assist in formulating the most appropriate way forward for these concerts in 2011.

A further report to Council in December 2010 received approval for extension of the permit until the 31 March 2011 in order to complete the review.

In March 2011 a report was presented to council with the findings and recommendations of the independent review undertaken in relation to the Peregian Originals Concerts being held twice monthly in Peregian Beach Park.

At the March 2011 Ordinary Meeting (OM11/58) council resolved *inter alia*:

That Council:

- (d) *authorise the Chief Executive Officer to renew the East Coast Originals permit for two events per month at Peregian Beach Park for a further 12 months until 30 June 2012 and that all concerts must fully comply with all new permit conditions such conditions to include a three stage warning system in the event of non compliance and further that council request the Chief Executive Officer to monitor costs associated with compliance and other elements of the event in order for council to consider at the time of furnishing of the long term business plan as detailed in (e) below; and*

As per part (d) of the council resolution in March 2011 and the need to ensure that the Peregian Originals event fully complied with their new permit conditions, council officers have been conducting twice monthly inspections of the event for parking and local law regulation and noise monitoring. In an effort to ensure that the permit is effectively monitored, a total of four (4) officers are required to attend each event. This amounts to a total of 16 officer hours spent at each event monitoring permit compliance.

To assist with the management of alcohol consumption on the site during concerts, council engaged the services of the Queensland Police Service to conduct Police Specials at events held in June and November 2011.

The costs associated with council monitoring and Police Specials are outlined under the Finance and Resourcing section of this report.

Of the 431 temporary event permits issued in the 2011/12 financial year, the Peregian Originals is the only event that is provided with this dedicated permit monitoring arrangement. While a large proportion of time is spent monitoring this event, this has greatly contributed to the event organisers understanding the importance of complying with their event permit, with only one (1) breach being issued on 1 January 2012 due to the event concluding after the permitted operating time.

It is now expected that the event organisers can be self regulating in order to reduce the level of permit monitoring that is currently being provided bringing this into line with existing permit monitoring arrangements for temporary events.

At the June 2012 Ordinary Meeting (OM12/76) council resolved as follows:

That Council:

- (a) *receive and note the report titled "Peregian Originals Concerts at Peregian Beach Park";*
- (b) *invite the East Coast Originals to the July Ordinary meeting of Council to present a long term Business Plan (currently the Yearly Operational Plan 2012 – 2013) and their strategies for implementations of the Plan;*
- (c) *authorise the Chief Executive Officer to issue the East Coast Originals with a permit from 1 July 2012 to the 30 September 2012 to allow twice monthly concerts on the first and third Sunday of each month at Peregian Beach Park, where the permit holder is required to fully comply with all permit conditions;*
- (d) *post the presentation from the East Coast Originals long term Business Plan to Council that a further report be presented to Council for the August 2012 meeting of Council to consider the future of Peregian Originals Concerts at Peregian Beach Park; and*
- (e) *request the Chief Executive Officer to organise an information forum between Council and local residents who are continually lodging complaints concerning the ongoing twice monthly events for Council to better understand their concerns.*

Following the June 2012 Ordinary Meeting, *East Coast Originals Incorporated* were invited to attend the July Ordinary Meeting to present their long term Business Plan. This invitation also requested the not-for-profit group provide a copy of their annual profit and loss summary as required by the Office of Fair Trading, verifying their incorporation status. To date, this has not been supplied.

The president of *East Coast Originals Incorporated*, Ms Anita Sweeney presented the group's long term Business Plan to council at its Ordinary Meeting on 26 July 2012.

As per part (c) of council's resolution in June 2012, a permit was issued to *East Coast Originals Incorporated* to conduct Peregian Originals Concerts in Peregian Beach Park on the first and third Sunday of the month for the period 1 July 2012 to 30 September 2012. At the time of writing this report, only two events have been scheduled (6 August and 20 August 2012), with the event scheduled for 20 August 2012 being cancelled due to wet weather.

