

Agenda

Ordinary Meeting

Thursday, 27 April 2023

commencing at 9:00am

Sunshine Coast City Hall Chamber, 54 First Avenue, Maroochydore

ORDINARY MEETING

NOTICE

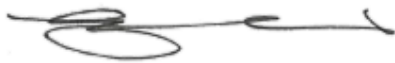
14 April 2023

Dear Councillors, Group Executives and relevant staff,

In accordance with Section 254C(2) of the *Local Government Regulation 2012*, I wish to advise that an Ordinary Meeting has been convened for

27 April 2023

commencing at 9.00am.



Emma Thomas | Chief Executive Officer

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1 DECLARATION OF OPENING

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

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

That the Minutes of the Ordinary Meeting held on 23 March 2023 be received and confirmed.

5 MAYORAL MINUTE**6 INFORMING OF CONFLICTS OF INTEREST****6.1 PRESCRIBED CONFLICTS OF INTEREST**

Pursuant to section 150EL of the *Local Government Act 2009* (the Act), a Councillor who has a prescribed conflict of interest in an issue to be considered at a meeting of the local government must –

- (a) immediately inform the meeting of the prescribed conflict of interest including the particulars stated in section 150EL(4) of the Act and
- (b) pursuant to section 150EM(2) of the Act must leave the place at which the meeting is being held, including any area set aside for the public, and stay away from the place while the matter is being discussed and voted on.

6.2 DECLARABLE CONFLICTS OF INTEREST

Pursuant to section 150EQ of the *Local Government Act 2009*, a Councillor who has a declarable conflict of interest in a matter to be considered at a meeting of the local government, must stop participating in the meeting and immediately inform the meeting of the declarable conflict of interest including the particulars stated in section 150EQ(4) of the Act.

If the Councillor with a declarable conflict of interest does not voluntarily decide not to participate in the decision, pursuant to section 150ES(3)(a) of the Act the eligible Councillors must, by resolution, decide

- (a) whether the Councillor may participate in the decision despite the Councillors conflict of interest or
- (b) that the Councillor must not participate in the decision and must leave the place at which the meeting is being held, including any area set aside for the public and stay away while the eligible Councillors discuss and vote on the matter.

The Councillor with the declarable conflict of interest must comply with any conditions the eligible Councillors impose per section 150ES(4) and (5) of the Act.

7 PRESENTATIONS / COUNCILLOR REPORTS

8 REPORTS DIRECT TO COUNCIL**8.1 MARCH 2023 FINANCIAL PERFORMANCE REPORT****File No:** Council Meetings**Author:** Coordinator Financial Services
Business Performance Group**Attachments:** Att 1 - March 2023 Financial Performance Report 11 [!\[\]\(cbe2492b119e39e02a1dab2af4a4b296_img.jpg\)](#) [!\[\]\(2f36c159ea3670f7a62f64a4f1cf5c05_img.jpg\)](#)
Att 2 - Capital Grant Funded Project Report March 2023 21 [!\[\]\(97ea327f5be815eae3219211de8871e0_img.jpg\)](#) [!\[\]\(b9e364404d24453c513f2e1f7e489b5b_img.jpg\)](#)

PURPOSE

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

EXECUTIVE SUMMARY

This monthly financial performance report provides Council with a summary of performance against budget as at 31 March 2023 in terms of the operating result and delivery of the capital program.

Operating Performance**Table 1: Operating Budget as at 31 March 2023**

	Original Budget \$000	Current Budget \$000
Total Operating Revenue	535,020	546,939
Total Operating Expenses	503,237	522,939
Operating Result	31,783	24,000

Details of the monthly financial report are contained in Attachment 1.

OFFICER RECOMMENDATION

That Council receive and note the report titled "March 2023 Financial Performance Report".

FINANCE AND RESOURCING

This report sets out the details of Council's financial performance and investments for the month ending 31 March 2023 and meets Council's legislative reporting requirements.

CORPORATE PLAN

Corporate Plan Goal:	<i>Our outstanding organisation</i>
Outcome:	We serve our community by providing this great service.
Operational Activity:	S28 - Financial and procurement services – financial and procurement management and governance, ensuring effective business management and legislative compliance, coordination and development of Council's budget process, administration of financial systems, sundry debtors, accounts payable, financial and asset accounting, treasury, procurement, contract and supply functions.

CONSULTATION

Councillor Consultation

Consultation has been undertaken with the Portfolio Councillor, E Hungerford.

Internal Consultation

This report has been written in conjunction with advice from:

- Group Executive Business Performance
- Chief Financial Officer

External Consultation

No external consultation is required for this report.

Community Engagement

No community engagement is required for this report.

Legal

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

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

Policy

Sunshine Coast Council's 2022/23 Investment Policy and
Sunshine Coast Council's 2022/23 Debt Policy.

Risk

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

Previous Council Resolution**Ordinary Meeting 23 February 2023 (OM23/9)**

That Council:

- (a) *receive and note the report titled “**Budget Review 2 – 2022/23**”*
- (b) *adopt Appendix A as tabled, pursuant to sections 169 and 170 of the Local Government Regulation 2012, Council’s amended budget for 2022/23 financial year incorporating:*
 - (i) *the statement of income and expenditure*
 - (ii) *the statement of financial position*
 - (iii) *the statements of changes in equity*
 - (iv) *the statement of cash flow*
 - (v) *the relevant measures of financial sustainability*
 - (vi) *the long-term financial forecast*
- (c) *note the following documentation applies as adopted 23 June 2022*
 - (i) *the Debt Policy*
 - (ii) *the Revenue Policy*
 - (iii) *the total value of the change, expressed as a percentage, in the rates and utility charges levied for the financial year compared with the rates and utility charges levied in the previous budget*
 - (iv) *the Revenue Statement and the rates and charges to be levied for the 2022/23 financial year and other matters as adopted 21 September 2022 and*
- (d) *endorse the Minor Capital Works Program (Appendix B).*

Ordinary Meeting 21 September 2022 (OM22/76)

That Council:

- (a) *receive and note the report titled “**Budget Review 1 – 2022/23**”*
- (b) *adopt Appendix A as tabled, pursuant to sections 169 and 170 of the Local Government Regulation 2012, Council’s amended budget for 2022/23 financial year incorporating:*
 - (i) *the statement of income and expenditure*
 - (ii) *the statement of financial position*
 - (iii) *the statements of changes in equity*
 - (iv) *the statement of cash flow*
 - (v) *the relevant measures of financial sustainability*
 - (vi) *the long-term financial forecast*
 - (vii) *the Debt Policy*
 - (viii) *the Revenue Statement*
- (c) *adopt Appendix A as tabled, pursuant to section 120, 121 and 122 of the Local Government Regulation 2012, Council grants a concession by way of a part rebate of the differential general rate levied, to those ratepayers described in section 2.4.4 in the 2022/23 Revenue Statement, subject to the eligibility criteria and conditions set out in section 2.4.4 in the 2022/23 Revenue Statement*

- (d) *note the following documentation applies as adopted 23 June 2022*
 - (i) *the Revenue Policy*
 - (ii) *the total value of the change, expressed as a percentage, in the rates and utility charges levied for the financial year compared with the rates and utility charges levied in the previous budget*
 - (iii) *the rates and charges to be levied for the 2022/23 financial year and other matters as adopted 23 June 2022*
 - (iv) *the Strategic Environment Levy Policy*
 - (v) *the Strategic Arts and Heritage Levy Policy*
 - (vi) *the Strategic Transport Levy Policy and*
- (e) *endorse the Minor Capital Works Program (Appendix B).*

Related Documentation

2022/23 Adopted Budget

Critical Dates

There are no critical dates for this report.

Implementation

There are no implementation details to include in this report.



Statement of Income and Expenses



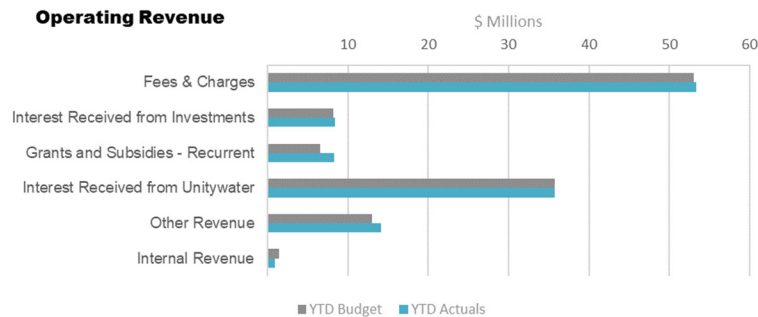
Council has a positive operating result of \$106.7 million, which is \$2.4 million below current budget as at 31 March 2023.

Council has an end of year forecast operating result of \$18.5 million, due to increasing depreciation expense and one off recurrent capital expenses.

The forecast net result of \$147 million, after capital revenue and non-recurrent expenses, provides and improved position to the expected budget of \$9 million.

Statement of Income & Expenses							
	Annual		YTD				Annual
	Original Budget \$'000	Current Budget \$'000	Current Budget \$'000	Actuals \$'000	Variance \$'000	Variance %	Forecast Budget \$'000
Operating Revenue							
Net Rates and Utility Charges	369,957	370,198	369,530	369,726	196	0.1%	370,198
Fees and Charges	70,045	67,857	53,059	53,354	295	0.6%	67,857
Interest Received from Investments	3,000	11,820	8,199	8,357	158	1.9%	12,000
Operating Grants and Subsidies	12,804	16,167	6,503	8,277	1,774	27.3%	16,261
Operating Contributions	320	320	239	225	(14)	(5.7%)	320
Unitywater Participation	52,438	52,438	35,695	35,695	(0)	(0.0%)	52,438
Other Revenue	23,824	25,880	12,958	14,122	1,164	9.0%	25,880
Internal Sales/Recoveries	2,632	2,260	1,453	938	(515)	(35.4%)	2,186
Total Operating Revenue	535,020	546,939	487,636	490,694	3,058	0.6%	547,139
Operating Expenses							
Employee Costs	163,519	163,092	115,440	114,332	(1,108)	(1.0%)	161,984
Materials and Services	200,548	209,799	152,070	153,610	1,540	1.0%	210,512
Finance Costs	12,771	13,167	10,074	10,136	63	0.6%	13,250
Company Contributions	4,413	4,483	4,483	4,484	0	0.0%	4,483
Depreciation Expense	95,499	101,215	71,937	71,936	(1)	(0.0%)	102,000
Other Expenses	23,292	24,447	17,803	19,193	1,390	7.8%	24,450
Recurrent Capital Expenses	3,195	6,737	6,737	10,263	3,526	52.3%	12,000
Total Operating Expenses	503,237	522,940	378,545	383,954	5,410	1.4%	528,679
Operating Result	31,783	24,000	109,092	106,740	(2,352)	(2.2%)	18,460
Capital Revenue							
Capital Grants and Subsidies	18,186	35,014	35,014	37,718	2,705	7.7%	48,523
Capital Contributions - Cash	32,000	32,000	21,708	21,708	0	0.0%	32,888
Capital Contributions - Fixed Assets	50,417	50,417	17,867	17,867	0	0.0%	50,417
Total Capital Revenue	100,602	117,430	74,589	77,294	2,705	3.6%	131,827
Non-recurrent Expenses							
Profit/Loss on disposal, revaluation & impairment	-	-	-	2,248	2,248	-	-
Movements in landfill and quarry provisions	3,010	3,010	2,258	2,258	-	-	3,010
Assets Transferred to Third Parties	-	-	-	32	32	-	-
Total Non-recurrent Expenses	3,010	3,010	2,258	4,537	2,279	100.9%	3,010
Net Result	129,375	138,419	181,423	179,496	(1,926)	(1.1%)	147,277

Operating Result – March 2023



Operating Summary						
	Annual		YTD			
	Original Budget \$000s	Current Budget \$000s	Current Budget \$000s	Actuals \$000s	Variance \$000s	Variance %
Operating Revenue	535,020	546,939	487,636	490,694	3,058	0.6%
Operating Expenses	500,042	516,203	371,808	373,692	1,884	0.5%
Recurrent Capital Expenses	3,195	6,737	6,737	10,263	3,526	52.3%
Operating Result	31,783	24,000	109,092	106,740	(2,352)	(2.2%)
Capital Revenue	100,602	117,430	74,589	77,294	2,705	3.6%
Non-recurrent Expenses	3,010	3,010	2,258	4,537	2,279	100.9%
Net Result	129,375	138,419	181,423	179,496	(1,926)	(1.1%)

As at 31 March 2023, \$490.7 million operating revenue had been achieved which is \$3.1 million more than current budget.

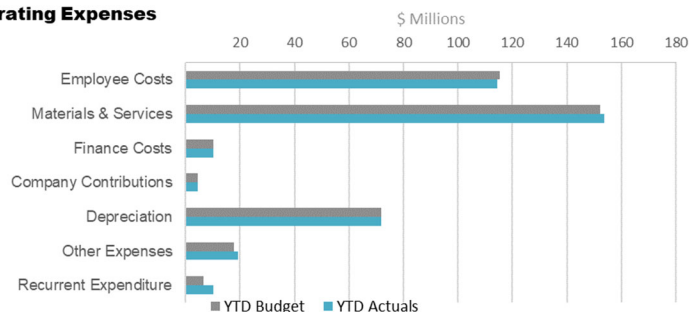
Substantial Revenue Variance for the Period Ending March 2023							
	Annual		YTD				Annual
	Original Budget \$000	Current Budget \$000	Current Budget \$000	Actuals \$000	Variance \$000	Variance %	Forecast Budget \$000
Operating Revenue							
Operating Grants and Subsidies	12,804	16,167	6,503	8,277	1,774	27.3%	16,261
Other Revenue	23,824	25,880	12,958	14,122	1,164	9.0%	25,880

Significant revenue variances:

- **Operating Grants and Subsidies** – an additional \$1.6 million of emergency operations grants were received during March for disasters from February 2022.
- **Other Revenue** – Council has received additional external revenue for environmental offset works

Operating Result – March 2023 (continued)

Operating Expenses



Operating Summary

	Annual		YTD			
	Original Budget \$000s	Current Budget \$000s	Current Budget \$000s	Actuals \$000s	Variance \$000s	Variance %
Operating Revenue	535,020	546,939	487,636	490,694	3,058	0.6%
Operating Expenses	500,042	516,203	371,808	373,692	1,884	0.5%
Recurrent Capital Expenses	3,195	6,737	6,737	10,263	3,526	52.3%
Operating Result	31,783	24,000	109,092	106,740	(2,352)	(2.2%)
Capital Revenue	100,602	117,430	74,589	77,294	2,705	3.6%
Non-recurrent Expenses	3,010	3,010	2,258	4,537	2,279	100.9%
Net Result	129,375	138,419	181,423	179,496	(1,926)	(1.1%)

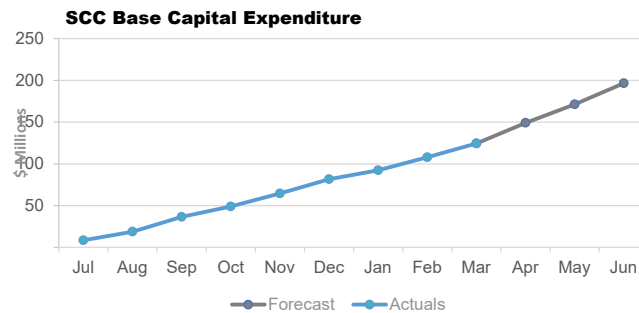
Substantial Expenditure Variance for the Period Ending March 2023

	Annual		YTD				Annual Forecast Budget \$000
	Original Budget \$000	Current Budget \$000	Current Budget \$000	Actuals \$000	Variance \$000	Variance %	
Operating Expenses							
Employee Costs	163,519	163,092	115,440	114,332	(1,108)	(1.0%)	163,092
Materials and Services	200,548	209,799	152,070	153,610	1,540	1.0%	209,891
Recurrent Capital Expenses	3,195	6,737	6,737	10,263	3,526	52.3%	6,737

As at 31 March 2023, \$384 million had been expended resulting in a variance of \$5.4 million (1.4%) higher than budget.

