

Agenda

Ordinary Meeting

Thursday, 19 September 2013

commencing at 9.00am

Council Chambers, 9 Pelican Street, Tewantin

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1 DECLARATION OF OPENING

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

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

That the Minutes of the following meetings be received and confirmed:

- Ordinary Meeting held on 22 August 2013
- Special Meeting held on 26 August 2013
- Special Meeting held on 2 September 2013

4 OBLIGATIONS OF COUNCILLORS**4.1 DECLARATION OF MATERIAL PERSONAL INTEREST ON ANY ITEM OF BUSINESS**

Pursuant to Section 172 of the *Local Government Act 2009*, a councillor who has a material personal interest in an issue to be considered at a meeting of the local government, or any of its committees must –

- (a) inform the meeting of the councillor's material personal interest in the matter; and
- (b) leave the meeting room (including any area set aside for the public), and stay out of the meeting room while the matter is being discussed and voted on.

4.2 DECLARATION OF CONFLICT OF INTEREST ON ANY ITEM OF BUSINESS

Pursuant to Section 173 of the *Local Government Act 2009*, a councillor who has a real or perceived conflict of interest in a matter to be considered at a meeting of the local government, or any of its committees must inform the meeting about the councillor's personal interest the matter and if the councillor participates in the meeting in relation to the matter, how the councillor intends to deal with the real or perceived conflict of interest.

5 MAYORAL MINUTE**6 PRESENTATIONS**

7 REPORTS DIRECT TO COUNCIL**7.1 REGIONAL STRATEGY AND PLANNING****7.1.1 KIN KIN - QUARRY - AMENDED QUARRY MANAGEMENT PLAN - HAUL ROUTE****File No:** 51987.2970 (TPC 1899)**Author:** Coordinator Planning Applications (North)
Regional Strategy & Planning Department**Attachments:** Att 1 - Letter from Minter Ellison Lawyers (on behalf of Nielsen Group) dated 16 July 201317

PURPOSE

In May 2013, council considered a report dealing with an updated Management Plan for the operators of the Kin Kin Quarry, the Neilsen Group.

The purpose of this report is to advise of the Neilsen Group's response to council's part approval of the amended Management Plan in May 2013 and to seek council's further review of the haul route aspect of the Management Plan, given the matter was previously decided by Council.

EXECUTIVE SUMMARY

At the Ordinary Meeting on 23 May 2013, council approved, in part, an Amended Quarry Management Plan for the Kin Kin Quarry subject to 8 further amendments. The current revision of the Plan was first considered for approval in July 2012 and the remaining amendments sought by council represented a substantial advance towards a working document for the quarry.

The quarry operator has agreed to all the amendments required by council, with the exception of changes to haul route wording, and proposes its own alternate wording. Council and the community have significant interest in the haul route and hold concerns over safety and maintenance issues associated with the use of alternate roads. Thus, the assessment of the haul route remains a vexed issue and, legally "clouded". Despite the intentions of both council and the applicant to clarify their positions on the haul route, the alternative wordings remain unclear. Notably, the Quarry Management Plan contains another section, the Traffic Management Plan, which adequately deals with the haul route. Council also has other statutory means to control the use of local roads should the quarry operator not comply with the haul route provisions or is otherwise causing unacceptable safety or maintenance concerns on its roads.

It is, therefore, recommended that the previously required amendment to the haul route be deleted and no further change be required or agreed to.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Kin Kin - Quarry - Amended Quarry Management Plan - Haul Route”
- (b) resolve to delete the amendment 14 previously required to section 2.7 and the Road Transport Protocol, given the Traffic Management Plan being the primary reference to the haul route with the Quarry Management Plan states:

“Haulage from Kin Kin Quarry is anticipated to be by a range of truck configurations. Product haulage will be along the existing quarry access road to Shepperson’s Lane thence to the Kin Kin – Pomona Road. From Pomona, the major road network or the Bruce Highway will be utilised, depending on the final destination of the product. Apart from Sheppersons Lane, all roads are sealed State Controlled Roads” and

- (c) set load limits and use restrictions on its local roads via section 6 of Local Law Number 4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011 should the quarry operations adversely impact on the safety and standard of local roads in the area.

FINANCE AND RESOURCING

No infrastructure charges would be triggered by the Amended Quarry Management Plan, as no additional development is to occur.

PROPOSAL

Minter Ellison Lawyers, on behalf of operators of the Kin Kin Quarry – the Neilsen Group, have provided correspondence dated 16 July 2013 in response to council’s resolution of May 2013 (copy included as Attachment 1.)

The correspondence reiterates the applicant’s previous position that council does not have the power to approve the Quarry Management Plan in part, or require that it be amended. However, the letter states the Neilsen Group has indicated it is prepared to accept all council’s required amendments to the Quarry Management Plan (8 in total), with the exception of haulage route item. The Neilsen Group, therefore, requests that council review its position on this matter.

Site Details**Background/Site History**

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



The quarry was first approved in July 1987 by the former Noosa Council, subject to 12 conditions. The approval was for 3 years and made provision for subsequent extensions of the approval by council. It was also subject to some roadwork requirements and included the requirement for a Management Plan to be lodged with council.

The applicant appealed council's decision, with the Local Government Court issuing a Court Order in May 1988 reducing the extent of roadworks required and giving an operating life of 30 years. In 1991, a Management Plan for Readymix was approved. In 2003, the term of the quarry was extended until 12 May 2033, subject to conditions, including the requirement for an updated Management Plan. In 2005, an updated Management Plan for the Neilsen Group was approved.

In September 2010, officers issued a Show Cause Notice to the operators, requesting that the conditions of the development approval be complied with. At the time, there was significant community concern over the operations of the quarry, and inspections indicated that the quarry was not being operated in accordance with the approved Neilsen Group Management Plan. The operators challenged council's Show Cause Notice and, due to the non-specificity of the 2005 Management Plan, council could not proceed further with this action.

Notwithstanding, in December 2011, an amended Management Plan was submitted by the quarry operator. The Plan provided a greater amount of detail to that contained in the previously approved management plan for the site, but sought to maintain a degree of flexibility in relation to the operation, recognising that quarry operations are an evolving process affected by the nature of the extracted resource and market demand for material.

At its Ordinary Meeting on 26 July 2012, council resolved to approve, in part, the amended Quarry Management Plan for the initial quarry development phase only and requested that a number of amendments be made to the Management Plan.

At its Ordinary Meeting on 23 May 2013 council considered further amendments to the Quarry Management Plan and resolved to approve the plan in part, subject to 8 amendments being made to the Management Plan.

ASSESSMENT

The Neilsen Group has requested a review of the amendments to the haulage route reference that council required to the Management Plan and Road Transport Protocol. Details of the assessment are provided below.

Amendment 14 states:

14. *Section 2.7 and the Road Transport Protocol must be revised to specify that the approved primary haul route is Pomona Kin Kin Road, with the local road network permitted only for local deliveries where a local road is the only access route to a delivery site. Use of local roads is not to occur as an alternative to Pomona Kin Kin Road for the purpose of shortening trip distances or convenience.*

Applicant's Requested Review

... We understand the Council's intention in relation to the proposed amendment. However, the wording of the proposed amendment leads to confusion and is, in our view, unenforceable.

The development approval does not restrict the haul routes for the Kin Kin Quarry and as the Court recently made clear, Neilsens is constrained only by the conditions of approval.

However, Neilsens confirms that the primary haul route will continue to be Pomona Kin Kin Road. However, Pomona Kin Kin Road is not suitable for all deliveries and local roads will need to be used for deliveries where that road does not give reasonably convenient access for particular deliveries.

Neilsens objective is to minimise use of the local road network, while ensuring efficient delivery of materials.

We therefore propose a more appropriate wording for your requested amendment as follows:

"Section 2.7 and the Road Transport Protocol be revised to specify that the primary haul route is Pomona Kin Kin Road, with the use of the local road network by Neilsens minimised so far as reasonably practicable."

Assessment

The haul route issue is of significant concern to the community. The main concern that council sought to address via Amendment 14 is that back roads, in particular, Dr Pages Road (which is unsealed and contains tight bends), will be used in preference to the State controlled Pomona-Kin Kin Road.

As previously reported, the development approval conditions do not stipulate a haul route but the conditions and the extension to the term of approval require an approved Management Plan to be in place for the quarry. In all previously approved Management Plans for the quarry, the primary access to the quarry has always been specified as being via the Pomona-Kin Kin Road.

Advice has been sought on this matter from council's solicitor who noted the following points:

- if the court were to consider the issue within the terms of the approval then it is doubtful the determination of a haul route for trucks is unreasonable or outside the expected range of considerations in approving the operation of a quarry
- 2 earlier Quarry Management Plans have been approved both which clearly envisage the primary haul route to be Pomona Kin Kin Road into Pomona and that at least seems to be clear cut. It is not an unreasonable requirement and
- it is not possible without further information as to the sorts of matters that might be raised by a quarry operator as giving rise to the need to deviate from the haul route to predict what the outcome of a legal challenge might be. However, a benefit of court action may be to clarify the matter, with the court being able to rule having heard the concerns of the council as well as the requirements of the operator (and the local residents). Indeed, that may be a preferable outcome to accepting the wording put forward by the applicant due to continuing uncertainty on this issue.

With regard to the changes to the haul route wording sought by either side, council's changes could, arguably, be seen to seek to further restrict access to roads beyond the current approval framework. Conversely, the applicant's wording is open to interpretation and, arguably, seeks to further relax restriction on use of local roads. Given the opposing positions of the parties, it appears unlikely that the matter can be resolved by further negotiation.

On balance, staff consider that the best resolution is to simply maintain the current wording of Section 2.7, being *"The primary haul route will be via the Pomona - Kin Kin Road"*, for the following reasons:

- both council's and the applicant's proposed wording are open to misinterpretation and vagaries that are likely to cause future disagreement
- the continuing wording of Section 3.9.2 "Traffic Management Plan" appears to be the primary reference to the haul route within the Quarry Management Plan and is further referenced in the Road Transport Protocol document. The Traffic Management Plan states:

"haulage from Kin Kin Quarry is anticipated to be by a range of truck configurations....Product haulage will be along the existing quarry access road to Sheppersons Lane then to the Kin Kin – Pomona Road and then along the Kin Kin – Pomona Road to Pomona. From Pomona the local road network or Bruce Highway will be utilised depending on the final destination of the product."

This wording is relatively clear in relation to the route and the use of local roads and appears to achieve council's aim

- use of council controlled local roads is not unrestricted and can be controlled via a the following:
 - council is able to set load limits and use restrictions on its local roads via section 6 of Local Law number 4 (Local Government Controlled areas, Facilities, Infrastructure and Roads) 2011. Provided there are reasonable grounds (such as safety or capacity issues), Subsection 3 gives the Council power to prohibit a specific type of vehicle in a specified motor vehicle access area

- under Subordinate Local Law Number 4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011, section 7 deals with prohibited vehicles and provides for a schedule whereby specific types of motor vehicles are to be declared prohibited vehicles and
- travel by restricted vehicles on a lawfully signed road (e.g. a 20t truck on a road with a 10t limit) is an offence under the traffic regulations.

Should the use of alternate routes be abused by the operator, council has these statutory control mechanisms available.

Legal

Advice has been previously sought from council's solicitor that indicates council is not lawfully able to impose any limits on the output of the quarry or impose additional requirements beyond those of any lawful planning approval. Legal advice from an external barrister concludes similarly, unless the additional requirements are agreed to by the operator.

Risk

If council does not support the Neilsen Group's requested review, the applicant may seek a declaration in the Planning and Environment Court. As the approval for the land use already exists, and the management plan is the outstanding element preventing accelerated commercial use of the quarry, the applicant could seek the assistance of the court in resolving this issue.

Previous Council Resolutions

Ordinary Meeting - 31 January 2012 (Council Resolution OM12/08)

(PSC) ITEM 4.2.2 SHEPPERSONS LANE CONSTRUCTION

That Council:

- (a) *receive and note the report titled "Sheppersons Lane Construction"; and*
- (b) *request the Chief Executive Officer to notify Neilsen's of Council's conditional acceptance of their offer subject to:*
 - (i) *Council approving the forthcoming revised quarry management plan;*
 - (ii) *confirmation of the quarry operations commencement date;*
 - (iii) *Council's consideration and inclusion of the sum of \$500,000 as part of the 2012/2013 budget, as its contribution to the road upgrade project.*

Ordinary Meeting – 26 July 2012 (Council Resolution OM12/85)

ITEM 7.1.1 KIN KIN QUARRY – AMENDED QUARRY MANAGEMENT PLAN

That Council:

- (a) *receive and note the report titled 'Kin Kin Quarry Amended Management Plan';*
- (b) *approve in part the amended Kin Kin Quarry Management Plan at Appendix A prepared by Groundwork Plus and dated December 2011, for the initial quarry development phase only, subject to:*
 - (i) *the amendments in Appendix B where they address the initial development phase;*

- (ii) *including an erosion and sediment control management plan that ensures untreated water is not released from the detention basins into the downstream watercourse, in accordance with aspects of the current EPA development approval currently in place;*
- (iii) *Section 3.6.4 and Figure 3A shall be revised to be consistent in terms of benching levels. The initial development phase shall be in accordance with the footprint identified in Figure 3A. Figure 3A to be changed from "Conceptual Short Term Quarry Development Plan" to "Short Term Works Development Plan";*
- (iv) *the initial development phase to be limited to 7 years as identified in the amended Kin Kin Quarry Management Plan or by reaching the limits of extraction as outlined in Figure 3A or whichever is the sooner;*
- (c) *advise Neilsen's Quality Gravels Pty Ltd that the amended Kin Kin Quarry Management Plan must be updated to the reasonable satisfaction of Council before further quarrying stages commence, as storm water management is not adequately addressed for subsequent stages;*
- (d) *request the Chief Executive Officer to seek confirmation from the Department of Environment and Heritage Protection that they are prepared to enforce storm water management provisions that prevent overtopping of the Detention Basin, and other significant direct impacts on the Noosa River Catchment on the understanding that the Noosa River currently enjoys the highest health rating of any South East Queensland river system, is an integral feature of the Noosa Biosphere Reserve, as well as the Cooloola Section of the Great Sandy National Park.*

