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| <b>COMMUNITY SERVICES COMMITTEE</b> | <b>4</b> |
| <b>22 JULY 2015</b>                 |          |

## COPPERLODE DAM (LAKE MORRIS) – PROVISION OF COMMERCIAL AND COMMUNITY RECREATION ACTIVITIES

K. Richardson | 10/2/1 | #4752340v2

### **RECOMMENDATION:**

**It is recommended that Council:**

- 1. Endorses the proposed commercial recreation activities and seeks formal applications from the proponents for commercial recreation permits;**
- 2. Revises *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011* to enable the following prohibited activities from Schedule 1 Column 2 as shown in Attachment 1 to occur:**
  - **Camp, live or reside;**
  - **Fish;**
  - **Swim, bathe or use a vessel; and**
  - **Sell, offer or let for hire any commodity, good or thing**

**to allow an onsite caretaker, and allow camping and associated recreational activities to occur at Copperlode Dam;**
- 3. Develops a Management Plan for limited short stay camping, incorporating infrastructure and management responsibilities, to be submitted to Council for consideration at a later time;**
- 4. Recognizes that requests to use Lake Morris Road by organised cycling events, under a temporary road closure arrangements, will be considered provided that it can be demonstrated that amongst other things, there will be no significant detrimental impact on other users of the road.**
- 5. Delegates authority to the Chief Executive Officer, in accordance with the *Local Government Act 2009* to finalise any and all matters in relation to the above.**

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### **EXECUTIVE SUMMARY:**

Council has expressed a desire to provide improved recreational opportunities at Lake Morris. Community consultation has identified a number of priority areas for activation, including:

- On water activities, including non-motorised boating
- Walking/Hiking
- Mountain Biking/Bike Tracks
- Camping

Officers have prepared a Recreation Management Plan (RMP) for the delivery of the above activities in a manner that responds to the unique environmental and physical constraints of the area. It has been determined that the most effective way to implement the Plan is by a combination of Commercial and Council provided services.

This report provides recommendation on the delivery of this model and the associated amendments required to Council's current Local Laws to allow timely implementation.

### **BACKGROUND:**

A report was submitted to the 20 August 2014 Community Service Committee Meeting regarding the Lake Morris Recreation Management Plan. At the meeting it was resolved that Council:

- a) Endorse in principle the Lake Morris Recreation Management Plan, subject to final community consultation;
- b) Seeks Expressions of Interest in accordance with the *Local Government Act* to shortlist possible candidates for the provision of recreation activities within the site;
- c) Delegates authority to the Chief Executive Officer, in accordance with the *Local Government Act*, to finalise any and all matters relating to the finalisation of the plan after final community consultation.

The final Lake Morris Recreation Management Plan (RMP) was then finalised by the CEO in December 2014. Following this direction, officers proceeded to seek expressions of interest for the provision of commercial and community recreational activities.

The recent Expression of Interest (EOI) process identified a number of proposals to deliver activities identified in the RMP.

In summary these were:

- Suite of water based activities
- Fishing specific activities
- Nature based with land and water tours with range of onsite camping

A report was subsequently presented to Council in April 2015 detailing the outcomes of the EOI process and a workshop was held with Councillors on 3 June 2015. At the workshop, Councillors were supportive of the proposed commercial recreation initiatives and expressed a desire to explore a model for the provision of short stay camping and safe recreational use of Lake Morris Road to the exclusion of vehicles.

### **COMMENT:**

The recommendations in this report cover a number of considerations to support appropriate recreational activities in Lake Morris and surrounding areas. These considerations are explained below:

### EOI – Provision of Commercial and Community Recreational Activities:

In order to support the proposal resulting from the EOI, a number of considerations were required, including:

- Amendments to the existing Local Laws to remove a number of currently “prohibited” activities
- Infrastructure requirements to provide onsite storage for the proposed commercial operators. It is proposed that a joint storage facility will be constructed to accommodate at least two of the proponents
- Additional conditions to be imposed under Commercial Recreation Permits that reflect the intent of the Lake Morris Recreation Management Plan

### Camping:

In addition to the activities that have been identified under the EOI, it is proposed that a small number of campsites are established to be made available to visitors wishing to enjoy short stay camping at Lake Morris. Camping is to be managed via a permit process, where visitors would be required to book their site prior to arriving at the Dam.

On site management and supervision can be provided by the caretaker and changes to the caretaker’s duties. This is currently being considered in the upcoming Dam Operator tender. A Development Application will be required and new infrastructure such as amenities and showers will be necessary.

Parks and Leisure recommend developing a Management Plan for limited short stay camping that identifies a suitable location and incorporates infrastructure and management responsibilities. This Management Plan will be presented to Council for further consideration once complete.

