

Agenda

Ordinary Meeting

Thursday, 24 July 2014

commencing at 9.00 am

Council Chambers, 1 Omrah Avenue, Caloundra

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1 DECLARATION OF OPENING

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

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

THAT THE MINUTES OF THE SPECIAL MEETING (CALOUNDRA SOUTH, PALMVIEW AND KAWANA MASTER PLANNING) HELD ON 10 JUNE 2014, THE ORDINARY MEETING HELD ON 19 JUNE 2014, THE SPECIAL MEETING (BUDGET) HELD ON 26 JUNE 2014 AND THE SPECIAL MEETING (PLANNING AND LEGAL MATTER) HELD ON 26 JUNE 2014 BE RECEIVED AND CONFIRMED.

5 OBLIGATIONS OF COUNCILLORS**5.1 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.

5.2 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.

6 MAYORAL MINUTE**7 PRESENTATIONS**

8 REPORTS DIRECT TO COUNCIL**8.1 REGIONAL STRATEGY AND PLANNING****8.1.1 SUNSHINE COAST PLANNING SCHEME 2014 (AMENDMENT NO. 1 - FILLING AND EXCAVATION PROVISIONS FOR DWELLING HOUSES)****File No:** Statutory Meetings**Author:** Senior Strategic Planner
Regional Strategy & Planning Department**Appendices:** App A - (Sunshine Coast Planning Scheme 2014 Amendment No. 1 – Filling and excavation provisions for dwelling houses) 17

PURPOSE

The purpose of this report is to seek Council's endorsement to make an amendment to the *Sunshine Coast Planning Scheme 2014*.

EXECUTIVE SUMMARY

Following the commencement of the *Sunshine Coast Planning Scheme 2014* on 21 May 2014, concerns have been raised by private (building) certifiers in relation to the application and interpretation of the filling and excavation provisions in the Dwelling house code and the provisions relating to dwelling houses in the Landslide hazard and steep land overlay code.

Representatives of the Independent Private Certifiers Association of Queensland have expressed concern that in some circumstances the planning scheme may inadvertently increase the level of assessment for a dwelling house from self assessment to code assessment. This issue specifically relates to the interpretation and application of filling and excavation provisions (AO12) in the Dwelling house code and the additional assessment criteria for dwelling houses (AO3) in the Landslide hazard and steep land overlay code. Although the concerns raised apply only in certain circumstances they do have merit and accordingly it is proposed to address these concerns through a minor amendment to the planning scheme. It is reasonable to allow for 6 weeks for a planning scheme amendment of this type to be finalised, however this is subject to deliberations by the Planning Minister.

OFFICER RECOMMENDATION**That Council:**

- (a) receive and note the report titled "Sunshine Coast Planning Scheme 2014 (Amendment No. 1 - Filling and excavation provisions for Dwelling houses)"**
- (b) in accordance with Chapter 3, Part 5 of the *Sustainable Planning Act 2009* and Section 2.3.2, Stage 1, Step 1.1 of *Statutory guideline 01/14: Making and amending local planning instruments*, resolve to make an amendment to the Sunshine Coast Planning Scheme 2014 (Amendment No. 1 – Filling and excavation provisions for dwelling houses)**

- (c) in accordance with Section 2.3.2, Stage 1, Step 1.5 of *Statutory guideline 01/14: Making and amending local planning instruments*, resolve to advise the Minister for State Development, Infrastructure and Planning that it considers the Sunshine Coast Planning Scheme 2014 (Amendment No. 1 – Filling and excavation provisions for dwelling houses) to be a minor amendment for the following reasons:
- (i) the amendment does not involve a zoning change
 - (ii) the amendment does not adversely affect a State interest
 - (iii) the amendment involves minimal changes to two acceptable outcomes in two codes
 - (iv) the amendment does not affect the development entitlements applicable to land
 - (v) the public interest would not be served by undertaking public notification about the proposed amendment
- (d) subject to confirmation from the Minister for State Development, Infrastructure and Planning, that the proposed amendment is a minor amendment as provided for under *Statutory guideline 01/14: Making and amending local planning instruments*:
- (i) resolve to prepare a proposed amendment to the Sunshine Coast Planning Scheme 2014, as set out in Appendix A (Sunshine Coast Planning Scheme 2014 Proposed Amendment No. 1 – Filling and excavation provisions for dwelling houses) and, where required, consult with relevant State agencies to finalise the proposed amendment, in accordance with Section 2.3.2, Stage 1, Step 3.1 and 3.2 of *Statutory guideline 01/14: Making and amending local planning instruments*
 - (ii) resolve to adopt the proposed amendment to the Sunshine Coast Planning Scheme 2014, as set out in Appendix A (Sunshine Coast Planning Scheme 2014 Proposed Amendment No. 1 – Filling and excavation provisions for dwelling houses) in accordance with Section 2.3.2, Stage 1, Step 10.4 of *Statutory guideline 01/14: Making and amending local planning instruments*
 - (iii) place a notice in the government gazette, a newspaper circulating in the local government area and on Council's website about the adoption and commencement of the proposed amendment to the Sunshine Coast Planning Scheme 2014 (Amendment No. 1 – Filling and excavation provisions for dwelling houses), in accordance with Section 2.3.2, Stage 1, Step 10A.5 of *Statutory guideline 01/14: Making and amending local planning instruments* and
 - (iv) provide a copy of the above notice and one electronic copy of the proposed amendment to the Sunshine Coast Planning Scheme 2014 (Amendment No. 1 – Filling and excavation provisions for dwelling houses), in accordance with Section 2.3.2, Stage 1, Step 10.6 of *Statutory guideline 01/14: Making and amending local planning instruments* to Chief Executive.

FINANCE AND RESOURCING

There are sufficient funds allocated in the Regional Strategy and Planning 2014/2015 budget for undertaking administrative amendments to the *Sunshine Coast Planning Scheme 2014*.

CORPORATE PLAN

Corporate Plan Goal: 1 - *A new economy*

Outcomes: 1.1 – Strong economic leadership, collaboration and identity

Operational Activity: 1.1.1.3 – Implement the *Sunshine Coast Planning Scheme 2014*, including progression of Council's nominated investigations and priority amendments to the scheme

CONSULTATION

Internal Consultation

Consultation has occurred with the following key staff during the preparation of the proposed amendment:

- Coordinator Building and Plumbing, Development Services, Regional Strategy and Planning and
- Principal Development Planner, Major Planning Projects, Development Services, Regional Strategy and Planning.

External Consultation

Members of the planning scheme team met with a representative from the Department of State Development, Infrastructure and Planning, Regional Services – SEQ (North) office on 12 June 2014, to discuss and obtain preliminary advice in relation to the proposed amendment. It was indicated during these discussions that it is reasonable to consider the proposed amendment to be a minor amendment.

Further technical advice has been sought from the Department's Regional Service – SEQ (North) office on 17 June 2014, to confirm whether the proposed amendment could reasonably be considered to constitute a 'minor amendment' in accordance with *Statutory guideline 01/14 Making and amending local planning instruments 2014*. However, the ultimate decision in this regard rests with the Minister for State Development, Infrastructure and Planning, as outlined in *Statutory guideline 01/14 Making and amending local planning instruments*.

A copy of the proposed amendment was also forwarded to a representative of the Independent Private Certifiers Association Queensland, for review and comment. Officers have been advised that the proposed amendment would provide clarification and fully address the issues raised by private (building) certifiers.

