

Agenda

Ordinary Meeting

Thursday, 14 October 2021

commencing at 9:00am

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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 16 September 2021 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 DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE TO ESTABLISH ANIMAL KEEPING AT 2312 STEVE IRWIN WAY LANDSBOROUGH**

File No: D2021/829116

Author: Development Planner
Customer Engagement & Planning Services GroupAppendices: App A - Conditions of Approval 21 [↓](#)Attachments: Att 1 - Detailed Assessment Report 39 [↓](#)Att 2 - State Government Concurrence Agency Response 77 [↓](#)Att 3 - RSPCA Third Party Advice Response..... 103 [↓](#)Att 4 - Seqwater Third Party Advice Response 105 [↓](#)Att 5 - Department of Agriculture and Fisheries Response... 109 [↓](#)Att 6 - Council's External Acoustic Specialist Review 111 [↓](#)Att 7 - Proposal Plans 121 [↓](#)

Link to Development.i:

<https://developmenti.sunshinecoast.qld.gov.au/Home/FilterDirect?filters=DANumber=MCU18/0311>

SUMMARY SHEET	
Application Number:	MCU18/0311
Applicant:	Diamond Valley Kennels Pty Ltd
Owner:	All Across Earth Worx (Holdings) Pty Ltd Tte
Consultant:	Adams & Sparkes Town Planning & Development
Proposal:	Development Permit for Material Change of Use of Premises to Establish Animal Keeping
Properly Made Date:	1 November 2018
Information Request Date:	29 November 2018
Information Response Received Date:	29 May 2020
Public Notification Period:	3 June 2020 to 24 June 2020
Number of Submissions	104* <i>*Refer to Public Notification section of report for additional information</i>
State Referral Agencies:	<u>Concurrence</u> SARA at DSDILGP
PROPERTY DETAILS	
Division:	1
Property Address:	2312 Steve Irwin Way LANDSBOROUGH
RP Description:	Lot 2 RP 180434
Land Area:	212,800m ² (21.28 ha)
Existing Use of Land:	Detached dwelling and associated outbuildings
STATUTORY DETAILS	
Planning Scheme:	Sunshine Coast Planning Scheme 2014 (19 October 2018)
SEQRP Designation:	Regional Landscape and Rural Production
Strategic Framework Land Use:	Rural enterprise and landscape areas
Local Plan Area:	Not applicable
Zone:	Rural Zone

Assessment Type:	Impact
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PURPOSE

The purpose of this report is to seek Council's determination of an application for a Development Permit for Material Change of Use of Premises to Establish Animal Keeping at 2312 Steve Irwin Way Landsborough.

The application is before Council due to the high level of community interest.

EXECUTIVE SUMMARY

The applicant seeks approval for a Development Permit for Material Change of Use of Premises to Establish Animal Keeping. The application is proposing dog breeding, dog kennels, and a cattery with associated office, storage areas, driveways, carparking and acoustic barriers. The applicant is proposing 60 adult dogs for breeding, excluding puppies, and 24 boarding kennels with each kennel capable of accommodating 2 dogs. The combined total of breeding and boarding dogs on the site at any one time would be 108 dogs excluding puppies.

During the assessment of this application, the proposal was amended to address issues identified in Council's information request and further information requests. In particular the proposal was reduced in scale with the boarding component changing from 100 kennels and up to 200 dogs, to 24 kennels and a maximum of 48 boarding dogs. Combined with the 60 breeding dogs the maximum number of adult dogs on site reduced from 260 dogs excluding puppies to 108 dogs excluding puppies.

The subject site is located within the Rural zone. "Animal Keeping" is identified as a "potentially consistent use" within the Rural zone. Animal Keeping is described in the planning scheme as a "rural activity". Animal Keeping is defined under the Sunshine Coast Planning Scheme 2014 as "*Premises used for boarding, breeding or training of animals. The use may include ancillary temporary or permanent holding facilities on the same site and ancillary repair and servicing of machinery*".

Animal welfare concerns are not a relevant matter to the assessment because relevant matters must be related to town planning in some way. They are also not a local government matter, being that animal welfare is regulated by the Queensland Government through a framework that includes the: *Animal Management (Protecting Puppies) and Other Legislation Amendment Act 2016, Animal Management (Cats and Dogs) Act 2008 and Animal Care and Protection Act 2001*. Dog breeding licenses are a responsibility of the Queensland Government through the Department of Agriculture and Fisheries and not a local government matter, and therefore cannot be considered as part of this land use application process.

The subject site is generally well separated from residential dwellings, being located in a relatively sparsely populated area. The distance to the closest dwellings from the proposed animal keeping buildings is estimated to be approximately 240m, 300m and 550m respectively.

Council engaged an external acoustic specialist (MWA Environmental) to review the application's noise reports. Council's external acoustic specialist has advised that specially designed buildings and play areas for dogs, with acoustic barriers and acoustic absorptive elements would achieve appropriate acoustic containment for the kennels and not impact on any nearby sensitive uses.

The development adequately minimises direct and indirect impacts upon the ecologically important areas by its design and siting on the subject site. The development would not have an irreversible impact on agricultural land as the proposed animal keeping use would not permanently fragment the land, not dissimilar to other intensive animal industries and agricultural uses that require buildings for the housing of animals or plants.

The proposed development has been assessed against the Sunshine Coast Planning Scheme 2014 and satisfies the requirements of the Planning Scheme subject to reasonable and relevant conditions.

The application received a significant level of public interest throughout the application, and in particular during the public notification part. Along with other matters raised in submissions, animal welfare concerns featured extensively but are not a relevant town planning matter for the assessment.

The State Government were referred as a Concurrence Agency due to the site fronting and obtaining access from a state-controlled road. The RSPCA and Seqwater were referred as Third Party Advice Agencies. None of the agencies objected to the proposal.

A detailed assessment of the application has been undertaken and is included in the officers Detailed Assessment Report in **Attachment 1** to this report.

The application is recommended for approval with reasonable and relevant conditions.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Development Permit for a Material Change of Use to Establish Animal Keeping at 2312 Steve Irwin Way Landsborough”
- (b) APPROVE Application No. MCU18/0311, and grant Development Permit for Material Change of Use of Premises to Establish Animal Keeping subject to imposition of reasonable and relevant conditions in Appendix A and
- (c) delegate authority to the Chief Executive Officer to determine all future requests for a negotiated decision notice and requested changes to the approval (MCU18/0311) where the changes would not have a material impact on the outcome of the original decision.

FINANCE AND RESOURCING

In the event of an approval, infrastructure charges are payable in accordance with Council's Infrastructure Charges Resolution. Council's Transport and Infrastructure Policy Branch estimated that Council's proportion of infrastructure charges would be \$14,543.

CORPORATE PLAN

Corporate Plan Goal:	<i>Our service excellence</i>
Outcome:	We serve our community by providing this great service
Operational Activity:	S19 - Development services – planning, engineering, plumbing and landscaping approvals, provision of specialist advice to the community on planning requirements, audit of private development works, investigation of complaints from the public around land use or development, management of appeals.

CONSULTATION

Councillor Consultation

The Divisional Councillor R Baberowski has been consulted on the application. Due to the high level of community interest, regular communication has been provided to the Mayor and all Councillors at key milestones of the application.

Internal Consultation

The application was referred to and/or discussed with the following internal Council specialists/branches and their assessment forms part of this report:

- Development Engineer, Engineering and Environment Assessment Team, Development Services Branch, Customer Engagement and Planning Services Group
- Ecology Specialist, Engineering and Environment Assessment Team, Development Services Branch, Customer Engagement and Planning Services Group
- Environment Health Officer, Engineering and Environment Assessment Team, Development Services Branch, Customer Engagement and Planning Services Group
- Plumbing Specialist, Plumbing Services, Development Services Branch, Customer Engagement and Planning Services Group
- Legal Services Branch, Office of the Mayor and CEO
- Coordinator, Response Services, Customer Engagement and Planning Services Group
- Urban Growth Projects Branch, Liveability and Natural Assets Group.