Ordinary Meeting – 23 May 2013 (Council Resolution OM13/80)

ITEM 7.1.1 KIN KIN QUARRY AMENDED QUARRY MANAGEMENT PLAN

That Council:

- (a) *receive and note the report titled 'Kin Kin Quarry - Amended Quarry Management Plan' and*
- (b) *approve the updated Kin Kin Quarry Management Plan at Appendix A, prepared by Groundwork Plus and dated February 2013, for the initial quarry development phase only, subject to the amendments contained in Appendix B and the following amendments:*
 - (i) *14. Section 2.7 and the Road Transport Protocol must be revised to specify that the approved primary haul route is Pomona Kin Kin Road, with the local road network permitted only for local deliveries where a local road is the only access route to a delivery site. Use of local roads is not to occur as an alternative to Pomona Kin Kin Road for the purpose of shortening trip distances or convenience; and*
 - (ii) *Section 3.6.8 shall be amended to state that detailed Erosion and Sediment Control plans are to be submitted prior to any works commencing in an area beyond those shown in Figure 3A - Short Term Quarry Extent.*
- (c) *delegate authority to the Chief Executive Officer to write to appropriate authorities within the Department of Environment & Heritage Protection requesting a stringent review of the ERA conditions imposed on the Kin Kin Quarry, particularly with respect to the retention dam, diversion drains, and release of contaminated water, on the understanding that*
 - (i) *over the past four years, since April 2009, according to Council's hydrologists, measured rainfall in the Kin Kin Catchment has resulted in 7 rainfall events that exceeded a 1-in-5 probability, thus the capacity of the sediment basins and stormwater management may need to be reviewed, and*

- (ii) *the Wahpunga Creek into which contaminated material will flow is a tributary of the Noosa River System, which resides in the Noosa Biosphere Reserve, flows into the Cooloola section of the Great Sandy National Park, and currently enjoys the highest Healthy Waterway Ecosystem Health Monitoring Program rating of any river in South East Queensland, and*
- (iii) *the proposed "bottom up" approach now recommended by the quarry operators does not appear to allow for staged rehabilitation as recommended in the DERM Breach of Approval Condition notice of 18 March 2010 (MCY1554) which stated, "current best practice demands that ... the work is staged to avoid the exposure of large areas of bare earth to potential entrainment of sediment due to rain impact." and further that*
- (d) *request the Chief Executive Officer write to the Minister for Transport indicating the need for the State to consider maintaining or bettering the condition of Pomona Kin Kin Road in association with the future operations of the Kin Kin Quarry.*

Ordinary Meeting – 23 May 2013 (Council Resolution OM13/81)

ITEM 7.1.1 KIN KIN QUARRY AMENDED QUARRY MANAGEMENT PLAN

That Council

- (a) *delegate authority to the Chief Executive Officer to write to appropriate authorities within the Department of Environment & Heritage Protection requesting a stringent review of the ERA conditions imposed on the Kin Kin Quarry, particularly with respect to the retention dam, diversion drains, and release of contaminated water, on the understanding that*
 - (i) *over the past four years, since April 2009, according to Council's hydrologists, measured rainfall in the Kin Kin Catchment has resulted in 7 rainfall events that exceeded a 1-in-5 probability, thus the capacity of the sediment basins and stormwater management may need to be reviewed, and*
 - (ii) *the Wahpunga Creek into which contaminated material will flow is a tributary of the Noosa River System, which resides in the Noosa Biosphere Reserve, flows into the Cooloola section of the Great Sandy National Park, and currently enjoys the highest Healthy Waterway Ecosystem Health Monitoring Program rating of any river in South East Queensland, and*
 - (iii) *the proposed "bottom up" approach now recommended by the quarry operators does not appear to allow for staged rehabilitation as recommended in the DERM Breach of Approval Condition notice of 18 March 2010 (MCY1554) which stated, "current best practice demands that ... the work is staged to avoid the exposure of large areas of bare earth to potential entrainment of sediment due to rain impact." and further that*
- (b) *request the Chief Executive Officer write to the Minister for Transport indicating the need for the State to consider maintaining or bettering the condition of Pomona Kin Kin Road in association with the future operations of the Kin Kin Quarry.*

Critical Dates

The developer is awaiting formal approval of the Management Plan by Council. There is no IDAS timeframe applicable to this. In its letter dated 16 July 2013 the applicant requests a response from council within 60 days whereafter it indicates it may seek a performance release (declaration) in the Planning and Environment Court.

The applicant has been advised that this report is to be considered at council's September Ordinary Meeting and has agreed to wait for the decision.

CONSULTATION

Internal

Advice has been sought from council's Solicitor, Civil Engineering Specialist and Compliance and Enforcement Support (Local Laws) Officer in relation to this matter.

CONCLUSION

The applicant's proposed alternate wording is not preferred and it is recommended the wording remain unchanged.

7.1.2 DEVELOPMENT APPLICATION FOR STORAGE YARD, SALES OR HIRE - 672 EUMUNDI NOOSA ROAD, DOONAN

File No: MCU12/0064

Authors: Planning Technical Officer
Regional Strategy & Planning Department
Coordinator Planning Applications (North)
Regional Strategy & Planning Department

Link to PD Online:

<http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/default.aspx?page=wrapper&key=1183455>

SUMMARY SHEET	
APPLICATION DETAILS	
Applicant:	Mr AJ Schutte, Mrs LD Schutte
Proposal	Development Permit for Material Change of Use of Premises (Storage Yard, Sales or Hire Yard)
Properly Made Date:	02/07/2012
Information Request Date:	27/07/2013
Information Response Received Date:	04/06/2013
Decision Due Date	19 September 2013
Number of Submissions	1 properly made & 1 not properly made
PROPERTY DETAILS	
Division:	9
Property Address:	672 Eumundi Noosa Road, Doonan
RP Description:	Lot 3 SP 213727
Land Area:	39,170m ²
Existing Use of Land:	Container storage business
STATUTORY DETAILS	
SEQRP Designation:	Regional Landscape and Rural Production
Planning Scheme	Maroochy Plan 2000 (24 October 2011)
Strategic Plan Designation:	Strategic Plan 6 – Conservation & Rural or Valued Habitat
Planning Area:	Northern Coastal Plains Planning Area
Planning Precinct:	General Rural Land
Assessment Type:	Impact

PURPOSE

The purpose of this report is to seek council's determination of an application for Development Permit for Material Change of Use of Premises (Storage Yard, Sales or Hire Yard) at 672 Eumundi Noosa Road, Doonan. The application is before council at the request of the divisional councillor.

EXECUTIVE SUMMARY

The application seeks approval for shipping container storage, sales and hire. The proposal is for 40 shipping containers to be onsite at any one time, with 35 containers semi-permanently fixed, to be used for self-storage, 5 containers for hire and a small container sales component. The container business is currently operating on a smaller scale with no relevant approvals in place.

The strategic plan and the local area provisions specifically identify the existing commercial uses between Beddington Road, Doonan, and the Maroochy Plan boundary and state:

“Commercial, industry, service industry or related uses are inconsistent with the desired character of this Planning Area. In particular, the further proliferation of development for such purposes along Noosa-Eumundi Road is not considered acceptable. The existing commercial and service industrial uses that exist on Noosa-Eumundi Road (between Beddington Road and the northern Shire boundary) provide sufficient scope for facilities to service the Planning Area and additional floorspace is unwarranted. No new additional premises, expansion of existing commercial and service industry premises are envisaged in this area.”

Urban purposes are considered to be contrary to the desired rural and natural character of this Planning Area, apart from appropriate community uses to serve surrounding residents.

While some of the proposal's impacts could be minimised, the use does impact on adjoining residents' amenity, is not a community use and does not provide an essential service to the surrounding residents. The use has no relationship with surrounding industrial/business uses and could be accommodated in an industrial business precinct.

The application has not demonstrated sufficient planning grounds to overcome the conflicts with the provisions clearly stated in the planning scheme. The application is, therefore, recommended for refusal.

OFFICER RECOMMENDATION

That Council REFUSE Application No. for a Development Permit for Material Change of Use of Premises (Storage Yard, Sales or Hire Yard) situated at 672 Eumundi Noosa Road, Doonan, for the following reasons:

- 1. the proposed industrial use conflicts with the Maroochy Plan's strategic vision and the local area provisions for this area, which specifically seek to prevent the proliferation of commercial/industrial uses along the Eumundi-Noosa Road**
- 2. the proposal is an expansion of the existing industrial uses and would further erode the amenity of nearby residents**
- 3. the proposal does not provide an essential service to the surrounding residents, is an urban use more suited to an industrial precinct and has no relationship to other commercial/industrial uses in the area and**
- 4. there are insufficient grounds to justify the proposal's conflict with the Maroochy Plan provisions.**

FINANCE AND RESOURCING

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

Council's Infrastructure Policy Branch has provided the following estimate of the infrastructure charges required by this development (which excludes infrastructure charges to Unitywater):

Allocation of adopted infrastructure charge to trunk infrastructure networks	Amount Payable
Transport	\$16,167
Public Parks & Land for Community Facilities	\$2,853
Stormwater (applicable to Non-Residential development)	\$15,060
TOTAL (March 2011 index)	\$34,080

PROPOSAL

The application seeks approval for 40 shipping containers, 35 being semi-permanently fixed for the self-storage of goods, 5 containers on-site at any one time for hire and a small container sales component. The containers are set back approximately 40m from the front boundary where native vegetation exists, 5.5m from the northern boundary and approximately 8m from the southern boundary. The gross floor area is proposed at 706m², consisting of 576m² for the shipping containers and 130m² for associated office and workshop areas. The total area associated with the use including vehicle manoeuvring area is 1,902m².

All shipping containers for self-storage and hire will be within a gated secure area, with the following operating hours proposed:

- Monday to Saturday 7am – 6pm
- Sunday 8am to 2pm

The sales component generally consists of viewing the containers on-site, with delivery arranged direct to the customer. The containers for sale will not be stored on-site.

SITE DETAILS

Background/Site History

This application is a result of a Show Cause Notice for an illegal business operation and works (filling) on-site. The shipping container business has been operating for approximately 3 years which, in this time, has seen the number of containers slowly increase to around 30 containers. The pad where the containers are stored has been substantially filled (approximately 1,500m³) with unknown material in an area severely affected in a 1 in 100 year ARI flood event. The applicant has identified the fill was sourced from the Viridian Noosa Heads site and the Bunnings Noosaville site, both of which were known to have contaminated material on-site during construction. Filling of the site was undertaken without an Operational Works permit.

Site Description

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



Surrounding Land Uses

Immediately adjoining the site to the south is a landscape supply yard, and further to the south are the Doonan Service Station, and the Doonan Rural Fire Service.

Immediately adjoining to the north, and for the length of the Eumundi- Noosa Service Road, are rural properties with 5 houses within 170m of the site. To the west is a turf farm and beyond is rural residential living.

Across Eumundi-Noosa Road is a small commercial centre, which includes the Tender Shed (silent auction shed), the Bunker (a timber supply premises), 2 mechanical repair businesses and a number of small cottage industries. Diagonally adjacent and along Fellowship Drive is a Reserve for Recreation and the House with No Steps.

All surrounding uses are within the General Rural Land precinct, except to the west, where the precinct is Sustainable Rural Residential.

ASSESSMENT

Framework for Assessment

Instruments for Statutory Assessment

Under the *Sustainable Planning Act 2009* the application must be assessed against each of the following statutory planning instruments to the extent they are relevant to the development:

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

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

Statutory Instruments – State and Other

State Planning Policies

The following State Planning Policies are applicable to this application:

- State Planning Policy 2/02 Planning and Managing Development Involving Acid Sulfate Soils and
- State Planning Policy 1/03 Mitigating the Adverse Impacts of Flood, Bushfire and Landslide.

Both these policies have been deemed by the Minister for Local Government and Planning as being appropriately reflected in council's planning scheme and, therefore, do not warrant a separate assessment.

South East Queensland Regional Plan

The site is located within the Regional Landscape and Rural Production area of the South East Queensland Regional Plan. The proposal is for urban use within the Regional Landscape and Rural Production area. The proposed development is not a rural based activity having no or limited relationship with the surrounding rural lands and does not further the Rural Futures' policy for rural industries.

State Planning Regulatory Provisions

The proposal complies with the SEQ Regional Plan Regulatory Provisions as the development has a gross floor area less than 750m² meeting the provisions of Table 2E Column 1.

Statutory Instruments – Planning Scheme

The applicable planning scheme for the application is Maroochy Plan 2000 (24 October 2011). The following sections relate to the provisions of the Planning Scheme.

Strategic Provisions

Two Strategic Plan Designations affect the site:

- the Preferred Dominant Land Uses Conservation and
- Rural or Valued Habitat.

The proposal is contrary to the Strategic Plan provisions, as the proposed use does not provide an essential service to the surrounding rural area and could be satisfactorily accommodated in the urban area. The proposal also significantly conflicts with the following strategic provisions specific to the Eumundi-Noosa Road. Section 4.4.1 Implementation (29) for Local Centres states:

“The expansion of the existing uses or the establishment of new uses along Eumundi-Noosa Road is not encouraged due to impacts upon the visual amenity, rural character, traffic function, the tourist experience and the established retail hierarchy in the Shire”.

“However, Council may give consideration to some commercial uses in the area between Beddington Road and the Shire boundary which provide a community focus, are designed to improve the Shire’s image in the gateway location, contribute to the rural character, provide a favourable tourist experience consistent with the rural character and do not degrade traffic function.”

The Strategic Plan allows for the consideration of commercial uses in this location for particular uses. However, the proposal is not a community focused activity, does not improve the area’s image, does not introduce a favourable tourist experience and does not positively add to the rural character of the area.

Local Area Provisions

The subject site is located in the Northern Coastal Plains Planning Area where the vision statement seeks to protect the natural and rural attributes of the area and provide a pleasant gateway to the area and a meaningful contrast to the urban areas. This vision indicates this will be achieved by *“measures which retain the rural and open space amenity and landscape of the Planning Area”*.

The precinct intent also states that:

“Development for urban purposes and any form of premises which have an urban character, style or form are considered to be contrary to the desired rural and natural character of this Planning Area.”