Community Engagement

An extensive community consultation program was undertaken during the preparation of the Sunshine Coast Planning Scheme, including the public notification of the draft planning scheme from October to December 2012. During the draft planning scheme public notification period 33 submissions raised concerns about the provisions in the draft planning scheme that regulate dwelling houses, including provisions that relate to dwelling houses in the Landslide hazard and steep land overlay code. The issues raised were addressed in Region Wide Key Issues Paper No. 7: Dwelling house provisions and refinements made to the planning scheme in response to the issues. However, further operational issues have come to light during the early implementation of the planning scheme which were not previously identified, in relation to the interpretation and implementation of the filling and excavation provisions in the Dwelling house code and the dwelling house provisions in the Landslide hazard and steep land overlay code.

PROPOSAL

On 14 April 2014, Council adopted the *Sunshine Coast Planning Scheme 2014*. The planning scheme was gazetted on 2 May 2014 and commenced on 21 May 2014. To assist with the implementation of the planning scheme, the planning scheme team has provided briefings on the use and navigation of the planning scheme to internal officers and external stakeholders (including Private Certifiers, Planning Consultants and Building Designers).

Through the briefing session with Private Certifiers (held on 27 May 2014) and further discussions with key representatives at a Building Industry Forum meeting (held on 5 June 2014), concerns were raised with regard to the application and interpretation of the filling and excavation provision (AO12) in the Dwelling house code and the additional assessment criteria for dwelling houses (AO3) in the Landslide hazard and steep land overlay code of the planning scheme.

Filling and excavation provision (AO12) in the Dwelling house code

Acceptable outcome (AO12) of the Dwelling house code of the planning scheme, states that:

Filling or excavation	
<p>PO12</p> <p>Any <i>filling or excavation</i> associated with a <i>dwelling house</i>:-</p> <ul style="list-style-type: none"> (a) sensitively responds to the slope and landform characteristics of the <i>site</i>; (b) provides safe and efficient access for vehicles and pedestrians on sloping land; (c) minimises adverse impacts on the <i>streetscape</i>; and (d) does not adversely impact upon the privacy or amenity of surrounding premises. 	<p>AO12</p> <p>Except where located on a <i>site</i> having a <i>slope</i> of greater than 15% as identified on an applicable Landslide Hazard and Steep Land Overlay Map:-</p> <ul style="list-style-type: none"> (a) the extent of excavation (cut) and fill does not involve a total change of more than 1.0 metre relative to the ground at any point; and (b) no part of any cut or fill is within 1.5 metres of any property boundary except cut and fill involving a change in ground level of less than 200mm that does not necessitate the removal of any <i>vegetation</i>. <p>OR</p> <p>Filling and/or excavation is confined to within the plan area of the <i>dwelling house</i> with ground level being retained around external walls of the building.</p> <p>OR</p> <p>Where on a lot in an identified drainage deficient area, filling is undertaken in accordance with a current drainage deficient area flood information certificate issued by the <i>Council</i> for the <i>site</i>.</p> <p>Editor's note—drainage deficient areas are identified on Figure 8.2.7 (Drainage deficient areas) of the Flood hazard overlay code.</p>

The main issue of concern related to AO12(b), which has been interpreted to mean that no cut and fill could occur within 1.5m of a site boundary, retained or un-retained, unless the change in level is less than 200mm and does not require the removal of any vegetation. It is considered that this requirement may be difficult to achieve unless the dwelling house site is virtually level and devoid of vegetation.

Non-compliance with the filling and excavation provision (AO12) of the Dwelling house code, would require a self assessable application for a new dwelling house to trigger a code assessable Material change of use (MCU) application. However, in the vast majority of cases, this MCU becomes exempt due to the effect of Schedule 4, Table 2, Item 2 of the *Sustainable Planning Regulation 2009* and would require the building application to be referred to Council via the Referral Agency Planning process.

It was intended that no un-retained cut or fill batter could occur within 1.5m of a site boundary, unless the change in level is less than 200mm, similar to the previous provision contained in the Code for Development of Detached Houses and Display Homes in the *Maroochy Plan 2000*. It is also considered that there is no further need for the provision to include reference to the removal of vegetation, which could either fall under the definition of exempt vegetation clearing or could be dealt with through the Biodiversity, waterways and wetlands overlay code where the vegetation was mapped as native vegetation.

To provide a more reasonable requirement, it is proposed that this provision be amended by specifying that *“no part of any un-retained cut or fill batter is within 1.5 metres of any property boundary except cut and fill involving a change in ground level of less than 200mm.*

Additional assessment criteria for dwelling houses (AO3) in the Landslide hazard and steep land overlay code

Acceptable outcome (AO3) of the Landslide hazard and steep land overlay code of the planning scheme, states that:

Additional Assessment Criteria for Dwelling House	
PO3	Where for a <i>dwelling house</i> , the development:- (a) is responsive to the natural topography of the <i>site</i> and minimises the need for cut and fill; (b) does not visually dominate the hill slope or interrupt the skyline; and (c) is visually integrated with natural site characteristics including <i>vegetation</i> .
AO3	Where for a <i>dwelling house</i> and located on land having a <i>slope</i> exceeding 15%, as identified on a Landslide Hazard and Steep Land Overlay Map:- (a) buildings are of a split level design that steps down the slope or incorporates a suspended floor construction; (b) any <i>filling</i> or <i>excavation</i> associated within buildings, structures or driveways:- (i) is confined to the driveway and plan area of the <i>dwelling house</i> , with ground level being retained around the driveway and the external walls of the building(s); (ii) is not more than 2 metres relative to ground level or 1 metre relative to ground level where within 1.5 metres of any <i>site</i> boundary; (iii) does not necessitate the construction of a retaining wall exceeding 2 metres in height; and (iv) provides for the stabilisation of any cut and fill batter through the use of landscapes and retaining walls; (c) driveways are not steeper than 20% for more than 20 metres or one quarter of their length, whichever is the lesser, and not more than 25% in any location; and (d) parts of a driveway steeper than 20% are provided with a slip-resistant surface.

The main issue of concern in respect to this provision relates to the ability for a dwelling house to comply with all aspects of AO3(a) and (b).

Non-compliance with the additional assessment criteria for dwelling houses (AO3) of the Landslide hazard and steep land overlay code, would require a self assessable application for a new dwelling house to trigger a code assessable Material change of use (MCU) application. To mitigate the risk of an unintentional increase in the level of assessment for dwelling houses, it is proposed that AO3 be redrafted to provide options for how a dwelling house may be designed and constructed on slopes exceeding 15%, similar to the previous provisions included in the *Caloundra City Plan 2004*.

Proposed response to issues raised

It is proposed that these issues be addressed through the proposed amendment to the planning scheme, outlined in **Appendix A (Sunshine Coast Planning Scheme 2014 Proposed Amendment No. 1 – Filling and excavation provisions for dwelling houses)**, which includes:

- amending the filling and excavation provision (AO12) in the Dwelling house code to provide specific a less onerous requirement and
- amending the additional assessment criteria for dwelling houses (AO3) in the Landslide hazard and steep land overlay code to provide options.

Process for amending a planning scheme

Statutory guideline 01/14: Making and amending local planning instruments, sets out the minimum requirements that local government must follow when amending a planning scheme. Amendments to a planning scheme are categorised into one of the following types:

- rezoning of government land amendment
- administrative amendment
- minor amendment or
- major amendment.