External Consultation

The application was referred and/or discussed with the following external parties and their assessment forms part of this report:

- Concurrence Agency – State Assessment and Referral Agency (SARA) at Department of State Development, Infrastructure, Local Government and Planning - The Department responded by letter dated 24 February 2020 (SARA Ref 1811-8443 SRA) stating that the application is supported subject to a number of conditions (refer to **Attachment 2**).
- Advice Agency – RSPCA - The RSPCA provided written response dated 1 February 2019. Within this response, the RSPCA did not provide an objection to the proposal and stated that the standards laid down in the recently mandated *Queensland Animal Welfare Standards and Guidelines for Breeding Dogs and their Progeny* would need to be adhered to (refer to **Attachment 3**).
- Advice Agency – Seqwater - Seqwater provided a response on 14 April 2020 which recommended approval subject to conditions, which are recommended to be included in any approval (refer to **Attachment 4**).
- Department of Agriculture and Fisheries - On 8 March 2021, a response letter was received from the Chief Biosecurity Officer/Deputy Director-General of the Department of Agriculture and Fisheries on animal welfare management and regulation matters (refer **Attachment 5**).
- External acoustic specialist - Council engaged an external acoustic specialist (MWA Environmental) to review the application. MWA Environmental have extensive experience with noise impact assessment for development applications (including dog kennels). Council's external acoustic specialist was asked to review the application, in particular the noise reports, and provide an opinion about the merit of the proposed development in relation to Council's planning scheme requirements and adopted best practice. All recommendations Council's external acoustic specialist have been considered and are recommended to be included as conditions of any approval. Refer to **Attachment 6** for Council's external acoustic specialist review and recommendations.

Conditions relating to the Concurrence Agency Response and Seqwater Third Party Advice Agency response are outlined in the officer's Detailed Assessment Report at **Attachment 1**.

Community Engagement

The application was publicly notified for 15 business days between 3 June and 24 June 2020 in accordance with the *Planning Act 2016*. The application received a significant level of public interest. It was estimated that up to 400,000 submissions were made. Council's Information Technology servers considered the volume of emails as an attack on Council's infrastructure and blocked many of the submissions. Due to the volume of submissions and issues related to the recovery of the blocked emails, Council requested relief from the Planning and Environment Court in relation to Council's processing and assessment obligations of submissions under the *Planning Act 2016* and *Development Assessment Rules 2017* (Council Ref. APL20/0037). A 25 November 2020 Judgement (Court Ref. D170 of 2020) granted this relief, while providing additional requirements to notify Oscar's Law once a decision had been made. The additional requirements include an order to publish a copy of the decision notice on Council's website, publishing a summary of the decision notice in a newspaper circulated generally in the local government area and by providing a copy to Oscar's Law.

Excluding the Oscar's Law submissions, there are 104 properly made submissions and 3988 not properly made submissions. A common reason for the high number of not properly made submissions was due to a residential address not being provided, which is a mandatory requirement for a submission to be considered properly made under *Planning Act 2016* and *Development Assessment Rules 2017*.

A summary of the properly made submissions, together with a statement of how those matters were dealt with in reaching a decision for this application are included in the officers Detailed Assessment Report in **Attachment 1** of this report.

PROPOSAL

The application seeks approval for a Development Permit for a Material Change of Use of Premises to Establish Animal Keeping at 2312 Steve Irwin Way, Landsborough. The application is proposing Dog Breeding, Dog Kennels, and a Cattery with associated office, storage areas, driveways, carparking and acoustic barriers. The existing dwelling would be retained onsite and would be occupied by on-site residential staff.

In relation to dog breeding, the applicant is proposing 60 adult dogs excluding puppies. In relation to boarding, the applicant is proposing 24 boarding kennels on site with each kennel capable of accommodating 2 dogs. The combined total of breeding and boarding dogs on the site at any one time would be 108 dogs excluding puppies.

A cattery is also proposed as a smaller ancillary Animal Keeping use. The maximum number of cats boarding would be 20. No breeding of cats is proposed.

Access to the site would be via the existing access handle off Steve Irwin Way. A total of 11 marked car parks are proposed for the use. The site is to be serviced by tank water supply. No reticulated sewerage infrastructure is currently available in the vicinity of the site and a new wastewater treatment and effluent disposal system is proposed. Wastewater would be treated to a secondary standard.

The proposed design includes significant acoustic design of the proposed buildings. In addition, acoustic barriers and acoustic absorptive elements around the proposed buildings are proposed to provide noise containment.

It is proposed that the development would be staged to allow for the relocation of the existing facility at 204 Ratcliffe Road Diamond Valley to proceed first.

- Stage 1 Proposed Breeding Kennels – 40 pens, 20 runs with 60 dogs maximum
- Stage 2 Proposed Boarding Kennels/Cattery/Admin/Office – 24 kennels each with enclosed grassed yard, 2 large grassed outdoor run areas, 48 dogs maximum. Maximum 20 cats in cattery.

During the assessment of this application, the proposal was amended to address issues identified in Council’s information request and further information requests. In particular the proposal was reduced in scale with the boarding component changing from 100 kennels and up to 200 dogs, to 24 kennels and a maximum of 48 boarding dogs. Combined with the 60 breeding dogs the maximum number of adult dogs on site reduced from 260 dogs excluding puppies to 108 dogs excluding puppies.

The proposed plans have been attached to this report (refer to **Attachment 7**). The location of the subject site shown in Figure 1.