In an effort to meet the requirements set out in part (e) of council's resolution in June 2012, an information forum between Council and local residents was held on 16 July 2012. Residents at this information forum raised the following matters in relation to the Peregian Originals Concerts being conducted in Peregian Beach Park:

- traffic and parking;
- noise;
- litter;
- environmental impact on a local park;
- use of a local park by an event of this size;
- frequency of the event;
- accessibility to the park on event days;

- alcohol consumption in a public place; and
- use of a public space for commercial gain.

Based on the contents of the long term Business Plan supplied by *East Coast Originals Incorporated*, the concerns raised by the local residents at the information forum held on 16 July 2012 and the matters raised in the officers report tabled at the Ordinary Meeting on 28 June 2012, it is the officers opinion that the number of Peregian Originals events be reduced to 12 per annum, allowing one (1) event per month on the first and third Sunday of each month, in an effort to:

- a. provide residents who do not support the event to have a reprieve from the event occurring twice monthly;
- b. reduce the level of impact this recurrent event is having on the Peregian Beach Park; and
- c. create a better balance between the success of the event with the local amenity.

It is also proposed that should the event be cancelled due to wet weather on the first Sunday of the month, council would allow the event to occur on the third Sunday of the month, therefore allowing the full 12 events to occur throughout the year.

In addition, it is the council officers' opinion that the event organiser be self regulating in order to reduce the level of permit monitoring that is currently being provided, bringing this into line with existing permit monitoring arrangements for all other approved temporary events across the Sunshine Coast region. Such an arrangement results in council officers conducting ad-hoc inspections to monitor parking and local law regulation and noise monitoring as is the case for all other approved temporary events across the Sunshine Coast region.

Legal

On the basis that the events are occurring on public land designated as a park, any permit granted should meet the requirements of the *Land Act 1994* as well as council's relevant local law in the event of any inconsistency between the requirements of those two laws, the requirement of the Land Act must prevail.

Policy

To date, the *East Coast Originals Incorporated* have been issued with permits for a temporary event to conduct Peregian Originals Concerts; however the Originals events at Peregian Beach Park are regular and ongoing. The adoption of the Commercial Use of Community Land Policy by Council in September 2009 meant that the use of the park for these regular and ongoing concerts should be assessed in line with this policy noting that the East Coast Original's event falls under Category 6 as a not for profit, high use, high profile area.

The Commercial use of Community Land Policy came under some scrutiny with the awarding of commercial tenders and as a result at a special meeting in September 2010 and as part of its deliberations, Council resolved "*to conduct a review of the Commercial Use of Community Land Policy prior to 30 April 2011, and during the review timeframe no new High use High impact proposals be considered*".

At a special meeting in April 2011, council adopted the findings of the *Commercial Use of Community Land Policy* review and renamed and amended the policy to *Community Land and Complementary Commercial Use* to highlight that community use of community land takes precedence over commercial use. The outcome of the policy is that any permitted commercial activity on community land should be complementary to the land's primary purpose of community use and limited to a level that provides benefits to the community.

Given the Peregian Originals Concerts is conducted by a not-for-profit organisation, and while the events are regular and ongoing, it is appropriate to continue issuing a temporary event permit for the Peregian Originals event as the activity is not commercial in nature.

Risk

Risks identified in relation to the conduct of Peregian Originals Concerts in Peregian Beach Park are as follows:

- **Traffic management and safety of residents and visitors on concert days**

Traffic management plans have been developed including the introduction of "No Stopping" areas. Council will continue to conduct irregular visits to concerts to monitor compliance.

- **The number of patrons can vary from between 500-700 at any one event**

Organisers must consider the type of performance scheduled and adjust their risk assessment accordingly to meet crowd control requirements. Whilst it was a requirement for the East Coast Originals to address this within their long term business plan, the organisers have not addressed matters in relation to crowd control. Completion of a Temporary Event Application will ensure this important event management component has been conducted.