### Permitted uses

The list of “prohibited activities” at Lake Morris as set out in Schedule 1 of Council’s *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011* include:

- To camp, live or reside;
- Fish;
- Swim, bathe or use a vessel; and
- Sell, offer or let for hire any commodity, good or thing.

These prohibited activities are inconsistent with Council’s intent to grant commercial recreation permits in accordance with the outcome of the recent expression of interest process and to allow short stay limited camping options. They also prohibit Council’s Dam Operator from residing on site, which is necessary under the role requirements, as well as for the operation of the Lake Morris Kiosk.

The solution is for a revision of the Subordinate Local Law to enable these inconsistent prohibited activities to occur, thereby allowing Council to proceed with issuing commercial recreation permits and allow camping at Lake Morris. The current provisions contained in *Subordinate Local Law No 4 in Schedule 2 - Restricted activities for local government controlled areas or roads* for Lake Morris adequately cover the proposed activities resulting from the EOI:

| <b>Column 1</b><br><b>Local government<br/>controlled area or road</b> | <b>Column 2</b><br><b>Restricted activity</b>   | <b>Column 3</b><br><b>Extent of<br/>restriction</b>                          |
|--|---|--|
| Lake Morris  | Any activity that may in the opinion of an authorised person obstruct the safe movement of users of Lake Morris area or which has the potential to damage or interfere with the Lake Morris area's infrastructure | Permitted only with the written authorisation of the chief executive officer |

There are a number of constraints with activating this site, including regular road closures, maintenance of the water quality, resources, on-site storage and tenure. Conditions will be imposed on any activities that occur to mitigate the constraints of the site through the Commercial Recreation Permit process.

#### Lake Morris Road

Lake Morris Road is closed at Copperlode Dam to all traffic between the hours of 6:00pm and 8:00am daily at the "top gate". The "bottom gate" or "first lookout" is located about 14 km below, a further 2 km of road link it to the Cairns Western Arterial Road. Lake Morris Road is a winding road that is popular with cyclists and pedestrians as a training circuit.

Infrastructure Services have confirmed that about 200 vehicles per day (vpd) maximum currently use Lake Morris Road past the first lookout.

Lake Morris Road has sufficient capacity for this volume to increase, i.e. to convey traffic generated by increased recreation activities. However, an increase in traffic volumes increases the safety risk in relation to passing traffic and the probability of crashes on this road generally, because of the winding, narrow road environment. Additional signage or other works may be necessary to ensure the road is safe for all users depending on future traffic volumes. Commercial recreation operators will need to take this into consideration. Vehicles longer than 7 m are not permitted to traverse the road due to sharp bends and the narrow width of the road in places.

Road safety improvements are currently underway to introduce give way control at the narrow sections at chainage 2.28, 6.95 and 7.95. Give way control is usually applied when traffic volumes exceed 200 vpd, or when both points of entry to the narrow section are not visible from each approach. The proposed give way treatments will improve safety for exiting traffic and an increase in traffic.

Council previously endorsed a trial traffic restriction on Lake Morris Road between the first lookout and Copperlode Dam from 5:00pm to 8:00am daily, though this resolution was rescinded pending the outcomes of the Lake Morris Recreation Management Plan. It was proposed to install an automatic gate at the first lookout that would restrict traffic past the lookout but allow cyclists and walkers to use the road when it is closed. The installation of a solar powered automatic gate was estimated at \$25,000.

There are a number of existing Commercial users who travel through Copperlode from the western side (Dinden National Park) and down Lake Morris Road. Activities proposed through the EOI submissions include activities that will require guests to use Lake Morris Road early in the morning and late in the afternoon to access the Dam. Introducing camping will also see an increase (though minimal) in vehicle numbers. Any closure to vehicular traffic will need to be managed so as not to adversely impact on commercial and public access to Copperlode Dam as a result of increased visitation and activation through the proposed new activities.

Closure of Lake Morris Road to vehicles to allow for cyclists training, runners and walkers etc, creates the following issues: :

- Increased activation, though both organised and unstructured activities may see an increased need for access from the Dam.
- Commercial operators may require access to transport customers. Restricting their ability to access the site daily may impact their ability to deliver their activities.

These concerns need to be balanced against the desire from some sectors of the community to use this road for recreational pursuits. Officers therefore recommend that requests to use Lake Morris Road by organised cycling events, under a temporary road closure arrangements, will be considered based on it being demonstrated that there are minimal significant detrimental impacts on other users of the road.