- Employee Costs are below budget for the current financial year due to ongoing vacancies
- Materials and services are higher than budget due to -
 - Additional events held at Sunshine Coast Stadium, with offsetting revenue covering the costs
 - Unplanned maintenance for public amenities
 - Increased expenditure on drainage and unsealed road maintenance
- Recurrent capital expenses relates to works undertaken through Council's Capital Works Program that do not meet the definition of an asset under Accounting Standard AASB 116 Property Plant and Equipment. This predominately relates to the following programs –
 - Sunshine Coast Airport Runway Expansion
 - Information Technology
 - Transportation

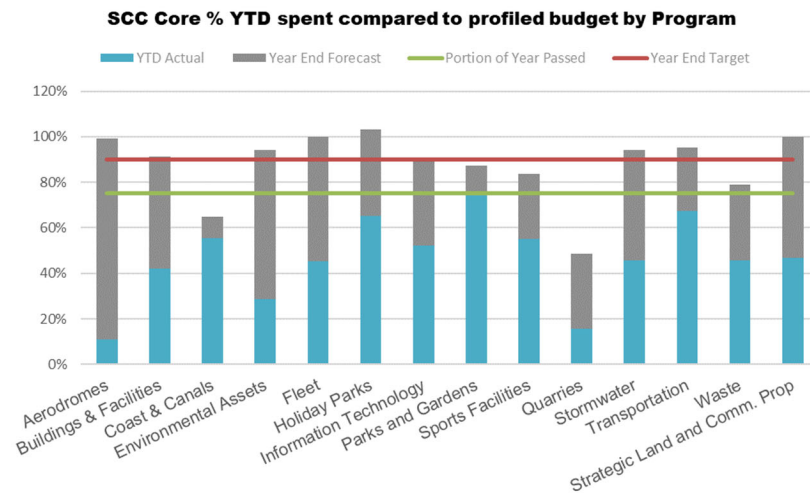
Capital Expenditure - March 2023



- As at 31 March 2023, \$158 million (54%) of Council's \$292.9 million Capital Works Program was financially expended.
- The Core Capital Program has progressed 55.2% of budget, an actual spend of \$124 million.
- Corporate Major Projects progressed 48.1%

Capital Expenditure						
	Annual		YTD		Year End	
	Original Budget \$000s	Current Budget \$000s	Actuals \$000s	% of FY Budget Spent	Forecast Year End Actual	Forecast Year End Variance to Budget
Core Capital Works Program						
Aerodromes	530	1,327	147	11.1%	1,316	(10)
Buildings and Facilities	21,764	20,116	8,451	42.0%	18,380	(1,736)
Coast and Canals	4,440	5,403	2,998	55.5%	3,501	(1,902)
Environmental Assets	3,840	2,697	775	28.7%	2,543	(154)
Minor Works	4,850	4,874	2,737	56.2%	3,978	(896)
Fleet	4,000	5,559	2,528	45.5%	5,559	-
Holiday Parks	4,095	2,112	1,381	65.4%	2,181	69
Information Technology	7,059	9,238	4,810	52.1%	8,366	(872)
Parks and Gardens	9,805	11,243	8,360	74.4%	9,816	(1,427)
Sports Facilities	8,575	9,452	5,222	55.2%	7,918	(1,534)
Quarries	610	242	38	15.5%	118	(124)
Stormwater	9,141	8,204	3,744	45.6%	7,719	(485)
Transportation	75,526	78,184	52,692	67.4%	74,569	(3,615)
Waste	52,546	66,683	30,592	45.9%	52,633	(14,049)
Total SCC Core Capital Program	206,781	225,334	124,475	55.2%	198,598	(26,736)
Other Capital Program						
Corporate Major Projects	44,731	39,950	19,218	48.1%	23,262	(16,687)
Strategic Land and Commercial Properties	21,697	22,358	10,441	46.7%	22,358	-
Maroochydore City Centre	-	464	39	8.4%	39	(425)
Sunshine Coast Airport Runway	-	4,842	4,154	85.8%	4,842	-
Total Other Capital Program	66,428	67,614	33,853	50.1%	50,501	(17,113)
TOTAL	273,210	292,948	158,328	54.0%	249,099	(43,849)

Capital Expenditure - March 2023 (continued)



Buildings and Facilities

- Construction has commenced on stage 1 of the Kawana Waters regional aquatic centre upgrade project.
- Procurement is underway for the replacement/refurbishment of 11 public amenity buildings throughout the region. This includes:
 - Buderim Lions Park, Buderim
 - Russell Family Park, Montville
 - Allan Walker Park, Buddina
 - QCWA Park, Landsborough
 - Sir Francis Nicklin Park, Palmwoods
 - Glenfields Neighbourhood Park, Mountain Creek
 - Frank McIvor Park, Currimundi
 - Outrigger Park, Minyama
 - Lemon Park, Palmwoods
 - Mary Cairncross, Maleny
 - Pioneer Park, Gheerulla
 - Matthew Flinders Rest Area, Beerburum

Fleet

- \$5.2 million of orders have been placed with delivery expected throughout the 2022/23 and following financial year.

Holiday Parks

- Construction for the replacement of amenities at the Coolum Beach and Mudjimba holiday park are both finalised

Stormwater

- Council's \$2.1 million stormwater pipe relining program has progressed with \$1.2 million in expenditure

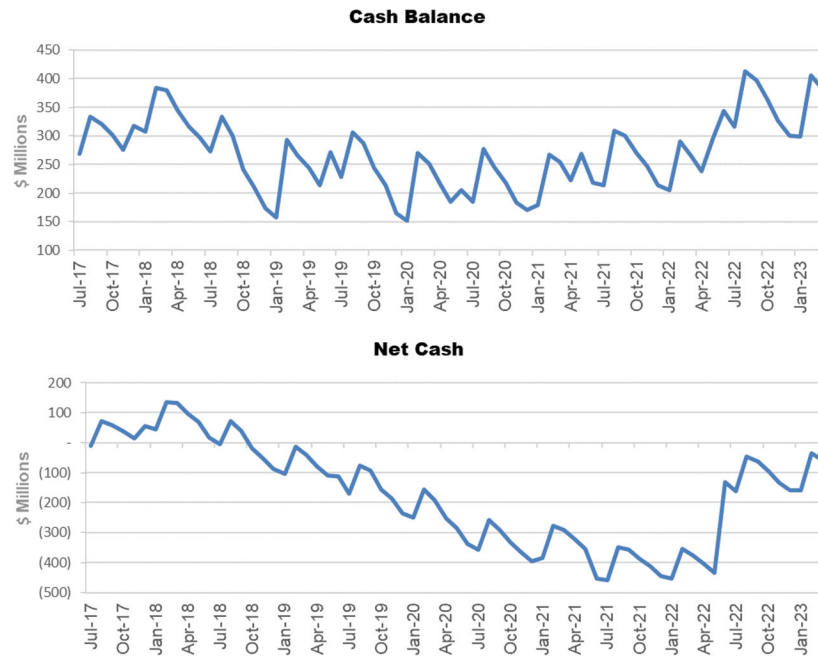
Transportation

- Council's \$23 million road resurfacing and rehabilitation program has progressed 82% with a total expenditure of \$18.9 million.
- Council's \$2.3 million bus stop program has progressed 93% with a total expenditure of \$2.2 million.
- Construction continues for Council's major transport corridor upgrade at Brisbane Road Mooloolaba

Waste

- Design and construction is progressing for the new material resource facility at the Nambour resource recovery centre.

Cash Flows and Balance Sheet



Cash and Balance Sheet - March 2023	
	Original Budget \$000s
CASH FLOWS	
Opening Cash	289,721
Net Cash Inflow/(Outflows) from:	
Operating Activities	78,211
Investing Activities	(177,162)
Financing Activities	19,509
Net Increase/(decrease) in Cash Held	(79,442)
Cash at year end	210,279
BALANCE SHEET	
Current Assets	269,810
Non Current Assets	6,319,144
Total Assets	6,588,954
Current Liabilities	136,038
Non Current Liabilities	541,261
Total Liabilities	677,299
Net Community Assets/Total Community Equity	5,911,655

- Council's cash at 31 March 2023 is \$373 million
- Council's debt at 31 March 2023 is \$457 million

Debt

Sunshine Coast Council's debt program is governed by the 2022/23 Debt Policy, which was adopted with the Original Budget adoption on 23 June 2022.

New borrowings are undertaken in accordance with the Queensland Treasury Corporation Guidelines, the Statutory Bodies Financial Arrangements Act 1982 and Section 192 of the Local Government Regulation 2012.

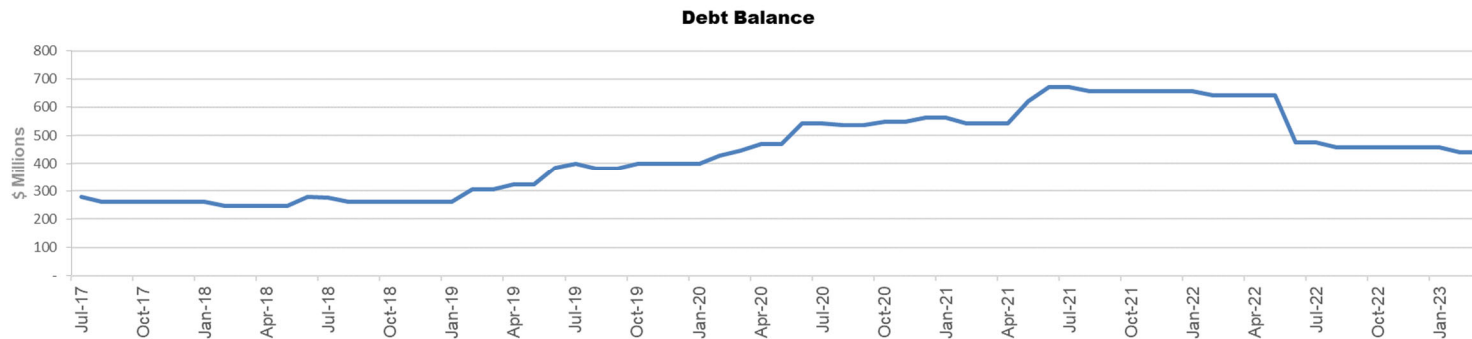
Council's debt as at 31 March 2023 is \$457 million.

In March 2023, Queensland Treasury Corporation completed the Credit Review process for Sunshine Coast Regional Council (SCRC). SCRC's credit rating has been affirmed as **Strong** with the outlook changed from Developing to **Neutral**.

The aim of the review is to determine Council's ability to service its current and future debt obligations; Identify credit and other risks which may affect Council's debt servicing capacity and the impact of such risks on Council's financial sustainability and; Determine a QTC credit rating and outlook.

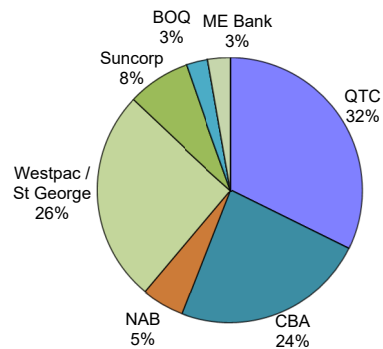
Debt - 2022/23				
	Opening Balance	Debt Redemption	New Borrowings	Closing Balance
	\$000	\$000	\$000	\$000
Sunshine Coast Council Core	345,766	16,680	34,200	363,286
Maroochydore City Centre	138,717	6,879	-	131,837
Total	484,483	23,559	34,200	495,124

Table 1: 2022/23 Adopted Debt Balance

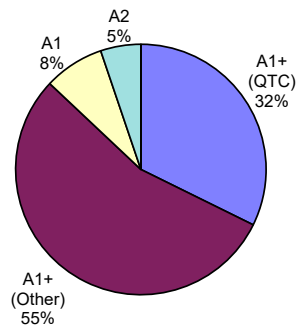


Investment Performance

Investment per financial institution (%)



Investment by Standard & Poor's (Short Term Credit Rating)



Investment Performance - March 2023					
Liquidity as at:		31/03/2023		Term deposits maturing:	
		\$'000's		\$'000's	
At-call accounts				Count	
QTC + CBA (excl. trust)		203,366	52.77%	within 30 days	10,000
Maturities within 7 days		-	0.00%	30-59 days	40,000
Total at-call		203,366	52.77%	60-89 days	20,000
Investment Policy Target			10.00%	90-179 days	70,000
				180-364 days	30,000
				1 year - 3 years	-
				Total	170,000
					16

INVESTMENT SUMMARY (including Trust) as at:						Investment Policy	
						Individual Limit	Group Limits
	31/03/2023		31/12/2022		31/03/2022		
A1+ (QTC)	124,460	32%	116,765	38.7%	217,897	81.3%	100%
A1+ (Other)	210,914	55%	155,173	51.4%	40,124	15.0%	100%
A1	30,000	8%	10,000	3.3%	-	0.0%	30%
A2	20,000	5%	20,000	6.6%	10,000	3.7%	45%
A3	-	0%	-	0.0%	-	0.0%	5%
Total Funds	385,374		301,938		268,022		
FUND SUMMARY							
General Funds	373,366		290,055		257,410		
Trust Funds	12,008		11,883		10,612		
Total Funds	385,374		301,938		268,022		

- All investment parameters remain within the guidelines established by the Investment Policy.
- For the month ending 31 March 2023 Council had \$373 million cash (excluding Trust Fund), with an average interest rate of 4.41%, being 0.97% above benchmark. This is compared to the same period last year with \$257 million cash (excluding Trust Fund) with an average interest rate of 0.62%, being 0.53% above benchmark.
- The benchmark used to measure performance of cash funds is Bloomberg AusBond Bank Bill index (BAUBIL).