In accordance with Section 2.2.3 of *Statutory guideline 01/14* it is considered that the proposed amendment is a minor amendment because:

- the amendment does not involve a zoning change
- the amendment does not adversely affect a State interest
- the amendment involves minimal changes to two acceptable outcomes in two codes
- the amendment does not affect the development entitlements applicable to land and
- the public interest would not be served by undertaking public notification about the proposed amendment.

It is also considered that the proposed amendment:

- improves the workability of the relevant codes
- improves the clarity and intent of the provisions
- reduces conflicts between provisions
- mitigates the risk of unintentional increases in the level of assessment for dwelling houses
- is consistent with Council's policy intent relating to development on steep land
- is consistent with State interests including the *State Planning Policy (December 2013)* and draft amendments to the *State Planning Policy (December 2013)*, publicly notified from 1 to 30 May 2014, relating to Natural hazards (landslide and steep land) risk and resilience and
- is consistent with the Risk treatment/strategy outlined in the Natural Hazard Risk Assessment Process prepared for the draft Sunshine Coast Planning Scheme.

Preliminary discussions and advice obtained from the Regional office of the Department of State Development Infrastructure and Planning on 12 June 2014, has indicated that it is reasonable to consider that the proposed amendment constitutes a 'minor amendment' in accordance with Section 2.2.3 of *Statutory guideline 01/14 Making and amending local planning instruments 2014*. However, the ultimate decision in this regard rests with the Minister for State Development, Infrastructure and Planning.

In the event that the Minister for State Development, Infrastructure and Planning does not consider the proposed amendment to be a minor amendment, this matter will need to be referred back to Council for further consideration.

Legal

Statutory guideline 01/14 – Making and amending local planning instruments sets out the process, under the *Sustainable Planning Act 2009*, that local government must follow when amending a local planning instrument. Where necessary, Council's solicitors may be engaged to provide drafting, procedural and general advice during the amendment process to ensure compliance with the Act and associated legislation.

Policy

The proposed amendment to the *Sunshine Coast Planning Scheme 2014* supports the key principles identified in Council's adopted policy framework, including Council's policy intent relating to development on steep land.

The proposed amendment is also consistent with:

- the *State Planning Policy (December 2013)* and draft amendments to the *State Planning Policy (December 2013)*, publicly notified from 1 to 30 May 2014, relating to Natural hazards (landslide and steep land) risk and resilience and
- the Risk treatment/strategy outlined in the Natural Hazard Risk Assessment Process prepared for the draft Sunshine Coast Planning Scheme during the post public notification ministerial review process.

Risk

The proposed amendment is aimed at improving the application and intent of the provisions in the planning scheme that regulate dwelling houses. If Council resolves not to proceed with the proposed amendment, there is a potential risk of an increase in the level of assessment for some new dwelling houses on the Sunshine Coast.

Previous Council Resolution

At a Special Meeting of Council, held on the 14 April 2014 (Item 5.1.2), it was resolved (Council Resolution No. SM14/8):

That Council:

- (a) in accordance with Chapter 3, Part 5 of the Sustainable Planning Act 2009 and section 2.3.2, Stage 4, Step 10.1 of Statutory Guideline 01/13: Making and amending local planning instruments, resolves to adopt the proposed Sunshine Coast Planning Scheme 2014 as amended to incorporate the changes necessary to comply with the additional conditions imposed by the Minister for State Development, Infrastructure and Planning in accordance with section 2.3.2 Stage 4 Step 10A.2(a) of Statutory Guideline 01/13: Making and amending local planning instruments:*
 - (i) by letter dated 24 March 2014 – the inclusion of Lot 2 RP 841494 in the Medium density residential zone and*
 - (ii) by letter dated 14 April 2014 –*
 - 1) compliance with condition 2 of the Minister’s previous letter dated 5 March 2014 required paragraph (l) of Section 3.3.1 (strategic outcomes) to be amended to include the Caloundra South (Halls Creek) Identified Growth Area as an area subject to further planning assessment under the SEQ Regional Plan*
 - 2) deletion of Paragraph (h) of Section 3.3.8.1 (Specific outcomes for Element 7 – further investigation areas) which reads as follows: “(h) The Caloundra South (Halls Creek) SEQ Regional Plan Identified Growth Area has not been identified as a further investigation area as this area forms part of the regional inter-urban break and is unsuitable and not required for urban development in the future” on the basis that it is in conflict with condition 2*
 - 3) identification of each of the SEQ Regional Plan Identified Growth Areas on Strategic Framework Map SFM1 (land use elements) and Strategic Framework Map SFM2 (Economic development elements)*
- (b) in accordance with Chapter 3, Part 5 of the Sustainable Planning Act 2009 and section 3.3.2, Stage 3, Step 5.1 of Statutory Guideline 01/13: Making and amending local planning instruments, resolves to adopt the proposed planning scheme policies (included in Schedule 6 of the Sunshine Coast Planning Scheme 2014)*
- (c) continue to advocate the Sunshine Coast’s key policy positions to the Minister for State Development, Infrastructure and Planning through the upcoming review of the South East Queensland Regional Plan 2009-2031, including:*
 - (i) the unsuitability of Caloundra South (Halls Creek) as an Identified Growth Area and the more appropriate opportunities provided by the Beerwah to Caloundra South Corridor and*
 - (ii) the need to protect the Sunshine Coast–Moreton Bay Regional inter-urban break as an important feature for South East Queensland including the area identified as Regional inter-urban break on Strategic Framework Map SFM1 (Land use elements)*
- (d) delegate authority to the Chief Executive Officer to:*
 - (i) finalise the changes to the proposed Sunshine Coast Planning Scheme 2014 as adopted by Council in paragraph (a) to comply with the additional conditions specified in correspondence from the Minister for State Development, Infrastructure and Planning dated 24 March 2014 and 14 April 2014*

- (ii) amend the proposed Sunshine Coast Planning Scheme 2014 in accordance with the changes adopted by Council in paragraph (a) to comply with the additional conditions specified in correspondence from the Minister for State Development, Infrastructure and Planning dated 24 March 2014 and 14 April 2014*
- (iii) place a notice in the government gazette, a newspaper circulating generally in the local government area and on Council's website about the adoption and commencement of the following:*
 - 1) the Sunshine Coast Planning Scheme 2014 in accordance with section 2.3.2, Stage 4, Step 10A.2 (c) of Statutory Guideline 01/13: Making and amending local planning instruments*
 - 2) the planning scheme policies (included in Schedule 6 of the Sunshine Coast Planning Scheme 2014), in accordance with section 3.3.2, Stage 3, Step 5A.2 of Statutory Guideline 01/13: Making and amending local planning instruments*
- (iv) commence the Sunshine Coast Planning Scheme 2014 and the planning scheme policies on 21 May 2014*
- (v) provide a copy of the above notice and one electronic copy of the Sunshine Coast Planning Scheme 2014 and the planning scheme policies to the Minister for State Development, Infrastructure and Planning in accordance with Statutory Guideline 01/13: Making and amending local planning instruments*
- (vi) make electronic copies of the Sunshine Coast Planning Scheme 2014 and the planning scheme policies available for purchase at Council's Development Information Counters*
- (vii) make a hard copy of the Sunshine Coast Planning Scheme 2014 and the planning scheme policies available for viewing at each of Council's Development Information Counters*
- (viii) communicate information about the commencement of the Sunshine Coast Planning Scheme 2014 and the planning scheme policies to the community through a media launch, other media opportunities, Council's website, information packages, presentations and other forums*
- (ix) commence an ongoing amendment process for future amendments to the Sunshine Coast Planning Scheme 2014 and undertake prioritised investigations into the identified Further Investigation Areas in the Strategic Framework to inform future planning schemes*
- (x) accept all development applications (superseded planning scheme) to be assessed and decided under the applicable superseded planning scheme in accordance with Chapter 3, Part 2, Division 5 of the Sustainable Planning Act 2009, except in the following circumstances:*
 - 1) the Sunshine Coast Planning Scheme 2014 significantly reduces building height or development density or*
 - 2) there is another major departure between the provisions of the applicable superseded planning scheme and the provisions of the Sunshine Coast Planning Scheme 2014*
- (e) formally recognise the outstanding efforts of the Planning Scheme team and relevant staff and thank them for their contribution.*