“Commercial, industry, service industry or related uses are inconsistent with the desired character of this Planning Area. In particular, the further proliferation of development for such purposes along Noosa-Eumundi Road is not considered acceptable. The existing commercial and service industrial uses that exist on Noosa-Eumundi Road (between Beddington Road and the northern Shire boundary) provide sufficient scope for facilities to service the Planning Area and additional floorspace is unwarranted. No new additional premises, expansion of existing commercial and service industry premises are envisaged in this area.”

The planning area provisions repeatedly identify that urban uses, industries, new development or the expansion of the existing commercial activities are not considered acceptable between Beddington Road and the northern Shire boundary.

The proposed use is considered an urban industrial use, which the planning scheme seeks to exclude from this area.

The applicant recognises that the planning scheme seeks to limit further expansion of the existing uses and provides the following grounds as reasons for support:

- *in this instance the proposed use is not a typical storage facility as shipping containers are used for the storage of goods, and the proposal services residents in the surrounding area;*
- *the property, despite being rural, enjoys none of the amenity benefits that would typically be a feature of so designated land. This has been caused by the planning authority allowing commercial and service industrial uses to occur on the adjoining land;*
- *the planning provisions with which the proposal is in conflict were written 10 years ago at a time when the land benefited from a more traditional rural character. In the 10 years since the scheme was drafted, non-rural uses have been developed and intensified around the land to such an extent that the land is more of a rural service node than it is a typical rural area... and the planning scheme is out of date;*
- *there is a clear need for the use, which is not satisfied in the locality... Many of the commercial and service industrial uses that have been established around the site have occurred as a result of the service needs and expectations of this rural living area;*
- *the design of the proposed sales / storage yard land use has been configured to ensure it has little visual impact on adjoining residences or when viewed from Eumundi Noosa Road; and*
- *the proposal will provide a transitional land use between the highly impacting landscape supplies yard immediately to the west and other rural areas to the east.*

The proposal does not provide an essential service to the surrounding rural residential area that would warrant it establishing outside of the existing commercial/industrial areas. The use is generally more an occasional service for residents, has no relationship with other commercial, industrial uses in the area and could be accommodated in an industrial precinct. Many of the uses in the area were established some time ago due to the exposure to the major road network, seeking trade from passing traffic and it was for this reason that the specific provisions were included into the Maroochy Plan to prevent their spread along this major road.

While the existing service station and landscape supply business does impact on nearby residents' amenity, the proposed use does not assist residents' amenity. Residents' amenity is also impacted on by their proximity to the major road network. Also, a filled platform and house has been constructed towards the site's rear away from the landscape supply yard activities. Similarly, while shipping containers for the storage facility raise some visual amenity concerns, these issues can be reasonably addressed on industrial sites through screen fencing and/or landscaping.

Land Use and Works Provisions

The following codes which regulate land use and design are applicable to this application:

- Code for Industries in Urban Areas
- Code for Integrated Water Management
- Code for Landscaping Design
- Operational Works Code and
- Code for Transport, Traffic and Parking.

The application has been assessed against each of the above applicable codes and the pertinent issues arising out of assessment against the codes are discussed below:

Code	Discussion
Code for Integrated Water Management	<p>Council’s existing Flood Study for Doonan Creek shows the proposed site is severely affected in a 1 in 100 year ARI flood event. Two tributaries of Doonan Creek traverse the western area of the site where associated flood waters carry a component of conveyance and higher velocities. Flooding in the eastern portion of the site (location of the fill pad and containers) is more associated with a backwater effect and as such carries a lesser degree of risk. Given that flooding in this area of the site does not carry a velocity component, filling is considered possible if it meets the requirements of the Maroochy Plan. Notwithstanding this, the applicant has not submitted adequate information to demonstrate how the development will manage (localised) flood impacts on adjoining properties. Hydraulics and Water Quality Assessment Branch do not recommend approval until the development has demonstrated compliance with the Maroochy Plan.</p>
Operational Works Code & Code for Transport, Traffic and Parking	<p>Frontage Works</p> <p>The subject site is in a rural area and it is considered that no frontage works would be required. It would be necessary to widen parts of the existing service road formation to provide for the occasional access to the site for an articulated vehicle.</p> <p>Vehicle manoeuvring</p> <p>The proposed use is currently being carried out on site albeit in an informal manner. The activity with the greatest potential for off-site impacts (dust and noise) is the manoeuvring of vehicles accessing the containers. It is considered that these impacts may be minimised by sealing of all vehicle access and manoeuvring areas.</p> <p>The Traffic and Transport Code indicates that Occasional and Regular access is required for an articulated vehicle for the proposed use type. It is noted that in the response to Council’s information request the applicant states that <i>“the current operations of the site do not require servicing by an articulated vehicle and instead are limited to a long ridged vehicle.”</i> Given that the number of regular heavy vehicle movements will be limited to the 5 containers for hire it is considered that the need for a full manoeuvring and turning path</p>

Code	Discussion
	<p>through the site for an articulated vehicle is not warranted. However, it is recommended that an articulated vehicle should be able to enter and exit the site (exit by reversing) and therefore it would be necessary to widen parts of the existing service road formation to provide for the occasional access to the site for an articulated vehicle.</p> <p>Fill</p> <p>The proposed use area has been illegally filled with approximately 1,500m³ of unknown fill material. The applicant identifies the fill originated from the Viridian development and Bunning's sites, both of which were known to have contaminated material onsite during construction. This matter could be addressed through the imposition of conditions.</p>

Special Management Area Provisions

The following Special Management Areas are applicable to this application:

- Nature Conservation Management Area
- Wetland
- Wetland Buffer
- Landslip – Low Landslip Hazard
- Steep Land – Slope Less than 15%
- Acid Sulfate Soils – Area 2: land above 5m AHD and below 20m AHD
- Flood Prone Land and
- Possible Bushfire Prone Area – Low Hazard and Medium Hazard.

The application has been assessed against each of the applicable Overlay codes and found to be compliant with, or can be conditioned to comply with, each. The pertinent issues arising out of assessment against the codes are discussed below:

Code	Discussion
Code for Nature Conservation and Biodiversity & Code for Landscaping Design	<p>Wetland and buffer areas</p> <p>The lot contains a mapped wetland and a 100 metre buffer to the wetland. The western portion of the lot contains high value wetland heath vegetation communities and is recognised in the Maroochy Plan as being Highly Significant or Endangered within South East Queensland. The development footprint is proposed within the first 20 metres of the wetland buffer. It is desirable to exclude the development from the buffer, but it is noted the buffer is generally compromised in this area.</p> <p>Nature Conservation</p> <p>The proposed development is excluded from the area identified as</p>

Code	Discussion
	<p>Nature Conservation Management Area. There is some vegetation outside the Nature Conservation area adjacent to neighbouring properties and within the front setback area that provides screening to the development and this should be retained.</p> <p>Given the protected status of the wetland and heathland vegetation to the western part of the site, the applicant advises that a vegetation protection covenant is acceptable over these areas.</p>

CONSULTATION

IDAS Referral Agencies

The application was referred to the following IDAS referral agencies:

Concurrence

Department of Transport and Main Roads

The department is a concurrence agency because the site adjoins a State Controlled Road. The department responded by letter dated 23 August 2012 stating that the department has no concerns with the development and has provided conditions with regard to stormwater runoff and site access.

Advice

Department of Environment and Heritage Protection

The department is an advice agency for wetlands. The department responded by letter dated 23 July 2012 stating that the development should maintain the ecological values of the wetland including water quantity and quality entering the wetland.

Other Referrals

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

- Development Engineer, Engineering and Environment Assessment Branch
- Hydraulics and Water Quality Specialist, Engineering and Environment Assessment Branch
- Ecology Specialist, Engineering and Environment Assessment Branch and
- Urban Designer, Planning Assessment Branch.

Public Notification

The application was publicly notified for 15 days in accordance with the requirements of the *Sustainable Planning Act 2009*. One properly made submission and 1 not properly made submission were received.

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

Issues	Comments
The use is not in keeping with the rural residential nature of its surroundings	Agree.

Issues	Comments
The proposal would devalue property	The planning scheme does not consider the value of property in the assessment of a development application
Increase in traffic on the current road contributing to noise and maintenance	<p>The proposal will increase traffic on the Eumundi – Noosa Service Road; however, the subject site is the first driveway along the Service Road and the traffic is unlikely to significantly affect neighbouring properties. An upgrade of the road formation from the junction of Eumundi-Noosa Road and the Service Road to the site entrance would be required.</p> <p>Additional on-site noise is likely from the manoeuvring of vehicles associated with the operation. Sealing of all the operational areas would minimise noise and dust.</p>
Illegal landfill affecting hydrological flows on submitters property	A substantial quantity of fill has been placed on the subject site without an Operational Works Permit. The area is known to flood and the applicant has not demonstrated how the existing fill affects hydrological flows on the subject property or the adjoining properties.
The applicant has not demonstrated any overriding need for the use	Agree
Conflicts with the planning scheme as it is an urban use in a rural area	Agree
Adequate urban industrial land exists to accommodate the use and should be located in an urban area	Agree
The proposal seeks to reward a use that was established unlawfully and that is inconsistent with the planning intent for the area.	The applicant seeks to rectify the current non-compliance.
Approval of the proposed use will detrimentally affect the amenity and character of the area and surrounding residents	Agree, although notably the facility is not highly visible to the Eumundi-Noosa Road.
The applicant has not demonstrated that an approval should be granted despite the conflicts with the Planning Scheme	Agree, there are insufficient grounds to justify approval.

DRAFT SUNSHINE COAST PLANNING SCHEME

The proposal is defined in the Industrial activity group being a Storage related activity – Warehouse and located within the Rural Zone of the draft Sunshine Coast Planning Scheme.

The application would trigger impact assessment under the draft planning scheme, and would be affected by the following Overlays:

- Acid Sulfate Soils : land above 5m AHD and below 20m AHD
- Biodiversity, Waterways and Wetlands – Waterways: Stream Oder 1-2 & 3-4
- Biodiversity, Waterways and Wetlands – Wetlands
- Biodiversity, Waterways and Wetlands – Riparian Protection Area
- Biodiversity, Waterways and Wetlands – Native Vegetation Area
- Biodiversity, Waterways and Wetlands – Koala Habitat Area
- Biting Midges and Mosquitoes – 15km Biting Midges a Mosquitoes Affected Area
- Bushfire Hazard – High Hazard Area
- Bushfire Hazard – Medium Bushfire Hazard and Buffer
- Flooding and Inundation Area
- Height of Buildings and structures – 8.5 metres
- Landslide Hazard Area
- Regional Infrastructure – Major Road Corridor and Buffer and
- Scenic Amenity – Scenic Route.

The proposed Industrial use conflicts with the draft planning scheme in the following key ways.

Strategic Plan

- The proposal is contrary to Strategic Outcome 3.3.1 which seeks to contain urban type uses within the Urban Footprint and that rural land is maintained for rural activities.
- The proposal is contrary to the Strategic Outcome 3.4.1 which indicates rural land is protected and supports a range of primary industries and rural enterprises.

The draft scheme seeks to contain Industrial uses within the Urban Footprint and, given the proposal is not a rural enterprise or a primary industry, the use conflicts with the Strategic Outcomes.

Zone Code

- The Rural Zone Code provisions outline that the proposed use is an inconsistent use in the zone.
- The Rural Zone Code requires that non-rural activities are compatible within a rural setting. The land is zoned Rural, but to the north is rural residential in nature and the proposal adversely affects the residential amenity of these adjoining properties.

CONCLUSION

The application seeks approval for an industrial use that conflicts with the Maroochy Plan 2000. While some of the residential amenity of the site has been eroded by the impacts of the adjoining landscape supply yard, the local area provisions indicate it is not envisaged or acceptable for any expansion of the existing industrial/commercial uses between Beddington Road and the Shire boundary (Maroochy Plan boundary), except for community focused uses.

The proposal is not a community focused use and, while the impacts of the proposal such as noise and dust could be minimised, flooding could be addressed and landscape screening provided, it is a further encroachment of industrial use impacts on the adjoining residents. Furthermore, the proposal does not provide a direct convenience facility to the surrounding residents, is an urban use more suited to an industrial precinct where it would maintain the commercial centre hierarchy the planning scheme seeks to preserve. The applicant has not sufficiently demonstrated grounds that would justify approving the proposal despite the conflict with the planning scheme.

The proposal is recommended for refusal for the following reasons:

1. the proposed industrial use conflicts with the Maroochy Plan's strategic vision and the local area provisions for this area, which specifically seek to prevent the proliferation of commercial/industrial uses along the Eumundi-Noosa Road
2. the proposal is an expansion of the existing industrial uses and would further erode the amenity of nearby residents
3. the proposal does not provide an essential service to the surrounding residents, is an urban use more suited to an industrial precinct and has no relationship to other commercial/industrial uses in the area and
4. there are insufficient grounds to justify the proposal's conflict with the Maroochy Plan provisions.

7.1.3 TWIN WATERS LAKE: LAKE MANAGEMENT PLAN AND PRIVATE INFRASTRUCTURE

File No:	REC02/0117 and CDA03/0029
Author:	Coordinator Environment & Landscape Regional Strategy & Planning Department
Appendices:	App A - Lake Management Plan..... 41
Attachments:	Att 1 - Rental Assessment Report 85

PURPOSE

The purpose of this report is to seek Council's endorsement of the Twin Waters Lake Management Plan and to establish an indicative fee for the lease areas within the lake containing private infrastructure.

EXECUTIVE SUMMARY

This report does not transfer the ownership of the Twin Waters Lake to Council. Transfer of the lake will occur in the future when the developer (Lend Lease) has met development obligations to ensure the lake meets the requirements of water quality and functionality.

Council currently manages a number of lakes that contain private infrastructure such as pontoons, jetties and decks. Council management of these developed lakes is guided by a Lake Management Plan specific to each lake. The Lake Management Plan for Twin Waters Lake (Appendix A) sets the broad parameters for lake usage, general management and water quality and is considered similar to other Lake Management Plans already adopted by Council.