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2022/23 Financial Year Grant Funding




	Description	Division	Suburb	Estimated Construction Start Month	Construction Completed Month	TOTAL Grant Revenue \$'000	Project Expenditure to date \$'000
Federal Government						(\$24,015)	\$13,597
1	Roads to Recovery Program					(\$3,600)	
Local Road and Community Infrastructure Grant Funding - Round 2 - Agreement end date 30 June 2022						(\$1,107)	\$2,056
2	H3790 - LRCIP2 - Citrus Road Gravel Road Upgrade	Division 05	Palmwoods	August 2021	February 2022	(\$220)	\$3
3	H3799 - LRCIP2 - Zgrajewski Road Gravel Road Upgrade	Division 09	Yandina Creek	January 2022	November 2022	(\$400)	\$1,925
4	H3941 - LRCIP2 - Crosby Hill Road Pathway	Division 07	Buderim	July 2021	January 2022	(\$81)	\$16
5	H4223 - LRCIP2 - Scholars Drive to Columbia Street - Road Link	Division 06	Sippy Downs	May 2022	July 2022	(\$289)	\$112
6	K1484 - LRCIP2 - Meridan Way Lighting	Division 03	Meridan Plains	September 2021	November 2021	(\$35)	\$0
7	K1492 - LRCIP2 Spray Seal - Old Gympie Road Resurfacing	Division 01	Glass House Mountains	October 2021	October 2021	(\$17)	\$0
8	K1493 - LRCIP2 Spray Seal - Bald Knob Road	Division 05	Peachester	October 2021	October 2021	(\$19)	\$0
9	K1495 - LRCIP2 Asphalt - Mountain View Road	Division 05	Maleny	October 2021	October 2021	(\$46)	\$0
Local Road and Community Infrastructure Grant Funding - Round 3 - Agreement end date 30 June 2023						(\$7,308)	\$1,183
10	K1622 - LRCIP3 North Shore Football Club - Sports Field Lighting	Division 08	Marcoola	April 2023	July 2023	(\$400)	\$38
11	H2095 - LRCIP3 Buderim Lions Park Public Amenity Rehab	Division 06	Buderim	June 2023	July 2023	(\$245)	\$28
12	H5465 - LRCIP3 Lake Weyba Foreshore Trail Upgrade	Division 09	Weyba Downs			(\$300)	\$34
13	K3000 - LRCIP3 Eumundi Tennis court replacement	Division 10	Eumundi	December 2022		(\$600)	\$38
14	K3488 - LRCIP3 Palmwoods Cricket AFL - LED Lighting	Division 05	Palmwoods	October 2022	March 2023	(\$450)	\$403
15	H9256 - LRCIP3 Outrigger Boat Ramp Carparking	Division 04	Minyama			(\$400)	\$10
16	H8037 - LRCIP3 Lindsay Road Buderim - Pathway	Division 07	Buderim	May 2023	May 2023	(\$78)	\$6
17	K1397 - LRCIP3 Katherine Street Beerwah Pathway	Division 01	Beerwah	July 2022	December 2022	(\$125)	\$94
18	H5978 - LRCIP3 Brandenburg Road Seal Widening	Division 05	Mooloolah Valley	February 2023	June 2023	(\$385)	\$366
19	K1030 - LRCIP3 Claymore Road Pathway Lighting	Division 06	Sippy Downs	March 2023	May 2023	(\$325)	\$151
20	K2732 - LRCIP3 WOR LED Streetlighting Upgrades	Whole of Council				(\$4,000)	\$16
Urban Congestion Fund						(\$12,000)	\$10,358
21	H3747 - Mooloolaba Transport Corridor - D and C	Division 04	Mooloolaba		November 2023	(\$12,000)	\$10,358

2022/23 Financial Year Grant Funding							
	Description	Division	Suburb	Estimated Construction Start Month	Construction Completed Month	TOTAL Grant Revenue \$'000	Project Expenditure to date \$'000
State Government						(\$13,842)	\$7,795
	Walking Local Government Grant					(\$54)	\$13
22	K3037 - Walking Network Plans	Whole of Council				(\$54)	\$13
2022-24 Local Government Grants and Subsidies Program						(\$180)	\$206
23	H5637 - Caloundra Headland Coastal Pathway	Division 02	Kings Beach	May 2023	December 2023	(\$180)	\$206
Queensland Transport Cycle Network Program						(\$2,897)	\$1,030
24	H9547 - BA238 Bokarina-Warana Coastal Pathway	Division 03	Warana			(\$270)	\$100
25	H3732 - Oval Avenue and Gosling St Upgrade	Division 02	Caloundra	April 2024	November 2025	(\$237)	\$510
26	H3839 - LGIP Stringybark Rd Footbridge-Pathway	Division 07	Sippy Downs	September 2023	December 2023	(\$2,100)	\$73
27	H4851 - LGIP Ballinger Rd Cycle Lanes	Division 07	Buderim			(\$56)	\$48
28	B4344 - Sixth Avenue Road Cycle Treatments	Division 04	Maroochydore	September 2022	March 2023	(\$234)	\$298
Blackspot Funding						(\$1,551)	\$6
29	K3443 - Blackspot Old Gympie Road Beerwah	Division 01	Beerwah			(\$133)	\$0
30	K3444 - Blackspot Ilkley Road Ilkley - Hazard	Division 05	Ilkley			(\$515)	\$0
31	K3445 - Blackspot Brisbane Road Mooloolaba	Division 04	Mooloolaba			(\$153)	\$0
32	K2085 - Blackspot Edmund St and William St Intersection	Division 02	Shelley Beach			(\$750)	\$6
Black Summer Bushfire Recover Grants Program						(\$102)	\$11
33	K3402 - Nambour Showgrounds PA System	Division 10	Nambour			(\$102)	\$11
34 Local Government Subsidy - SES						(\$54)	
35 Bus Stop Shelter Program						(\$380)	
36 Passenger Transport Accessible Infrastructure Program						(\$321)	
37 Passenger Transport Infrastructure Investment Program						(\$273)	
Transport Infrastructure Development Scheme						(\$1,355)	\$1,888
38	H1251 - North Arm Yandina Creek Road Stage 3 Gravel Road	Division 09	Yandina Creek			(\$164)	\$30
39	H3802 - North Arm Yandina Creek Road Stage 2 Gravel Road	Division 09	Yandina Creek			(\$104)	\$129
40	H4615 - Sippy Downs School Precinct	Division 06	Sippy Downs			(\$200)	\$19
41	K3738 - TIDS Jacana St Raised Priority Crossing	Division 03	Currimundi	April 2023	April 2023	(\$45)	\$34
42	K3739 - TIDS Beerburum St Raised Zebra Crossing	Division 03	Aroona			(\$100)	\$18
43	K3740 - TIDS Bellara Dr Raised Priority Crossing	Division 03	Currimundi	April 2023	April 2023	(\$45)	\$26
44	K3741 - TIDS Kalana Road Zebra Crossing	Division 03	Currimundi			(\$10)	\$9
45	K2723 - Camp Flat Road Upgrade Stage 4	Division 09	Bli Bli	May 2023		(\$170)	\$122
46	H8013 - Chevallum Road Widening	Division 05	Chevallum	December 2022	February 2023	(\$206)	\$706
47	H9439 - Glenview Road Upgrade Stage 5	Division 05	Glenview	November 2022	March 2023	(\$300)	\$796
48	B1514 - TMR Local Government Alliance	Whole of Council				(\$11)	\$0
South East Queensland Community Stimulus Program - Agreement end date 30 June 2024						(\$6,675)	\$4,641
49	H1670 - SEQCSP First Avenue Streetscape	Division 04	Maroochydore	October 2022	November 2023	(\$910)	\$126
50	H9957 - SEQCSP Buderim Village Park Buderim Stage 9	Division 07	Buderim		December 2022	(\$550)	\$434
51	K1618 - SEQCSP Caloundra Indoor Sports Stadium - Roof Replacement	Division 02	Caloundra	June 2023	September 2023	(\$700)	\$65
52	K1898 - SEQCSP Parkyn Parade Pedestrian Facilities	Division 04	Mooloolaba	March 2022	September 2022	\$0	\$144
53	K2259 - SEQCSP Albany Lakes Park Play Upgrade Stage 2	Division 06	Sippy Downs	August 2022	November 2022	(\$400)	\$422
54	K2406 - SEQCSP Turner Park Beerwah Activation Stage 2	Division 01	Beerwah	August 2022	November 2022	(\$100)	\$121
55	K2449 - SEQCSP North Shore Multi-Sports Complex	Division 08	Mudjimba	March 2023	August 2023	(\$800)	\$227
56	K2478 - SEQCSP Palmwoods Warriors Football Club	Division 05	Palmwoods		March 2023	(\$400)	\$621
57	K2843 - SEQCSP Landsborough Streetscape - Stage 2	Division 01	Landsborough	September 2023	January 2024	(\$100)	\$12
58	K1647 - SEQCSP Outrigger Park - Public Amenity	Division 04	Minyama		September 2023	(\$215)	\$14
59	H7863 - SEQCSP Coolum Sports Complex Intersection	Division 09	Coolum Beach	September 2023	January 2024	(\$700)	\$47
60	H4602 - SEQCSP Woombie Streetscape Placemaking	Division 05	Woombie	October 2022	May 2023	(\$500)	\$916
61	H4605 - SEQCSP Eumundi Town Centre Placemaking	Division 10	Eumundi	July 2023	March 2024	(\$500)	\$216
62	K1308 - SEQCSP Ocean Street Placemaking Renewal	Division 08	Maroochydore	May 2023	June 2024	(\$300)	\$69
63	B3888 - Sunshine Coast Stadium Stage1 Northern Carpark	Division 09	Bokarina	October 2022	January 2023	(\$500)	\$1,206
Project Complete							

8.2 S.S. DICKY WRECK - PUBLIC SAFETY RISK MANAGEMENT

File No: Council meetings

Author: Manager Environmental Operations
Liveability & Natural Assets Group

Attachments: Att 1 - SS Dicky wreck - risk assessment..... 37 
Att 2 - 230309 SS Dicky wreck - detailed survey and photos...43 


PURPOSE

The purpose of this report is to present a public safety risk management approach for the S.S. Dicky wreck at Dicky Beach for consideration and approval.

EXECUTIVE SUMMARY

Since 1893 the wreck of the S.S. Dicky has proven to be an attraction and focal point for both locals and tourists. The wreck has slowly deteriorated over time and in 2015, due to associated public safety hazards, large sections of the wreck were removed and preserved by council under a State Government cultural heritage permit. The keel and hull were left in place and covered with sand.

Since mid-2022, following an active summer period of large cyclone and storm generated swells, significant coastal erosion has resulted in further parts of the wreck being exposed for several months at a time. The recent ongoing exposure of the wreck has created a heightened public safety concern, as bathers and other beachgoers are less able to clearly see the wreck, especially at high tide.

A detailed risk assessment for the exposed wreck (**Attachment 1**) has identified that there are no effective controls that can reduce the risk consequence without substantial or complete removal of the wreck.

Two effective controls considered reasonably practicable to implement to reduce the public safety risk likelihood are:

1. **Partial closure of the bathing reserve at Dicky Beach in which the wreck is located.**

- The bathing reserve 20 metres either side of the wreck has already been closed under section 8 of *Local Law No. 6 (Bathing Reserves) 2011*, by erecting red flags and prominent signage adjacent to the foreshore to delineate the area of the wreck and beach closure zone.
- To enable enforcement of this bathing reserve closure, Council is asked to resolve the partial closure of the bathing reserve for up to 6 months under sections 9 (1) and (2) of the *Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011*.
- Given substantial removal of the wreck may take longer than 6 months, further partial closures may need to be resolved by Council in the future, to support the ongoing implementation of the public risk management approach. As *Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011* only allows for Council to resolve temporary closures of local government areas for a maximum of 6 months, confirmation will need to be sought to clarify Council's ability under the Local Law to further resolve on a temporary closure of

the bathing reserve should the works not be completed within the initial 6 month period.

2. Substantial or complete removal of the S.S. Dicky Wreck

- In order to mitigate the risk to an acceptable level, substantial or complete removal of the wreck is the only effective control identified. Substantial removal includes removal of the majority of the wreck while retaining a small portion of the hull, keel or stern in place. This is the lesser preferred option but may be necessary, to address cultural heritage concerns raised by the Department of Environment and Science relating to complete removal of the wreck.
- Subject to Council's support to progress substantial or complete removal of the wreck, council officers will engage with the Department of Environment and Science to seek relevant approvals and develop a works plan to guide the removal process.
- Substantial or complete removal of the wreck should be undertaken as soon as practicable. However, ensuring this is operationally/physically achievable, securing relevant state approvals, and considering the appropriate seasonal conditions required, the timeframe for delivery is currently unknown and could take up to 24 months to successfully implement.

Additional short term risk mitigation control measures have been implemented and are ongoing as identified in the risk assessment documentation.

OFFICER RECOMMENDATION

That Council:

- (a) **receive and note the report titled "S.S. Dicky wreck - public safety risk management"**
- (b) **note the SS Dicky Wreck Risk Assessment and recommended short and long-term controls to inform and manage the associated public safety risk**
- (c) **resolve to partially close the bathing reserve at Dicky Beach for 20 metres either side of the wreck for up to 6 months under sections 9 (1) and (2) of *Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011***
- (d) **support further investigations in relation to substantial or complete removal of the S.S. Dicky wreck, informed by relevant planning, to manage the associated public safety risk**
- (e) **authorise the Chief Executive Officer to seek and obtain any necessary approvals from the Queensland Government to manage the public safety risk posed by the SS Dicky wreck**
- (f) **note that a new resolution to continue partial closure of the bathing reserve at Dicky Beach on 20 metres either side of the wreck will be required under *Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011* if works to reduce the risk have not been completed within 6 months and**
- (g) **note the Chief Executive Officer will investigate and clarify Council's ability to extend temporary closures to a local government controlled area, facility or infrastructure (which includes a bathing reserve) for longer than six months, given the current drafting of sections 9 (1) and (2) of *Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011*.**

FINANCE AND RESOURCING

Signage and red flags to designate the beach closure area have been installed and funded through existing operational budgets.

Substantial or complete removal of the S.S. Dicky wreck (if approved) is expected to be at significant cost, with early estimates at \$800,000 - \$1 million (operational removal, does not include ongoing wreck preservation or storage costs). However, further work is required to accurately scope the project and determine costs.

Environmental Operations Branch is currently engaging an external consultant to assist with project management, permit application and approvals processes and development of detailed cost estimates.

Once a detailed works plan and costings have been completed (and subject to relevant approvals), external funding sources will be investigated to support project delivery, particularly in relation to cultural heritage conservation and preservation.

While delivery timeframes need to be determined, it is expected that supporting budgets will likely be required in the 2023/24 and 2024/25 financial years.

CORPORATE PLAN

Corporate Plan Goal: ***Our service excellence***

Outcome: We serve our community by providing this great service.

Operational Activity: S20 - Local amenity and local laws – maintaining and regulating local amenity through local laws, regulated parking, community land permits and management of animals, overgrown land and abandoned vehicles.

CONSULTATION

Councillor Consultation

Division 2 Councillor T. Landsberg has been consulted.

Internal Consultation

- Chief Executive Officer
- Executive Leadership Team
- Group Executive, Civic Governance
- Group Executive, Liveability and Natural Assets
- Manager, Customer Response
- Coordinator, Cultural Heritage Services
- Coordinator, Corporate Risk & Insurance
- Coastal and Constructed Water Bodies and Planning Manager
- Customer Response Branch – Customer Contact
- Communications Branch
- Workplace Health and Safety Branch

External Consultation

- Dicky Beach Surf Lifesaving Club

Senior Lifeguard involvement in detailed risk assessment and implementation of risk management controls. The surf club has been fully supportive of risk management

controls and actions identified and undertaken to date and is assisting with implementation of the relevant controls (as per risk assessment). Ongoing communication with the surf club is occurring to ensure effective management, continued implementation of controls and identification of any changing or emerging public safety risks.

- Department of Environment and Science - Principal Heritage Officer (Historical and Maritime Archaeology), Environment and Heritage Policy and Programs.

Ongoing engagement around wreck heritage management and seeking relevant advice related to wreck management/removals.

- Surf Lifesaving Queensland

Regular updates on control measures being implemented and ensuring feedback mechanisms are in place to address any changing or emerging public safety risks. SLSQ has indicated support for the risk management approach taken by Council to date.