- **Alcohol consumed by patrons on community land**

Following permit monitoring of this event, it is evident alcohol consumption within Peregian Beach Park during the Peregian Originals is occurring. Whilst this matter is a matter for the Queensland Police Service, Council's permit conditions will continue to specify the need to adhere to the event being a non-alcohol event, where event organisers heavily promote to their patrons that drinking alcohol in a public place, including roads, footpaths, parks and beaches is prohibited under the *Liquor Act 1992* in Queensland.

- **The East Coast Originals indicate that the Peregian Beach Surf Club derive revenue from sales during Originals concerts**

Potential financial dependency of the Club on this event in terms of their long-term sustainability can only be assessed if and when the Club present purported losses to Council.

Following the Ordinary Meeting in June 2012, the Peregian Beach Surf Life Saving Club has submitted their financials for consideration of council.

- **Recurrent event of this size occurring in local recreation park**

The ongoing approval of this event within Peregian Beach Park has the potential to result in property damage in a local recreation park, therefore taking away from the intent of the *Sunshine Coast Council Open Space Strategy 2011*.

Previous Council Resolution**Ordinary Meeting, 4 February 2010 (OM10/022)**

That Council:

- (a) *note the Peregian Originals event currently falls into the Commercial Use of Public Open Space Policy under Category 6 as a high use, high profile area;*
- (b) *authorise the Chief Executive Officer to issue the organisers of the Peregian Originals with a permit to conduct up to a maximum of 24 events in 2010 only to be held on the 1st and 3rd Sundays of each month at Peregian Beach park subject to adherence to standard event permit conditions, and specifically including:*
 - 1. full compliance with all conditions and approvals;*
 - 2. the formation of an incorporated not for profit entity to run the event;*
 - 3. a traffic management plan approved by an accredited traffic controller level 4;*
 - 4. noise conditions suitable for this type of regular open air events;*
 - 5. formally establishing a quarterly meeting with residents to provide opportunities for affected and interested parties to work together for successful outcomes;*
 - 6. making good the Peregian Beach park after each event in terms of rubbish collection and general park presentation; and*
 - 7. working in cooperation with Council's parks and gardens branch to maintain the quality open space value of the park.*
- (c) *request the Chief Executive officer to undertake a review of the Peregian Originals during November 2010 in conjunction with the residents and organisers in planning for any permit renewal and revised event conditions for 2011.*

Ordinary Meeting, 8 December 2010 (OM10/359)

That Council:

- (a) *note and receive the report titled "Review of Event Permit Conditions – Peregian Originals Concerts", and*
- (b) *authorise the extension of the current Event Permit to East Coast Originals Inc for Peregian Originals Concerts until 31 March 2011.*

Ordinary Meeting, 16 March 2011 (OM11/58)

That Council:

- (a) *receive and note the report titled "Peregian Originals Review";*
- (b) *receive and note the consultant's report titled, "Audit of the Permit Conditions for the Peregian Originals" (Appendix A);*
- (c) *endorse the recommendations table of the report titled "Proposed Conditions for changes to Peregian Originals permit" (Appendix B) as amended to include within condition 29 the words "quarterly meetings with adjoining residents and these meetings to be chaired and coordinated by the divisional councillor";*

- (d) *authorise the Chief Executive Officer to renew the East Coast Originals permit for two events per month at Peregian Beach Park for a further 12 months until 30 June 2012 and that all concerts must fully comply with all new permit conditions such conditions to include a three stage warning system in the event of non compliance and further that council request the Chief Executive Officer to monitor costs associated with compliance and other elements of the event in order for council to consider at the time of furnishing of the long term business plan as detailed in (e) below; and*
- (e) *request East Coast Originals to prepare an appropriate long term business plan relating to the use of Peregian Beach Park that is acceptable to council prior to the 2012 annual permit renewal conducted under delegated authority with such long term business plan to be lodged with Council for its consideration at least three months prior to 30 June 2012.*

Ordinary Meeting, 28 June 2012 (OM12/76)

That Council:

- (a) *receive and note the report titled "Peregian Originals Concerts at Peregian Beach Park";*
- (b) *invite the East Coast Originals to the July Ordinary meeting of Council to present a long term Business Plan (currently the Yearly Operational Plan 2012 – 2013) and their strategies for implementations of the Plan;*
- (c) *authorise the Chief Executive Officer to issue the East Coast Originals with a permit from 1 July 2012 to the 30 September 2012 to allow twice monthly concerts on the first and third Sunday of each month at Peregian Beach Park, where the permit holder is required to fully comply with all permit conditions;*
- (d) *post the presentation from the East Coast Originals long term Business Plan to Council that a further report be presented to Council for the August 2012 meeting of Council to consider the future of Peregian Originals Concerts at Peregian Beach Park; and*
- (e) *request the Chief Executive Officer to organise an information forum between Council and local residents who are continually lodging complaints concerning the ongoing twice monthly events for Council to better understand their concerns.*

Related Documentation

Related Documentation relevant to this report is as follows:

- Attachment 1 – Temporary Event Approval
- Attachment 2 – Peregian Originals Permit Monitoring Summary
- Attachment 3 – Aerial view of Peregian Beach Park
- Attachment 4 – Peregian Originals Site Plan
- Attachment 5 – Peregian Originals long term Business Plan
- Attachment 6 – Peregian Originals long term Business Plan Appendices
- Attachment 7 – Peregian Originals Financial Report
- Attachment 8 – Peregian Originals Financial Summary
- Attachment 9 – Peregian Originals Draft Traffic Management Plan

Critical Dates

Event approval to *East Coast Originals Incorporated* expires on 30 September 2012.

Implementation

Depending on council's resolution of this report, the following implementation is proposed:

- Issue the *East Coast Originals Incorporated* with a new permit to hold 8 concerts once a month at Peregrian Beach Park from 1 October 2012 until 30 June 2013
 - Conduct ad-hoc inspections to monitor compliance on event days.
-

8 NOTIFIED MOTIONS**9 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 Chief Executive Officer for report and recommendation
 - Petition not be received
-

10 CONFIDENTIAL SESSION**10.1 REGIONAL STRATEGY AND PLANNING****10.1.1 CONFIDENTIAL – NOT FOR PUBLIC RELEASE – FUTURE TRANSPORT CONSIDERATIONS**

File No: ECM 230812
Author: Project Director Transportation Strategy
Regional Strategy and Planning

PURPOSE

In accordance with Section 72 (1) (h) of the *Local Government (Operations) Regulation 2010* this report is considered confidential as it deals with matters 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.

10.2 FINANCE AND BUSINESS**10.2.1 CONFIDENTIAL – NOT FOR PUBLIC RELEASE - MAJOR EVENTS SPONSORSHIP PROGRAM 2012-2013 - ROUND 1**

File No: ECM
Author: Senior Economic Development Officer - Major Events
Finance and Business

PURPOSE

In accordance with section 72(1) (e) of the *Local Government (Operations) Regulation 2010*, this report is considered confidential as it deals with contracts proposed to be made by the local government.

10.3 INFRASTRUCTURE SERVICES**10.3.1 CONFIDENTIAL – NOT FOR PUBLIC RELEASE - LANDSLIP
REMEDIAION WORKS**

File No: 21546
Author: Team Leader Project Delivery South
Infrastructure Services

PURPOSE

In accordance with Section 72 (1) (f) of the *Local Government (Operations) Regulation 2010*, this report is considered confidential as it relates to legal proceedings involving the local government.

10.4 COMMUNITY SERVICES**10.4.1 CONFIDENTIAL – NOT FOR PUBLIC RELEASE – SERVICE REVIEW**

File No: ECM 230812
Author: Executive Director
Community Services

PURPOSE

In accordance with Section 72 (1) (h) of the *Local Government (Operations) Regulation 2010* this report is considered confidential as it deals with matters 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 NEXT MEETING

The next Ordinary Meeting will be held on Thursday 20 September 2012 in the Council Chambers, 9 Pelican Street, Tewantin commencing at 9.00am.

12 MEETING CLOSURE