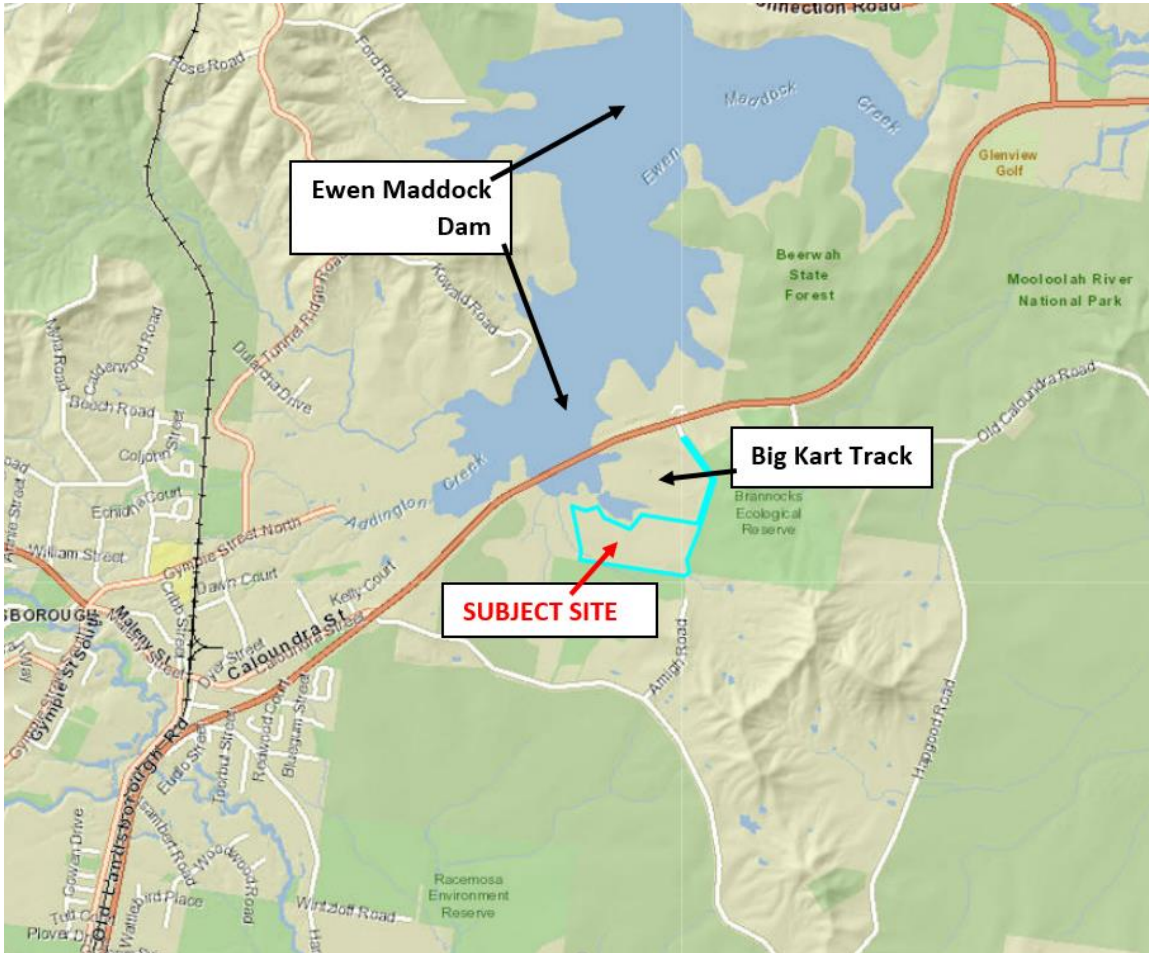


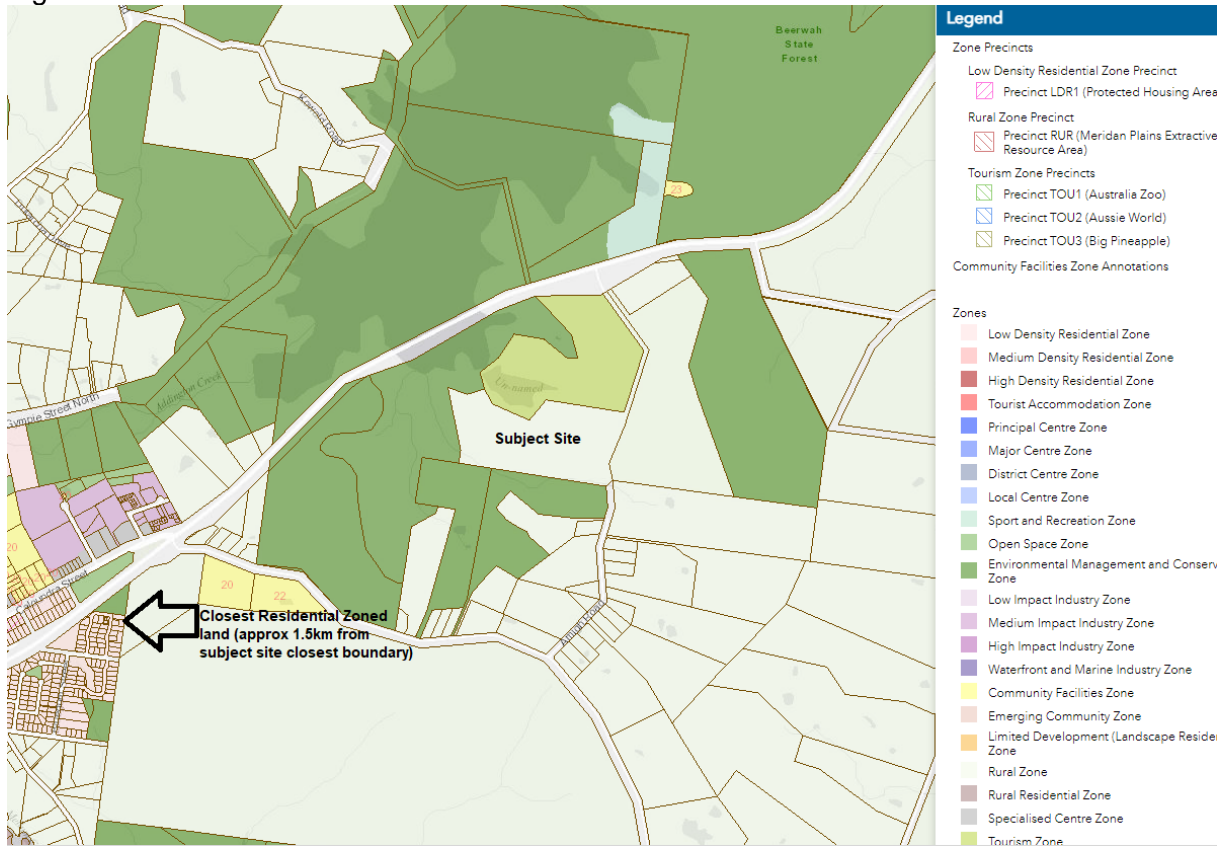
Figure 1 –Locality Plan

The subject site is shown in Figure 2 with aerial imagery.



Figure 2 – Aerial Image

The subject site is in the Rural Zone and identified with the surrounding zoning shown in Figure 3.



The Proposed Site Plan is shown in Figure 4.

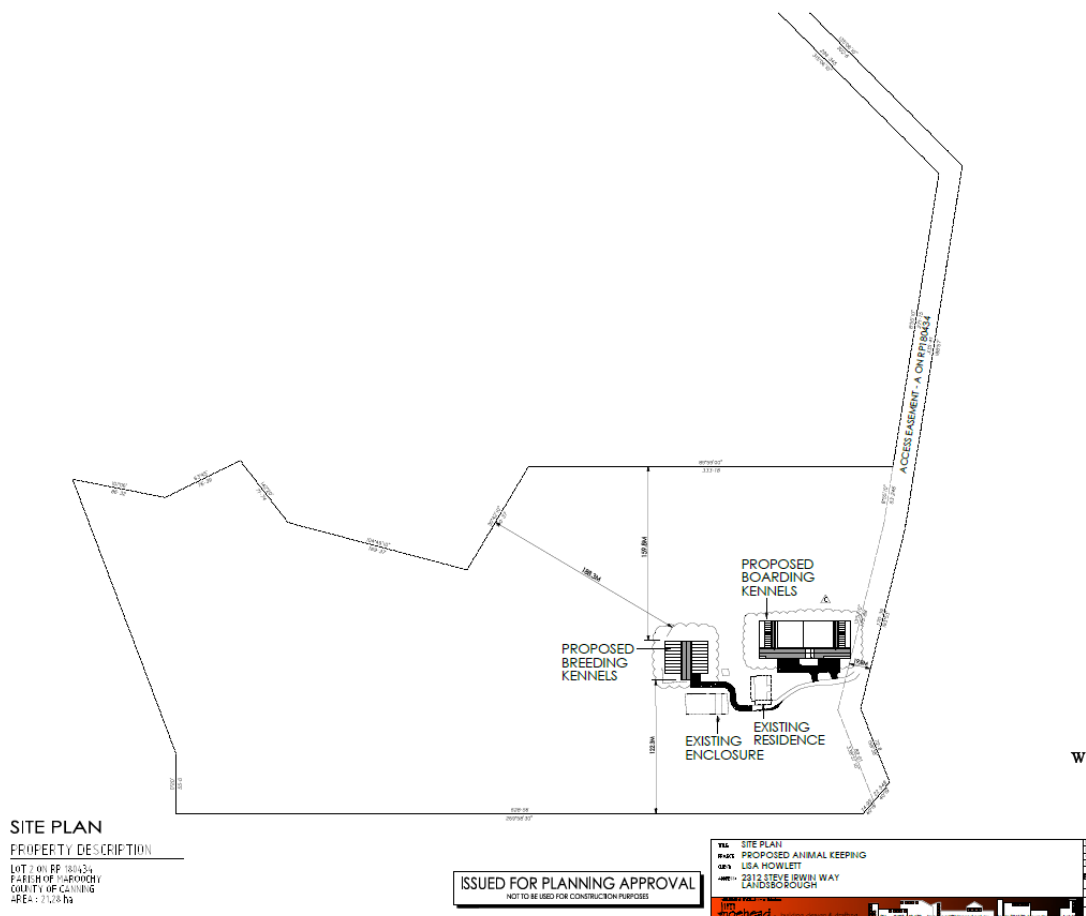


Figure 4 – Site Plan

ASSESSMENT

A detailed assessment of the application has been undertaken and is included in the officers Detailed Assessment Report in **Attachment 1** to this report. A summary of the key assessment considerations for this application is provided below.

The site is located within the Rural zone. “Animal Keeping” is identified as a “potentially consistent use” within the Rural zone. Animal Keeping is described in the planning scheme as a “rural activity”.

Animal Keeping is defined under the Sunshine Coast Planning Scheme 2014 as:

Premises used for boarding, breeding or training of animals. The use may include ancillary temporary or permanent holding facilities on the same site and ancillary repair and servicing of machinery.

A detailed assessment of the proposal was undertaken against the relevant codes of the Sunshine Coast Planning Scheme 2014 and it was found that the proposed Animal Keeping use substantially complies with the relevant provisions. A summary of the key matters is below. The proposed development:

- is sufficiently separated from residential dwellings with the closest being approximately 240m away
- provides acoustic mitigation measures to minimise any potential noise impacts
- is well screened from the Steve Irwin Way scenic route

- avoids and protects the ecologically sensitive areas on the site
- does not alienate Class A and B agricultural land
- provides adequate access to the Steve Irwin Way with upgrades to the intersection as conditioned by the Concurrence Agency, Department of Transport Main Roads
- will not have any impacts on the Beerwah East Major Development Area, and
- provides adequate on-site effluent disposal that will not result in any impacts on the Ewen Maddock Dam water supply.