Related Documentation

The following documents relate to this report:

- Sunshine Coast Planning Scheme 2014
- *Sustainable Planning Act 2009*
- Statutory guideline 01/14: Making and amending local planning instruments and
- State Planning Policy (December 2013).

Critical Dates

There is a desire to progress and implement the proposed amendment to the *Sunshine Coast Planning Scheme 2014*, as soon as practicable.

Implementation

Following Council consideration the following steps are intended to be undertaken:

- advise the Minister for State Development, Infrastructure and Planning of the reasons why Council considers the Sunshine Coast Planning Scheme 2014 (Amendment No. 1 – Filling and excavation provisions for dwelling houses) to be a minor amendment
- subject to confirmation obtained from the Minister for State Development, Infrastructure and Planning, that the proposed amendment would be a minor amendment, place a notice in the Queensland Government Gazette, the Sunshine Coast Daily and on Council's website advising of the adoption and commencement of the proposed amendment to the Sunshine Coast Planning Scheme 2014 (Amendment No. 1 – Filling and excavation provisions for dwelling houses).

8.2 CORPORATE SERVICES

8.2.1 EXCEPTION UNDER LOCAL GOVERNMENT REGULATION 2012 - LEASE RENEWALS TO COMMUNITY ORGANISATIONS

File No:	Cle000
Author:	Coordinator Portfolio Management Corporate Services Department
Appendices:	App A - Proposed Leases for Negotiation 33

PURPOSE

The purpose of this report is to fulfil Council's legislative obligations in relation to the renewal of leases to community organisations.

EXECUTIVE SUMMARY

Council holds approximately 200 separate tenure arrangements for Council owned or managed land, including leases to various community organisations, such as not-for-profit groups, or sporting and recreational clubs.

The *Local Government Regulation 2012* provides that Council may only dispose of an interest in land (including leases to community organisations) by a tender process, unless an exception applies. The legislation provides an exception where the property is disposed of to a community organisation. A community organisation is an entity that carries on activities for a public purpose or another entity whose primary objectives is not directed at making a profit.

To exercise this exception, Council must decide by resolution that the exception may apply as the entity to be engaged in lease is a community organisation, or the site to be leased is for occupation by a community organisation.

There are currently 32 such leases that have expired and a further 13 that will expire in the next six months. A list of these 45 leases is detailed in Appendix A.

A resolution that the exception provided under Section 236(1)(b)(ii) applies to the sites identified in Appendix A will allow for renewal of leases at those sites, where considered appropriate, without the need to engage in an open written tender process.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Exception under Local Government Regulation 2012 - Lease Renewals to Community Organisations" and
- (b) resolve that an exception under Section S236(1)(b)(ii) of *Local Government Regulation 2012* applies to the 45 proposed lease sites listed at Appendix A, thus allowing Council to dispose of an interest in land to community organisations other than by tender or auction.
- (c) note that implementation of (b) will include consultation with the relevant divisional councillor and council operational areas.

FINANCE AND RESOURCING

There are no financial or resourcing impacts relating to this matter.

CORPORATE PLAN

Corporate Plan Goal Outcome	2 - A strong community
Operational Service	We serve our community by providing this great service S5 – Community venues – providing, managing and administering the hiring and leasing of community and cultural venues including The Events Centre and other performance venues

CONSULTATION

Internal Consultation

Advice and direction in relation to the implementation and ongoing management of the provisions of *Local Government Regulation 2012* has been received from the Manager Procurement and Contracts and Solicitor Legal Services.

External Consultation

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

Community Engagement

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

PROPOSAL

The *Local Government Regulation 2012* provides the process by which Council may dispose of valuable non-current assets, which include land or an interest in land (e.g. offering of a lease). It provides that a valuable non-current asset may only be disposed of by tender or auction, unless an exception applies.

The legislation provides a list of exceptions where the valuable non-current asset may be disposed of, without using a tender or auction process. One of those exceptions applies where the disposal is to a community organisation. A community organisation is defined as an entity that carries on activities for a public purpose or another entity whose primary objectives is not directed at making a profit.

To exercise the exception not to use a tender or auction process, Council must decide by resolution that the exception may apply to it. In this case, for the exception to apply, the Council must be satisfied that the entity taking up the lease is a community organisation, or the site to be leased is for occupation by a community organisation.

Council has approximately 200 separate tenure arrangements with community organisations, such as sporting, recreational and community groups who occupy and use Council owned or managed land. There are currently 32 such leases that have expired and a further 13 that will expire in the next six (6) months. A list of these 45 leases is detailed in Appendix A.

A resolution that the exception pursuant to Section 236(1)(b)(ii) applies to the sites identified in Appendix A will allow leases at those sites to be renewed, where considered appropriate, without the need to engage in an open written tender process.

Each year, on average, 20 community leases expire. It is intended that future renewals be referred to Council on a bi-annual basis, with a view to exercising the exception, where appropriate, pursuant to Section 236 of *Local Government Regulation 2012*.

New sites proposed for leasing by a community organisation will continue to comply with *Local Government Regulation 2012* by undergoing a tender process to select the new lessee.

Legal

Legal Services have been consulted on this matter and agrees with the proposal to seek exceptions for this category of leases i.e. renewal of leases to community organisations.

Policy

This report was developed in accordance with the Procurement Policy in relation to disposal of council assets.

Risk

There are no risk issues to address in relation to this report.

Previous Council Resolution

There is no previous council resolution relevant to this report.

Related Documentation

There is no other documentation relevant to this report.

Critical Dates

While there is no specific critical date, Council is required to comply with *Local Government Regulation 2012* to renew any leases. As such, unless it is resolved to tender the renewal sites or a resolution is made to except them from tender processes, Council is unable to renew any of these expired/expiring lease arrangements with the 45 groups listed in Appendix A to this report.

Implementation

Engagement with Councillors, council operational areas and prospective lessees will commence upon receipt of an approved council resolution.

8.2.2 SALE OF LAND FOR ARREARS OF RATES

File No: Sale of Land
Author: Treasury and Rates Coordinator
Corporate Services Department
Attachments: Att 1 - Sale of Land Schedule - As at 16 June 2014 (*Under Separate Cover*) – *Confidential*.....*Conf Pg 5*

PURPOSE

This report has been prepared to seek Council's approval to commence the Sale of Land for arrears of Rates and Charges that have been overdue for a period of more than three years, in accordance with the *Local Government Regulation 2012*.