The physical area associated with any private infrastructure (associated with dwellings, etc.) within the lake is required to be covered by a lease that is to define the physical dimensions of the area to be leased. The lease appropriately manages the risk associated with the structures being located within public land. The purpose of the fee is to recoup, in part, the administrative cost of the lease and acknowledge the private use of public land.

The development of the Twin Waters residential estate adjacent to the Maroochy River was the subject of a Court ordered land rezoning in 1992 and subsequent rezoning deed between the then Maroochy Shire Council and Kabaskel Pty Ltd. The development was subsequently purchased by Lend Lease, following the liquidation of Kabaskel, and has been completed in stages, with the lake construction completed in 2003.

All adjoining reserves for park and environmental purposes have progressively been transferred to Council. The title covering the water component and weir is yet to be transferred, but is proposed once the developer, Lend Lease, has fulfilled their responsibilities associated with related development approvals.

The lake does not have a lock structure and is not navigable to the Maroochy River. The lake will be transferred to Council in freehold title so that Council has maximum flexibility to manage it.

The lake contains nine pontoon structures and Lend Lease is currently negotiating leases with landowners that will be transferred to Council with the transfer of the lake. To assist Lend Lease to provide certainty of costs to landowners, it is proposed that Council adopt an indicative annual fee for the leased area associated with the construction of private infrastructure.

Given that the lake does not have a lock or open water access, it is proposed, via independent valuation (refer to Attachment 1), that the lease fee for approved private infrastructure be initially set at \$150 per year (plus GST). This fee, as with all Council fees, will be confirmed via normal budget cycle and adoption.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Twin Waters Lake: Lake Management Plan and Private Infrastructure”
- (b) endorse the “Twin Waters Residential Lake – Lake Management Plan” (August 2013) (Appendix A)
- (c) approve the issue of leases for private structures over those lake areas adjacent to private waterfront properties, to the owners of the adjacent properties only, as per Section 236(1)(c)(iv)(A) and Section 236(2) of the *Local Government Regulation 2012*
- (d) approve the initial annual lease fee of \$150 (plus GST) for the private structure leases as stated in (c) above and
- (e) approve the addition of a Property Notation on Council’s property system for all allotments with direct lake frontage, that informs the property owner of their responsibilities as detailed in the Lake Management Plan and other relevant Council documents.

FINANCE AND RESOURCING

All Reserves for Park and Environmental purposes adjoining the lake edge have already been progressively transferred to Council over the previous 10 years and, as such, the cost of maintenance of associated contributed assets is already part of Council’s current budget allocations.

The future transfer of title over the water body and weir will incur maintenance costs, however, as stated previously this report does not transfer the lake. The allocation of funds associated with the Twin Waters Lake (and other Council lakes), will be the subject of further detailed investigation and reporting.

In regard to the revenue collected as a result of lease fees, the quantum is very low. At this time there are only nine properties which the lease fee would be applicable too equating to a total annual revenue of only \$1,485 (i.e. 9 x \$150 (plus GST)). Revenue raised via leases will assist in defraying administration costs.

CORPORATE PLAN

Corporate Plan Theme: *Ecological Sustainability*

Emerging Priority: 2.2 - Our natural environment preserved for the future

Strategy: 2.2.4 - Take a proactive approach to the protection of our natural environment including the use of statutory powers

Corporate Plan Theme: *Ecological Sustainability*

Emerging Priority: 2.4 – Healthy waterways and foreshores

Strategy: 2.4.2 – Maintain and improve the quality of beaches, waterways, lakes, rivers, canals and wetlands

Corporate Plan Theme: Health and well-being**Emerging Priority:** 4.1 – Safe and healthy communities**Strategy:** 4.1.1 - Manage community health risks and improve community health standards**CONSULTATION****Internal Consultation**

- Infrastructure Services
 - Environmental Operations – Coastal and Canals
- Legal Services
- Regional Strategy and Planning
 - Planning Assessment
 - Engineering and Environment Assessment
- Finance and Business
 - Property and Business Branch

The outcome of internal consultation is agreement with the recommendations of this report.

The divisional councillor has been consulted as part of this process and is aware of current discussions.

External Consultation

No formal external consultation has occurred, but council officers and the divisional councillor have:

- attended a Twin Waters Residents' Association meeting where the lake transfer was generally discussed and the matters of leases and private infrastructure were discussed
- been in regular contact with Lend Lease to determine their progress toward final lake handover and
- had intermittent contact with individual residents wishing to install new infrastructure or retain existing infrastructure.

The outcomes of external consultation were two-fold:

- the community is comfortable that the lake will transition to Council's full management in the future and
- there is a desire that Council does not require any formal lease agreements or impose any fee for the presence of private infrastructure within the lake. This matter will be further discussed within this report.

Community Engagement

As the lake in question will be managed in a manner that is consistent with existing Council managed lakes, it is considered there is limited benefit in engaging the broader community. As noted, community engagement has been with those residents who have a strong vested interest, these being the individual residents adjoining the lake and also with the peak residents group, the Twin Waters Residents' Association, who advocates on behalf of residents of Twin Waters.

In addition to recent resident engagement, Lend Lease, as part of the construction of the Twin Waters development, had for several years a community liaison officer who worked directly with residents to address any concerns or questions.

PROPOSAL

Background

The Twin Waters development consists of approximately 1,300 residential allotments on the north shore of the Maroochy River. The construction of Twin Waters involved the creation of a tidally restricted lake with a surface area of approximately 40ha.

The Twin Waters Lake is an artificial waterway, defined by revetment walls and beaches, and consists of a partially tidal water body with a nominal water level 100mm above the adjacent river level. The lake and its associated built infrastructure have been constructed in accordance with the relevant planning approvals granted by the Department of Natural Resources and Mines, Environmental Protection Agency and the Council of the day.

A weir was constructed in the lake entrance channel to the development from the Maroochy River to allow tidal exchange between the river and the lake via culverts within the weir during daily tide events. The lake has been designed to be maintained in a semi-saline state to assist in maintaining water quality.

The land abutting the lake has been developed for urban purposes in accordance with development approvals and Council planning scheme. Access to the lake for the public is available at specific locations around the lake perimeter, but the lake does not contain a boat ramp for general public use for the launching of boats. All public access areas are created as public road reserve or parkland abutting the lake.

Consistent with best environmental practice and conditions of the rezoning approval, the developer of Twin Waters, Lend Lease, has prepared a Lake Management Plan (Appendix A) to guide maintenance and control uses in the lake. Council may amend the Lake Management Plan to take account of its work practices or as new technologies become available. The Lake Management Plan is not to be considered a detailed technical maintenance manual but, rather, a document that assists to facilitate more detailed planning and asset management guidelines.

Transfer of the Lake to Council

The Rezoning Deed (10 August 1993) between Council and the developer required the lake to be maintained by the developer for a period of 3 years following the completion of the lake and weir construction. The lake and weir construction was fully completed in 2003 and Lend Lease has maintained the lake and associated infrastructure to date. During this time, a range of maintenance and repair works has been completed that included the rebuilding of the weir structure in 2010.

The final transfer of the lake will be accompanied by detailed As Constructed information and required expert engineering certifications. The Lake will be transferred to Council in freehold title so that Council has maximum flexibility to manage it.

Current Status of Lake Transfer

During Lend Lease's preparation to transfer the lake to Council in 2010, it became evident via a site inspection that a small number of residents had installed private structures within the lake. These structures included small pontoons, decks and stairs.

Council officers informed Lend Lease that, prior to the final lake transfer, a mechanism was to be implemented to cover the risk/liability of such infrastructure on public land.

In this respect, Lend Lease has been in discussion with the subject landowners and embarked upon a program to ensure any structure is constructed to an appropriate standard and is covered by a lease.

During these discussions, a number of residents have chosen to remove the subject structures due to the cost of bringing them up to the appropriate standard. At present there are 9 structures that will require a lease.

With regard to the final lease document, Council has required Lend Lease to utilise Council's standard terms lease document so that, at final transfer, such leases will be in line with Council's requirements.

One impediment to the lease process (and thus final lake transfer) has been the potential cost of the lease fee, with residents hesitant to sign a lease with Lend Lease not knowing the full potential cost. In this respect, Council has sought an independent market rent appraisal from property advisors, Herron Todd White, with lease fees recommended to be \$150 per year plus GST, (refer to Attachment 1).

What Can the Lake be Used For?

The lake is intended to be used by the community in a responsible way for their recreational enjoyment, with minimal adverse impact upon the amenity of those dwellings in proximity to the lake. The use of motorised craft is limited, and contact with the water is proposed as secondary contact (boating). The Lake Management Plan provides a more thorough outline of permitted uses. Uses proposed for the Twin Waters Lake are consistent with other Council managed lakes.

Historical water quality data provided via Cardno Pty Ltd notes that the lake has excellent water quality, this primarily being due to regular tidal exchange with the Maroochy River. As there is a large upstream catchment that flows through the development, the Twin Waters Lake can be subject to turbidity (muddy water) from these areas outside of the development. This is not something that the developer or Council can directly control.

Residential Allotments Adjoining the Lake

It is proposed that landowners with direct frontage to the lake may apply for approval from Council to erect structures such as small pontoons within the lake. As part of any application, landowners are required to provide a lease footprint that covers the extent of private infrastructure. A Quay Line Plan, within the Lake Management Plan, defines the maximum extent to which any structure may extend beyond the adjoining private property boundary.

The purpose of the lease is to manage appropriately the potential risks associated with private infrastructure, and so that the community is not unnecessarily burdened with costs associated with accident or injury. This approach is consistent with other existing Council managed lakes.

During consultation that has occurred with the divisional Councillor and Mayor via attendance at local residents' meetings, it is evident that residents would prefer not to pay for the cost of establishing leases or any ongoing lease fees, but, as noted previously, the use of a lease is an appropriate and effective tool to manage financial risk and the application of a fee is consistent with other council-managed lakes.

The cost of a proposed lease for a marine structure has been investigated by independent property advisors, Herron Todd White, and is recommended to be \$150 per year plus GST, (refer to Attachment 1).

Examples of Other Lakes Currently Managed by Council where Fees have been AdoptedParrearra Lake Reserve

The Parrearra Lake Reserve was gazetted as a State Reserve for Sport and Recreation in April 2002 and was transferred under Council's control as Trustee in stages as areas surrounding the lake were developed. The Parrearra Lake Reserve is accessed via a lock and weir structure with water quality maintained via tidal exchange with the Mooloolah River. The general management of the lake is covered by a Lake Management Plan that includes typical design plans for private structures. The current lease rate for the Parrearra Lake is \$12.50 per m² per year for the extent of the leased area, with a minimum fee of \$300 per year (plus GST).

Pelican Waters Northern Lake

The Pelican Waters Northern Lake was developed with its initial stages transferred into Council's freehold ownership in 2006, and later stages transferred as areas surrounding the lake were developed. The Pelican Waters Northern Lake is accessed via a lock and weir structure with water quality maintained via a salinity exchange system that pumps water from Pumicestone Passage to the lake. Maintenance, use and activities on the lake are managed in accordance with an endorsed Lake Management Plan. The Lake Management Plan also contains design plans for permanent structures to be approved on the lake. For lease sites with structures, approved lease fees are calculated at \$12.50 per m² per year, with a minimum lease fee of \$300 per year (plus GST).

Noosa Waters Lake

The development of Noosa Waters Estate commenced in 1990. The Estate was developed in stages with the operational responsibility for the Estate being transferred to Council on 5 May 2000. Individual lake parcels have been registered as Reserves for Local Government (Common Lake Area) under Council's control. Private structures in the Noosa Waters Lake have been managed under the Noosa Planning Scheme Policy 25 with the former Noosa Shire Council issuing Local Law Permits for domestic/private marine structures. However, the Local Law was repealed from 1 January 2012 and there are no individual fees for private marine structures. However, Noosa Waters Estate has a Benefit Rate Levy of 0.0139 cents per rateable valuation, for maintenance of its lock and weir.

There have been recent maintenance issues associated with this lake, leading to a potential blurring of the responsibility for maintenance of the privately-owned revetment walls. This is the subject of separate reporting.

Legal

Council's Legal Services have been an active part of the internal Council working group to progress the lease documents and discuss lake management issues.

Policy

This report does not affect Council policy.

Risk

The use of lease over private infrastructure located on public land assists in managing risk associated with accident and injury.

The future transfer of Twin Waters Lake will bring the inherent risks associated with managing water bodies within the public estate. To Lend Lease's knowledge (as the current managers of the lake) there are no recorded drownings or serious incidents.

Previous Council Resolution

There are no previous Council resolutions in relation to this report.

Related Documentation

- Twin Waters Lake Management Plan – August 2013
- Rental Assessment Report – Herron Todd White Pty Ltd, 10 December 2012

Critical Dates

Following endorsement of the Lake Management Plan by Council and the subsequent setting of an indicative lease fee for private infrastructure, Lend Lease will continue negotiation with the residents desirous of retaining an existing pontoon. It is anticipated that such negotiation will be completed by December 2013.

Implementation

As previously noted, Council's property and legal sections have been integrally involved in all discussion regarding future leases, and lease documents are Council standard terms format.

In relation to the future transfer of the lake, Council's Infrastructure Services Department has been involved in the process to finalise outstanding works prior to the transfer of the Twin Waters Lake into Council ownership.

7.2 COMMUNITY SERVICES

7.2.1 REGULATED DOGS - SYSTEMATIC INSPECTION PROGRAM

File No: Animal Management

Author: Response Services Coordinator
Community Services Department

Attachments: Att 1 - Regulated dog mandatory conditions93

PURPOSE

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

EXECUTIVE SUMMARY

The *Animal Management (Cats and Dogs) Act 2008* (the Act) requires local governments to manage regulated dogs within their boundaries. The Sunshine Coast Regional Council undertakes investigations into animal attacks and declares dogs to be regulated dogs in accordance with the Act. Regulated dogs are defined as dogs that have demonstrated aggressive behaviour in the community and have either attacked a person or animal causing injury; or have behaved in a way to cause fear to a person.

In accordance with the Act, if Council declares a dog to be a regulated dog, officers must undertake an initial inspection of the property where that regulated dog is proposed to be kept to ensure the property complies with the mandatory conditions to keep such a dog. Owners of regulated dogs must rectify any problem on the property to comply with the mandatory conditions identified in the Act to keep a regulated dog (see Attachment 1).