Acoustics

Council engaged an external acoustic specialist (MWA Environmental) to review the application. MWA Environmental have extensive experience with noise impact assessment for development applications (including dog kennels). Council's external acoustic specialist was asked to review the application, in particular the noise reports, and provide an opinion about the merit of the proposed development in relation to Council's planning scheme requirements and adopted best practice.

After reviewing the application material, Council's external acoustic specialist advised the following:

- the proposed construction details are appropriate in providing acceptable noise containment of dogs enclosed in the kennels during the 6pm to 7am period. Further, the proposed acoustic barriers and acoustic absorptive elements provide containment of daytime noise of dogs outdoors which was not a feature of the original development proposal
- suitable detail has been provided on the acoustic containment to be achieved by a mechanical ventilation (air distribution system) for the kennels
- a maximum of 5 dogs per play area in the common dog run areas at any one time proposed by the applicant is acceptable
- the revised acoustic report has now been prepared on the basis of the amended design proposal and provides specific acoustic detailing and recommended noise management measures. It is considered that the report adequately addresses noise amenity impacts of the now proposed development
- the drawings provide amended sections and elevations and detail specific acoustic construction requirements
- the location of the 2.5 metre high noise barriers is provided on the project drawings and identify that the barriers are to surround outdoor run areas. The drawings nominate that the acoustic barriers are to be constructed to Department of Transport and Main Roads Standard. This is taken to refer to the Transport and Main Roads Specifications "MRTS15 Noise Fences" (Current version March 2019). All noise barriers must achieve a minimum surface density of 15 kg/m².

All recommendations Council's external acoustic specialist have been considered and are recommended to be included as conditions of any approval. Refer to **Attachment 6** for Council's external acoustic specialist review and recommendations.

Environmental Impacts

The development appropriately protects and mitigates the impacts on the Ecologically Important Areas of the site. The proposed use is buffered (in excess of 50 metres) to the west by pasture and the existing house, sheds, tracks and lawn areas (in excess of 50 metres) to the south. The eastern buffer (to Brannock Ecological Reserve) varies from approximately 20m to approximately 90m (to the existing house) and the proposed development buffer varies from approximately 20 metres to about 40 metres plus an extra

5/6 metres of the Brannock Reserve fire trail. The closest waterway is over 50m from the location of the buildings and would not be impacted by the development.

Agricultural Land

Most of the site is mapped in the planning scheme as Agricultural Land - Class A and B. The proposed development is not considered to fragment or alienate agricultural cropping because it does not propose to subdivide the property. The development proposal is animal keeping which would not be dissimilar to farm animals occupying the site which require buildings to house them. Animal keeping is not a permanent irreversible alienation of the land from agricultural use. The balance of the land is still available for agricultural purposes and, because no subdivision is proposed, the whole of the land could be returned to agricultural use following cessation of the animal keeping use, should that be the highest and best use of the land in the future. In relation to impact on adjoining agricultural land, the proposed development is not of a nature that would prejudice the ability for nearby lands to be farmed.

Potential Impact on Beerwah East Major Development Area

The application was referred to Council's Urban Growth Projects Branch to ascertain if the proposed development would have any potential impact on the Beerwah East Major Development Area. Mapping from the *South East Queensland Regional Plan 2017* (Map No MDA01 – Beerwah East) identifies that the subject site is outside the Beerwah East Major Development Area. The subject site is a minimum 750m from the Major Development Area boundary at any point, more than twice the distance to the current sensitive receivers which were assessed for potential noise impacts. Urban Growth Projects had no concerns or requirements. It is therefore considered the proposal would have no impacts on the Beerwah East Major Development Area.

Limitation on the consideration of animal welfare concerns

Council has received legal advice which is confidential and privileged and cannot be disclosed. Council's interpretation is that a relevant matter under Section 45(5)(b) must have some connection to, or bearing upon, the application, and they must be related to town planning in some way. Matters related to animal welfare are not town planning related. Rather, they are administered through other forms of legislation.

Laws relating to animal welfare standards

Throughout the assessment process, Council has investigated what level of protection is afforded to dogs and animals in relation to their welfare. Matters relating to animal welfare are regulated by the Queensland Government through a regulatory framework that includes the:

- *Animal Management (Protecting Puppies) and Other Legislation Amendment Act 2016,*
- *Animal Management (Cats and Dogs) Act 2008* and
- *Animal Care and Protection Act 2001.*

Animal welfare standards and guidelines for breeding dogs were introduced by the Queensland Government on 1 October 2018.

Council requested advice and from the State Government via the Office of the Chief Biosecurity Officer and Deputy Director-General of the Department of Agriculture and Fisheries by letter 22 February 2021.

On 8 March 2021, a response letter was received from the Chief Biosecurity Officer/Deputy Director-General on the matters raised (refer **Attachment 5**). The State Government confirmed animal welfare was a state jurisdiction and reaffirmed their commitment to providing legislation and standards that protect the welfare of all animals in Queensland, including dogs used for breeding, and meet the expectations of the community.

The Department of Agriculture and Fisheries response letter states that the *Animal Care and Protection Act 2001* affords high levels of care and protection to all animals in Queensland, promotes the responsible care and use of animals, provides standards for the care and use of animals and protects animals from unjustifiable, unnecessary or unreasonable pain. The letter states the Department's position is that the current provisions of the *Animal Care and Protection Act 2001* and the *Animal Management (Cats and Dogs) Act 2008* are adequate and appropriate to ensure responsible dog breeding in Queensland and that there is no justification to amend current laws or to introduce additional state-wide laws.

Legal

In relation to this development application, there are currently no legal implications relevant to this report but noting Council's decision on the application can be appealed to the Planning and Environment Court by either the applicant or a properly made submitter. Council will proceed with any required actions resulting from any legal action.

Policy

The applications have been assessed against the Sunshine Coast Planning Scheme 2014 and regard has been given to all relevant Council policies.

Risk

These matters can be appealed to the Planning and Environment Court by the applicant or submitters. Council will proceed with any required actions resulting from any legal action.

Previous Council Resolution

There is no previous Council resolution which is applicable to this application.

Related Documentation

A copy of the officer's full and detailed assessment report is included as **Attachment 1** to this report. The detailed assessment report contains all the specific assessment details under the Planning Scheme considered in Council's assessment of this application.

The following have also been provided as attachments

- **Attachment 2** - State Government Concurrency Agency Response
- **Attachment 3** - RSPCA Third Party Advice Response
- **Attachment 4** - Seqwater Third Party Advice Response
- **Attachment 5** - Department of Agriculture and Fisheries (DAF) Response
- **Attachment 6** - Council's External Acoustic Specialist Review, prepared by MWA Environmental
- **Attachment 7** - Proposal Plans

Critical Dates

There are no critical dates relevant to this report.

Implementation

Council officers will communicate the outcome of Council's resolutions to the applicant and submitters as appropriate.

Due to the volume of submissions and issues related to the recovery of the blocked emails, Council requested relief from the Planning and Environment Court in relation to Council's processing and assessment obligations of submissions under the *Planning Act 2016* and

Development Assessment Rules 2017 (Council Ref. APL20/0037). A 25 November 2020 Judgement (Court Ref. D170 of 2020) granted this relief, while providing additional requirements to notify Oscar's Law once a decision had been made for this application. The additional requirements include an order to publish a copy of the decision notice on Council's website, publishing a summary of the decision notice in a newspaper circulated generally in the local government area and by providing a copy to Oscar's Law.

8.2 SYSTEMATIC INSPECTION PROGRAM - REGULATED DOGS**File No:** D2021/829127**Author:** Coordinator Response Services
Customer Engagement & Planning Services Group**Attachments:** Att 1 - Mandatory conditions for a regulated dog141 [↓](#)

PURPOSE

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

EXECUTIVE SUMMARY

The Sunshine Coast Management Plan for Domestic Animal Management (Cats and Dogs) 2021 - 2030 outlines Council's commitment to creating a culture of responsible pet ownership through a range of initiatives with a core focus on ensuring our community is safe. The proactive management and monitoring of regulated dogs is an integral component of meeting our commitments.

Council undertakes investigations of dog attacks on an animal or person and may declare a dog to be a regulated dog in accordance with the Act to manage any ongoing safety concerns following the investigation. Once a dog is deemed a regulated dog, the animal owner must adhere to mandatory conditions (**Attachment 1 Mandatory conditions for a regulated dog**) which are designed to reduce the risk posed by the dog. To ensure the ongoing compliance with these mandatory conditions the Act allows Council to inspect the premises where the dog is kept and to address any breaches. This supports Council in maintaining a high standard of compliance, and safety with regards to the keeping of regulated dogs. The program requires approval by Council resolution.