EXECUTIVE SUMMARY

The *Local Government Regulation 2012*, Part 12, Division 3 provides guidance where overdue rates and charges have remained unpaid for a period greater than three years and allows a local government to sell the land on which the rate was levied. The land is sold by way of public auction and for that purpose the procedures should be commenced 3 months after and within six months from council issuing the notice of intention to sell.

There are currently 205 properties on the Sale of Land list, with a total balance outstanding of \$2.1 million. Should Council approve the recommendations in this report, the legislation directs the following timelines:

- First statutory notice sent after council approval in August 2014
- Second statutory notice sent in October 2014 and
- Sale of Land Auction (if required) November 2014.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Sale of Land for Arrears of Rates"
- (b) commence proceedings under Sections 140 to 142 of the *Local Government Regulation 2012* to recover outstanding rates and charges by way of sale of land with overdue rates for a period of greater than three years as at 5 May 2014 and
- (c) in accordance with the *Local Government Regulation 2012*, commence any Public Auction where required, no earlier than three months after notice of intention to sell.

FINANCE AND RESOURCING

There are currently 205 properties on the Sale of Land list, with a total outstanding of \$2.1 million. The outstanding rates and charges are currently accruing interest at the rate of 11% per annum, as per the *Local Government Regulation 2012*. Investments are currently earning approximately 3.5% per annum interest revenue, and whilst there may be a financial disadvantage in collecting the outstanding rates & charges, by proceeding with this action the balance of the community will not be required to bear the financial burden of any long-term rate debts.

Council has a community responsibility to collect monies owing to it in a timely manner to finance its operations, carry out essential services and ensure effective cash flow management.

Council is proactive in recovery of outstanding rates and charges and every effort has been taken to minimise the number of properties with greater than three year's rates outstanding.

CORPORATE PLAN

Corporate Plan Goal	5 - A public sector leader
Outcome	5.2 - A financially sustainable organisation
Operational Activity	5.2.2 - Ensure Council's finances are well managed and systems are in place to analyse performance, generate revenue, reduce costs and manage contracts and contract performance

CONSULTATION

Internal Consultation

No internal consultation has been undertaken for this report.

External Consultation

At the commencement of Sale of Land process of 5 May 2014, there were 292 properties identified totaling \$2.9 million. Council has sent letters to these ratepayers advising their property is on the Sale of Land listing and payment was requested by 3 June 2014.

Every effort has been made to recover the outstanding Rates and Charges, with emphasis given to negotiating a successful outcome for those property owners experiencing extreme financial hardship. Instances where a desirable outcome was not achieved Credit Management Officers have advised ratepayers of other avenues to seek financial assistance, through:

- Contact a financial counsellor to discuss alternative options that may be available.
- Contact mortgagee regarding refinancing
- Interest-free Mortgage Relief Loans - Department of Housing and Public works
- Early Release of Super - Department of Human Services

This approach provides that all residents and ratepayers are treated fairly and equally in regard to the recovery of long-term rate debts.

Community Engagement

No community engagement is required for this report.

PROPOSAL

As at 18 June 2014 there are 205 properties on the Sale of Land list with total outstanding rates and charges of \$2.1 million. The properties are separated into categories as follows:

• Commercial/Industrial/Vacant/Shed	24 properties	\$ 371,000
• Residential – Non Owner Occupier	50 properties	\$ 504,000
• Residential - Owner Occupier	131 properties	\$1,234,000
Total	205 properties	\$2,109,000

The period between 18 June 2014 and the approval of the recommendation in this report will see changes to the property numbers and amounts will continuously change as Council continues to receive payments. Other factors to affect the listing will be that interest will continue to accrue on outstanding debts and the July 2014 rates will be issued increasing these balances.

Once this Sale of Land process commences, all properties must pay all rates and charges and are unable to enter or negotiate a payment plan in accordance with Section 141 of the *Local Government Regulation 2012*.

Sale of Land processes in prior years have demonstrated that, in the majority of cases, outstanding rates are paid in full before the planned auction date. The latest Sale of Land process resulted in only two properties going to auction, with the other properties paid in full.

In May 2014, "Intention to Sell Land for Arrears of Rates" letters were sent to the ratepayers of the 292 properties requesting payment by 3 June 2014. This letter is not required as part of Sale of Land process under the Act, however Council provided the ratepayer an additional opportunity to pay.

Every effort has been made to recover the outstanding rates and charges and negotiate a successful outcome for the owners experiencing genuine financial hardship. Where a desirable outcome was not achieved by this preceding action, Credit Management Officers undertook further steps by advising the ratepayers of the following options:

- Contact a financial counsellor to discuss alternative options that may be available.
- Contact mortgagee regarding refinancing
- Interest-free Mortgage Relief Loans - Department of Housing and Public works
- Early Release of Super - Department of Human Services

The letters and subsequent actions have resulted in 87 properties being removed from the process to-date, with 26 properties clearing the debts entirely. The other 61 properties have collectively paid \$540,000.

By proceeding with this action the balance of the community will not be required to bear the financial burden of any long-term rate debts.

Experience from prior years has shown that the vast majority of rates will be paid before the auction stage is reached. In all instances in the past where a property has a mortgagee the rates have been paid in full by the mortgagee to protect their interests.

Legal

Section 140 of the *Local Government Regulation 2012* provides:

Notice of intention to sell land for overdue rates or charges

- 1) *This section applies if-*
 - a) *there are overdue rates or charges on land; and*
 - b) *the liability to pay the overdue rates or charges is not the subject of court proceedings; and*
 - c) *some or all of the overdue rates or charges have been overdue for at least—*
 - i) *generally—3 years; or*
 - ii) *if the rates or charges were levied on vacant land or land used only for commercial purposes, and the local government has obtained judgment for the overdue rates or charges—1 year; or*
 - iii) *if the rates or charges were levied on a mining claim—3 months.*
- 2) *The local government may, by resolution, decide to sell the land.*
- 3) *If the local government does so, the local government must, as soon as practicable, give all interested parties a notice of intention to sell the land.*

Policy

The 2014/2015 Revenue Policy and 2014/2015 Revenue Statement were adopted as part of the annual Budget.

Risk

The *Local Government Act 2009* provides statutory powers to council by securing the debt against the property and therefore limits council's bad debt risk exposure. However, it is a strong business practice to manage rates debts and other accounts receivables on a proactive basis.

Previous Council Resolution

There is no previous Council resolution for this report.

Related Documentation

There is no related documentation for this report.

Critical Dates

The proposed time-line is as follows:

- Sale of Land approved by Council at the July 2014 Ordinary Meeting
- First statutory notice sent after Council approval August 2014
- Second statutory notice sent in October 2014 and
- Sale of Land Auction (if required) November 2014.

Implementation

Upon acceptance of the Officer's recommendation, statutory notices will be issued to associated property owners in accordance with the advised schedule.

8.2.3 MAY 2014 FINANCIAL PERFORMANCE REPORT

File No:	Financial Reports
Author:	Coordinator Financial Services Corporate Services Department
Attachments:	Att 1 - May 2014 Financial Performance Report.....49
	Att 2 - 2014/2015 Capital Works Program59

PURPOSE

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

To amend the 2014/2015 budget to reflect council's anticipated capital expenditure forecasts to 30 June 2015.