Community Engagement

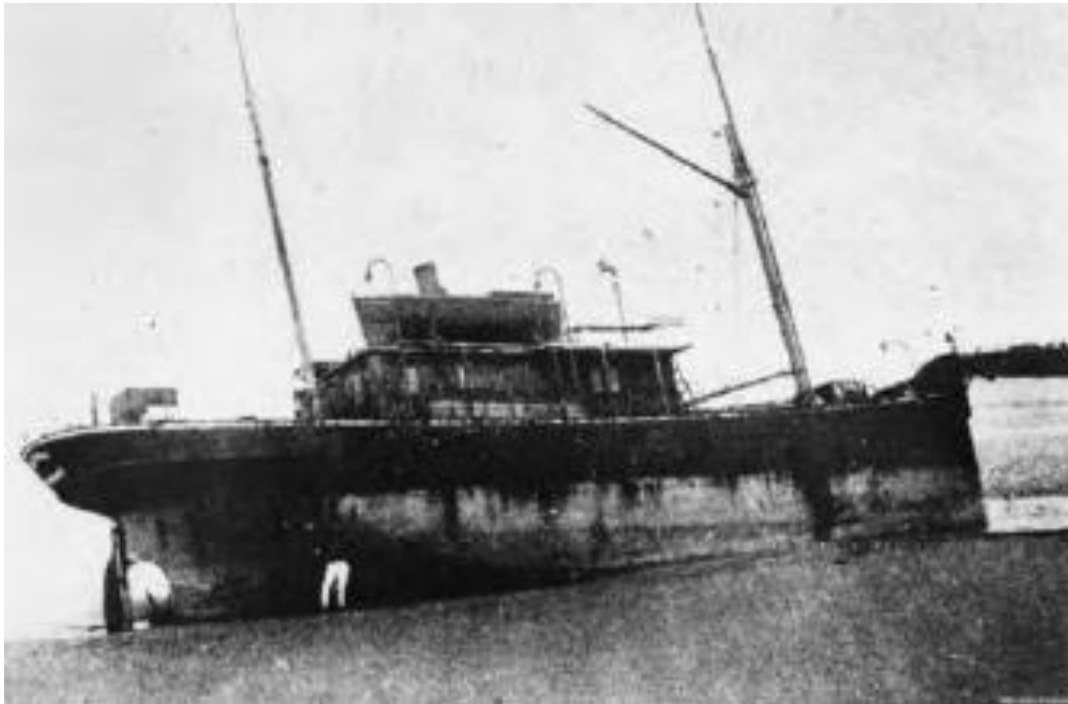
The partial closure of the bathing reserve was announced via a media release of 29 March 2023.

Environmental Operations is working closely with the Communications Branch and has delivered targeted community notifications and communications in recent weeks to better inform the community of the risk and reason for the partial beach closure.

Due to the urgency of addressing the risk to the public, broader community consultation was not undertaken prior to the initial beach closure. Additional community consultation will be required pending the identified wreck risk management approach adopted by council.

PROPOSAL

The S.S. Dicky was an iron-hulled steamer, driven ashore at Caloundra during a cyclone in 1893. A number of efforts were made to re-float the Dicky but on each occasion it beached again and was eventually abandoned. The wreck has long been an attraction to both tourists and locals, however it was badly eroded by ex-tropical cyclone Oswald in 2013 and sections of the wreck were critically weakened creating a hazard to beachgoers and ongoing degradation of the heritage icon.



The S.S. Dicky ashore in 1893 after the third re-float attempt (State Library of Queensland)

In late 2013, Council established the S.S. Dicky Taskforce to evaluate and provide a recommendation on the long term option for management of the wreck. The taskforce included a number of stakeholders from council, state government and the Dicky Beach Surf Life Saving Club.

In May 2014, the Taskforce made a recommendation to council for the removal and relocation of exposed sections of the wreck ensuring that any project included community consultation, wreck conservation and the development of interpretation opportunities as key components to the wreck's relocation.



S.S. Dicky exposed hull – July 2006.

Three key pieces of documentation were completed to inform the preferred long term strategy for the wreck. These documents included a Heritage Impact Assessment, which looked at the wreck site heritage values and how they could best be preserved through the relocation process, a Conservation Management Plan and Wreck Interpretive Plan, which identified the options for the interpretive display and also how the different parts of the wreck could be conserved into the future once the relocation of sections of the wreck occurred. These documents supported the application to the State Government seeking approval for this work.

On 18 June 2015 council endorsed the long term strategy for the wreck, which included:

- removal of the exposed stern, starboard and port ribs
- ongoing management of loose pieces as the wreck breaks up into the future
- main portion of the wreck to remain in-situ
- delivery of a wreck interpretive display as part of a greater open space landscape plan for the area
- creation of a short film and mobile display that documents the community connection of the historic shipwreck to the area
- conserve remaining removed pieces.

Sunshine Coast Council removed the exposed elements of the wreck on Thursday 30 July 2015, and the main portion of the keel and hull remain buried at the beach. The cost of removal works was \$180,000.

Since the removal of sections of the wreck in 2015, the remaining keel and hull have largely remained buried under the sand. Infrequent exposure of small sections of the wreck has occurred for short periods of time since 2015. Public risk in these instances has generally been managed by signage, erection of a red flag adjacent to the wreck by the Dicky Beach Surf Life Saving Club and active management of bathers by the Surf Life Saving Club.

However since mid-2022, following an active summer period of large cyclone and storm generated swells impacting the Sunshine Coast, significant coastal erosion has occurred and the wreck has been exposed for extended periods. In recent months, parts of the wreck have been exposed to varying degrees for several months at a time. The recent ongoing exposure of the wreck means that there is a heightened safety concern, as bathers and other beachgoers are less able to clearly see the wreck, especially at high tide.



Survey photograph – 9 March 2023

Due to the ongoing exposure of the wreck, Environmental Operations Branch has been working to identify additional risk mitigation measures to better manage the risk to the public.

The Coastal, Constructed Waterbodies & Planning (CCWB&P) Team held a risk assessment workshop on Tuesday 14 March with Coastal, Constructed Waterbodies & Planning staff, Sunshine Coast Council Communications staff and Senior Lifeguard from Dicky Beach Surf Life Saving Club, Matthew Hadland.

The workshop discussed current, short term and longer term mitigation strategies, including evolving risk ratings through these stages.

The risk assessment identifies that there are no effective controls that can reduce the risk consequence without removal of the wreck. The most effective control that is reasonably practicable to implement to reduce the risk likelihood until the wreck is removed is to close a section of the bathing reserve at Dicky Beach.

As an immediate action, Environmental Operations Branch has arranged the closure of the bathing reserve Dicky Beach 20 metres either side of the wreck, under section 8 of *Local Law No. 6 (Bathing Reserves) 2011*. This has occurred by erecting red flags and prominent signage 20 metres either side of the wreck. These signs and flags delineate the area of the wreck and beach closure zone.

In order to mitigate the risk to an acceptable level (reduce the consequence of risk to public safety), removal of the wreck is considered by Council officers to be the only completely effective control identified.

Other controls were considered as part of the risk assessment process, including installation of markers or buoys to delineate the wreck, fencing or barriers to restrict access along the beach in the wreck zone, and ongoing removal of small sections of the wreck as it becomes exposed.

The assessment demonstrated that these options do not reduce the public safety risk (and in some cases increase the public safety or introduce new public safety risks) and are not reasonably practicable to implement.

Installation of markers or buoys introduces the public safety risk of collision or entanglement in the surf zone and would create ongoing maintenance liabilities, while not reducing the public risk of interaction with the wreck. This control also creates workplace safety risks for staff or contractors conducting installation and maintenance.

Fencing or barriers are deemed practically unachievable due to the dynamic nature of the surf/tidal zone and inability to install permanent infrastructure in this space. This infrastructure would also create additional public safety risks.

Partial removal of small sections of the wreck was not included as a control in the risk assessment as, after detailed consideration, it was deemed not to substantially decrease the risk, as the hazard remains and becomes less visible (potentially increasing risk further). Additionally, removal of small pieces of the wreck is quite challenging to undertake, requires specialised operators, and presents additional safety risks each time the operators are engaged to undertake the removals.

The most effective short-term risk reduction control (reduces likelihood of an incident) is achieved through partial bathing reserve closure, prominent signage and increased communications.

As a long-term action, to effectively address the ongoing public safety risk, it is recommended that Council support substantial or complete removal of the wreck, subject to obtaining relevant State approvals, and finalising plans and costings.

Environmental Operations will lead the development of a works plan for substantial or complete removal of the S.S. Dicky wreck, in collaboration with the Cultural Heritage Services Team, including seeking relevant State approvals and completing operational plans and full costings. The timeframe for this removal is currently unknown but expected to take

up to 24 months to complete, and is dependent on obtaining relevant state approvals, ensuring it is operationally/physically achievable, and suitable environmental conditions are present to undertake the removal works. Early feedback from the Department of Environment and Science, is that obtaining a permit to remove the wreck and the associated cultural heritage permit conditions may be onerous, with significant financial implications for Council in relation to further substantial wreck removal, preservation and storage. Further consultation with the State will be undertaken to outline the specific requirements for substantial or complete wreck removal works and preservation under the relevant legislation.

To effectively regulate the closure of the bathing reserve, it is recommended that Council resolve under sections 9 (1) and (2) of the *Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011* to close part of the bathing reserve for up to six months due to the presence of the exposed S.S. Dicky wreck and the ongoing public safety risks associated with the wreck.

Under section 9 (1) of *Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011*, Council may, by resolution, temporarily close a local government controlled area (which includes bathing reserves) to public access, to carry out, inter alia, maintenance and repair works or to protect the health and safety of a person. Council should be aware that it is not essential to use *Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011* in the case of closure of a local government controlled area, because Council already has this management power as the manager of such areas. The advantage of using the local law to make this closure is that Council officers can then enforce the closure using the offence provision in section 9(5), as well as providing transparency to the public around the closure.

However, the ability for Council to temporarily close a section of the bathing reserve is restricted under section 9 (2) to a maximum period of 6 months. A fresh resolution will likely need to be sought from Council to continue the closure of this section of the bathing reserve if the works to make the area safe are not completed within six months.

At this time an update on the progress toward further wreck removal works, including works plans, permit approvals and costings, will be provided to Council.

The below actions outline the short term, intermediate and longer term control measures that have been identified to manage the public safety risk relating to the exposure of the wreck.

Short-term actions (completed)

- Temporary partial beach closure 20 metres each side of the centreline of the wreck (40 metres total) – effective Thursday 23 March 2023.
- Continue with existing mitigation measures including signage and warnings from the Dicky Beach Surf Life Saving Club.
- Install new prominent signage and red flags that clearly identifies the hazard/beach closure to beach and water users from the beach and water – installation Thursday 23 March 2023.
- Targeted communications campaign to community explaining partial closure of beach due to public safety risk – commenced from Wednesday 29th March 2023.
- Create map and information flyer with information on wreck location and beach closure zone, for distribution to Caravan Park and other relevant local businesses – commenced from Wednesday 29th March 2023.
- Dicky Beach Surf Life Saving Club making hourly announcements to warn beach users of wreck hazard when exposed commenced from Thursday 23 March 2023.
- Dicky Beach Surf Life Saving Club to notify Council of all incidents or hazards related to the wreck.

- Seek Council endorsement for a six-month partial closure of the Dicky Beach Bathing Reserve under sections 9 (1) and (2) of the *Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011*.



Map of current temporary beach closure area (seeking council endorsement for six-month closure)

SS DICKY SHIPWRECK WARNING SIGNAGE PILE-POST

DICKY BEACH

LOCALITY PLAN
NOT TO SCALE

WARNING SHIPWRECK ZONE
Submerged hazards
No swimming or watercraft between the red flags

CONNECTION OPTION
ROOF TO BASECONNECTING PLATES WITH 4 M8 (M8-T8) S.S. BOLTS AND NYLON SEPARATION WASHERS

NOTE: INSULATED BAND ("COFFEE RING") ANTICIPATED AT 600mm BELOW GROUND LEVEL

GENERAL

01. CURRENT EDITION OF NOMINATED STANDARDS SHALL BE USED, UNLESS OTHERWISE SPECIFIED.

CONSTRUCTION CONSTRAINTS

02.1. CONSTRUCTION SHALL BE SET OUT USING SURVEY BENCHMARKS PROVIDED BY CONTRACTORS REGISTERED SURVEYOR.

02.2. ALL LEVELS AND SETOUT POINTS SHALL BE COMPLETED ON SITE BY REGISTERED SURVEYOR PRIOR TO CONSTRUCTION ADVISE ANY DISCREPANCY BEFORE PROCEEDING.

02.3. DIMENSIONS SHALL NOT BE SCALE FROM DRAWINGS.

TEMPORARY WORKS

03.1. MAINTAIN THE SITE IN A SAFE CONDITION, ENSURE STRUCTURES ARE NOT OVERSTRESSED AT ANY TIME.

03.2. CONTRACTORS MUST TO DESIGN AND CONSTRUCTION FOR TEMPORARY WORKS, STABLE, PROTECT, THE BACK, EXCAVATION WORKING, PROTECTION WORKS, DE-WATERING SYSTEMS, FENCEWORK, AND THE LIKE.

SAFETY SERVICES

04.1. LOCATED WORKERS MUST WEAR PROTECTIVE WEAR, ADVISE AND SHOW ON THESE DRAWINGS FOR INFORMATION ONLY. NO RESPONSIBILITY IS TAKEN FOR THE ACCURACY OR COMPLETENESS OF THE INFORMATION SUPPLIED. PROTECT SERVICES FROM DAMAGE.

PLANS

05.1. PILES ARE TO BE DESIGNED AND INSTALLED BY THE CONTRACTOR USING THE PARAMETERS OUTLINED IN THE TECHNICAL SPECIFICATION AND AS SHOWN ON THESE DRAWINGS.

05.2. THE CONTRACTOR SHALL PROVIDE CERTIFICATION BY AN RPEQ THAT ALL PILES HAVE BEEN DESIGNED AND INSTALLED IN ACCORDANCE WITH THE RELEVANT STANDARDS. THIS SPECIFICATION, THE PREVIOUS LOAD REQUIREMENTS, AND 30 YEAR DESIGN LIFE.

05.3. PILES MUST BE FOUND AT DEPTHS TO ACHIEVE THE SPECIFIED SAFE WORKING LOAD, AS PER PILE INSTALLATION DESIGN.

05.4. IF SOBER PILES USED, THESE SHALL PROVIDED WITH CORROSION PROTECTION FOR EXPOSURE CLASSIFICATION - MODERATE, AND FOR THE 30 YEAR DESIGN LIFE. WE RECOMMEND THE FOLLOWING, BUT TO VERIFY UP TO THE CONTRACTOR'S PILING SPECIALIST.

05.5. SOBER PILES SHALL BE HOT DIP GALV.

05.6. FILLED WITH 30MPa CONCRETE GROUT.

05.7. 2.0m MARINE BRACKET SYSTEM TO WEATHER ZONE OF PILES.

05.8. DRIVEN ALUMINUM PILES SHALL BE FROM MARINE GRADE ALUMINUM.

05.9. THE PILING CONTRACTOR IS TO ASSESS THE LIKELIHOOD OF VIBRATION DAMAGE, OR OTHER DEGRADATION OF ADJACENT STRUCTURES, SERVICES ETC. DUE TO PILING OPERATIONS. ANY SUCH DAMAGE INCURRED IS TO BE RECTIFIED AT THE PILING CONTRACTOR'S EXPENSE.