The approval of the systematic inspection program provides authorised persons the power to enter private premises to undertake the inspections of the mandatory conditions. It is proposed that the annual systematic inspection program be undertaken by Council's Response Services Team commencing on 1 November 2021 and concluding on 31 October 2022. The program will apply to all one hundred and two (102) regulated dogs that are currently listed on Council's Regulated Dog Register.

The cost to undertake this program is estimated to be approximately \$39,678 which will be fully funded via the registration fees collected from the regulated dog owners.

OFFICER RECOMMENDATION**That Council:**

- (a) receive and note the report titled "Systematic Inspection Program - Regulated Dogs" and
- (b) approve the following systematic inspection program for the Sunshine Coast Council area in accordance with the *Animal Management (Cats and Dogs) Act 2008, section 113 (Approval of an inspection program authorising entry)*:
 - (i) compliance audit of the premises within the region where Council's Regulated Dog Register indicates a regulated dog is being kept to occur from 1 November 2021 to 31 October 2022.

FINANCE AND RESOURCING

As at 30 August 2021, Council has one hundred and two (102) regulated dogs listed in its Regulated Dog Register which will require an inspection under the systematic inspection program.

Fees and Charges

The registration fees for regulated dogs as at 1 October 2021 are as follows:

Table 1 – Regulated dogs registration fees 2021/22

Fees description	Fee	No. dogs	Total fees
Regulated Dangerous Dog	\$505	63	\$31,815
Regulated Menacing Dog (undesexed)	\$505	12	\$6,060
Regulated Menacing Dog (desexed)	\$386 [^]	27	\$10,422
Total			\$48,297

[^]The Act requires Council to provide an incentive for desexing animals. Dangerous dogs are required to be desexed under the mandatory conditions, however this option is for menacing dogs.

Based on current numbers Council will collect \$48,297 in registration fees from regulated dogs for 2021/22.

The registration fee is a cost-recovery fee and they are calculated to cover the full costs associated with registering a regulated dog including:

Table 2 - Cost recovery fee breakdown

Description of activity	Calculated cost
Administrative processing related to registering a regulated dog	\$ 102
Registration tag	\$ 2
Regulated dog collar	¹ \$ 10
Regulated dog sign	² \$ 2
Systematic inspection program – regulated dogs	³ \$ 389
Total cost	\$ 505

¹ Based on a review of the previous inspection programs, a replacement collar is required in approximately 23% of inspections.

² Based on a review of the previous inspection programs, a replacement sign is required in approximately 7% of inspections.

³ Please refer to Table 3 for a breakdown of the costs associated with this activity.

Estimated cost of the systematic inspection program

The cost of conducting this program is approximately \$39,678. This will be fully funded by the revenue generated through the collection of registration fees from regulated dog owners. The balance of the cost-recovery fees (\$8,619) collected for registration contributes to the cost of managing the yearly registration administrative process for regulated dogs, as outlined in Table 2 – Cost recovery fee breakdown.

Table 3 – Estimated cost per inspection

Description of activity	Estimated time	Estimated cost
Administration including - booking appointments, updating systems, generating letters or notices, issuing infringements (1 Officer)	30 min	\$56.27
Conducting initial inspection including travel time to locations (based on current registered locations of regulated dogs) (2 Officers)	180 min	\$302.70
Follow-up inspection, including travel (required where areas of non-compliance are identified) * (2 Officers)	18 min	\$30.27*
Average cost per dog*	228 min	\$389.24

*Note: a follow-up inspection or further investigation is required approximately 10% of the time, based on previous program outcomes.

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

Consultation has been undertaken with Councillor C Dickson and Councillor W Johnston as the Portfolio Councillors for Service Excellence.

Internal Consultation

Consultation has been undertaken with the following key internal stakeholders:

- Group Executive Customer Engagement and Planning Services
- Manager Customer Response
- Management Accountant Financial Services

External Consultation

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

Community Engagement

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

PROPOSAL

The Sunshine Coast Management Plan for Domestic Animal Management (Cats and Dogs) 2021 - 2030 outlines Council's commitment to creating a culture of responsible pet ownership through a range of initiatives with a core focus on ensuring our community is safe. The proactive management and monitoring of regulated dogs is an integral component of meeting our commitments.

The Act was introduced in 2009 outlining the responsibilities for the declaration and effective management of regulated dogs in their local government area. Council accepted this responsibility by appointing authorised persons (officers) to investigate, monitor and enforce compliance with the Act. These officers investigate complaints that may lead to a dog being declared as dangerous, menacing, or restricted (i.e. a regulated dog).

Once a dog is declared a regulated dog, the animal owner must adhere to mandatory conditions as outlined in the Act (**Attachment 1 Mandatory conditions for a regulated dog**). To ensure compliance with these conditions, authorised persons conduct an initial inspection at the premises where the animal is normally kept and work with the animal owner to ensure all the conditions are met. These conditions are designed to reduce the risk created by keeping the dog in the community and include:

- enforced desexing (for dangerous dogs)
- identification tag and microchipping
- a prescribed collar (as defined under the Local Law)
- muzzling (for dangerous dogs)
- enclosure requirements
- signage at the entry to properties
- keeping Council informed of any change of address and
- not selling or transferring the dog to another owner without proper notification.

The systematic inspection program allows Council to proactively monitor adherence with these conditions on an ongoing basis. Without a systematic inspection program Council has no way of confirming if a regulated dog is being kept in accordance with the conditions imposed under the Act unless a complaint is received.

To conduct a systematic inspection program for regulated dogs, Council must approve by resolution as outlined in the Act, *section 113 (Approval of inspection program authorising entry)*. The systematic inspection program provides authorised persons with the power to enter private premises to check for continued compliance by the dog owner with the mandatory conditions for keeping a regulated dog.

Proposed Systematic Inspection Program

It is proposed that the systematic inspection program will be undertaken by the Response Services officers as authorised persons under the Act, commencing on 1 November 2021 and concluding on 31 October 2022. Officers will undertake inspections of the relevant properties on the anniversary date of the dog being declared.

This approach allows inspections to be spread across the year, with less impact to the ongoing service provided by the authorised persons in relation to animal management. This approach will also allow officers to focus on building relationships with regulated dog owners to assist them in ensuring their dogs are kept according to the mandated conditions.

Council's Regulated Dog Register indicates one hundred and two (102) regulated dogs which require an annual inspection. The cost to undertake this program is estimated to be approximately \$39,678 which is funded via the registration fees collected from the regulated dog owners.

Previous Systematic Inspection Program

The previous systematic inspection program identified 96 regulated dogs and was approved to be undertaken from 1 November 2020 to 31 October 2021. Undertaking the program over 12 months has allowed the program to be better accommodated within business operations due to the staggered approach and extended timeframe. As at 30 August 2021 80 audits have been completed with:

- 53 animal owners compliant with the conditions for keeping a regulated dog (77%)
- 12 animal owners issued with a compliance notice for failing to meet conditions for keeping a regulated dog (18%) resulting in:
 - 1 dog being surrendered to Council as the owner could not comply with the conditions
 - 1 animal owner being issued an infringement (\$667) for failing to meet the conditions for keeping a regulated dog
- Four (4) dogs were found to be deceased, having passed away since the last inspection
- Six (6) dogs were found to have been relocated since the last inspection
- Five (5) dogs were unable to be located as owners had relocated without advising Council and inability to contact the animal owner.
- Sixteen (16) regulated dogs require an inspection over September and October 2021 which falls within the current inspection program.

Owners of regulated dogs are required to notify Council of their relocation within 7 days of moving. When a dog is unable to be located at the time of the inspection, the officers use all the available information and attempt to locate the dog's new address so that the dog can be reported to the relevant local government or an inspection can be undertaken if it still resides in the Sunshine Coast Council Local Government Area. Once the investigation is complete the dog is reported as missing on the Queensland State Register for Regulated Dogs and on Council's system. This allows the relevant Council to take appropriate enforcement action should the dog be found in the future.

In cases where officers identify a dog has relocated to another Local Government Area the officers seek confirmation that the dog has been properly registered with the Local Government. If evidence is not provided the officer reports the information to the Local Government, in accordance with the *Information Privacy Act 2009*, to allow them to take the appropriate enforcement action.