EXECUTIVE SUMMARY

The monthly financial performance report provides council with a summary of performance against budget at the end of each month in terms of the operating result and delivery of the capital program.

The operating result at 31 May 2014 shows a positive variance of \$5.5 million compared to the forecast position.

This operating result variation is made up of higher than expected revenue of \$6.6 million (1.8%) and higher than expected operating expenses of \$1.1 million (0.3%). Further detail is provided in the proposal section of this report.

The positive variance in the operating result of \$5.5 million at the end of May 2014 should be considered in the context of the key financial risks to Council's full year operating result identified in the Risk section of this report.

As at 31 May 2014, \$119 million (70.2%) of Council's \$169.6 million 2013/2014 Capital Works Program was financially expended.

This report proposes an amendment to the 2014/2015 Budgeted Strategic Land Capital Expenditure Program of \$450,000 to accommodate the requirements of Council resolution OM14/82.

Council's investment portfolio remains within the guidelines established under the Investment Policy.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "May 2014 Financial Performance Report" and**
- (b) amend the 2014/2015 Budget by increasing the Strategic Land Capital Program by the amount of \$450,000 to accommodate the requirements of the Council resolution OM14/82.**

FINANCE AND RESOURCING

This report proposes an amendment to the 2014/2015 Budgeted Strategic Land Capital Expenditure Program of \$450,000 (Attachment 2) to accommodate the requirements of Council resolution OM14/82.

CORPORATE PLAN

Corporate Plan Goal Outcome	5 - A public sector leader
Operational Activity	5.2 - A financially sustainable organisation 5.2.1 - Develop and implement long term financial and asset management plans to guide the optimal utilisation of resources

Corporate Plan Goal Outcome	5 - A public sector leader
Operational Activity	5.2 - A financially sustainable organisation 5.2.2 - Ensure Council's finances are well managed and systems are in place to analyse performance, generate revenue, reduce costs and manage contracts and contract performance

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

The operating result at 31 May 2014 shows a positive variance of \$5.5 million compared to the forecast position.

This operating result variation is made up of higher than expected revenue of \$6.6 million and higher than expected operating expenses of \$1.1 million.

The positive variance in the operating result of \$5.5 million at the end of May 2014 should be considered in the context of the key financial risks to council's full year operating result identified in the Risk section of this report.

Operating Revenue**Fees and Charges**

Of the \$4.8 million favourable variance in fees and charges, \$2.1 million relates to development applications revenue, across all application types.

Other Fees and Charges that are showing favourable variances to budget include:

- Holiday Parks \$865,000 (offset by \$380,000 of costs)
- Change in Ownership/ Search Fees \$402,000
- Quarries external sales \$455,000 (offset by minimal additional expenditure)
- Parking infringements \$280,000
- Health Licenses \$258,000
- Cemetery Fees \$257,000

Other Revenue

A number of activities are contributing to the \$2 million favourable variance in Other Revenue. Of this favourable variance \$500,000 relates to timing difference at the airport, which will be rectified in the next reporting period. The remaining favourable variance is made up of:

- Community facilities income \$300,000
- Lease/ rental income \$296,000
- Waste – Sale of recoverable materials \$215,000
- Revegetation offset project funds received \$149,000

Operating Expense**Employee Costs**

As at May 2014 month end employee costs were over budget by \$2.1 million. Details of this over budget amount are shown below.

For the 2013/2014 budget \$9.1 million in operational labour savings were built into the budget process of:

- Vacancy target of \$4.4 million
- Organisational Review target of \$4.7 million

In addition, \$16 million was excluded from the operational employee costs for the period January to June 2014 as an estimate of the impact of de-amalgamation.

Whilst all labour savings related to the Organisational Review were budgeted as operating, \$1.2 million of the actual savings were related to capital labour. The capital program was not reduced in line with the positions being made redundant.

Similarly, while all de-amalgamation employee cost reductions were made to operational budgets, \$1.5 million of transferred employee costs related to capitalised labour.

Materials and Services

As at May 2014 month end, Materials and Services costs were below budget by \$1.2 million.

Material and Service spend related to the transport, environment and heritage levies were underspent by \$1.2 million at the end of May 2014, all of which will be returned to restricted cash if still unspent at financial year end.

Capital Expenditure

As at 31 May 2014, \$119 million (70.2%) of Council's \$169.6 million 2013/2014 Capital Works Program was financially expended. The delivery of a number of projects within the 2013/2014 Capital Works Program has been adversely affected by the reprioritisation of key employees to de-amalgamation tasks during the first six months of the year and the transfer of employees to Noosa.

Detail by Capital Works Program is outlined below:

Program	Original Budget \$000	Current Budget \$000	YTD Actual \$000	% of Annual Budget Spent
Buildings and Facilities	6,548	9,386	5,262	56%
Coast and Canals	1,949	2,315	1,308	56%
Divisional Allocations	3,100	4,418	3,295	75%
Environmental Assets	1,238	1,215	741	61%
Fleet	1,000	800	758	95%
Parks and Gardens	10,317	12,424	6,688	54%
Stormwater	4,161	4,094	4,129	101%
Transportation	52,952	59,334	41,355	70%
Information Communication Technology	3,927	4,958	2,976	60%
Strategic Land & Comm Properties	9,422	42,046	32,127	76%
Aerodrome	-	399	61	15%
Sunshine Coast Airport	3,400	8,237	7,295	89%
SC Holiday Parks	1,455	1,880	475	25%
Quarries	150	1,121	821	73%
Waste	9,651	16,942	11,717	69%
TOTAL COUNCIL	109,270	169,569	119,007	70.2%

Information on low expenditure compared to annual budget is provided below.

Buildings and Facilities

The 2013/2014 Capital Works Program is expected to be 66% completed by the end of June 2014.

Major projects to be requested to carry over to 2014/2015 include:

- Future electricity supply project of \$1.7 million.
- Bankfoot House \$845,000 – Project to be retendered in July 2014.
- Caloundra Bus Interchange \$158,000 – Project is under construction with a completion date of 15 August 2014.
- Sewage Pump Station Works \$116,000 – Delays from handover of pump stations from Unitywater
- Coolum Civic Centre \$193,000 – Concept design completed 17 June 2014. Stakeholder feedback required further design changes, due by 9 July 2014.
- Cotton Tree Aquatic Centre (Rehabilitation) \$182,000 – due for completion by 18 July 2014.

Coast and Canals

Two significant projects that are being progressed as a matter of priority are:

- Bradman Avenue Revetment Wall (Maroochydore) – \$350,000 (14%) tenders currently being assessed.
- Goonawarra Drive Revetment Wall (Mooloolaba) - \$200,000 (8%) Request for Quotations currently being assessed. Delays due to poor response to Request for Quotations, with Council having to reissue the quotations to a broader number of contractors to ensure value for money.

The combination of all these commitments will see a 90% spend of the 2013/2014 Capital Works Program.

Environmental Assets

- Contractors have been appointed for three projects that constitute \$1.02 million or 80% of the program.
- All projects are underway and there is an expected financial completion rate of 86% by 30 June 2014.