ENGINEERING INSPECTOR SCHEDULE HOLD POINTS

06.1. WHERE ENGINEER INSPECTIONS BY AN EXPERIENCED RPEQ ENGINEER AND/OR ADVISE ARE REQUIRED BY THE CLIENT - COST OF THE ENGINEER'S SHALL BE BORNE BY THE PARTIES NOMINATED IN THE CONTRACT.

06.2. THE CONTRACTOR SHALL LIAISE WITH THE SUPERINTENDENT TO ENSURE THE NECESSARY INSPECTIONS ARE CARRIED OUT.

06.3. CONTRACTOR TO USE SUPERINTENDENT AT LEAST 48 HOURS NOTICE OF NECESSARY ENGINEERING SITE INSPECTIONS.

06.4. INSTALLATION OF SITE SEGMENT AND GROUND CONTROL & TREE/ANALOGUE PROTECTION, AND PILING PROTECTION.

06.5. PILE SETTING AND DEPTH CERTIFICATION FROM PILING CONTRACTOR (HOLD POINT).

06.6. CONCRETE AND GROUTING SHALL BE SHOWN BY THE CONTRACTOR.

06.7. PREPARED REINFORCEMENT, PRIOR TO CONCRETE POUR (HOLD POINT).

DEMOLITION AT END OF LIFE WORKS BY OTHERS

07.1. APPROVE FOR A DEMOLITION PLAN SHALL BE PROVIDED BY A LICENSED DEMOLITION CONTRACTOR WITH RELEVANT EXPERIENCE. SUPPLY DEMOLITION CONTRACTOR WITH A COPY OF THESE DRAWINGS.

07.2. ARRANGE FOR SAFETY PLAN AND SAFETY INSTRUCTION OF ALL PERSONS ENTERING DEMOLITION SITE. PROTECT MEMBERS OF THE PUBLIC WITH APPROPRIATE FENCING, BARRIERS, BARRIERS AND DEMOLITION METHODOLOGIES. ARRANGE FOR DEMOLITION INSTRUCTED CERTIFICATION OF THE DEMOLITION PLAN BEFORE COMMENCEMENT OF WORKS.

07.3. DISPOSE DEMOLISHED MATERIALS AT AN APPROVED RECYCLING STATION AND/OR APPROVED BUILDING WASTE STATION.

ENERGY SERVICE PROVIDERS

NOTE: SERVICE LOCATIONS ARE APPROXIMATE ONLY FROM PROVIDED PLANS. LOCATIONS ARE TO BE CONFIRMED PRIOR TO START OF CONSTRUCTION. PHONE DEDICATED SERVICE LOCATIONS ON DRAWING DETAILS.

Manual of Uniform Traffic Control Devices

NOTE: ALL SIGNS & LINE MARKING TO BE IN ACCORDANCE WITH THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES.

SERVICE LOCATIONS

It is the responsibility of the Foreman to contact the relevant service authorities to ascertain the exact location of services prior to construction.

TELECOMMUNICATIONS SERVICE PROVIDERS

NOTE: SERVICE LOCATIONS ARE APPROXIMATE ONLY FROM PROVIDED PLANS. LOCATIONS ARE TO BE CONFIRMED PRIOR TO START OF CONSTRUCTION. PHONE DEDICATED SERVICE LOCATIONS ON DRAWING DETAILS.

DEMOLITION AT END OF LIFE WORKS BY OTHERS

07.1. APPROVE FOR A DEMOLITION PLAN SHALL BE PROVIDED BY A LICENSED DEMOLITION CONTRACTOR WITH RELEVANT EXPERIENCE. SUPPLY DEMOLITION CONTRACTOR WITH A COPY OF THESE DRAWINGS.

07.2. ARRANGE FOR SAFETY PLAN AND SAFETY INSTRUCTION OF ALL PERSONS ENTERING DEMOLITION SITE. PROTECT MEMBERS OF THE PUBLIC WITH APPROPRIATE FENCING, BARRIERS, BARRIERS AND DEMOLITION METHODOLOGIES. ARRANGE FOR DEMOLITION INSTRUCTED CERTIFICATION OF THE DEMOLITION PLAN BEFORE COMMENCEMENT OF WORKS.

07.3. DISPOSE DEMOLISHED MATERIALS AT AN APPROVED RECYCLING STATION AND/OR APPROVED BUILDING WASTE STATION.

TOD

22571-S01

Shine Coast Council

PILED WARNING SIGNAGE

DICKY BEACH

COVER SHEET, GENERAL NOTES, AND PILED SIGN

New signage installed at either end of wreck zone



Signage and red flags indicating beach closure following installation on 23rd March 2023

Medium term actions (Next 6 months)

- Seek State Assessment and Referral Agency (SARA) pre-lodgement advice / meeting to understand Department of Environment and Science cultural heritage issues and requirements.
- Develop works plan for substantial or complete removal of wreck, including approvals, plans and costings, to reduce potential risk consequence below catastrophic.
- Continue to develop and update evidence to support removal works, including risk assessment, incidents and near misses, staff time and costs.
- Investigate opportunities for modelling to show future erosivity and expected ongoing exposure of wreck.
- Apply for necessary approvals for removal works.
- Develop operational works plan and cost estimate for removal works.

Long-term actions (12 months+)

- Complete a wreck removal and cultural heritage conservation strategy
- Understand funding requirements – seek external funding where appropriate

- Further report to Council on costings, approval conditions, finalised plans and fresh resolution to extend closure of the bathing reserve
- Schedule and undertake approved wreck removal works (if DES approvals are provided and deemed operationally feasible).

Legal

Council has a responsibility to ensure it effectively assesses the public safety risks associated with the wreck and demonstrates that it has put in place controls that are reasonably practicable to implement to manage public safety.

The Corporate Risk & Insurance Team has reviewed the risk assessment and support the actions implemented to date.

Council also has a responsibility to ensure compliance with cultural heritage legislation and other relevant legislation related to works in a tidal zone.

A Council resolution for a six-month partial closure of the bathing reserve is required as the most effective short-term control to reduce public risk.

Policy

This proposal is consistent with Council's:

- *Corporate Plan 2023 – 2027*, in particular the Goals of *A Strong Community* and *Our Service Excellence*, through ensuring community safety and well-being is supported through excellence in service provision in effectively managing public safety associated with the wreck
- *Community Safety Policy*, through the implementation of Local Laws to support public safety outcomes, and
- *Wellbeing, Health and Safety Policy*, through ensuring the wellbeing, health and safety of our people, contractors and community is our most important responsibility and our highest priority.

Risk

Lack of action to address the risks associated with the exposed S.S. Dicky wreck may result in a significant risk (i.e. death or serious injury) to a member of the public. The measures outlined in this report are considered to be the most effective mitigation controls for reducing and ultimately removing the risk to public safety posed by the exposed wreck.

Previous Council Resolution

Ordinary Meeting 18 June 2015 (OM15/96)

That Council:

- (a) *receive and note the report titled “S.S. Dicky Relocation Update”*
- (b) *endorse the long term wreck management strategy provided by this report which includes:*
 - (i) *removal of the exposed upper portions of the wreck*
 - (ii) *ongoing removal of loose wreckage remains as they become exposed in the future*
 - (iii) *main portion of the wreck to remain buried in situ beneath the beach*
 - (iv) *development and delivery of a wreck interpretation display as part of a Park Landscape Plan for the Dicky Beach foreshore park and*

- (v) *conservation and storage of the removed pieces not utilised in the interpretative display*
- (c) *note that there will be a carryover request for the remaining unspent portion of 2014/2015 operational funds to continue to deliver this project in 2015/2016 and*
- (d) *endorse the development of a Park Landscape Plan for Dicky Beach that will include the siting of the wreck interpretive display and will be subject to a report to Council at a future stage including capital costs to progress the project.*

Ordinary Meeting 22 May 2014 (OM14/74)

That Council:

- (a) *receive and note the report titled “**S.S. Dicky Wreck Relocation Plan**”*
- (b) *consider the allocation of \$180,000 in operational project funds in the 2014/2015 budget year for wreck relocation, display, interpretation and conservation purposes*
- (c) *request the Chief Executive Officer to write to Department of Environment and Heritage Protection to seek a joint approach including funding as outlined in “SS Dicky Inspection Report 2013” (Appendix A) and*
- (d) *request the Chief Executive Officer to provide a further report to council on future display and interpretive options after the completion of Stage 1.*

Related Documentation

- *Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011*
- *Local Law No. 6 (Bathing Reserves) 2011*
- *S.S. Dicky strategy taskforce webpage - <https://www.sunshinecoast.qld.gov.au/Council/Planning-and-Projects/Council-Strategies/SS-Dicky-Strategy>*
- *S.S. Dicky Conservation Management Plan (Cosmos Archaeology) - <https://assets-us-01.kc-usercontent.com/c631baf8-1b46-001f-580c-d0001b68b4a8/16231775-4d84-4058-9dbe-68bd1802f2d1/CB3AE3AC-5F53-4DD8-BC52-824A6BAB345F>*
- *S.S. Dicky Wreck Interpretation Plan (Cosmos Archaeology) - <https://assets-us-01.kc-usercontent.com/c631baf8-1b46-001f-580c-d0001b68b4a8/60ccd1ef-2754-443c-b54f-88464d47b6d2/C0FEFA6D-9B04-4E5C-9FB7-923AB19558AB>*
- *S.S. Dicky Test Excavation Report (Cosmos Archaeology) - <https://assets-us-01.kc-usercontent.com/c631baf8-1b46-001f-580c-d0001b68b4a8/c25107a6-1e50-4270-a123-aa4c6fae220d/064244E1-27FE-413E-B8F0-CEE7F4EAF916>*
- *S.S. Dicky Heritage Impact Assessment - Part 1 (Cosmos Archaeology) - <https://assets-us-01.kc-usercontent.com/c631baf8-1b46-001f-580c-d0001b68b4a8/216b5431-47cb-44df-8409-99ffed04916b/A68C75C1-AC0E-4398-AC3C-E628D81E1447>*
- *S.S. Dicky Heritage Impact Assessment - Part 2 (Cosmos Archaeology) - <https://assets-us-01.kc-usercontent.com/c631baf8-1b46-001f-580c-d0001b68b4a8/6872441a-86f7-4a4d-b837-97be0680c9b6/C1F68414-EEED-496D-A9FF-082C3ACF4647>*

Critical Dates

Resolving to temporarily partially close the bathing reserve is important to enable enforcement arrangements to assist in mitigating the public safety risk associated with the exposed wreck.

Implementation

Should the recommendation be accepted by Council, it is noted that the Chief Executive Officer will:

- Partially close the bathing reserve at Dicky Beach for 20 metres either side of the wreck for up to 6 months under sections 9 (1) and (2) of *Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011*
- Progress further investigations in relation to substantial or complete removal of the S.S. Dicky wreck, informed by relevant planning, to manage the associated public safety risk
- Seek and obtain any necessary approvals from the Queensland Government to manage the public safety risk posed by the SS Dicky wreck
- Investigate and clarify Council's ability to extend temporary closures to a local government controlled area, facility or infrastructure (which includes a bathing reserve) for longer than six months, given the current drafting of sections 9 (1) and (2) of *Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011*.



SS Dicky Wreck - Risk Assessment - current controls

Risk Assessment

ID	Risk Description	Caused By	Consequences	Main Risk Category	Secondary Risk Category	Risk Focus Area	Inherent Risk			Mitigation Strategy	Effectiveness	Residual		
							Consequence	Likelihood	Risk Rating			Consequence	Likelihood	Risk Rating
	What are the risks ? (A reportable event or occurrence)	Insert potential causes	Insert consequences	What is the main category impacted	What is the second category impacted	Focus Area relates to the Risk Tolerance Matrix Set				Current Practices/Strategies	Effectiveness			
1	Injury to water user from the SS Dicky	Part of the SS Dicky exposed above sand levels and allowance of public access	Injury resulting in permanent disability or death	Workplace Health & Safety	Natural Environment	WHS	Catastrophic	Likely	E-96	Permanent warning signage at Beach Accesses & warning sign erected during operational hours if exposed.	Lacks Strength	Catastrophic	Possible	E-92
2	Injury to beach user	Part of the SS Dicky exposed above sand levels and allowance of public access	Injury resulting in permanent disability or death	Workplace Health & Safety	Financial	WHS	Catastrophic	Likely	E-96	Permanent warning signage at Beach Accesses & warning sign erected during operational hours if exposed.	Lacks Strength	Catastrophic	Possible	E-92
3	Lifeguards unable to warn public verbally	PA system regularly doesn't work due to lack of battery as a result of overnight use and solar panel connections.	Injury resulting in permanent disability or death to do lack of verbal warning	Workplace Health & Safety	Asset Management	WHS	Catastrophic	Likely	E-96	Wait until the solar battery is charged before using PA. Whistling at the public or other verbal cues. Use PA in ATV if plausible	Lacks Strength	Catastrophic	Possible	E-92
4	No public awareness of hazard, new residents/tourists	Lack of sufficient public information dissemination and SS Dicky is exposed.	Injury resulting in permanent disability or death	Workplace Health & Safety	Financial	WHS	Catastrophic	Likely	E-96	Permanent warning signage at Beach Accesses & warning sign erected during operational hours if exposed.	Lacks Strength	Catastrophic	Possible	E-92
5	Lifeguards/SLS unable to determine if SS Dicky is exposed due to high water levels obstructing view	Part of the SS Dicky exposed above sand levels and allowance of public access	Injury resulting in permanent disability or death	Workplace Health & Safety	Technology	WHS	Catastrophic	Almost Certain	E-100	Wearing polarised sunglasses, scan area visually when water levels reduce	Lacks Strength	Catastrophic	Likely	E-96
6	Reputational damage for council & SLS/Lifeguards due to perceived lack of controls	Public outcry if injury occurs	Reputational damage through media and social media channels	Reputation	Workplace Health & Safety	Communication	Moderate	Possible	M-52	Permanent warning signage at Beach Accesses & warning sign erected during operational hours if exposed.	Lacks Strength	Moderate	Unlikely	M-48
7	SCC pays out damages due to injury	Injury caused by exposed SS Dicky resulting in financial hardship of injured person	Financial payout	Financial	Workplace Health & Safety	WHS	Moderate	Possible	M-52	Permanent warning signage at Beach Accesses & warning sign erected during operational hours if exposed. Insurance policies for council	Lacks Strength	Moderate	Unlikely	M-48
8	SCC receives WHS breach/fine after injury occurs	Injury caused by exposed SS Dicky and lack of adequate controls are in place	Financial payout	Reputation	Financial	Compliance	Moderate	Possible	M-52	Permanent warning signage at Beach Accesses & warning sign erected during operational hours if exposed.	Lacks Strength	Moderate	Unlikely	M-48
9	Ocean conditions washing water user into wreck zone resulting in injury	strong rips/currents, learner surfer/swimmer and using water near the wreck	Injury resulting in permanent disability or death	Workplace Health & Safety	Natural Environment	WHS	Catastrophic	Likely	E-96	Permanent warning signage at Beach Accesses & warning sign erected during operational hours if exposed.	Lacks Strength	Catastrophic	Possible	E-92
10	SLS trainers & nippers unaware of the location of hazard	Lack of awareness, new to region, visitor of the region, language barrier	Injury resulting in permanent disability or death	Workplace Health & Safety	Natural Environment	WHS	Catastrophic	Likely	E-96	Permanent warning signage at Beach Accesses & warning sign erected during operational hours if exposed.	Lacks Strength	Catastrophic	Possible	E-92
11	Locals become complacent if wreck has been covered for long periods of time and becomes exposed quickly resulting in injury to the public	Sudden exposure of SS Dicky after long period of being buried	Injury resulting in permanent disability or death	Workplace Health & Safety	Natural Environment	WHS	Catastrophic	Likely	E-96	Permanent warning signage at Beach Accesses & warning sign erected during operational hours if exposed.	Lacks Strength	Catastrophic	Possible	E-92
12	Council criticised because it was too slow to act and someone has been injured	Lack of sufficient controls and information sharing	Reputational damage	Reputation	Natural Environment	WHS	Moderate	Possible	M-52	Permanent warning signage at Beach Accesses & warning sign erected during operational hours if exposed.	Lacks Strength	Moderate	Unlikely	M-48