Comparative compliance

Financial Year	Inspections	Compliant		Compliance action identified		Audit not required**	
		Count	Percentage	Count	Percentage	Count	Percentage
2018 / 2019	95	84	88 %	6	6.32 %	5	5.68 %
2019 / 2020	85	64	75 %	12	14 %	9	11 %
2020 / 2021*	80	53	77 %	12	18 %	15	5 %

* Inspections from 1 November 2020 – 30 August 2021

** A regulated dog audit is not required where a regulated dog has either been identified as having moved to another Council, a veterinary certificate advising the dog is deceased or the dog cannot be located as the owner has relocated without providing a new address or contact information

Over the past three years Council has issued infringements to less than 1.5 % of dog owners in relation to non-compliance with mandatory conditions due to the high level of cooperation and compliance shown by the dog owners.

Legal

Council is authorised to declare and manage regulated dogs under the Act. A dog may be declared dangerous, menacing, or restricted and the dog owner must then comply with the mandatory conditions set out in the Act (refer to Attachment 1).

The purpose of Chapter 4 of the Act which manages regulated dogs is to:

- protect the community from damage or injury, or risk of damage or injury, from particular types of dogs called 'regulated dogs'; and
- ensure the dogs are:
 - not a risk to community health or safety; and
 - controlled and kept in a way consistent with community expectations and the rights of individuals.

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

An approved inspection program must state the following:

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

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

Due to the potential risk for regulated dogs not being kept in accordance with the mandatory conditions of the declaration, the Act provides considerable powers to authorised persons to require compliance. Where an animal owner has failed to comply with the mandatory conditions for keeping a regulated dog, Council may in accordance with the Act and Compliance and Enforcement Policy 2018:

- issue an on-the-spot fine under the Act (\$1,027)
- issue a compliance notice outlining the mandatory conditions which require attention
- where an officer deems the dog may be a risk to the community, they may seize a regulated dog (the Act, *section 125*)
- where an officer reasonably believes the dog is dangerous and the person cannot control it, they may seize the regulated dog and issue a destruction notice (the Act, *section 127*)
- undertake further legal action such as prosecution through the Magistrates Court. The maximum penalty for failure to comply with conditions for keeping a regulated dog is 75 penalty units (\$10,275).

Policy

Council's Compliance and Enforcement Policy 2018 identifies how Council is to meet its statutory obligations and exercise its compliance and enforcement actions. Officers will use the Compliance and Enforcement Policy 2018 in conjunction with the Act in assessing the most appropriate enforcement action to address areas which require further action.

Risk

An approved systematic inspection program allows Council to proactively monitor and ensure animal owners are adhering to the conditions for keeping a regulated dog. These conditions are in place to reduce the risk posed by these animals. Alternatively, Council must wait until a community member reports an incident where the owner of a regulated dog has failed to meet conditions, exposing the community to unnecessary risk.

Current regulated dogs have been declared for the following reasons:

- Attacks on an animal – 56 (55% of all regulated dogs)
- Attacks on a person – 46 (45% of all regulated dogs)

Based on historical information, approximately 12% of regulated dogs re-offend once declared. These breaches range from escaping their enclosures with no incidents to attacks on other animals or people.

Previous Council Resolution

Ordinary Meeting 17 September 2020 (OM20/99)

That Council:

- (a) receive and note the report titled “**Systematic Inspection Program - Regulated Dogs**” and*
- (b) approve the following systematic inspection program for the Sunshine Coast Council area in accordance with the Animal Management (Cats and Dogs) Act 2008, section 113 (Approval of an inspection program authorising entry):*
 - (i) compliance audit of the premises within the region where Council’s Regulated Dog Register indicates a regulated dog is being kept to occur from 1 November 2020 to 31 October 2021.*

Related Documentation

- *Animal Management (Cats and Dogs) Act 2008*
- *Animal Management (Cats and Dogs) Regulation 2019*
- *Compliance and Enforcement Policy 2018*

Critical Dates

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

The systematic inspection program is proposed to commence 1 November 2021. Therefore, 18 October 2021 is the last date that an advertisement can be placed in the local newspaper advising of Council’s intent to undertake the systematic inspection program.

The program must not exceed dates outlined in the recommendation.

Implementation

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

15 October 2021 to 1 November 2021

Upon Council endorsement, it is intended that an advertisement will be placed in a newspaper and Council’s website between 15 October 2021 and 1 November 2021, in accordance with the Act.

1 November 2021 to 31 October 2022

Council's authorised persons will commence the approved systematic inspection program on 1 November 2021. Inspections will be undertaken on the anniversary date of the regulation of the dog. Properties will be identified from the Regulated Dog Register and will be inspected for compliance with the mandatory conditions for keeping a regulated dog. Inspections will be undertaken unannounced on weekdays in daylight hours in accordance with the Act.

Where a breach of the mandatory conditions is identified, officers will determine the appropriate action in accordance with the Act and Compliance and Enforcement Policy 2018. These actions may include:

- issue an on-the-spot fine (\$1,027)
- issue of a compliance notice outlining the mandatory conditions which require attention
- where an officer deems the dog may be a risk to the community, they may seize a regulated dog (the Act, *section 125*)
- where an officer reasonably believes the dog is dangerous and the person cannot control it, they may seize the regulated dog and issue a destruction notice (the Act, *section 127*)
- undertake further legal action such as prosecution through the Magistrates Court. The maximum penalty for failure to comply with conditions for keeping a regulated dog is 75 penalty units (\$10,275).

8.3 DISPOSAL OF PROPERTY - MOOLOOLABA

File No: D2021/891669
Author: Principal Property Officer
Office of the CEO

PURPOSE

The purpose of this report is to seek an exception from Council in accordance with the *Local Government Regulation 2012* from the tender or auction process. The purpose of which is to facilitate the sale of part of Council owned land at 52 Amarina Avenue, Mooloolaba, (proposed Lot 900 on SP318724) to Unitywater.

EXECUTIVE SUMMARY

Council owns in freehold a 707m² parcel of land at 52 Amarina Avenue, Mooloolaba (Lot 142 on RP138548). The property is zoned Community Facilities (Figure 1 – location of Subject Property).

Approximately 63m² of the land in the front western corner of the property houses significant Unitywater infrastructure in the form of a sewage pump station (Figure 2 – Unitywater Infrastructure on Site).

It would appear that the Unitywater infrastructure on this property was overlooked as part of the Asset Transfer Scheme between Unitywater and Council in 2010. Further, there is no easement in place in favour of Unitywater relating to this infrastructure. Council currently has the responsibility to maintain the entire 707m² parcel of land.

In the interests of ensuring that Unitywater's infrastructure is located wholly within their ownership, Council officers recommend that this 63m² portion of the land be transferred to Unitywater.

Unitywater are in favour of this this portion of the land being transferred into Unitywater ownership, given that the area houses significant infrastructure.

Section 236 of the *Local Government Regulation 2012* provides that a disposal, other than by tender or auction, may occur if an exception applies. Section 236(1)(b)(i) provides for an exception if the disposal is to a government agency, in this instance, Northern SEQ Distributor-Retailer Authority (Unitywater). Section 236(2) provides that a Local Government must decide by resolution that an exception applies. Section 236(3) stipulates that the disposal of land or an interest must be disposed of for a consideration equal to, or more than, the market value. However, subsection (3) does not apply if the land or interest in land is disposed of to a government entity, Unitywater in this case.

A draft survey plan has been prepared which shows the 63m² portion of land housing the Unitywater infrastructure (Figure 3 - Draft Survey Plan). Considering the 63m² portion of land which is burdened by Unitywater's infrastructure is of no use to Council, Unitywater has requested that it be transferred in freehold for \$1.00 consideration.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Disposal of Property - Mooloolaba ”
- (b) resolve, pursuant to section 236(2) of the *Local Government Regulation 2012*, that an exception to dispose of an interest in land described as proposed Lot 900 SP318724, other than by tender or auction applies, as the disposal is pursuant to section 236(1)(b)(i) to a government agency and
- (c) note that Northern SEQ Distributor-Retailer Authority is a government agency.

FINANCE AND RESOURCING

Costs associated with facilitating the disposal are expected to be approximately \$3,000 including GST and are to be met by the Council. These costs include the preparation of the survey plan and registration fees which are payable to the Titles Office to register the dealing.

CORPORATE PLAN

Corporate Plan Goal: *Our service excellence*
Outcome: We serve our community by providing this great service
Operational Activity: S21 - Property management – comprehensive management of Council's land and building assets to ensure that Council's property dealings are optimised, centrally managed, and support Councils objectives.