Transportation

The transportation program has an anticipated spend of \$51.1 million (86.2%) at financial year end. The sub programs that are anticipated to have remaining funds at year end include:

- Sealed Road Network \$2.1 million
- PIP Transportation \$1.7 million
- Strategic Pathways \$900,000

Information Communication Technology

The ICTS capital program is expected to be 75% financially expended at financial year end. Of the remaining \$1.24 million of the 2013/14 program, \$305,000 has been realised from projects delivered under budget and \$935,000 will be requested as carryovers to the 2014/2015 program. Major carryovers include:

- Lidar Project \$280,000 carryover. Flyover completed in June 2014 but no contractual commitment until data is verified in July/August 2014
- Flood Mitigation Project \$100,000 – difficulties in sourcing the equipment. Equipment expected in August 2014
- Planning Scheme \$100,000 carryover ICT component – delays with Technology One module now expected to be complete August 2014
- Strategic Asset Management Application \$156,000 carryover – delays by supplier. Project to be complete in first quarter of 2014/2015
- Aquatic Centre Point of Sale \$75,000 carryover – data ownership contractual issues with Aquatic Centre operators now finalised with revised completion date of September 2014

Strategic Land & Commercial Properties

It is anticipated that there will be \$3 million in carry overs for Maroochydore City Centre (Priority Development Area) at financial year end. Any unspent funds will be reviewed as potential carry overs in Budget Review 1.

Some of the significant projects that have been delayed include land acquisitions at:

- Power Road and Goshawk Drive Corridor (Sippy Downs)
- Ridge Road Access (Maroochydore)
- Beerwah Depot Works (Beerwah)
- Mill Lane (Nambour)
- Brisbane Road/ Walan Street (Mooloolaba)

Aerodrome

Delay in expenditure at Caloundra Aerodrome has resulted from the pursuit of State Government approvals for clearing of future developable areas, along with investigations and resolution related to the development of an additional airside allotment to the north of the Aerodrome. It is expected that \$145,000 will be expended prior to 30 June 2014. As contracts are in place for the remaining \$295,000, it is anticipated that this value will be carried forward and spent in early 2014/2015.

Sunshine Coast Holiday Parks

The status of the Holiday Park capital program is as follows:

- A9283 - \$400,000 - Agreement reached for acquisition of state land at Mudjimba – contracts are being prepared
- B1761 – \$230,000 - Maroochydore Holiday Park amenity refurbishment – job commenced 5 May 2014 – programed to be completed 20 June 2014
- B1758 – \$100,000 - Detailed design has commenced in-house with Council's Asset Management and Design Branch, Infrastructure Services Department
- B0854 – \$50,000 - Site improvements and concrete works scheduled to commence 26 May 2014 at Dicky Beach Holiday Park

It is anticipated that \$1.2 million will be spent by 30 June 2014, with \$600,000 to be requested to be carried over into the 2014/2015 financial year.

Parks and Gardens

Since Christmas a series of projects have been well under construction and will substantially increase year to date delivery results during the coming months – key projects currently in progress are:

Alex Headlands Foreshore; Russell Family Park; Lions Park Maroochydore; Elizabeth Daniels Park; Buderim Village Park

Moving forward there is a continued focus on fast tracking hand over of designs for construction with ongoing weekly design review and capital works status meetings between Council's Recreation Projects and Landscape Design teams. If favourable weather continues, we are on track for 78% delivery of parks capital works.

Amendment to 2014/2015 Budget

At the Ordinary Meeting on 22 May 2014, Council resolved:

"That Council, in relation to the acquisition of the Omrah Avenue Caloundra property, refer the potential acquisition to the budget review process for consideration during the 2014/2015".

Accordingly, this report proposes an increase in the 2014/2015 Strategic Land Capital program of \$450,000 (Attachment 2) to accommodate the requirements of Council resolution OM14/82.

Investment Performance

- All investment parameters remain within the guidelines established by the Investment Policy.
- For the month ending 31 May 2014 Council has maintained a reasonably strong return in the current market conditions with \$225 million cash (excluding Trust Fund) with an average interest rate of 3.59%, being 0.89% above benchmark. This is compared to the same period last year with \$232 million cash (excluding Trust Fund) where the average interest rate was 4.29%, being 1.22% above benchmark.
- The benchmark used to measure performance of cash funds is the UBS Bank Bill Index and the Bank Bill Swap Rate (BBSW) for term deposits.
- The Reserve Bank of Australia (RBA) cash rate remains unchanged at 2.5%.

Collection of Outstanding Rates and Charges

Outstanding rate balances at 31 May 2014 was 3.6% (\$11.6 million). In prior years this percentage has been much higher, 31 May 2013 was 5.6% (\$17.3 million) and 31 May 2012 6.3% (\$18.3 million), noting that prior years included Noosa Shire Council related properties. This reduction from last year is a direct result of Council outsourcing its rate debt collection process.

Recovery action commenced in April 2014 with 2,722 properties with an outstanding balance greater than \$751, being referred to Reconstruction and Recovery Pty Ltd (R&R). R&R issued Letters of Demand to these properties totalling \$3.9 million. There has been \$2 million receipted to 31 May 2014, with 1,018 properties being paid. With those ratepayers not making contact nor paying outstanding balances, 754 Statement of Claims were issued.

Legal

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

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

Policy

Council's Investment Policy.

Risk

The current risks associated with the operating result are as follows:

1. in June 2013 the Federal Government pre-paid half of the 2013/2014 Financial Assistance Grant of \$6.3 million. Since half of the grant was pre-paid into 2012/2013 there is a potential shortfall of \$2.1 million in the current budget
2. there are \$4.7 million net savings for the Organisational Review loaded into the budget
3. the achievement of de-amalgamation reductions in Materials & Services budget occurs after separation from 1 January 2014
4. there are \$4.4 million employee vacancy savings loaded into the budget which may be difficult to achieve along with the Organisational Review and
5. the risk that the State Government will transfer State Penalties Enforcement Register (SPER) debt back to local councils, who will then have to manage their own debt collection.

Previous Council Resolution

On 25 June 2013 council adopted the 2013/2014 budget.

On 19 September 2013 council adopted the Budget Review 1 2013/2014.

On 12 December 2013 council adopted the Budget Review 2 2013/2014.

On 18 February 2014 council resolved in SM14/12 section (b) to amend the 2013/2014 budget by increasing the Strategic Land and Commercial Properties capital budget by an amount of \$5.9 million.

On 27 February 2014, council resolved in OM14/19 section (b) to amend the 2013/2014 budget by increasing the Strategic Land and Commercial Properties capital budget by an amount of \$755,000.

On 24 April 2014 council adopted the Budget Review 3 2013/2014 (OM14/53).

On 22 May 2014, council made the following resolution (OM14/82).

"That Council, in relation to the Acquisition of the Omrah Avenue Caloundra property, refer the potential acquisition to the budget review process for consideration during the 2014/2015 financial year."

Related Documentation

There is no related documentation for this report.

Critical Dates

There are no critical dates for this report.

Implementation

There are no implementation details to include in this report.

8.3 COMMUNITY SERVICES**8.3.1 2014 SPORTS FIELD MAINTENANCE FUNDING PROGRAM**

File No:	ECM 24 July 2014
Author:	Coordinator Community Programs and Events Community Services Department
Appendices:	App A - Sports Field Maintenance Funding Program 2014 Recommendations 69 App B - Sports Field Maintenance Funding Program Guidelines 75
Attachments:	Att 1 - Sports Field Maintenance Funding Program Guidelines - Track Changes 77

PURPOSE

This report seeks council consideration and endorsement of funding recommendations for the 2014 Sports Field Maintenance Funding Program for funding up to three years, commencing in the 2014/2015 financial year (Appendix A).