To ensure the ongoing compliance of the mandatory conditions to keep a regulated dog, a check of the property should be conducted annually to address any breaches. Annual inspections can only occur if Council approves by resolution, a systematic inspection program to provide authorised offices the power to enter private property to check for continued compliance by the dog owner with the mandatory conditions to keep a regulated dog. Without a systematic inspection program, Council has no other way of confirming if a regulated dog is being kept in accordance with the conditions imposed under the Act unless a complaint is received.

The Sunshine Coast region has up to 91 regulated dogs in the area. A number of regulated dog owners have moved without notifying Council of a new address or moved their dogs to another location contrary to the Act. Council has a community obligation to monitor regulated dogs to ensure ongoing community safety. If officers identify another property not on the regulated dog register where a regulated dog may be kept they will undertake an inspection of that property as part of this systematic inspection program. Details of the inspection and findings are to be recorded as part of this program.

It is proposed that a systematic inspection program is undertaken by Council's four Rapid Response Officers within the Community Response Branch commencing on 1 November 2013 and continuing until 20 December 2013. Officers will undertake an inspection of the properties where a regulated dog was last known to have been kept according to Council records. The cost to undertake this program is estimated to be \$10,000 which will be funding via the regulatory fees collected from the 91 regulated dog owners.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Regulated Dogs - Systematic Inspection Program” and
- (b) approve the following systematic inspection program for the Sunshine Coast Regional Council area in accordance with the *Animal Management (Cats and Dogs) Act 2008*; Chapter 5, Part 2, Section 113 (5) (d):
 - (i) Compliance Audit of premises within the region where council’s Regulated Dog Register indicates a regulated dog is being kept to occur from 1/11/2013 to 20/12/2013.

FINANCE AND RESOURCING

At the time this report was written the Sunshine Coast Regional Council had 91 regulated dogs listed in its Regulated Dog Register. The cost of conducting the program is anticipated to be approximately \$10,000. The cost of the program will be covered by the regulatory fees collected from the 91 regulated dog owners.

CORPORATE PLAN

Corporate Plan Theme: *Health & Wellbeing*

Emerging Priority: 4.1 - Safe and healthy communities

Strategy: 4.1.2 - Provide community safety and regulatory programs that ensure the well-being of residents and visitors

CONSULTATION

Internal Consultation

Finance and Business, Management Accountant

External Consultation

No external consultation has been undertaken in the preparation of this report.

Community Engagement

No community engagement has been undertaken in the preparation of this report.

PROPOSAL

The *Animal Management (Cats and Dogs) Act 2008* (the Act) was introduced in 2009 making local governments responsible for the effective management of regulated dogs in the local government area.

The Sunshine Coast Regional Council has accepted this responsibility by appointing authorised officers to investigate, monitor and enforce compliance with the Act. These officers investigate complaints that could lead to a dog being declared to be dangerous or menacing (i.e. a regulated dog). As part of the process officers undertake initial inspections of the properties where a regulated dog is proposed to be kept.

These inspections are to check that the property meets the required mandatory conditions identified in the Act for a person to keep a regulated dog. Regulated dogs are dogs that have demonstrated aggressive behaviour in the community and have either attacked a person or animal causing injury or have behaved in a way to cause fear to a person.

To ensure the ongoing compliance of the mandatory conditions to keep a regulated dog, an annual inspection of the property is recommended. To conduct an inspection program for regulated dogs, Council must approve by resolution, a systematic inspection program as identified in Chapter 5, Part 2, Section 113 of the Act. The systematic inspection program provides authorised officers the power to enter private property to check for continued compliance by the dog owner with the mandatory conditions to keep a regulated dog. Without this program, council has no other way of confirming if a regulated dog is being kept in accordance with the conditions imposed under the Act other than through a complaint.

The region has 91 regulated dogs. A number of regulated dog owners have moved without notifying Council of a new address or removed their dogs to another location contrary to the Act. Council has no way of checking ongoing compliance with the conditions imposed on the keeper of a regulated dog other than through a systematic inspection program. Council has a community obligation to monitor regulated dogs to ensure ongoing community safety.

It is proposed that a systematic inspection program will be undertaken by the four Rapid Response Officers commencing on 1 November 2013 and continuing until 20 December 2013. Officers will undertake an inspection of the properties where a regulated dog was last known to have been kept according to Council records. The cost to undertake this program is estimated to be approximately \$10,000, which will be funded via the regulatory fees collected from the 91 regulated dog owners.

Council has a responsibility under the Act to monitor regulated dogs within the council area. Rapid Response Officers investigate those complaints that may result in a dog being declared to be dangerous or menacing. During the past year, 15 dogs were declared dangerous or menacing and were added to the list of regulated dogs. In order to ensure owners of regulated dogs continue to comply with the conditions imposed to keep them, officers should undertake regular inspections of the property.

Each year a number of regulated dog owners move and do not advise Council as required under the Act. It is anticipated that through the proposed systematic inspection program, Council will be able to identify whether a regulated dog still resides at the address and amend records accordingly. Where possible, if a dog is no longer at an address, information will be sought regarding the new location of the owner and the regulated dog.

Legal

Council has an obligation to the community to ensure that dogs identified and declared as dangerous or menacing are being monitored to comply with the Act.

In particular:

- Section 3 identifies the purpose of the Act is to provide for the effective management of regulated dogs
- Section 59 provides for the protection for the community from damage or injury from regulated dogs and controlled and kept in a way that is consistent with community expectations
- Section 89 provides for the power to declare a dog dangerous or menacing
- Section 96 imposes mandatory conditions on the owner of a regulated dog and
- Section 113 provides local government the power to approve an inspection program to monitor compliance with the mandatory conditions.

An approved systematic program enables authorised officers to enter a property at a reasonable time (other than at night) to ensure compliance with mandatory conditions of the declaration are met. The approval of the proposed systematic inspection program is in accordance with the requirements of the *Animal Management (Cats and Dogs) Act 2008*.

Due to the potential risk of regulated animals not being kept in accordance with the mandatory conditions of the declaration, the Act provides considerable powers to authorised officers to require compliance.

Policy

Council's *Compliance and Enforcement Policy* identifies how Council is to meet its statutory obligations, exercise its compliance and enforcement actions and provide community confidence in the manner in which Council deals with compliance and enforcement activities and the impartiality of Council's decision making process.

Local governments in Queensland have a responsibility to control regulated dogs within their boundaries in accordance with the *Animal Management (Acts and Dogs) Act 2008*. The nominated systematic inspection program contributes to the effective proactive management of regulated animals within the region.

Risk

Failure to deliver an approved systematic inspection program may put members of the community at risk where persons responsible for regulated dogs fail to comply with the conditions to keep a regulated dog. This could result in damage or injury to people or other animals and may place Council at risk for failure to provide effective monitoring of regulated dogs.

Previous Council Resolution

Council Resolution (OM11/168)

That Council:

- (a) *Receive and note the report titled "Regulated Dogs – Systematic Inspection Program"; and*
- (b) *Approve the following systematic inspection program for the Sunshine Coast Regional Council in accordance with the Animal Management (Cats and Dogs) Act 2008; Chapter 5, Part 2, Section 133 (5) (d):*
 - (i) *Compliance Audit of premises for Regulated Dog Permits: 01/08/2011 – 31/10/2011.*

Related Documentation

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

Critical Dates

The systematic inspection program is proposed to commence from 1 November 2013 until 20 December 2013. In accordance with Section 114 of the Act, advertising is required 14 to 28 days before the commencement of the program. This means that 17 October 2013 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.

Implementation

Upon Council endorsement, it is intended to advertise in the Sunshine Coast Daily sometime between 3 October 2013 and the 17 October 2013 in accordance with the Act.

On Friday 1 November 2013, Council's four Rapid Response Officers will commence the approved systematic inspection program. Properties identified on the Regulated Dog Register will be inspected to check for compliance with the mandatory conditions to keep a regulated dog. Officers will work normal office hours Monday to Friday and visit each property unannounced to check that the resident is compliant with the conditions to keep a regulated dog. Officers will be authorised to enter properties regardless of anyone being home.

Where an authorised officer identifies a breach of the mandatory conditions to keep a regulated dog in accordance with the Act, the officer may, if circumstances allow and sufficient evidence is identified, issue an "on the spot fine" to the value of \$770. If required and depending on the circumstances of the breach, a compliance notice may also be issued to the person responsible for the regulated dog to rectify the breach within a specified timeframe which would be dependent on the nature of the breach. Compliance notice timeframes are usually 28 days, however depending on public safety these can be reduced to ensure the matter is resolved more quickly.

Failure to adhere to the compliance notice or any of the provisions of the Act within the timeframe stipulated in the notice may result in legal action that could include, but is not limited to, the seizure of the regulated dog and a notice for the responsible person to appear in court. Council may commence legal action against the responsible person without further notice to the person. The maximum fine for breaching the regulated dog mandatory conditions is 75 penalty units (\$8250).

Where breaches of the mandatory conditions are of a serious nature or are allowed to continue, the Act allows for the regulated dog to be seized and destroyed without notice, if it is considered dangerous. Costs can also be recovered from the person that has failed to comply with a compliance notice through prosecution.

If officers identify another property not on the regulated dog register where a regulated dog may be kept they will undertake an inspection of that property as part of this systematic inspection program. Details of the inspection and findings will be recorded as part of this program. Details will be used to update the Regulated Dog Register and rectify any non-compliant matters.

7.3 INFRASTRUCTURE SERVICES

Nil

7.4 FINANCE AND BUSINESS**7.4.1 JULY 2013 FINANCIAL PERFORMANCE REPORT**

File No:	Financial Reports
Author:	Acting Financial Services Manager Finance & Business Department
Attachments:	Att 1 - Financial Performance Report July 2013101

PURPOSE

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

EXECUTIVE SUMMARY

The monthly financial performance report provides council with a summary of performance against budget at the end of each month. The key items reported on are the performance against budget in relation to the operating result and in terms of delivering the capital program.

It is still early in the 2013/14 financial year and therefore difficult to compare year to date budget and actual results with any degree of certainty. There are a number of timing issues that exist at the end of July 2013, namely:

- The 2012/13 carry-over budgets have not been loaded
- the impacts of year-end adjustments (e.g. accruals) processed in June 2013 which have not been reversed by receipts or payments
- the 2012/13 year-end process is yet to be finalised and
- 2013/14 capital budget profiling is yet to be finalised.

The operational result at 31 July 2013 shows a negative variance of \$4.4 million compared to the forecast position.

This operating result variation is made up of lower than expected revenue of \$9.4 million (6.2%) and lower than anticipated operating expenses of \$5.0 million (13.7%). Further detail is provided in the proposal section of this report.

As at 31 July 2013, \$4.6 million (4.2%) of council's \$109.3 million 2013/14 Capital Works Program was financially expended.

OFFICER RECOMMENDATION

That Council receive and note the report titled "July 2013 Financial Performance Report".

FINANCE AND RESOURCING

There are no financing and resourcing implications as this is an information only report.

CORPORATE PLAN

Corporate Plan Theme:	<i>Great governance</i>
Emerging Priority:	8.1 - Ethical, accountable and transparent decision-making
Strategy:	8.1.2 - Ensure legislative compliance and awareness
Corporate Plan Theme:	<i>Great governance</i>
Emerging Priority:	8.3 - Strong financial management
Strategy:	8.3.1 - Develop long term financial plans and indicators to achieve optimum use of resources and alignment to strategic priorities
Corporate Plan Theme:	<i>Great governance</i>
Emerging Priority:	8.3 - Strong financial management
Strategy:	8.3.2 - Ensure council's financial performance is well managed and leads to a strong financial position

CONSULTATION

Internal Consultation

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

External Consultation

No external consultation is required for this report.

Community Engagement

No community engagement is required for this report.

PROPOSAL

Council's financial results at 31 July show the organisation with a \$4.4 million lower than forecasted operating position against the full year budget.

It is still early in the 2013/14 financial year and therefore difficult to compare year to date budget and actual results with any degree of certainty. There are a number of timing issues that exist at the end of July 2013, namely:

- The 2012/13 carry-over budgets have not been loaded
- the impacts of year-end adjustments (e.g. accruals) processed in June 2013 which have not been reversed by receipts or payments
- the 2012/13 year-end process is yet to be finalised and
- 2013/14 capital budget profiling is yet to be finalised.

The 31 July 2013 operating result variation is made up of lower than expected revenue of \$9.4 million and lower than anticipated operating expenses of \$5.0 million.

Operating Revenue

The operating revenue unfavourable variance of \$9.4 million is largely due to outstanding dividend from Unitywater of approximately \$8.8 million. This \$8.8 million is a result of end of financial year accounting treatment with the revenue being accrued in the 2012/13 accounts.

The unfavourable variance will remain until the revenue has been receipted, that is, the cash received by council. Receipt of these funds will not occur until Unitywater present their financial statements to the State Government in September/ October 2013.

Net Rates and Utility Charges

Net Rates and Utility Charges has an unfavourable variance of \$1.5 million. General rates has an unfavourable variance of \$5.4 million, which is due to pre-paid rates of \$5.3 million being applied, that is, cash was received in 2012/13. There is also a further \$1.7 million pre-paid rates that offsets the Net variance. Discounts and Pensioner Remissions has a favourable variance of \$1.5 million. Overall, the main risk is there was lower general rates growth than anticipated, that is, 1.0% growth against 1.5% budget. This equates to \$1.0 million financial risk.

Fees and Charges

The favourable variance in Fees and Charges of \$800,000 is due to Holiday Parks Fees of \$300,000 and Licensing and Permits of \$430,000 being higher actuals than forecast.

Operating Expense

The favourable variance in operating expenses of \$5.0 million is due to Materials & Services of \$3.9 million and Employee Costs of \$900,000. The final year end processing is yet to be completed and it is expected these variances in Materials & Services and Employee Costs to reduce.

Employee Costs

The favourable variance in Employee Costs of \$1.5 million mainly relates to budget profiling around the organisation review.