CONSULTATION

Councillor Consultation

- Division 4 – Councillor J Natoli

Internal Consultation

- Solicitor, Legal Services
- Director, Major Projects and Strategic Property

External Consultation

Extensive consultation has occurred between Council and Unitywater in regard to this report.

Community Engagement

Due to the administrative nature of this report, no community engagement has been undertaken.

PROPOSAL

52 Amarina Avenue, Mooloolaba (Lot 142 on RP138548) is a 707m² freehold parcel of land (Figure 1. Location of Subject Property). Approximately 63m² of the land houses significant Unitywater infrastructure in the form of a sewage pump station.



Figure 1 – Location of Subject Property

The above-mentioned sewage pump station is located within the western corner of the subject property. Further, there is no easement in place in favour of Unitywater relating to this infrastructure. Council currently has the responsibility to maintain the entire 707m² parcel of land. Unitywater maintain the sewage infrastructure.

In the interests of ensuring that Unitywater's infrastructure is located wholly within their ownership, Council officers recommend that this 63m² portion of the land be transferred to Unitywater. Unitywater are in favour of this this portion of the land being transferred into their ownership, given that the area houses significant infrastructure. Considering the 63m² portion of land which is burdened by Unitywater's infrastructure is of no use to Council, Unitywater has requested that it be transferred in freehold for \$1.00 consideration.



Figure 2 – Unitywater Infrastructure on Site

If Council resolves to dispose of this portion of land Council will be left with an unencumbered 644m² site, in accordance with the draft survey plan depicted in Figure 3 – Draft Survey Plan.

Section 236 of the *Local Government Regulation 2012* provides that a disposal, other than by tender or auction, may occur if an exception applies. Section 236(1)(b)(i) provides for an exception if the disposal is to a government agency, in this instance, Northern SEQ Distributor-Retailer Authority (Unitywater). Section 236(2) provides that a Local Government must decide by resolution that an exception applies. Section 236(3) stipulates that the disposal of land or an interest must be disposed of for a consideration equal to, or more than, the market value. However, subsection (3) does not apply if the land or interest in land is disposed of to a government entity, Unitywater in this case.

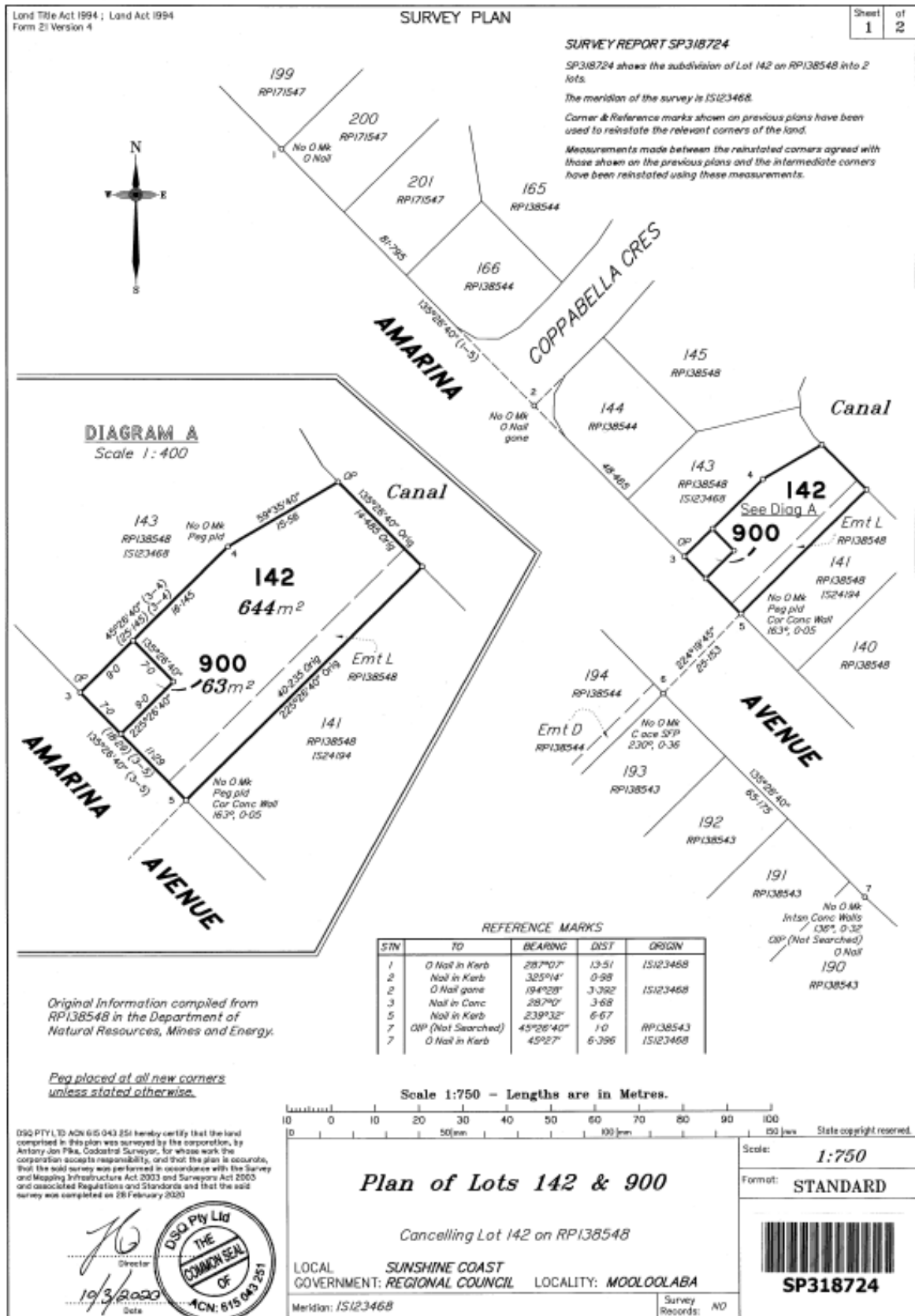


Figure 3 – Draft Survey Plan

Legal

Legal Services have been consulted in relation to this report and no issues have been identified.

Policy

This report has been prepared in accordance with Council's Procurement Policy relating to the disposal of Council assets.

Risk

There are no risks relevant to this report.

Previous Council Resolution**Ordinary Meeting 30 January 2020 (OM20/26)**

That Council:

- (a) *delegate authority to the Chief Executive Officer to dispose of the properties as discussed in the confidential session in accordance with Local Government Regulation 2012 and*
- (b) *resolve in accordance with Section 236(2) of Local Government Regulation 2012 that the exception under Section 236(1)(a) of the Regulation applies to the sale of the properties discussed in the confidential session.*

Related Documentation

There is no related documentation relevant to this report.

Critical Dates

There are no critical dates in relation to this report.

Implementation

If Council resolves that an exception under Section 236(2) of the *Local Government Regulation 2012* applies, the Strategic Property team will finalise the disposal.

8.4 SEPTEMBER 2021 FINANCIAL PERFORMANCE REPORT**File No:** D2021/829131**Author:** Coordinator Financial Services
Business Performance Group**Attachments:** Att 1 - September Financial Performance Report155 [↓](#)**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 30 September 2021 in terms of the operating result and delivery of the capital program.

Operating Performance**Table 1: Operating Budget as at 30 September 2021**

	Original Budget \$000	Current Budget \$000
Total Operating Revenue	498,433	498,628
Total Operating Expenses	479,602	484,168
Operating Result	18,832	14,460

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

OFFICER RECOMMENDATION

That Council receive and note the report titled "September 2021 Financial Performance Report".

FINANCE AND RESOURCING

This report sets out the details of Council's financial performance and investments for the month ending 30 September 2021 and meets Council's legislative reporting requirements.