Risk Assessment

SS Dicky Wreck - Risk Assessment - current controls

ID	Risk Description	Caused By	Consequences	Main Risk Category	Secondary Risk Category	Risk Focus Area	Inherent Risk			Mitigation Strategy	Effectiveness	Residual		
	What are the risks ? (A reportable event or occurrence)	Insert potential causes	Insert consequences	What is the main category impacted	What is the second category impacted	Focus Area relates to the Risk Tolerance Matrix Set	Consequence	Likelihood	Risk Rating	Current Practices/Strategies	Effectiveness	Consequence	Likelihood	Risk Rating
13	Lifeguards injured when rescuing public from wreck	The wreck being exposed	Injury resulting in permanent disability or death	Workplace Health & Safety	Natural Environment	Workplace Health & Safety	Catastrophic	Unlikely	H-80	Lifeguards to work in pairs, dangerous conditions will not rescue, additional PPE (booties and gloves)	Some Strength	Catastrophic	Rare	H-76



SS Dicky Wreck - Risk Assessment - short term controls

Risk Assessment

ID	Risk Description	Caused By	Consequences	Main Risk Category	Secondary Risk Category	Risk Focus Area	Inherent Risk			Mitigation Strategy	Effectiveness	Residual		
	What are the risks ? (A reportable event or occurrence)	Insert potential causes	Insert consequences	What is the main category impacted	What is the second category impacted	Focus Area relates to the Risk Tolerance Matrix Set	Consequence	Likelihood	Risk Rating	Proposed Practices/Strategies	Effectiveness	Consequence	Likelihood	Risk Rating
1	Injury to water user from the SS Dicky	Part of the SS Dicky exposed above sand levels and allowance of public access	Injury resulting in permanent disability or death	Workplace Health & Safety	Natural Environment	WHS	Catastrophic	Likely	E-96	Close beach 15m either side with large sign and red flags. Increased public comms (develop comms plan).	Some Strength	Catastrophic	Unlikely	H-80
2	Injury to beach user	Part of the SS Dicky exposed above sand levels and allowance of public access	Injury resulting in permanent disability or death	Workplace Health & Safety	Financial	WHS	Catastrophic	Likely	E-96	Close beach 15m either side with large sign and red flags. Increased public comms (develop comms plan).	Some Strength	Catastrophic	Unlikely	H-80
3	Lifeguards unable to warn public verbally	PA system regularly doesn't work due to lack of battery as a result of overnight use and solar panel connections.	Injury resulting in permanent disability or death to do lack of verbal warning	Workplace Health & Safety	Asset Management	WHS	Catastrophic	Likely	E-96	Purchase megaphone as back up PA system	Strong	Catastrophic	Unlikely	H-80
4	No public awareness of hazard, new residents/tourists	Lack of sufficient public information dissemination and SS Dicky is exposed.	Injury resulting in permanent disability or death	Workplace Health & Safety	Financial	WHS	Catastrophic	Likely	E-96	Close beach 15m either side with large sign and red flags. Increased public comms (develop comms plan).	Some Strength	Catastrophic	Unlikely	H-80
5	Lifeguards/SLS unable to determine if SS Dicky is exposed due to high water levels obstructing view	Part of the SS Dicky exposed above sand levels and allowance of public access	Injury resulting in permanent disability or death	Workplace Health & Safety	Technology	WHS	Catastrophic	Almost Certain	E-100	Close beach 15m either side with large sign and red flags. Increased public comms (develop comms plan).	Strong	Catastrophic	Unlikely	H-80
6	Reputational damage for council & SLS/Lifeguards due to perceived lack of controls	Public outcry if injury occurs	Reputational damage through media and social media channels	Reputation	Workplace Health & Safety	Communication	Moderate	Possible	M-52	Close beach 15m either side with large sign and red flags. Increased public comms (develop comms plan).	Strong	Minor	Unlikely	L-24
7	SCC pays out damages due to injury	Injury caused by exposed SS Dicky resulting in financial hardship of injured person	Financial payout	Financial	Workplace Health & Safety	WHS	Moderate	Possible	M-52	Close beach 15m either side with large sign and red flags. Increased public comms (develop comms plan).	Strong	Minor	Unlikely	L-24
8	SCC receives WHS breach/fine after injury occurs	Injury caused by exposed SS Dicky and lack of adequate controls are in place	Financial payout	Reputation	Financial	Compliance	Moderate	Possible	M-52	Close beach 15m either side with large sign and red flags. Increased public comms (develop comms plan).	Strong	Minor	Unlikely	L-24
9	Ocean conditions washing water user into wreck zone resulting in injury	strong rips/currents, learner surfer/swimmer and using water near the wreck	Injury resulting in permanent disability or death	Workplace Health & Safety	Natural Environment	WHS	Catastrophic	Likely	E-96	Close beach 15m either side with large sign and red flags. Increased public comms (develop comms plan).	Strong	Catastrophic	Unlikely	H-80
10	SLS trainers & nippers unaware of the location of hazard	Lack of awareness, new to region, visitor of the region, language barrier	Injury resulting in permanent disability or death	Workplace Health & Safety	Natural Environment	WHS	Catastrophic	Likely	E-96	Close beach 15m either side with large sign and red flags. Increased public comms (develop comms plan).	Strong	Catastrophic	Unlikely	H-80
11	Locals become complacent if wreck has been covered for long periods of time and becomes exposed quickly resulting in injury to the public	Sudden exposure of SS Dicky after long period of being buried	Injury resulting in permanent disability or death	Workplace Health & Safety	Natural Environment	WHS	Catastrophic	Likely	E-96	Close beach 15m either side with large sign and red flags. Increased public comms (develop comms plan).	Strong	Catastrophic	Unlikely	H-80



Risk Assessment

SS Dicky Wreck - Risk Assessment - short term controls

ID	Risk Description	Caused By	Consequences	Main Risk Category	Secondary Risk Category	Risk Focus Area	Inherent Risk			Mitigation Strategy	Effectiveness	Residual		
	What are the risks ? (A reportable event or occurrence)	Insert potential causes	Insert consequences	What is the main category impacted	What is the second category impacted	Focus Area relates to the Risk Tolerance Matrix Set	Consequence	Likelihood	Risk Rating	Proposed Practices/Strategies	Effectiveness	Consequence	Likelihood	Risk Rating
12	Council criticised because it was too slow to act and someone has been injured	Lack of sufficient controls and information sharing	Reputational damage	Reputation	Natural Environment	WHS	Moderate	Possible	M-52	Close beach 15m either side with large sign and red flags. Increased public comms (develop comms plan).	Strong	Minor	Unlikely	L-24
13	Lifeguards injured when rescuing public from wreck	The wreck being exposed	Injury resulting in permanent disability or death	Workplace Health & Safety	Natural Environment	Workplace Health & Safety	Catastrophic	Unlikely	H-80	Lifeguards to work in pairs, dangerous conditions will not rescue, additional PPE (booties and gloves), close beach 15m either side of wreck and increased communication to the public	Some Strength	Major	Possible	H-72



SS Dicky Wreck - Risk Assessment - long term controls

Risk Assessment

ID	Risk Description	Caused By	Consequences	Main Risk Category	Secondary Risk Category	Risk Focus Area	Inherent Risk			Mitigation Strategy	Effectiveness	Residual		
							Consequence	Likelihood	Risk Rating			Consequence	Likelihood	Risk Rating
	What are the risks ? (A reportable event or occurrence)	Insert potential causes	Insert consequences	What is the main category impacted	What is the second category impacted	Focus Area relates to the Risk Tolerance Matrix Set				Proposed Practices/Strategies	Effectiveness			
1	Injury to water user from the SS Dicky	Part of the SS Dicky exposed above sand levels and allowance of public access	Injury resulting in permanent disability or death	Workplace Health & Safety	Natural Environment	WHS	Catastrophic	Likely	E-96	Complete removal of SS Dicky	Strong	Insignificant	Rare	L-4
2	Injury to beach user	Part of the SS Dicky exposed above sand levels and allowance of public access	Injury resulting in permanent disability or death	Workplace Health & Safety	Financial	WHS	Catastrophic	Likely	E-96	Complete removal of SS Dicky	Strong	Insignificant	Rare	L-4
3	Lifeguards unable to warn public verbally	PA system regularly doesn't work due to lack of battery as a result of overnight use and solar panel connections.	Injury resulting in permanent disability or death to do lack of verbal warning	Workplace Health & Safety	Asset Management	WHS	Catastrophic	Likely	E-96	Complete removal of SS Dicky	Strong	Insignificant	Rare	L-4
4	No public awareness of hazard, new residents/tourists	Lack of sufficient public information dissemination and SS Dicky is exposed.	Injury resulting in permanent disability or death	Workplace Health & Safety	Financial	WHS	Catastrophic	Likely	E-96	Complete removal of SS Dicky	Strong	Insignificant	Rare	L-4
5	Lifeguards/SLS unable to determine if SS Dicky is exposed due to high water levels obstructing view	Part of the SS Dicky exposed above sand levels and allowance of public access	Injury resulting in permanent disability or death	Workplace Health & Safety	Technology	WHS	Catastrophic	Almost Certain	E-100	Complete removal of SS Dicky	Strong	Insignificant	Rare	L-4
6	Reputational damage for council & SLS/Lifeguards due to perceived lack of controls	Public outcry if injury occurs	Reputational damage through media and social media channels	Reputation	Workplace Health & Safety	Communication	Moderate	Possible	M-52	Complete removal of SS Dicky	Strong	Insignificant	Rare	L-4
7	SCC pays out damages due to injury	Injury caused by exposed SS Dicky resulting in financial hardship of injured person	Financial payout	Financial	Workplace Health & Safety	WHS	Moderate	Possible	M-52	Complete removal of SS Dicky	Strong	Insignificant	Rare	L-4
8	SCC receives WHS breach/fine after injury occurs	Injury caused by exposed SS Dicky and lack of adequate controls are in place	Financial payout	Reputation	Financial	Compliance	Moderate	Possible	M-52	Complete removal of SS Dicky	Strong	Insignificant	Rare	L-4
9	Ocean conditions washing water user into wreck zone resulting in injury	strong rips/currents, learner surfer/swimmer and using water near the wreck	Injury resulting in permanent disability or death	Workplace Health & Safety	Natural Environment	WHS	Catastrophic	Likely	E-96	Complete removal of SS Dicky	Strong	Insignificant	Rare	L-4
10	SLS trainers & nippers unaware of the location of hazard	Lack of awareness, new to region, visitor of the region, language barrier	Injury resulting in permanent disability or death	Workplace Health & Safety	Natural Environment	WHS	Catastrophic	Likely	E-96	Complete removal of SS Dicky	Strong	Insignificant	Rare	L-4
11	Locals become complacent if wreck has been covered for long periods of time and becomes exposed quickly resulting in injury to the public	Sudden exposure of SS Dicky after long period of being buried	Injury resulting in permanent disability or death	Workplace Health & Safety	Natural Environment	WHS	Catastrophic	Likely	E-96	Complete removal of SS Dicky	Strong	Insignificant	Rare	L-4



Risk Assessment

SS Dicky Wreck - Risk Assessment - long term controls

ID	Risk Description	Caused By	Consequences	Main Risk Category	Secondary Risk Category	Risk Focus Area	Inherent Risk			Mitigation Strategy	Effectiveness	Residual		
	What are the risks ? (A reportable event or occurrence)	Insert potential causes	Insert consequences	What is the main category impacted	What is the second category impacted	Focus Area relates to the Risk Tolerance Matrix Set	Consequence	Likelihood	Risk Rating	Proposed Practices/Strategies	Effectiveness	Consequence	Likelihood	Risk Rating
12	Council criticised because it was too slow to act and someone has been injured	Lack of sufficient controls and information sharing	Reputational damage	Reputation	Natural Environment	WHS	Moderate	Possible	M-52	Complete removal of SS Dicky	Strong	Insignificant	Rare	L-4
13	Lifeguards injured when rescuing public from wreck	The wreck being exposed	Injury resulting in permanent disability or death	Workplace Health & Safety	Natural Environment	Workplace Health & Safety	Catastrophic	Unlikely	H-80	Complete removal of SS Dicky	Strong	Insignificant	Rare	L-4



'Wreck of SS Dicky' – Surveyed 9th of March 2023

SCRC

DETAIL SURVEY
SS DICKY WRECK
DICKY BEACH

GENERAL NOTES:

1. VISIBLE SERVICES ONLY HAVE BEEN LOCATED. PRIOR TO ANY DEMOLITION, EXCAVATION OR CONSTRUCTION ON THE SITE, THE RELEVANT AUTHORITY SHOULD BE CONTACTED FOR POSSIBLE LOCATION OF FURTHER UNDERGROUND SERVICES AND DETAILED LOCATION OF ALL SERVICES.

2. MGA2020 ZONE 56 COORDINATES & AHD ELEVATIONS DERIVED FROM : CONTINUOUSLY OPERATING REFERENCE STATIONS (CORS)

3. CONTOUR INTERVAL SHOWN IS 0.5 METRE.

LEGEND

Revisions	Surveyed	Drawn	Checked	Passed	Date
A ORIGINAL PLAN	AJP	HE	AJP	AJP	09.03.23

SUNSHINE COAST
PO Box 1073, Buddina QLD 4575 Ph: (07) 5437 8555
mail@dsqsurvey.com ABN: 91 615 043 251
www.dsqsurvey.com ACN: 615 043 251
TOOWOOMBA - DALBY - CHINGHILLA

Horiz. Datum MGA2020-56	Vert. Datum AHD
Origin GNSS	Origin GNSS
	RL

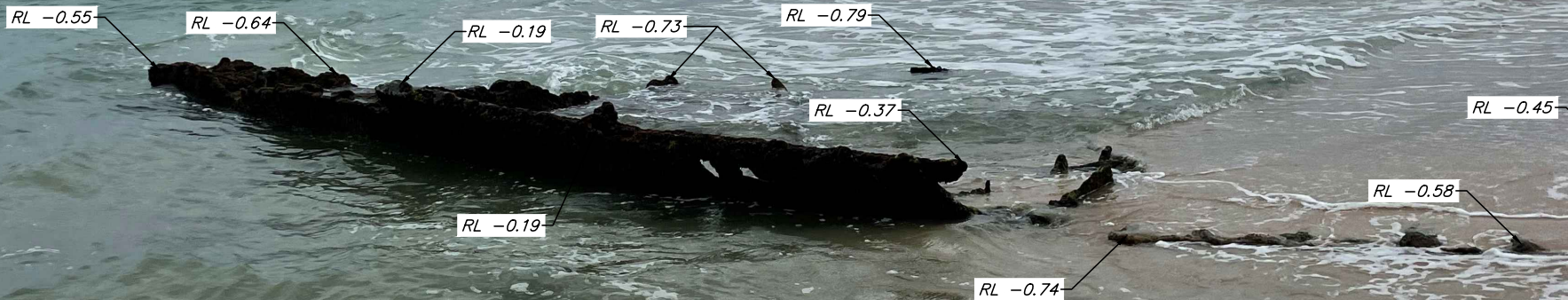
Locality: DICKY BEACH
Local Government: SUNSHINE COAST R. C.