Materials and Services

The favourable variance in Materials & Services is largely due profiling with variations relating to:

- \$2.3 million relating to contacts, mainly \$1.4 million projects (Infrastructure Services profiling); \$400,000 lifeguard contract; \$600,000 due to a slow start for the new Levy Programs and lower than average spend on DA Appeals
- \$350,000 timing of community grants payments and
- \$318,000 timing of payment for water and sewerage charges.

Capital Expenditure

At 31 July 2013, \$4.6 million (4.2%) of council's \$109.3 million 2013/14 Capital Works Program was financially expended. Detail by Capital Program is outlined below:

Program	Original Budget \$000	Current Budget \$000	Year to Date Actual \$000	% of Annual Current Budget Spent
Buildings and Facilities	6,548	6,548	275	4.2%
Coast and Canals	1,949	1,949	0	0.0%
Divisional Allocations	3,100	3,100	72	2.3%
Environmental Assets	1,238	1,238	7	0.6%
Fleet	1,000	1,000	0	0.0%
Parks and Gardens	10,317	10,317	201	2.0%

Program	Original Budget \$000	Current Budget \$000	Year to Date Actual \$000	% of Annual Current Budget Spent
Stormwater	4,161	4,161	380	9.1%
Transportation	52,952	52,952	2,164	4.1%
Information Communication Technology	3,927	3,927	193	4.9%
Strategic Land and Commercial Properties	9,422	9,422	719	7.6%
Sunshine Coast Airport	3,400	3,400	188	5.5%
Holiday Parks	1,455	1,455	23	1.6%
Quarries	150	150	171	113.7%
Waste	9,651	9,651	233	2.4%
Total Council	109,270	109,270	4,626	4.2%

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*.

Policy

There are no policy implications associated with this report.

Risk

The current risks are as follows:

1. In June 2013 the Federal Government pre-paid half of the 2013/14 Financial Assistance Grant of \$6.3 million. Since half of the grant was pre-paid into 2012/13 there is a potential shortfall of \$2.1 million in the current budget
2. The expected full year growth in rateable properties is less than forecast, with lower revenue than budgeted of \$1.0 million. That is, 1.5% anticipated growth against 1.0% for the July 2013 period as a comparative to July 2012 and
3. The achievement of de-amalgamation reductions in Materials & Services budget after separation occurs 1 January 2014.

Previous Council Resolution

On 25 June 2013, council adopted the 2013/14 budget.

Related Documentation

There is no related documentation for this report.

Critical Dates

The financial results in this report do not include the final year-end financial performance for council as further year end processing is yet to be completed. Planned completion is 9 August 2013 with 2012/13 Financial Statements by 30 August 2013. Final audited statements are expected to be presented to the 14 November 2013 Ordinary Meeting.

Implementation

There are no implementation details to include in this report.

7.4.2 BUDGET REVIEW 1 2013/14

File No:	Reviews
Author:	Acting Financial Services Manager Finance & Business Department
Appendices:	App A - 2013/14 Revised Financial Statements..... 113
Attachments:	Att 1 - 2012/13 Interim Income and Expense Statement..... 123 Att 2 - 2013/14 Operating and Capital Carryover Requests (to be provided)

PURPOSE

To amend the 2013/14 budget to reflect Council's anticipated revenue and expenditure forecasts to 30 June 2014.

EXECUTIVE SUMMARY

This report identifies works from the 2012/13 budget that were not completed as at 30 June 2013 and require funds to be carried over to the 2013/14 financial year, both operating and capital.

Section 170 of the Local Government Regulation 2012 allows council to amend its budget by resolution at any time before the end of the financial year. Major budget reviews are undertaken on a periodic basis to reflect management's best estimate of its financial position at the end of a financial year.

The 2012/13 interim financial position incorporates end of financial year adjustments, however, the final result will be subject to review by council's external auditors, during September and October 2013.

Council's interim financial results as at 30 June 2013 reflect a \$12.1 million operating result against a budgeted result of \$4.3 million (Attachment 1).

The result of this review will decrease the 2013/14 operating result by \$4.7 million, from \$12.7 million to \$8.0 million, increase the capital revenues by \$4.6 million from \$2.9 million to \$7.5 million and increase capital expenditure by \$68.4 million, from \$109.3 million to \$177.7 million.

The 2012/13 closing cash balance was \$68.8 million higher against anticipated as at 30 June 2013. The revised closing cash balance for 2012/13 and the amendments in this budget review will increase the cash position by \$323,000 to \$151.5 million as at 30 June 2014.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Budget Review 1 2013/14" and**
- (b) adopt the amended 2013/14 Budget Financial Statements to include the identified operating and capital budget adjustments (Appendix A).**

FINANCE AND RESOURCING

Adoption of the recommendation of this report will formally amend the 2013/14 Budget.

The 2012/13 closing cash balance was \$68.8 million higher against anticipated as at 30 June 2013. The revised closing cash balance for 2012/13 and the amendments in this budget review will increase the cash position by \$323,000 to \$151.5 million as at 30 June 2014.

Maintaining cash and reducing debt balances were two key principles for development of the 2013/14 budget.

CORPORATE PLAN

Corporate Plan Theme: *Great governance*

Emerging Priority: 8.1 - Ethical, accountable and transparent decision-making

Strategy: 8.1.1 - Develop and implement a governance framework that provides transparent and accountable processes and enhances council's reputation

Corporate Plan Theme: *Great governance*

Emerging Priority: 8.1 - Ethical, accountable and transparent decision-making

Strategy: 8.1.2 - Ensure legislative compliance and awareness

Corporate Plan Theme: *Great governance*

Emerging Priority: 8.3 - Strong financial management

Strategy: 8.3.2 - Ensure council's financial performance is well managed and leads to a strong financial position

CONSULTATION

Internal Consultation

All departments of council were consulted in the course of the review. A budget review workshop was held with councillors on 2 September 2013.

External Consultation

No external consultation is required for this report.

Community Engagement

No community engagement is required for this report.

PROPOSAL

Section 170 of the Local Government Regulation 2012 allows council to amend its budget by resolution at any time before the end of the financial year.

Budget reviews are undertaken on a periodic basis to reflect management's best estimate of its financial position at the end of a financial year. Prudent financial management also requires council to amend its budget if there are material changes to expected revenue or expenses for the year.

A budget review has now been undertaken to make recommended amendments to the 2013/14 Budget to reflect anticipated revenues, expenses and capital expenditure for the 2013/14 financial year.

This report identifies works from 2012/13 budget that were not completed as at 30 June 2013 and require budget to be carried over to the 2013/14 financial year.

The 2012/13 interim financial position incorporates end of financial year adjustments, however, the final result will be subject to review by council's external auditors, during September and October 2013.

Council's interim financial results as at 30 June 2013 reflect a \$12.1 million operating result against a budgeted result of \$4.3 million (Attachment 1).

The result of this review will decrease the 2013/14 operating result by \$4.7 million, from \$12.7 million to \$8.0 million, increase the capital revenues by \$4.6 million from \$2.9 million to \$7.5 million and increase capital expenditure by \$68.4 million, from \$109.3 million to \$177.7 million.

The 2012/13 closing cash balance was \$68.8 million higher against anticipated as at 30 June 2013. The revised closing cash balance for 2012/13 and the amendments in this budget review will increase the cash position by \$323,000 to \$151.5 million as at 30 June 2014.

Table 1: Summary of carryover requests (Details contained in Attachment 2)

Carryover Requests:	\$'000	\$'000
Operating	4,732	4,732
Capital		
Part A	53,504	
Part B	1,940	
Part C	12,944	68,388

Legal

The report complies with council's legislative obligations to amend its budget in accordance with Section 170 of the Local Government Regulation 2012.

Policy

There are no policy implications associated with this report.

Risk

There are no risks associated with this report.

Previous Council Resolution

On 25 June 2013, council adopted the 2013/14 budget.

Related Documentation

There is no related documentation for this report.

Critical Dates

Following adoption of this report, the next set of monthly financial reports will be reported against this review as the current budget.

Implementation

Council's budget will be formally adjusted following the council resolution and included in future monthly reports.

7.4.3 LOCAL GOVERNMENT BOUNDARY ANOMALY - DIVISION 12

File No:	14.3.1
Author:	Manager Corporate Governance Finance & Business Department
Appendices:	App A - Map identifying proposal to excise 2RP202448 from SCRC boundary 131
Attachments:	Att 1 - Letter from Department of Natural Resources and Mines identifying boundary anomaly 133
	Att 2 - Aerial Map identifying proposal to excise 2RP202448 from SCRC boundary 135

PURPOSE

This report presents information in relation to a local government boundary anomaly in Division 12.

The report seeks a recommendation from council to make an application to the Minister for Local Government to refer the matter to the Local Government Change Commissioner (Electoral Commission of Queensland) to correct the anomaly.

EXECUTIVE SUMMARY

The Department of Natural Resource and Mines has written to council identifying an anomaly pertaining to the Sunshine Coast Regional Council local government boundary and the Gympie Regional Council local government boundary (refer Attachment 1).

The anomaly occurs because the Shire boundary divides Lot 2 on RP202448 between Sunshine Coast Regional Council (Locality of Cooran) and Gympie Regional Council (Locality of Traveston).

The Department of Natural Resource and Mines has also corresponded with the Gympie Regional Council on the anomaly.

Relevant Council Officers have been consulted on the issue and it is recommended that the smaller portion of Lot 2 on RP202448 (along with an unformed road reserve to the eastern boundary of Lot 3 RP854243) currently within the Sunshine Coast Regional Council local government area be transferred into the Gympie Regional Council local government area. Access to the property is via Noakes Road, Traveston and the services to the property are all provided by Gympie Regional Council.

This report seeks council's approval for an application to the Minister for Local Government for referral to the Change Commissioner for a determination on a local government boundary amendment.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Local Government Boundary Anomaly - Division 12” and
- (b) apply to the Minister for Local Government for a referral of the matter to the Local Government Change Commissioner (Electoral Commission of Queensland) to assess the proposed boundary change as identified in Appendix A in accordance with the *Local Government Act 2009*.

FINANCE AND RESOURCING

This preparation of this report has been undertaken in accordance with allocated funds within the Corporate Governance Budget.

The rates payable on this property is approximately \$1112.00 per year, including a heritage, environment and transport levy.

CORPORATE PLAN

Corporate Plan Theme: *Great governance*

Emerging Priority: 8.1 - Ethical, accountable and transparent decision-making

Strategy: 8.1.2 - Ensure legislative compliance and awareness

Corporate Plan Theme: *Great governance*

Emerging Priority: 8.2 - Effective business management

Strategy: 8.2.3 - Implement a business approach that focuses on maximising opportunities, managing risks and improving quality of service

Corporate Plan Theme: *Great governance*

Emerging Priority: 8.2 - Effective business management

Strategy: 8.2.4 - Consolidate data, information and knowledge to improve council operations

CONSULTATION

Consultation has occurred with the following:

Internal Consultation

- Division 12 Councillor
- Manager Environmental Operations and Team
- Manager Transport & Engineer Services and Team
- Manager Civil Works Services and Team
- Manager Property & Business and Team
- Noosa Transfer Manager.

External Consultation

Department of Natural Resources and Mines.

Community Engagement

No community engagement was undertaken in relation to the proposed boundary re-alignment.

PROPOSAL

Correspondence has been received from the Department of Natural Resource and Mines identifying an anomaly between the Sunshine Coast Regional Council and the Gympie Regional Council local government boundaries.

This anomaly has been identified by the department as bisecting Lot 2 on RP20244, which effectively divides the parcel of land between two different local government areas.

The anomaly as shown in Attachment 1 relates to:

- Map CHQ024459/394 – Lot 2 on RP202448 – Sunshine Coast Regional Council (Locality of Cooran) and Gympie Regional Council (Locality of Traveston).

The Department of Natural Resource and Mines has also corresponded with the Gympie Regional Council on the anomaly.

Relevant Council Officers have been consulted on the issue and it is recommended that the smaller portion of Lot 2 on RP202448 (along with an unformed road reserve to the eastern boundary of Lot 3 RP854243) currently within the Sunshine Coast Regional Council local government area be transferred into the Gympie Regional Council local government area (Refer Appendix A). Access to the property is via Noakes Road, Traveston and the services to the property are all provided by Gympie Regional Council.

This report seeks council's approval for an application to the Minister for Local Government for referral to the Change Commissioner for a determination on a local government boundary amendment.

Legal

In accordance with the *Local Government Act 2009*, the Minister for Local Government is responsible for formalising local government boundaries and any changes and reviews within Queensland.

In accordance with the *Place Names Act 1994*, the Minister for Natural Resources and Mines is responsible for formalising the suburb/locality boundaries within Queensland.

This process has been undertaken as per relevant legislative requirements.

Policy

There are no policy implications in relation to this matter.

Risk

There are no strategic or operational risks identified.

Previous Council Resolution

There is no previous council resolution relevant to this report or matter.

Related Documentation

There is no related documentation relevant to this report.

Critical Dates

There are no critical dates associated with this issue however, it is important to fix the anomaly as it could potentially have a direct effect on the delivery of business and emergency services.

Implementation

Implementation of the recommendation will involve correspondence being prepared and forwarded to the Minister for Local Government.

7.5 EXECUTIVE OFFICE**7.5.1 DRAFT ECONOMIC DEVELOPMENT STRATEGY**

File No:	Statutory Meetings
Author:	Manager Economic Development Executive Office
Appendices:	App A - Sunshine Coast - The Natural Advantage - Regional Economic Development Strategy 2013-2033151 App B - Research Compendium.....191
Attachments:	Att 1 - Communication Plan231

PURPOSE

This report seeks council's endorsement of "*Sunshine Coast – The Natural Advantage – Regional Economic Development Strategy 2013-2033*" ("the Strategy").

The report also informs council of the proposed launch of the Strategy and seeks endorsement for the establishment of a regional economic leadership board to guide the progress and implementation of the Strategy.

EXECUTIVE SUMMARY

In November 2012, the Sunshine Coast Economic Development Strategy Taskforce ("the Taskforce") – comprising representatives of leading business and industry organisations and council – was established to lead the development of a new economic strategy to support the future sustainability and prosperity of the Sunshine Coast.