CORPORATE PLAN**Corporate Plan Goal:** *Our outstanding organisation*

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

Portfolio 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 2021/22 Investment Policy and
Sunshine Coast Council's 2021/22 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 16 September 2021 (OM21/87)

That Council:

- receive and note the report titled "**Budget Review 1 2021/22**"*
- adopt Appendix A as tabled, pursuant to sections 169 and 170 of the Local Government Regulation 2012, Council's amended budget for 2021/22 financial year incorporating:*
 - the statement of income and expenditure*
 - the statement of financial position*
 - the statements of changes in equity*
 - the statement of cash flow*
 - the relevant measures of financial sustainability*
 - the long term financial forecast*
 - the Debt Policy*
- note the following documentation applies as adopted 24 June 2021*

- (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 Revenue Statement and*
 - (iv) *the rates and charges to be levied for the 2021/22 financial year and other matters as adopted 24 June 2021 and*
- (d) *endorse the Minor Capital Works Program (Appendix B).*

Special Meeting Budget 24 June 2021 (SM21/3)

That Council adopt Appendix A as tabled, pursuant to sections 169 and 170 of the Local Government Regulation 2012, Council's budget for 2021/22 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 (adopted by Council resolution on 27 May 2021)*
- viii. the Revenue Policy (adopted by Council resolution on 27 May 2021)*
- ix. 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*
- x. the Revenue Statement*
- xi. Council's 2021/22 Capital Works Program, endorse the indicative four-year program for the period 2023 to 2026, and note the five-year program for the period 2027 to 2031*
- xii. the rates and charges to be levied for the 2021/22 financial year and other matters as detailed below in clauses 3 to 12*
- xiii. endorse the 2021/22 Minor Capital Works Program*
- xiv. establish a \$5 million internally restricted Disaster Rehabilitation Reserve.*

Related Documentation

2021/22 Adopted Budget

Critical Dates

There are no critical dates for this report.

Implementation

There are no implementation details to include in this report.

8.5 AUDIT COMMITTEE MEETING 6 SEPTEMBER 2021**File No:** D2021/891435**Author:** Manager Audit and Assurance
Office of the CEO**Appendices:** App A - Audit Committee Minutes 6 September 2021163 [↓](#)

PURPOSE

To provide Council with information on matters reviewed at the Audit Committee Meeting held on the 6 September 2021 (*Section 211 Local Government Regulation 2012*) and make recommendation to Council on any matters that the Audit Committee considers need action or improvement (*Section 105 of the Local Government Act 2009*).

EXECUTIVE SUMMARY

The Audit Committee is a mandatory Advisory Committee of Council established in accordance with Section 105 of the *Local Government Act 2009*. The Committee is comprised of Mitchell Petrie (External Chair), Pat McCallum (External Member), Councillor J Natoli and Councillor E Hungerford.

The Audit Committee agenda was distributed electronically to all Councillors on 30 August 2021 with agenda reports categorised as Office of the CEO, External Audit, Audit and Assurance, and Governance Reporting.

OFFICER RECOMMENDATION**That Council:**

- (a) receive and note the report titled “Audit Committee Meeting 6 September 2021” and
- (b) endorse the Audit Committee Minutes 6 September 2021 (Appendix A).

FINANCE AND RESOURCING

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

CORPORATE PLAN**Corporate Plan Goal:** *Our outstanding organisation***Outcome:** We serve our community by providing this great service**Operational Activity:** S30 - Governance – providing internal leadership, legal opinion, governance and audit functions ensuring legislative accountability, transparency and ethical obligations are supported.**CONSULTATION****Councillor Consultation**

Councillor members of Audit Committee were present at Audit Committee meeting when Minutes were confirmed.

Internal Consultation

- Acting Chief Executive Officer, Group Executives and Chief Strategy Officer were present at Audit Committee meeting when Minutes were confirmed.
- Coordinator Financial Accounting
- Manager Corporate Governance
- Head of People and Culture
- Acting Manager Asset Management
- Information Technology Manager.

External Consultation

External members of the Audit Committee were present at Audit Committee meeting when Minutes were confirmed.

PROPOSAL

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

The Committee is comprised of Mitchell Petrie (External Chair), Pat McCallum (External Member), Councillor J Natoli and Councillor E Hungerford. The overall objective of the Audit Committee is to assist the Council and the Chief Executive to discharge their duties, in particular:

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

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

The matters reviewed at the 6 September 2021 Audit Committee Meeting are recorded per agenda sequence below:

4.1 Office of the CEO

4.1.1 Chief Executive Officer's Update

The Acting Chief Executive Officer provided an organisational performance update to the Audit Committee for the period since May 2021 meeting. The report covers financial performance, operational plan activity and includes significant project achievements.

4.1.2 Cyber Security Program Update

The Cyber Security Program Update was provided noting that significant improvements have been made to cyber security controls over the course of the last two years. This is a result of Council investing in a Cyber Security Program to help improve security awareness, maturity levels and mitigate risks.

The Audit Committee requested future reporting around cyber incidents and risks.

4.1.3 Asset Management Update

The purpose of this report was to provide a progress report on the implementation of the Confirm Asset Information System. It was noted that Phase 3 of the project had been delivered successfully.

A review of Council's asset management system is being finalised with a report to be presented to the January 2022 Audit Committee Meeting.

4.2 External Audit

4.2.1 Draft 2020/21 Financial Statements

Council has a statutory obligation to prepare general purpose financial statements on an annual basis, culminating in audit certification in late October, before publication in Council's Annual Report.

4.3 Audit and Assurance

4.3.1 Solar Farm Energy Management – Revenue and Consumption Control Framework

The financial and contract management activities associated with the supply of electricity to Council sites and electricity generated by the solar farm were found to be sound.

4.3.2 Conflicts of Interest – Management of Staff Declarations

The management of conflicts of interests relating to staff declarations was found to be sound when measured against the Crime and Corruption Commission's points of best practice.

4.3.3 Audit and Assurance Status Report

As at September, the 2020/21 Internal Audit Work Plan has been completed except for the planned Quarry Operations review which was deferred at the request of Management.

The Audit Committee requested that the Quarry Operations review be considered in future audit planning.

4.4 Governance Reporting

4.4.1 Workplace Health and Safety

The reporting period, 1 April 2021 to 30 June 2021, has seen the continuation of COVID-19 controls implementation. There have been no cases of COVID-19 reported by Council employees. Ongoing consultation has occurred to ensure safety controls remain relevant.

WHSQ Notifiable Incidents

There were 2 notifiable incidents within the reporting period, both occurring on Principal Contractor Sites:

1. A contractor compressed their finger between two pieces of timber and was taken to hospital resulting in medical treatment.
2. A contractor haulage truck delivering gravel lost stability and collapsed onto its side. No injuries as a result.

Safety Performance

Injury and illnesses were declining at the start of the reporting period however rose in the month of June. June 2021 demonstrates the lowest number of high potential risk consequences over the last 12 months. A 95% decrease has been achieved since March 2021 in closing out overdue actions.

The Head of People and Culture provided an update on a range of recent initiatives including contractor safety management.

The Audit Committee commended the reports noting the various enhancements and analysis provided.

4.4.2 Governance and Risk Report

As Council progresses through the uncertainties presented from the ongoing COVID19 pandemic, opportunities to maintain sustainability, achieve accountability, transparency, responsiveness, and inclusiveness in decision making and Council's overall approaches to organisational governance and risk management have been pursued. Implementation of several awareness strategies and mitigation techniques have allowed Council to continue to achieve positive results across the broad spectrum of activities delivered.

The Governance in Action Program assists this approach by building employee awareness on the importance of good governance processes and practices. There has been a steady rise in the number of requests to the Branch for further information and training on a variety of topics due to an increase in concern and a willingness to manage identified risks within tolerance range. These requests highlight an alert organisation that is willing to ensure safe and appropriate processes and practices are followed.

Strategic and operational risks continue to be monitored and managed. The recent review of Council's operational risk registers has highlighted an increase in understanding and awareness of risk knowledge across the organisation.

Complaint matters elevated to the Corporate Governance Branch continue to be actioned and analysed to assess the cause of each complaint and to identify systemic concerns and relevant management action.

The Audit Committee noted the work being done around strategic risks and requested that revised strategic risks be presented to the January 2022 Audit Committee.

Legal

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

Risk

Specific risks have been detailed in the various agenda reports.

Previous Council Resolution**Ordinary Meeting 24 June 2021 (OM21/53)**

That Council:

- (a) *receive and note the report titled “Audit Committee Meeting 24 May 2021” and*
- (b) *endorse the Audit Committee Minutes 24 May 2021 (Appendix A) and the 2021 – 2022 Internal Audit Work Plan (Appendix B).*

Related Documentation

Audit Committee Agenda was distributed electronically to all Councillors on 30 August 2021.

Critical Dates

No critical dates in relation to this report.

Implementation

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

9 NOTIFIED MOTIONS**10 TABLING OF PETITIONS**

Petitions only eligible for submission if:

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

11 CONFIDENTIAL SESSION

12 NEXT MEETING

The next Ordinary Meeting will be held on 10 November 2021.

13 MEETING CLOSURE