### **OPTIONS:**

#### **Option 1** – Recommended

It is recommended that Council:

1. Endorses the proposed commercial recreation activities and seeks formal applications from the proponents for commercial recreation permits;

2. Revises *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011* to enable the following prohibited activities from Schedule 1 Column 2 as shown in Attachment 1 to occur:

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to allow an onsite caretaker, and allow camping and associated recreational activities to occur at Copperlode Dam;

3. Develops a Management Plan for limited short stay camping, incorporating infrastructure and management responsibilities, to be submitted to Council for consideration at a later time;
4. Recognizes that requests to use Lake Morris Road by organised cycling events, under a temporary road closure arrangements, will be considered provided that it can be demonstrated that amongst other things, there will be no significant detrimental impact on other users of the road, and
5. Delegates authority to the Chief Executive Officer, in accordance with the *Local Government Act 2009* to finalise any and all matters in relation to the above.

#### Option 2

That Council recommends an alternate course of action.

### **CONSIDERATIONS:**

#### Risk Management:

The major risks associated with increased recreation opportunities are:

- Preservation of water quality for water supply purposes
- Access limits and road closures - particularly commercial operator's expectations that Council will resolve the road closures or will provide sufficient resources to respond to negative impact of natural disasters within their timeframe expectations
- Pest management – particularly prevention of the spread of invasive weeds
- Safe management of range of users on Lake Morris Road
- Management of recreational activities on Lake Morris in terms of safety
- Protection of the natural environment

These risks can be addressed by undertaking appropriate management of uses as recommended in the RMP and through conditions on the relevant permit for operators.

There are a number of potential risks associated with allowing camping at Lake Morris, such as public dissatisfaction around the limitations that will need to be imposed including limited sites and facilities, no caravans, boats or trailers, and swimming prohibitions. It is intended to further address these in the Management Plan.

Vehicle restrictions and road closures are likely to attract criticism as both: being too much and restricting public access; and not enough for the purposes of cyclists training etc. It is intended to manage these though careful consideration of each request.

#### Financial:

The actual financial arrangements in relation to the commercial activities including permit fees have yet to be determined. This will form part of the ongoing negotiations including comparisons with commercial recreation permits in other areas.

Recreation activities at the site will be funded by commercial operators and community groups, not Council. Commercial operators will also be required to contribute to storage solutions on site.

Implementing a camping area at the Dam will require additional infrastructure and will incur ongoing maintenance and operational costs. There is no current budget allocation at this time.

#### Corporate and Operational Plans:

This recommendation supports Council's Corporate Plan Strategic goals of Community, Economy and Governance.

#### **CONSULTATION:**

Extensive community and stakeholder engagement has been undertaken in the development of the RMP. Councillors participated in two workshops. Stakeholders showed a desire for increased recreation opportunities subject to ensuring that water quality and environmental/cultural values were not adversely impacted upon.

Community engagement was carried out through various engagement mediums including a community survey. The community survey resulted in 531 submissions. Key concerns regarding increased recreational use were:

1. Road access and traffic conflict concerns
2. Water contamination and water quality
3. Environmental impacts on lake and surrounds

The community responses highlighted a strong interest in increased recreation activities, the most popular being:

1. Private canoe use
2. Walking/hiking
3. Mountain bike/bike tracks
4. Camping
5. Non-motorized boating

The response from the community was critical in developing the RMP.



The draft Plan was then made available for viewing on Council's website and public feedback promoted through such mediums as Council Corner. The majority of the submissions received were already factored into the RMP. Some suggestions required minor amendments to the RMP to clarify details. The final plan was endorsed by the CEO in December 2014.

In relation to changes to the current Local Laws, officers from Parks and Leisure, Water and Waste and Planning and Environment have consulted on this issue. Advice has been obtained from Council's solicitors engaged to assist on the EOI process.

**ATTACHMENTS:**

1. Current Subordinate Local Law 4 with proposed removals shown.



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**Attachment 1: #3387339v1 Cairns Regional Council Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011**

Current List of Lake Morris Schedule 1 Prohibited Activities with proposed removals shown:

| <b>Column 1</b><br><b>Local government controlled area or road</b> | <b>Column 2</b><br><b>Prohibited activity</b>  |
|--|--|
| Lake Morris  | <div> <div><del>Camp, live or reside</del></div> <div>Light fires except in a fireplace provided by the local government</div> <div>Affix any bill, placard or notice to any wall, fence, tree, barrier, railing or other structure or vegetation</div> <div>Damage, remove or interfere with any animal, vegetation or facilities, notices, official signs, equipment or property owned by local government</div> <div><del>Fish</del>, Shoot or hunt</div> <div>Dig up, disturb or remove any soil, clay, gravel, sand, stone or mineral</div> <div>Deposit, release or leave any oil</div> <div>Throw stones, vegetation or other objects into any watercourse</div> <div><del>Swim, bathe or use a vessel</del></div> <div>Bring an animal</div> <div>Fail to dispose of any faeces of animal</div> <div>Operate any system of public address or sound amplification</div> <div><del>Sell, offer or let for hire any commodity, good or thing</del></div> </div> |