An evidence-based Draft Strategy and accompanying Research Compendium were developed through a process of collaboration and leadership by Taskforce members and informed by targeted consultation with major business and industry representative bodies in the region. The Draft Strategy outlined a 20-year vision for the Sunshine Coast economy to 2033 and proposed a five-year program of action to build a strong and more resilient regional economy

At a Special Meeting on 14 May 2013, council noted the "Draft Sunshine Coast Economic Development Strategy 2013-2033: *Sunshine Coast: The Natural Advantage*" and endorsed its release for public consultation and feedback.

The Draft Strategy and its supporting Draft Research Compendium were launched for public consultation over a four-week period from 22 May 2013 to 19 June 2013.

The public consultation process comprised a multifaceted engagement strategy including an online survey inviting public feedback; a series of presentations and direct consultations with business, industry, government and broader community organisations; and a business leaders' workshop attended by more than 70 representatives from local business.

During the four-week consultation period, 1,086 unique users visited the Draft Sunshine Coast Economic Development Strategy webpage 1,353 times, with 32 people completing the online survey and a further 17 people or groups lodging written submissions or responses on the draft strategy. Fifteen targeted presentations or meetings were conducted across the region with 264 key regional businesses, industry, government and other stakeholders participating in consultations. A further 446 industry representatives were provided information on the Draft Strategy and online consultation process through direct email.

The majority of feedback indicated strong support for the Draft Strategy's goals, pathways and priorities and the collaboration between business, industry and council to develop a whole-of-region strategy. Overarching key themes from the consultation process centred on the importance of leadership, implementation, accountability, organisational structures and ability of key strategy partners to achieve the outcomes outlined in the Draft Strategy.

Specific feedback predominantly reflected suggestions to expand or strengthen the proposed actions in the strategy or raise matters to be considered during implementation.

The Draft Strategy has subsequently been amended to reflect key and common elements of feedback from the public consultation period and further refined through Taskforce deliberations and analysis of implementation actions.

The final Strategy (**Appendix A**) provides a 20-year vision and blueprint for long term sustainable economic growth, which supports the Sunshine Coast's enviable and authentic lifestyle and natural assets. The Strategy's goals and aspirations for economic growth are for all areas of the Sunshine Coast region - from the rural hinterland to the urban coastal areas. The Strategy's five pathways are supported by a series of priorities and a revised five-year suite of actions to help create a more resilient and prosperous regional economy that is better able to deliver enduring employment and new investment in the region.

A total of 40 actions are contained in the Strategy's 2013-2018 Implementation Plan, with six key actions identified as the top implementation priorities for Year 1. These six top priorities for Year 1 will be the precursors to the delivery of many other strategy actions. They are:

1. Establish and support a regional economic leadership board to guide the transitions to, and build the identity of, a new economy.
2. Incorporate the principles and priorities of the Strategy into the Sunshine Coast Planning Scheme.
3. Develop a new regional brand that embodies the vision for the new economy.
4. Develop a Regional Investment Prospectus for national and global markets to profile the infrastructure and commercial investment opportunities in the region.
5. Commence development of and aggressively implement industry and investment plans for each of the high-value industries - focussing on addressing impediments to growth, supply chains, market opportunities and the identification of key investment targets.
6. Implement the Regional Education and Training Project to ensure collaboration between the region's education sectors to improve educational access, relevancy and outcomes in support of a future skilled workforce.

A Research Compendium (see **Appendix B**), which provides the research and evidence base for the Strategy, has also been updated for release with the final Strategy. The Research Compendium will be updated annually as shifts in economic performance data occur.

The first priority action, the formation of a regional economic leadership board is critical to maintaining the momentum with business and industry generated through the Strategy development process and ensuring a vigorous focus on implementation. It is proposed that this board will guide implementation, bring specialist expertise to help inform the direction of each action and assist with marshalling business and industry engagement. Subject to endorsement of the Strategy a sub-group of the Taskforce shall convene to work through options for the governance model, operating arrangements, expertise mix and membership in order to develop a model for the board that best meets the needs of the region and the Strategy itself. A further report and recommendations emanating from this process will be brought forward for council consideration in due course.

All Taskforce member organisations have been asked to endorse the final version of the Strategy prior to its public release. The final Strategy will be launched prior to the end of September 2013, with the Implementation Plan to commence from 1 October 2013.

A Communication Plan (**Attachment 1**), developed to support the Strategy, will provide a holistic and ongoing communication approach to positively profile the Sunshine Coast regional economy to local, national and international audiences. The plan provides an overarching communication strategy for the duration of the Strategy, with a more detailed action plan for Year 1.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Draft Economic Development Strategy”**
- (b) endorse the “Sunshine Coast – The Natural Advantage – Regional Economic Development Strategy 2013-2033” (Appendix A) and the associated Research Compendium (Appendix B)**
- (c) approve the “Sunshine Coast – The Natural Advantage – Regional Economic Development Strategy 2013-2033” replaces the “Sunshine Coast Economic Development Strategy 2010-2014”**
- (d) delegate authority to the Chief Executive Officer, in consultation with the Mayor, to make any minor amendments as required to finalise the “Sunshine Coast – The Natural Advantage – Regional Economic Development Strategy 2013-2033” for public release prior to the end of September 2013**
- (e) approve the formation of a regional economic leadership board referred to in the “Sunshine Coast – The Natural Advantage – Regional Economic Development Strategy 2013-2033”, with its functions to include:**
 - guiding the transitions to, and building the identity of, a new economy**
 - overseeing the progress of the Implementation Plan for the Strategy**
 - assessing progress in the delivery of the Strategy to ensure outcomes and performance measures are met**
 - providing key advice and intelligence to inform, guide and enable delivery of specific actions and**
 - advocating the region’s competitive strengths to secure new investment and**
- (f) delegate authority to the Chief Executive Officer to develop with business and industry groups represented on the Sunshine Coast Economic Development Strategy Taskforce, an appropriate governance and operating model for the regional economic leadership board for further consideration by council.**

FINANCE AND RESOURCING

Actions within the Strategy’s Implementation Plan have been identified for development and/or delivery over a five-year period from 2013-2018. Year 1 of the Implementation Plan will commence from 1 October 2013 and conclude at the end of June 2014. All other Strategy timeframes are on a financial year basis, to the end of the five-year plan in June 2018.

Fifteen (15) actions are identified as Year 1 actions – six of which (as identified in the Executive Summary) are the highest priority and precursors to other actions. The other nine actions for Year 1 are either council-led or will be implemented in collaboration with industry or government partners.

A budget of \$4.374 million (comprising \$2.292 million in employee related and administration costs and \$2.082 million in project related expenses) has been allocated within the Corporate Strategy and Delivery Department (which includes the Economic Development Branch) to direct the required resources to implement those Year 1 projects that are attributable to that department. Other Year 1 actions attributed to council primarily relate to the finalisation of the Sunshine Coast Planning Scheme, which is accommodated in the existing 2013-2014 council budget. Other Strategy actions, led by either Taskforce or stakeholder groups, will be the responsibility of those groups to resource.

Council's resource commitments to deliver actions in subsequent years in the Implementation Plan for the Strategy will be considered through council's normal budgetary processes.

CORPORATE PLAN

Corporate Plan Theme: *Robust Economy*

Emerging Priority: 1.1 - A broad economic base

Strategy: 1.1.2 - Build alliances and partnerships to develop the economy of the region with businesses and government agencies

Corporate Plan Theme: *Robust Economy*

Emerging Priority: 1.1 - A broad economic base

Strategy: 1.1.6 - Work with partners to develop initiatives that attract investment, business, careers and jobs to the region

Corporate Plan Theme: *Great governance*

Emerging Priority: 8.5 - Advocacy and partnerships

Strategy: 8.5.1 - Establish strong partnerships with all levels of government and create alliances with peak bodies and the community

CONSULTATION

Internal Consultation

The following were consulted throughout the development of the Strategy:

- Mayor Jamieson
- Councillors Cox, O'Pray and Robinson
- Chief Executive Officer
- Executive Director, Executive Office
- Economic Services Manager
- Representatives from council departments involved in the Sunshine Coast Economic Development Strategy Internal Reference Group

External Consultation

The development of the Strategy has been the product of two major consultation phases. In both Phase One and Phase Two, the Sunshine Coast Economic Development Strategy Taskforce (the Taskforce) has, in collaboration with the strategy project team, been part of or led consultation sessions with the membership and executive groups of their respective organisations - and with targeted stakeholder groups. This has also been accompanied by a broad-scale public consultation process in Phase Two.

Key external groups directly targeted during the consultation phases include:

- representatives of the Department of State Development, Infrastructure and Planning; the Department of Science, Information Technology, Innovation and the Arts; the Department of Tourism, Major Events, Small Business and the Commonwealth Games; the Department of Local Government, Community Recovery and Resilience; and the Department of Education, Training and Employment
- Sunshine Coast Destination Limited
- Property Council Sunshine Coast
- Chambers of Commerce and Industry Queensland - Sunshine Coast
- Sunshine Coast Business Council
- Sunshine Coast Business Women's Network
- Sunshine Coast Health and Hospital Service
- Sunshine Coast Economic Development Advisory Board
- Urban Development Institute of Australia - Sunshine Coast
- Regional Development Australia - Sunshine Coast
- University of the Sunshine Coast

All contributions and feedback from each of the nominated organisations have been considered in the development of the Strategy.

Community Engagement

As indicated previously, a formal broad-scale community engagement process was conducted during 22 May 2013 to 19 June 2013. This provided the opportunity for individual members of the community and community organisations to put forward their views on the goals, pathways and priorities in the draft strategy and pose alternatives. This was in addition to the targeted engagement with business and industry groups and government representatives.

PROPOSAL

Background

During the past 30 years, the Sunshine Coast economy has undergone extraordinary change. The region has experienced significant population growth and urban development and now represents a large regional economy worth more than \$13 billion.

The period since 2007-2008 has, however, revealed the inherent vulnerability of the Sunshine Coast economy to external pressures and the risks this poses for a region with a heavy reliance on population-responsive industries – such as retail and construction - and an entrenched reliance on tourism.

The region's current core industries –construction, retail and tourism - presently account for approximately 37% of total employment. Yet these industries are highly dependent on population growth or visitation levels, and are often lower value-adding and highly exposed when population growth rates and consumer confidence decline.

Since 2007, the regional population growth rate has slowed to less than the State average. With weaker population growth, fewer new dwellings are expected, meaning fewer new jobs in construction and related sectors and a general slowing of building activity. The region has also experienced a volatility in tourism demand and visitation levels, which has impacted on securing investment in new accommodation stock, employment and the competitiveness of operators.

Although the Sunshine Coast has seen some recent growth in business investment, improvements in infrastructure planning, expansion of education services and the emergence of some niche markets - it has also experienced continuing high levels of unemployment (particularly youth unemployment), low workforce participation rates, comparatively low education and income levels and a decline in some of its traditional industry activities.

Council, business and industry groups have recognised the need to collaboratively develop and implement a strong and progressive blueprint for economic change. While the preservation of the character and natural advantages of the region is important to the regional community, the Sunshine Coast will only continue to enjoy a sustainable lifestyle, community and environment if it is supported by a strong and resilient economy.

Strategy Development

In November 2012, a Sunshine Coast Economic Development Strategy Taskforce ("Taskforce") was established to lead the development of a new Strategy that would provide the evidence-based policy settings to support the future sustainability and prosperity of the region.

The Taskforce has been chaired by the Mayor and comprises the following members:

- Cr Stephen Robinson (Deputy Chair)
- Cr Peter Cox
- Cr Jason O'Pray
- Mr John Knaggs, Council's Chief Executive Officer
- Mr Greg Laverty, Executive Director, Sunshine Coast Council
- Mr Gwyn Jarrot – nominee of the Sunshine Coast Business Council
- Mr Bill Darby – nominee of the Chambers of Commerce and Industry, Sunshine Coast
- Mr Peter Bolton-Hall – nominee of the Property Council of Australia, Sunshine Coast
- Mr Carl Nancarrow – nominee of the Urban Development Institute of the Australia (Sunshine Coast)
- Mr Ian McNicol – nominee of Sunshine Coast Destination Limited
- Professor Mike Hefferan – nominee of the University of the Sunshine Coast
- Professor Max Standage – nominee of Regional Development Australia, Sunshine Coast
- Mr Greg Livingstone – nominee of the Sunshine Coast Economic Development Advisory Board

Under the Taskforce's collaborative leadership, a Draft Strategy was developed as a product of extensive economic and regional research, targeted consultations with major business and industry representative bodies and engagement with other government agencies.

The Draft Strategy and its accompanying Draft Research Compendium were released for public consultation and feedback from 22 May 2013 to 19 June 2013.

The Draft Strategy outlined a 20-year vision for the Sunshine Coast economy and posed a five-year program of actions to build a strong and more resilient regional economy. The draft Research Compendium provided an overview of the research and evidence base which informed the Draft Strategy.

The final Strategy is intended to replace the current *Sunshine Coast Council Economic Development Strategy 2010-2014* - which had been developed in different economic conditions and prior to the full implications for the region of the global economic downturn having been realised.

Consultation - Processes

Phase 1

Preliminary consultations were undertaken in January and February 2013 through the Taskforce and council's economic strategy project team to inform the development of the Draft Strategy. The preliminary consultations - using the Consultation (Discussion) Paper, *The Sunshine Coast Economy: Setting our Strategic Directions, December 2012* – were undertaken with key business and industry groups and targeted stakeholders. This process, yielding both written and verbal feedback from a range of targeted stakeholders, helped frame and develop a Draft Strategy which was considered by council on 14 May 2013.

Phase 2

The Draft Strategy was finalised and released for public consultation from 22 May 2013 to 19 June 2013. An Implementation Plan was deliberately not included in the draft Strategy, on the basis that the suite of actions presented in the document could change in response to public feedback and because it may prove an inhibitor to eliciting a broader mix of feedback on potential actions that have not been previously considered by the Taskforce.

A Draft Research Compendium, providing an overview and analysis of the key research, data and reports that had informed the development of the Draft Strategy, was also publicly released with the Draft Strategy.