SHEET 1 OF 4	Scale N/A
DRAWING NUMBER 14785-DTM 01	REV. A





'Wreck of SS Dicky' End View – Surveyed 9th of March 2023



'Wreck of SS Dicky' SideView – Surveyed 9th of March 2023

**DETAIL SURVEY
SS DICKY WRECK
DICKY BEACH**

GENERAL NOTES:

1. VISIBLE SERVICES ONLY HAVE BEEN LOCATED.
PRIOR TO ANY DEMOLITION, EXCAVATION OR CONSTRUCTION ON
THE SITE, THE RELEVANT AUTHORITY SHOULD BE CONTACTED
FOR POSSIBLE LOCATION OF FURTHER UNDERGROUND SERVICES
AND DETAILED LOCATION OF ALL SERVICES.
2. MGA2020 ZONE 56 COORDINATES & AHD ELEVATIONS DERIVED
FROM: CONTINUOUSLY OPERATING REFERENCE STATIONS (CORS)
3. CONTOUR INTERVAL SHOWN IS 0.5 METRE.

LEGEND



	Revisions	Surveyed	Drawn	Checked	Passed	Date
A	ORIGINAL PLAN	AJP	HE	AJP	AJP	09.03.23



SUNSHINE COAST
PO Box 1073, Buddina QLD 4575 Ph: (07) 5437 8555
mail@dsqsurvey.com ABN: 91 615 043 251
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TOOWOOMBA - DALBY - CHINCHILLA

Horiz. Datum	MGA2020-56	Vert. Datum	AHD
Origin	GNSS	Origin	GNSS
			RL

Local Government: SUNSHINE COAST R. C.

SHEET 4 OF 4	Scale	N/A
DRAWING NUMBER		REV.
14785-DTM 01		A

8.3 PROPOSED AMENDMENT TO MAROOCHYDORE CITY CENTRE PRIORITY DEVELOPMENT AREA DEVELOPMENT SCHEME AND INFRASTRUCTURE AGREEMENTS

File No:	Council Meetings
Authors:	Project Coordinator Civic Governance Project Manager Customer & Planning Services Group Chief Financial Officer Business Performance Group
Attachments:	Att 1 - Detailed planning report (<i>Under Separate Cover</i>) - Confidential Att 2 - Proposed Development Scheme (<i>Under Separate Cover</i>) - Confidential Att 3 - Commercial report (<i>Under Separate Cover</i>) - Confidential Att 4 - Letter of recommendation from the SunCentral board (<i>Under Separate Cover</i>) - Confidential

PURPOSE

The purpose of this report is to present for Council's consideration, a proposed amendment to the Maroochydore City Centre (MCC) Priority Development Area (PDA) Development Scheme (Development Scheme). Subject to Council's consideration of this matter, authority is sought to:

- progress the proposed amendment to the Development Scheme to Economic Development Queensland (EDQ) for consideration as to whether the amendment can be placed on public exhibition for community consultation purposes - with the management of this process to accord with the requirements of the *Economic Development Act 2012* and the associated Instrument of Delegation and Direction (IODD) to Council
- prepare and progress proposed amendments to the Maroochydore City Centre Infrastructure Agreement and Maroochydore City Centre Water Infrastructure Agreement, which are necessary to reflect the proposed amendment to the Development Scheme and
- delegate to the Chief Executive Officer the authority to negotiate and make any necessary changes to the proposed amendment to the Development Scheme and various related Agreements.

In preparing this report, the Chief Executive Officer recommends that the information contained in **Attachments 1, 2, 3 and 4** be considered confidential in accordance with section 254J (3) (g) of the *Local Government Regulation 2012* as they contain information relating to negotiations of a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government. The information contained in the four Attachments to this report is confidential as it relates to negotiations with parties to the Maroochydore City Centre Development Agreement (MCCDA) that are relevant to specific conditions in that agreement (which in itself, is a confidential document). The disclosure of this information at this time may breach commercial confidentiality undertakings with another party and would likely not be in Council's interests.

The subject of the planning related matters canvassed in **Attachments 1 and 2** to this report may however, be released to the public at an appropriate time when the negotiations on these matters are finalised and Economic Development Queensland authorises the public exhibition of the amendment to the Development Scheme. A specific recommendation seeking to authorise the Chief Executive Officer to publicly release that information when the relevant precursors have been satisfied is included in this report. Council will need to resolve its decision on this report in that part of the Council meeting which is viewable by the public.

EXECUTIVE SUMMARY

On 18 November 2020, Council authorised (SM20/20), the entering into of a tripartite Development Agreement with SunCentral Maroochydore Pty Ltd (SunCentral) and Walker Maroochydore Developments Pty Ltd (Walker) for the development of the majority of the Council-owned land in the Maroochydore City Centre Priority Development Area.

On 26 May 2022 Council considered a confidential report titled “Maroochydore City Centre Development Agreement – Contractual and Master Planning Update” and authorised (OM22/44) the Chief Executive Officer to progress with the requisite actions in line with Council’s confidential discussions on this matter. That included further consideration of a number of matters in line with the commitments in the Maroochydore City Centre Development Agreement.

A review of the Master Plan initiated by Walker to improve and enhance city making objectives and identify opportunities to accelerate investment in this region shaping project has now been completed. In order to give effect to the revised Master Plan, amendments will be required to the Maroochydore City Centre Development Scheme.

In essence, the three key elements of the revised Master Plan which have informed the proposed amendment to the Maroochydore City Centre Priority Development Area Development Scheme (which is contained in confidential **Attachment 2**) involve:

- consolidation of the waterways
- consolidation of the parkland to the centre of the Priority Development Area and
- better leveraging the transit-oriented development objective for the Priority Development Area by redistributing some of the uses currently allocated to the existing Precinct 2 to the transit centre and to the parkland at the northern end of the consolidated waterways.

There are also a number of proposed technical amendments which remain consistent with the vision for the Priority Development Area and the purpose of the *Economic Development Act 2012*.

In line with the requirements of the Maroochydore City Centre Development Agreement, the revised Master Plan and proposed amendment to the Maroochydore City Centre Priority Development Area Development Scheme have been considered and are supported by the:

- Project Operating Group (POG) – which comprises representatives of SunCentral and Walker
- Strategic Review Group (SRG) – which comprises senior representatives of Council, SunCentral and Walker and
- board of SunCentral Maroochydore Pty Ltd.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Proposed Amendment to Maroochydhore City Centre Priority Development Area Development Scheme and Infrastructure Agreements”
- (b) support the proposed amendment to the Maroochydhore City Centre Priority Development Area Development Scheme as discussed in confidential session, so that it may be progressed in accordance with the requirements of Chapter 3, Part 3, Division 1 and Division 2 of the *Economic Development Act 2012*
- (c) delegate to the Chief Executive Officer the authority to carry out the statutory process to prepare and progress the amendment to the Maroochydhore City Centre Priority Development Area Development Scheme, in so far as authorised to do so in the *Minister’s Instrument of Delegation and Direction* dated 17 October 2019 and in accordance with any other directions or requirements that may be issued by the Minister for Economic Development Queensland (MEDQ), noting that the Minister for Economic Development Queensland will (at a minimum):
 - (i) undertake the State Interest Review
 - (ii) issue the direction to Council to undertake community consultation and
 - (iii) ultimately, exercise the authority to make the amendment to the Maroochydhore City Centre Priority Development Area Development Scheme
- (d) delegate to the Chief Executive Officer the authority to:
 - (i) make any changes to the proposed amendment to the Development Scheme as a consequence of the preliminary consultation with Economic Development Queensland and the State Interest Review process
 - (ii) undertake the community consultation for a minimum of 30 business days, once authorised by the Minister for Economic Development Queensland to undertake that process
- (e) note that following public consultation on the proposed amendment to the Development Scheme and receipt of any submissions, a further report will be presented to Council for formal consideration
- (f) decide to amend the Maroochydhore City Centre Infrastructure Agreement and Maroochydhore City Centre Water Infrastructure Agreement to be consistent with the amendment to the Maroochydhore City Centre Priority Development Area Development Scheme and to commence negotiations with the other parties to the Agreements
- (g) delegate to the Chief Executive Officer the authority to negotiate and make any necessary changes to the Maroochydhore City Centre Infrastructure Agreement including the Maroochydhore Infrastructure and Services Standards and Maroochydhore City Centre Water Infrastructure Agreement
- (h) delegate to the Chief Executive Officer the authority to negotiate and make any necessary changes to the Maroochydhore City Centre Development Agreement
- (i) authorise the Chief Executive Officer to progress with the requisite actions in line with discussions in confidential session
- (j) authorise the Chief Executive Officer to release some of the planning related information contained in Attachment 1 and Attachment 2 to this report as considered appropriate and following authorisation by the Minister for Economic Development Queensland to Council to undertake public consultation on the proposed amendment to the Maroochydhore City Centre Priority Development Area Development Scheme and

- (k) authorise the Chief Executive Officer to release information contained in Attachment 3 and Attachment 4 following the completion of the Maroochydore City Centre development.

FINANCE AND RESOURCING

Sufficient funds are allocated in the Urban Growth Projects Branch 2022/23 budget for managing the process to progress amendments to the Maroochydore City Centre Development Scheme and Infrastructure Agreements.

Further information on the commercial and financial assessment of the proposed amendment to the Development Scheme is provided in confidential **Attachment 3**.

CORPORATE PLAN

Corporate Plan Goal: *Our resilient economy*

Outcome: 3.2 - New capital investment in the region.

Operational Activity: 3.2.4 - Work with Walker Maroochydore Developments Pty Ltd and SunCentral Maroochydore Pty Ltd to support the implementation of the Maroochydore City Centre Development Agreement to advance the delivery of a contemporary city centre for the Sunshine Coast.

CONSULTATION

Councillor Consultation

Consultation has occurred with Councillors on the matters contained in this report since the beginning of May 2022 via workshops, meetings and briefings.

Internal Consultation

Consultation has occurred with the Chief Executive Officer and the Group Executives and relevant project and technical officers from the following Groups within Council:

- Civic Governance
- Customer and Planning Services
- Business Performance
- Built Infrastructure
- Liveability & Natural Assets

Consultation with the Group Executive, Customer and Planning Services (CPS) and officers in Customer and Planning Services has been confined to the assessment of the planning and technical elements underpinning the proposed amendment to the Development Scheme. The Group Executive, Customer and Planning Services and Customer and Planning Services officers have had no involvement in the financial and commercial assessment of the proposed amendment to the Development Scheme.

External Consultation

External consultation has occurred with parties to various agreements associated with the planning for the Maroochydore City Centre Priority Development Area (including Economic Development Queensland, Unitywater and the Department of Transport and Main Roads) and key stakeholders within the Priority Development Area.

Community Engagement

Community engagement on the proposed amendment to the Development Scheme has not yet been undertaken as the amendments respond to certain commercial obligations in the Maroochydore City Centre Development Agreement. In addition, elements of the matters contained in this report are the subject of current and proposed negotiations.

Notwithstanding the above, under the *Economic Development Act 2012 and the IODD*, Council acting as the delegate for the Minister for Economic Development Queensland (MEDQ) is required to undertake formal community consultation for a minimum of 15 business days in relation to the proposed amendment to the Development Scheme – once the Minister for Economic Development Queensland authorises Council to proceed to community consultation.

Subject to Council accepting the recommendations in this report and the Minister for Economic Development Queensland authorising Council to proceed with community consultation on the proposed amendment to the Maroochydore City Centre Priority Development Area Development Scheme, it is recommended that community consultation be undertaken for 30 business days. Following public consultation on the proposed amendment and review of any submissions received, a further report will be presented to Council for consideration. The outcomes of the public consultation process will be referred to Economic Development Queensland (once considered by Council) to inform any decision by the Minister for Economic Development Queensland on whether to proceed to make the proposed amendment to the Maroochydore City Centre Priority Development Area Development Scheme.

PROPOSAL

On 18 November 2020, Council authorised (SM20/20), the entering into of a tripartite Development Agreement with SunCentral and Walker for the development of the majority of the Council-owned land in the Maroochydore City Centre Priority Development Area.

On 26 May 2022, Council considered a confidential report titled “Maroochydore City Centre Development Agreement – Contractual and Master Planning Update” and authorised (OM22/44) the Chief Executive Officer to progress with the requisite actions in line with Council’s confidential discussions on this matter. That included further consideration of a number of matters in line with the commitments in the Maroochydore City Centre Development Agreement. This report responds to the resolution of 26 May 2022.

Under the Maroochydore City Centre Development Agreement, Walker has exclusive rights to develop and market most of the unsold Council-owned land in the Priority Development Area. At the time of entering into the Maroochydore City Centre Development Agreement, it was envisaged that reviews of the Master Plan and the Development Scheme would occur over the life of the project and as circumstances change, which is no different from other major developments of this scale.

A review of the Master Plan initiated by Walker to improve and enhance city making objectives and identify opportunities to accelerate investment in this region shaping project has now been completed. In order to give effect to the revised Master Plan, amendments will be required to the Development Scheme.

In essence, the three key elements of the revised Master Plan which have informed the proposed amendment to the Maroochydore City Centre Priority Development Area Development Scheme (which is contained in confidential **Attachment 2**) involve:

- consolidation of the waterways
- consolidation of the parkland to the centre of the Priority Development Area and
- better leveraging the transit-oriented development objective for the Priority Development Area by redistributing some of the uses currently allocated to the existing

Precinct 2 to the transit centre and to the parkland at the northern end of the consolidated waterways.

There are also a number of proposed technical amendments which remain consistent with the vision for the Priority Development Area and the purpose of the *Economic Development Act 2012*.

In line with the requirements of the Maroochydore City Centre Development Agreement, the revised Master Plan and proposed amendment to the Development Scheme have been considered and are supported by the:

- Project Operating Group (POG) – which comprises representatives of SunCentral and Walker
- Strategic Review Group (SRG) – which comprises representatives of Council (Mayor, Chief Executive Officer and Group Executive, Civic Governance), SunCentral (Chairperson, one Board Director and the Chief Executive Officer) and Walker (three senior executives) and
- board of SunCentral Maroochydore Pty Ltd.

Subject to Council supporting the recommendations in this report, the proposed amendment to the Development Scheme will be progressed through a statutory process prescribed in the *Economic Development Act 2012* and in line with the Minister for Economic Development Queensland’s Instrument of Delegation and Direction to Council, which sets out the minimum requirements Council must achieve when seeking to progress amendments to the Development Scheme.

An outline of the statutory process is provided in Table 1 below.

Table 1.



Should Council resolve to support the proposed amendment to the Maroochydore City Centre Priority Development Area Development Scheme, the amendment will be referred to Economic Development Queensland, as the planning authority for the Priority Development Area, to undertake a State Interest Review.

On completion of the State Interest Review, the Minister for Economic Development Queensland may authorise Council (as the authorised delegate for the Minister for Economic Development Queensland) to undertake formal community consultation in relation to the proposed amendment to the Development Scheme. The full details of the proposed amendment will be made available to the public during the community consultation period.

Legal

The progression of the Master Plan proposal (if supported by Council) necessitates amendments to at least the following documents -

- Maroochydore City Centre Development Agreement 2020

- Maroochydore City Centre Priority Development Area Development Scheme 2019
- Maroochydore City Centre Infrastructure Agreement 2017
- Maroochydore City Centre Water Infrastructure Agreement 2018.