Public Consultation Tools

The public consultation process comprised a multifaceted approach comprising the following elements:

- An online presence - the draft strategy documents were provided and promoted on council's website along with a survey monkey tool inviting public feedback. The Draft Strategy and survey link were also promoted on Taskforce member websites.
- Targeted media strategies – Facebook, E-newsletters, select media opportunities (eg. media releases and articles) and Taskforce member blogs and websites.
- Presentations to the Boards, Executive Groups and committees of Taskforce membership groups as well as wider public forums for members of Chambers of Commerce and Industry-Sunshine Coast and other groups.
- Meetings and direct consultation with members of the Queensland Parliament, State Government departments, industry and other stakeholder groups and networks such as the Sunshine Coast Business Women's Network and the Sunshine Coast Environment Council.
- A consultation workshop with business leaders of the Sunshine Coast.
- Direct email consultation with two region-wide industry associations - Cleantech Industries and Seasons of the Sun.
- Correspondence or representations from councillors and Taskforce members on the Draft Strategy to their regional constituents or members.

Copies of the draft consultation document were provided to the general public through a variety of means including:

- via a direct download from the Sunshine Coast Council's main website or through links from Taskforce member websites;
- being distributed in hard copy or via email for presentations held across the region; and
- through copies provided in all Sunshine Coast Council public libraries and the mobile library.

Consultation – Results Summary

Engagement Results

During the public consultation period:

- 1,086 unique users visited the Sunshine Coast Council's Draft Sunshine Coast Economic Development Strategy webpage 1,353 times
- 32 people completed the online survey monkey to provide detailed feedback
- 264 regional stakeholders participated in draft strategy consultations or meetings
- 446 people were provided information on the draft strategy and online process through direct email
- 17 people or groups lodged written submissions or responses on the draft strategy
- 15 presentations or meetings were conducted to seek feedback on the draft strategy.

A total of 32 positive news articles appeared in local media throughout the consultation period and various media outlets provided commentary on and publicity for the Draft Strategy during this time.

Summary of Key Consultation Themes and Outcomes

The majority of feedback indicated strong support for the Draft Strategy's goals, pathways and priorities and the collaborative process to develop a whole-of-region strategy which was led by business, industry and council. Targeted consultations with Taskforce member organisations and State government agencies and representatives were very positive, with strong support for the Strategy itself and participation in strategy activities.

The overarching themes emerging from consultations centred on the importance of leadership, implementation, accountability, organisational structures and ability of key strategy partners to achieve the outcomes outlined in the current draft strategy. Specific feedback predominantly reflected suggestions to expand or strengthen some of the proposed actions in the strategy or to raise issues to be considered during implementation. Some of the consultation feedback included issues or actions for attention in other council or government program areas or through the implementation process, or were considered to be outside the scope of the strategy.

The commonly recurring feedback directly relevant to the content of the Draft Strategy document included:

- The importance of implementation - the need for a clear implementation plan and adequate resourcing.
- The ownership and leadership of the strategy needs to be clear, as well as the roles of industry, business and council in implementation.
- The need to adjust the organisational culture and approach internally within Council to ensure the successful implementation of the strategy.
- Some concern at the negative sentiments at the commencement of the Strategy in relation to the current economic conditions (ie. in the Case for Change), given it may discourage interest from potential investors and businesses contemplating the region as an investment location.

- The need to better recognise and highlight the importance of all education sectors, including the vocational education and training system, in providing the skilled and qualified workforce that will be required to meet the demands of the game changer projects and high-value industries.
- The need to articulate how the Strategy will apply to all parts of the Sunshine Coast region (ie. both the coastal strip and the hinterland).
- The need to emphasise the importance of innovation and research in the Strategy's high-value sectors and activities for change.
- The need to understand the Strategy's positioning and relationship to other economic and regional planning documents/strategies (eg. Planning Scheme).
- That relationships, partnerships, collaboration and vigorous leadership are critical to achieve change and bring along regional players and the wider community.
- State and federal government support/partnerships are important to achieving change and appropriate resourcing and support.
- Leadership actions are critical to the Strategy's implementation, including developing regional leaders and leadership skills.

Consultation feedback also provided a specific range of suggestions in relation to the text of the Draft Strategy; the existing suite of actions; and considerations for the implementation of the final strategy. Recurring and dominant suggestions for change were reviewed and presented to the Taskforce as suggested amendments to the Draft Strategy and its Implementation Plan.

Amendments to Draft Strategy

As a result of the recurring consultation themes and feedback, the following amendments were considered by the Taskforce and incorporated in the final Strategy (**Appendix A**):

- Amendments to identify that the Strategy will benefit both the coastal and hinterland areas of the region.
- Recognition of all education sectors, including the vocational education and training system, in providing the skilled and qualified workforce for game changer projects and high-value industries.
- Emphasis given to partnerships and synergies between the region and all levels of government – state, federal and local government – in delivering and supporting the Strategy.
- The 'game changer' description of the airport expansion acknowledges the need to service both the international and domestic market needs.
- Better definition of the scope of the High-Value Industry sectors.
- A Foreword has been included in the Strategy, signed off by all partners to the Strategy, which outlines the document's regional support and future aims.
- Includes a statement about the intention to promote an inclusive and diverse community and to adopt strategies to support outwardly-focused relationships.
- The Strategy provides a positive outlook for the new economy to provide greater attractiveness to investors, balanced with a case for change to highlight for the general community the need for a new economic direction.
- Identification of alternative funding sources, eg. offshore and institutional, has been included as an action to stimulate capital investment in the region.
- A new action has been included to build research links and collaboration across sectors, (eg. between research institutions and business and industry in the region).
- Actions have been strengthened to support innovation and best practice in existing regional businesses to increase their sustainability.
- A new action has been included to identify and preserve critical transport corridors to enable the future delivery of new public transport solutions.

- A new action has been included to create an inventory of current international activity and expertise in the region to support trade and export activities.
- A new action has been included to incorporate the Strategy values and principles in the final Planning Scheme and communicated to the public.
- Realistic timeframes for actions have been included in the Implementation Plan.

Implementation Plan

The Strategy's Implementation Plan (which is part of the Strategy document at **Appendix A**) has been developed through consultation with key leadership and partner agencies, and presents a suite of 40 actions to be delivered over a five year period from 2013-2018.

A total of 15 actions are scheduled for Year 1 implementation. These actions will need to be delivered collaboratively by business, industry, council and government partners – who are allocated leadership or partnership roles in the implementation plan.

Of these 15 actions, six actions have been identified as top priorities for Year 1. Using a dependencies framework, these six actions have been identified as the precursors to the implementation or delivery of many other actions in the Strategy. The top six priorities for Year 1 will kick-start the Strategy and provide the foundations for, or help initiate, other Strategy actions. They are:

1. Establish and support a regional economic leadership board to guide the transitions to, and build the identity of, a new economy.
2. Incorporate the principles and priorities of the Strategy into the Sunshine Coast Planning Scheme.
3. Develop a new regional brand that embodies the vision for the new economy.
4. Develop a Regional Investment Prospectus for national and global markets to profile the infrastructure and commercial investment opportunities in the region.
5. Commence development of and aggressively implement industry and investment plans for each of the high-value industries - focussing on addressing impediments to growth, supply chains, market opportunities and the identification of key investment targets.
6. Implement the Regional Education and Training Project to ensure collaboration between the region's education sectors to improve educational access, relevancy and outcomes in support of a future skilled workforce.

The implementation of the Strategy will commence from 1 October 2013. Year 1 will conclude at the end of June 2014. All other Strategy actions will be completed over varied timeframes, until the end of 2018. The short-to-medium term priorities will be constantly reviewed in the context of resourcing and the delivery of previous actions. Longer-term priorities will also be reviewed through assessing the progress made in delivering the 5-year suite of actions, as well as assessing regional trends and the economy's performance and tracking progress over time in achieving the aspirational goals in the Strategy.

As indicated in the Strategy, progress made in the five-year Implementation Plan will be reviewed - and reported to the community annually - to ensure it maintains its currency and relevancy and remains on target to deliver a strong regional economy.

Oversight and Guidance of Strategy Implementation

The first priority action - the formation of a regional economic leadership board is critical to maintaining the momentum with business and industry generated through the Strategy development process and ensuring a vigorous focus on implementation. This board will guide implementation, bring specialist expertise to help inform the direction of each action and assist with marshalling business and industry engagement.

Subject to endorsement of the Strategy a sub-group of the Taskforce shall convene to work through options for the governance model, operating arrangements, expertise mix and membership in order to develop a model for the board that best meets the needs of the region and the Strategy itself. A further report and recommendations emanating from this process will be brought forward for council consideration in due course.

It is proposed the board's functions would include:

- guiding the transitions to, and building the identity of, a new economy;
- overseeing the progress of the Implementation Plan for the Strategy;
- assessing progress in the delivery of the Strategy to ensure outcomes and performance measures are met;
- providing key advice and intelligence to inform, guide and enable delivery of specific actions; and
- advocating the region's competitive strengths to secure new investment

The initial model developed for the Board may also be a transitional arrangement – with amendments to structures or membership made over time to reflect changing regional economic requirements and/or emerging skills needs required to drive the Strategy.

Endorsement by Taskforce

All Taskforce member organisations have been asked to endorse the following statement for inclusion within the Strategy:

“Senior representatives of the following stakeholder organisations have collectively and collaboratively contributed to the development of this whole-of-region Economic Development Strategy. Each organisation commits to support the Strategy and embraces its goals towards securing future economic prosperity for the Sunshine Coast.”

It is considered critical that the final Strategy will not be perceived as being “owned” solely by council, but rather that it is owned and championed by regional business, industry and council partners. The commitment statement outlined above has been developed to articulate the broader regional support for the Strategy to a wider investment audience and other levels of government.

Communication and Launch of Strategy

“The Economic Development Strategy Communication Plan 2013-2033” (**Attachment 1**) has been developed to support the Strategy and provide a holistic and ongoing communication plan to positively profile the Sunshine Coast regional economy to a local, national and international audience.

An initial action in this plan is the launch of the Strategy, which is scheduled to be launched at the end of September 2013 subject to endorsement of the document by council and Taskforce member organisations.

The launch will be a professional event aimed to promote and inform the regional and broader community of a new plan to help deliver economic prosperity to the Sunshine Coast region.

Legal

No significant legal issues with the Strategy have been identified at this time.

Policy

The Strategy is consistent with Councils' key economic policy priorities to broaden the region's economic base, provide support to local business, and create an environment that supports high value employment and career opportunities. It is also consistent with the commitments made in council's current *Corporate Plan 2009-2014*.

The final Strategy is intended to replace the current *Sunshine Coast Council Economic Development Strategy 2010-2014*.

Risk

Elements of risk associated with the implementation of the Strategy will be assessed by implementation leaders and partners responsible for individual Strategy actions. All risks associated with ongoing communication and community engagement with respect to the Strategy have been analysed and appropriate mitigation measures developed as part of the Strategy's Communication Plan.

Previous Council Resolution

Ordinary Meeting 20 May 2010 (**OM10/120**)

That Council:

- (a) receive and note the report titled "Economic Development Strategy";
- (b) endorse the Economic Development Strategy 2010-2014 (Appendix A as amended).

Special Meeting 14 May 2013 (**SM13/4**)

That Council:

- a) receive and note the report titled "Draft Sunshine Coast Economic Development Strategy" and
- b) endorse the release of the draft "Sunshine Coast: The Natural Advantage - Sunshine Coast Economic Development Strategy" with minor editorial amendments, for public consultation (Appendix A).

Related Documentation

- Sunshine Coast Council Corporate Plan 2009-2014
- Sunshine Coast Economic Development Strategy 2010-2014
- Consultation Paper – *The Sunshine Coast Economy – setting our strategic directions* (2012)
- Rural Futures Strategy (2013)
- Sunshine Coast Export Survey Report, October 2012
- *Australia in the Asian Century, 2012*
- *Our Future World, Global Megatrends that will change the way we live* - CSIRO, 2012 revision
- Queensland Trade and Investment Strategy 2011-2016
- *What Works: Identifying successful strategies for sustainable economies and jobs growth in the 'second tier' of Australian regions*, University of the Sunshine Coast, 2010
- *Economic Profile for the Sunshine Coast*, AEC Group, January 2103
- *SCRC Economic Benchmarking*, AEC Group, January 2013.

Critical Dates

The proposed launch of the Strategy is being scheduled for the last week in September 2013. Taskforce member organisations have been requested to provide their endorsement of the commitment statement (referred to previously) prior to this time.

Implementation

- A five-year Implementation Plan for the Strategy has been developed to guide a suite of 40 actions from 2013-2018.
- An Economic Development Strategy Communication Plan 2013-2033 has been developed to support the Strategy's ongoing communications requirements.

8 NOTIFIED MOTIONS**9 TABLING OF PETITIONS**

Petitions only eligible for submission if:

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

10 CONFIDENTIAL SESSION**10.1 REGIONAL STRATEGY AND PLANNING****10.1.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - PROTECTION OF PRIME AGRICULTURAL LAND AND OTHER LAND FROM COAL SEAM GAS MINING BILL**

File No: Statutory Meetings
Author: Senior Strategic Planner
Regional Strategy & Planning Department

This report is confidential in accordance with section 275 (h) of the *Local Government Regulation 2012* as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

10.1.2 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - PLANNING APPEAL - SIPPY DOWNS

File No: MCU06/0010 & 1-19356
Authors: Coordinator Appeals Management
Regional Strategy & Planning Department
Solicitor
Executive Office

This report is confidential in accordance with section 275 (f) of the *Local Government Regulation 2012* as it contains information relating to starting or defending legal proceedings involving the local government.

10.2 COMMUNITY SERVICES

**10.2.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - NEW PROPOSALS -
COMMERCIAL USE OF COUNCIL-CONTROLLED LAND**

File No: ECM

**Authors: Community Land Permits Project Manager
Community Services Department
Manager Community Response
Community Services Department**

This report is confidential in accordance with section 275 (h) of the *Local Government Regulation 2012* as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

10.3 INFRASTRUCTURE SERVICES

Nil

10.4 FINANCE AND BUSINESS

Nil

10.5 EXECUTIVE OFFICE

Nil

11 NEXT MEETING

The next Ordinary Meeting will be held on 17 October 2013 in the Council Chambers, 1 Omrah Avenue, Caloundra.

12 MEETING CLOSURE