Council's Legal Services Branch and specialist external legal expertise will be accessed and utilised in the development of amendments to the above mentioned instruments.

Policy

In the context of the recommendations in this report, there is no identifiable non-compliance at this time with existing Council policies.

Risk

Risk	Mitigation
The consideration of the proposed amendment to the Development Scheme by Economic Development Queensland as part of the State interest review process, results in changes to the proposed amendment or a direction not to proceed with the proposed amendment.	Council officers will continue to liaise with Economic Development Queensland and respond to any requests for further information that may arise during the formal State interest review to ensure any areas of concern are appropriately addressed.
Community visibility of the proposed amendment to the Development Scheme has not yet occurred.	The public consultation process provides an opportunity for any person to put forward submissions on the proposed amendment to the Development Scheme. Following consideration of public submissions, Council may decide to proceed with further changes to the Development Scheme or not proceed with a proposed amendment, in response to community issues or concerns. The proposed amendment to the Development Scheme is considered to represent a better overall outcome for the community.
The notification and subsequent adoption by Minister for Economic Development Queensland of the proposed amendment to the Development Scheme is unduly delayed.	Council Officers have (and will) continue to keep Economic Development Queensland informed of the scope and intent of the Development Scheme amendment so Economic Development Queensland officers have visibility of what is being proposed when they receive the amendments package

Further identification and analysis of risks and appropriate mitigation measures are canvassed in confidential **Attachments 1 and 3**.

Previous Council Resolutions

Ordinary Meeting 26 May 2022 (OM22/44)

That Council:

- note progress on specific contractual conditions in clauses 7 and 8 of the Maroochydore City Centre Development Agreement*
- authorise the Chief Executive Officer to respond to Walker Maroochydore Developments Pty Ltd in the context of clause 7.5 and clause 8.2 (f) (i) of the*

Maroochydore City Centre Development Agreement in line with discussions in confidential session

- (c) *authorise the Chief Executive Officer to progress with the requisite actions in line with discussions in confidential session*
- (d) *note that a further report will be presented to Council prior to 31 December 2022 on the actions progressed in line with paragraph (c) above and*
- (e) *authorise the Chief Executive Officer to release the subject of the matters canvassed in this report at the appropriate time when the release of that information would no longer adversely impact the commercial interests of other parties and/or the interests of Council.*

Ordinary Meeting 24 June 2021 (O/M 21/62)

That Council authorise the Chief Executive Officer to proceed to implement the matters discussed in confidential session in relation to the Maroochydore City Centre Development Project Update.

Special Meeting 18 November 2020 (S/M 20/20)

That Council:

- (a) *formally accept the terms of the proposed Maroochydore City Centre Development Agreement and associated agreements*
- (b) *delegate authority to the Chief Executive Officer to finalise and execute the proposed Maroochydore City Centre Development Agreement, and associated agreements*
- (c) *request the Chief Executive Officer to advise Council of the execution of documents and to prepare the necessary communications material prior to any formal announcement being agreed and scheduled between the parties and*
- (d) *authorise the Chief Executive Officer to publicly release appropriate details relating to the Maroochydore City Centre Development Agreement and associated agreements, subject to the agreement to the release of those details by the other parties to the Agreement*

Related Documentation

- Maroochydore City Centre Development Agreement 2020
- Maroochydore City Centre Priority Development Area Development Scheme 2019
- Maroochydore City Centre Infrastructure Agreement 2017
- Maroochydore City Centre Water Infrastructure Agreement 2018

Critical Dates

The key dates for progressing the proposed amendment to the Development Scheme are outlined above. Given the Maroochydore City Centre will accommodate an Olympic Village to support the staging of the Brisbane 2032 Olympic and Paralympic Games and the time frames involved in putting in place amendments to the Maroochydore City Centre Priority Development Area Development Scheme, it is recommended that Council give consideration to the recommendations in this report at the earliest opportunity.

Implementation



Should the recommendations in this report be accepted by Council, the Chief Executive Officer will:

- progress the proposed amendment to the Maroochydore City Centre Priority Development Area Development Scheme to Economic Development Queensland for State Interest Review
- initiate negotiations with the parties to the Maroochydore City Centre Infrastructure Agreement 2017 and Maroochydore City Centre Water Infrastructure Agreement 2018, including consultation with other relevant stakeholders, for changes to these agreements
- initiate negotiations with Walker and SunCentral on changes to Maroochydore City Centre Development Agreement
- following receipt of authorisation by the Minister for Economic Development Queensland, proceed to initiate public consultation on the proposed amendment to the Maroochydore City Centre Priority Development Area Development Scheme and
- following the conclusion of the public consultation period, arrange for a review of any submissions received on the proposed amendment to the Maroochydore City Centre Priority Development Area Development Scheme and provide a further report to Council for consideration.

8.4 KABI KABI NATIVE TITLE

File No: Council Meetings

Author: Greg Lavery, Group Executive
Economic & Community Development Group

Attachments: Att 1 - Map of Kabi Kabi Native Title Claim - external boundary by reference to local government areas 63  
Att 2 - Kabi Kabi Native Title Claim (*Under Separate Cover*) - Confidential

PURPOSE

The purpose of this report is to update Council on the Native Title application by the Kabi Kabi First Nation People and to seek authority for the Chief Executive Officer to progress and finalise the determination of the Kabi Kabi Native Title claim.

In preparing this report, the Chief Executive Officer recommends that **Attachment 2** be considered confidential in accordance with Section 254J(3) (i) of the *Local Government Regulation 2012* as it contains information relating to a matter the local government is required to keep confidential under a law of, or formal arrangement with, the Commonwealth or a State.

EXECUTIVE SUMMARY

The Kabi Kabi First Nation People filed two native title claims in Southeast Queensland:

- the Kabi Kabi First Nation Claim which was filed in the Federal Court on 31 May 2013; and
- the Kabi Kabi Undambi Area Claim which was filed in the Federal Court on 30 November 2016.

In 2018, both claims were combined into the Kabi Kabi First Nation Traditional Owners Native Title Claim Group claim QUD20/2019 (the Kabi Kabi Claim).

The Kabi Kabi Claim commences at Redcliffe and extends to around Isis Junction in the Bundaberg Region. It covers a total area of approximately 12,422km² including over 250,000 individual parcels of land within the local government areas of the Brisbane City Council, Bundaberg Regional Council, Fraser Coast Regional Council, Gympie Regional Council, Moreton Bay Regional Council, Somerset Regional Council, Sunshine Coast Regional Council and Noosa Shire Council. A map showing the external boundary of the Claim area by reference to local government boundaries is attached as Attachment 1.

A determination over part of the Kabi Kabi Claim area is proposed. This area is referred to as “Part A” and comprises the majority of the Claim area. The balance area, in the south of the Claim area, is within the (old) Kabi Kabi Undambi Claim area. This area is not included within the proposed determination area and will be the subject of further negotiation between the parties. This balance area is referred to as “Part B” as shown on the map in Attachment 1.

The Kabi Kabi Claim is made by named representatives (referred to as “registered native title claimants” or “Applicants”) for the claim group who comprise the following persons:

Michael Douglas, Helena Gulash, Cecilia Combo, Melissa Bond, Norman Bond, Kerry Jones and Brian Warner.

Council is a respondent party to the Federal Court Claim proceedings. The State of Queensland and other individuals and entities are also respondent parties. This includes

Energex, Ergon Energy, Australian Gas Networks, Unity Water, Telstra, Lend Lease, SEQ Water and other individuals.

The Claim group are seeking an order of the Federal Court, with the consent of all parties to the proceeding, that formally recognises that the Kabi Kabi People hold native title within the Part A Claim area. This is referred to as a 'consent determination'.

An Agreement made under s 87 *Native Title Act 1993* attaching a Proposed Consent Order has been circulated by the State. After extensive negotiation, the parties to the proceeding, including Council, have reached in principle agreement at an officer level, on the terms of the Agreement and Proposed Consent Order. This is subject to final authorisation of the respective parties. Council must decide, by resolution, if it agrees to sign the Agreement and the terms of the Proposed Consent Order.

Once/if all parties sign the Agreement the Court will be asked to make the Proposed Consent Order over Part A at a determination hearing. Generally, the Court makes consent orders in the terms agreed by the parties. Occasionally the Court will make (generally minor) changes to the terms of a consent order. So that Council can respond within the timeframes required by the Court if it does make any change to the Proposed Consent Order, it would be prudent for Council to delegate its power to the Chief Executive Officer to agree to changes to the Agreement that the Court may require and on the basis it does not have a detrimental effect or be substantially different to the current version of the draft Proposed Consent Order.

After a determination is made over Part A, native title is resolved over that part of the Claim area and the Federal Court proceeding will remain on foot over Part B only. As Council does not have an interest in Part B, Council may withdraw as a party to the Federal Court proceeding after the determination of Part A.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Kabi Kabi Native Title"**
- (b) enter into an agreement made under s 87A Native Title Act 1993 and consent to the determination of the Kabi Kabi People native title claim QUD20/2019 in the terms of the s87A Agreement and Proposed Consent Order**
- (c) delegate authority to the Chief Executive Officer to agree to any changes that may be required to the final determination and to instruct Holding Redlich to sign the s87A Agreement on Council's behalf**
- (d) delegate authority to the Chief Executive Officer to provide instructions to Holding Redlich to withdraw Council from Federal Court proceedings QUD20/2019 after the determination of Part A becomes effective on the basis that Council has no interest in Part B of the proceedings, and**
- (e) note that following any decision, the Federal Court of Australia will publish details of the native title determination.**

FINANCE AND RESOURCING

Until October 2022, Council held funding under the Commonwealth Attorney General's Native Title Financial Assistance Scheme to be legally represented. This funding wholly covered Council's legal fees to be legally represented in the Claim.

Holding Redlich have continued to represent Council since that date with the estimated fees to April 2023 between \$5000-\$7000 plus GST that will need to be paid by Council.

CORPORATE PLAN

Corporate Plan Goal:	<i>Our strong community.</i>
Outcome:	1.3 - An inclusive community, with opportunities for everyone.
Operational Activity:	1.3.1 - Implement key actions from the Sunshine Coast Innovate Reconciliation Action Plan 2021-2022 and develop a new Stretch Reconciliation Action Plan that strengthens relationships and supports social and economic opportunities for the First Nations community.

CONSULTATION

Councillor Consultation

A workshop with Councillors was held on 26 August 2021.

Internal Consultation

Legal Services

External Consultation

No external consultation was undertaken in preparing this report.

Community Engagement

There was no community engagement undertaken in preparing this report.

PROPOSAL

A High Court decision in 1992, the Mabo decision, led to the recognition and protection of native title across Australia through the introduction of the *Native Title Act 1993 (Cth) (NTA)*.

Native title is the recognition in Australian law that some Indigenous people continue to hold rights to their land and waters, based on their traditional laws and customs. For this to apply, the relevant Indigenous people must:

- possess the rights and interests under the traditional laws currently acknowledged and the traditional customs currently observed. Those laws and customs must have been acknowledged and passed down from generation to generation from the time of settlement until now
- have a 'connection' with the area in question by those traditional laws and customs
- have rights and interests recognised by the common law of Australia.

Native title claims can only be made on certain areas of land or water for example, on vacant or unallocated State land but not on residential freehold land or public works like roads, schools or hospitals.

Native title usually exists alongside, and subject to, the rights of other people in the same area. The rights and interests can be categorised as either exclusive or non-exclusive.

Exclusive native title is the right to possess, occupy and use an area to the exclusion of all others. In other words, it allows native title holders to control access to lands.

Non-exclusive native title is where rights co-exist alongside other property rights, which means native title holders don't control access to lands. Non-exclusive rights can include the right to live and camp in the area, build temporary shelters, hunt and fish on the area, collect food, conduct ceremonies and maintain and protect places of cultural importance.

The Kabi Kabi First Nation People filed two native title claims in Southeast Queensland:

- the Kabi Kabi First Nation Claim which was filed in the Federal Court on 31 May 2013; and
- the Kabi Kabi Undambi Area Claim which was filed in the Federal Court on 30 November 2016.

In 2018, both claims were combined into the Kabi Kabi First Nation Traditional Owners Native Title Claim Group claim QUD20/2019 (the Kabi Kabi Claim).

The Kabi Kabi Claim is made by named representatives (referred to as “registered native title claimants” or “Applicants”) for the claim group who comprise the following persons:

Michael Douglas, Helena Gulash, Cecilia Combo, Melissa Bond, Norman Bond, Kerry Jones and Brian Warner.

Council is a respondent party to the Federal Court Claim proceedings. The State of Queensland and other individuals and entities are also respondent parties. This includes Energex, Ergon Energy, Australian Gas Networks, Unity Water, Telstra, Lend Lease, SEQ Water and other individuals.

The Claim group are seeking an order of the Federal Court, with the consent of all parties to the proceeding, that formally recognises that the Kabi Kabi People hold native title within the Part A Claim area. This is referred to as a ‘consent determination’.

An Agreement made under s 87 Native Title Act 1993 attaching a Proposed Consent Order has been circulated by the State. After extensive negotiation, the parties to the proceeding, including Council, have reached in principle agreement at an officer level, on the terms of the Agreement and Proposed Consent Order. This is subject to final authorisation of the respective parties. Council must decide, by resolution, if it agrees to sign the Agreement and the terms of the Proposed Consent Order.

Once/if all parties sign the Agreement the Court will be asked to make the Proposed Consent Order over Part A at a determination hearing. Generally, the Court makes consent orders in the terms agreed by the parties. Occasionally the Court will make (generally minor) changes to the terms of a consent order. So that Council can respond within the timeframes required by the Court if it does make any change to the Proposed Consent Order, it would be prudent for Council to delegate its power to the CEO to agree to changes to the Agreement that the Court may require and on the basis it does not have a detrimental effect or be substantially different to the current version of the draft Proposed Consent Order.

After a determination is made over Part A, native title is resolved over that part of the Claim area and the Federal Court proceeding will remain on foot over Part B only. As Council does not have an interest in Part B, Council may withdraw as a party to the Federal Court proceeding after the determination of Part A.

Legal

Holding Redlich represented Council throughout the negotiations and has considered the terms of the Agreement and Proposed Consent Order.

Policy

Native Title must be exercised in accordance with laws that Council administers including the Sunshine Coast Planning Scheme and Local Laws.

Risk

It is expected that broad public rights will prevail over native title rights.

Previous Council Resolution

There are no previous Council resolutions relating to this report.

Related Documentation

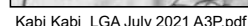
Sunshine Coast Innovate Reconciliation Action Plan 2021-2022

Critical Dates

The date for the determination hearing has not yet been set by the Court.

Implementation

Should the recommendation be accepted by Council, it is noted that the Chief Executive Officer will proceed to finalise the Kabi Kabi First Nation People filed two native title claims in conjunction with Holding Redlich.



9 NOTIFIED MOTIONS**10 TABLING OF PETITIONS**

Petitions only eligible for submission if:

- * Legible
- * Have purpose of the petition on top of each page
- * Contain at least 10 signatures
- * Motion limited to:
 - Petition received and referred to a future meeting
 - Petition received and referred to the Chief Executive Officer for report and consideration of recommendation
 - Petition not be received

11 CONFIDENTIAL SESSION

12 NEXT MEETING

The next Ordinary Meeting will be held on 25 May 2023.

13 MEETING CLOSURE