EXECUTIVE SUMMARY

The inaugural Sports Field Maintenance Funding Program and supporting guidelines were endorsed by Council at the Ordinary Meeting on 2 February 2011. The funding program commenced in the 2011/2012 financial year providing funding for up to three years.

The aim of this program is to contribute to maintenance costs and provide expert advice to clubs to assist in maintaining turf surfaces to competition level.

The program is jointly managed between Community Services and Infrastructure Services, and is premised on four elements:

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

On 20 June 2013, Council adopted the *Community Grants Policy* under which the Sports Field Maintenance Funding Program guidelines are administered.

All recipients of funding under the initial program reached their final year of funding on 30 June 2014.

This report relates to the second iteration of the program. The 2014 Sports Field Maintenance Funding Program funding round closed on 1 May 2014.

Of the 43 applications received, it is recommended that 41 be funded, to a total amount of \$541,595. Details of funding recommendations are attached as Appendix A.

In evaluating the Sports Field Maintenance Funding Program, internal stakeholders identified the need to revise the program guidelines by removing the requirement for sporting organisations to maintain their fields to "district" competition level.

“District competition level” refers to the quality of infrastructure provided and extends beyond the playing surfaces that are funded through this program. The word “district” has been removed from the Sports Field Maintenance Funding Program guidelines, however retains the term “competition level”. The revised guidelines are provided as Appendix B.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “2014 Sports Field Maintenance Funding Program”
- (b) endorse the “Sports Field Maintenance Funding Program Recommendations” (Appendix A) and
- (c) note the revised “Sports Field Maintenance Funding Program guidelines” (Appendix B).

FINANCE AND RESOURCING

In 2011, Council adopted a program which saw a 70% council funding contribution of the full contractor rate to maintain sports fields. To date, funding has been allocated (subject to budget) for one, two or three year funding periods, with annual CPI applied to the second and third year allocations.

Funding through the Sports Field Maintenance Funding Program is based on a formula which considers field type, number of fields and period of responsibility.

In evaluating the Sports Field Maintenance Funding Program, it is proposed to continue funding allocations for up to three years based on a 70% Council funding contribution of the contractor rate, as determined by Council in 2011, however without CPI applied to second and third year allocations.

There are sufficient funds in the 2014/2015 budget to cover recommended expenditure of \$541,595 to deliver this program.

As funding is allocated (subject to budget) for one, two or three year funding periods, there are implications for future budgets.

There are two groups proposed to be funded for one year only, hence the reduced budget proposed for 2015/2016 and 2016/2017.

Budget Implications	2014/2015	2015/2016	2016/2017
2014/2015 round – 1 st year	\$541,595		
2015/2016 round – 2 nd year		\$532,341	
2016/2017 round – 3 rd year			\$532,341
Total	\$541,595	\$532,341	\$532,341

CORPORATE PLAN

Corporate Plan Goal Outcome	2 - A Strong Community 2.1 - Safe and healthy communities
Corporate Plan Goal Outcome	2 - A Strong Community We serve our community by providing this great service
Operational Service	S4 - Community and cultural development and partnerships - providing planning, partnering and supporting the community through a range of community development, civic and cultural programs and grants
Corporate Plan Goal Outcome	2 - A Strong Community We serve our community by providing this great service
Operational Service	S12 - Sporting facilities - providing regional, district and community sport and recreation facilities including aquatic centres, showgrounds and multi-sports fields

CONSULTATION

Internal Consultation

Consultation has been undertaken with relevant internal stakeholders across various departments and branches of Council, including:

Community Services

- Team Leader Community Connections, Community Relations Branch
- Coordinator Sport & Community Venues, Community Facilities and Planning Branch
- Supervisor Community & Sports Development, Community Facilities and Planning Branch
- Sport and Recreation Support Officer, Community Facilities and Planning Branch
- Development Officers, Community Facilities and Planning Branch
- Development Officer (Grants) Community Relations Branch

Infrastructure Services

- Parks Community Sports Field Officer, Parks and Gardens Branch
- Coordinator Parks Operations and Contracts, Parks and Gardens Branch

Corporate Services

- Senior Property Officer, Property Management Branch
- Senior Management Accountant, Finance Branch

Office of Mayor and CEO

- Solicitor, Legal Services Branch

External Consultation

Consultation with representatives from partner sporting clubs is undertaken on a continual and operation basis with both the Parks Community Sports Field Officer and relevant Sport and Recreation officers to ensure compliance with and support for their funding agreements.

Community Engagement

No external community engagement was undertaken in relation to this report.

PROPOSAL

The inaugural Sports Field Maintenance Funding Program and supporting guidelines were endorsed by Council at the Ordinary Meeting on 2 February 2011. The funding program commenced in the 2011/2012 financial year providing funding for up to three years.

The aim of the program is to contribute to maintenance costs and provide expert advice to clubs to assist in maintaining turf surfaces to competition level.

Funding through the Sports Field Maintenance Funding Program is based on a formula which considers field type, number of fields and period of responsibility. Council adopted a program which saw a 70% council funding contribution of the full contractor rate to maintain fields.

The program is jointly managed between Community Services and Infrastructure Services and is premised on four elements:

- Sports field maintenance is to competition standard
- Costs are attributed per field, per annum and based on the sport played
- Council's contribution is a percentage of the full contractor rate and
- The program is not applicable to specialised, exclusive and/or restricted access sports. Examples of these activities include lawn bowls, tennis, croquet and archery, as these types of surfaces require particular maintenance treatment.

Pivotal to the program is a dedicated Council Parks Community Sports Field Officer, to provide expert advice and support to sporting organisations on maintaining their sports fields to a competition level.

There was one Sports Field Maintenance Funding Program round in 2011 and again in 2012 for any new eligible groups. There was no new funding offered under this program in 2013 as all eligible sporting organisations were allocated multi-year funding, which included the 2013/2014 financial year in the 2011 and 2012 funding rounds.

On 20 June 2013, Council adopted the Community Grants Policy under which the Sports Field Maintenance Funding Program guidelines are administered.

All recipients of funding under the initial program reached their final year of funding on 30 June 2014.

This report relates to the second iteration of the program.

Program Evaluation

Throughout the funding period and more recently since January 2014, ongoing evaluation of the program has been undertaken, drawing information from a variety of sources including:

- Internal stakeholder workshops
- Progress and acquittal report analysis
- Site inspections and
- Ongoing engagement with partner organisations.

Benefits

Internal stakeholders identified the following benefits of the Sports Field Maintenance Funding Program during workshops held in January and March 2014:

- Provides better facilities, upgraded equipment and increased capacity of sporting clubs to maintain fields
- Provides funding support to allow sporting clubs to take on bigger projects to improve usage and drainage
- Encourages strong relationship between Council and the sporting clubs resulting in consistent knowledge sharing
- Improves relationships between groups that share fields
- Provides for financial savings for Council when compared to Council maintained fields
- Well maintained fields improve safety for users
- Increases volunteer knowledge of best practice and products
- Provides equitable support for sporting groups across the region and
- Provides autonomy for sporting clubs.

In evaluating the program, internal stakeholders identified the need to revise the Sports Field Maintenance Funding Program guidelines by removing the requirement for sporting organisations to maintain their fields to “district” competition level.

“District competition level” refers to the quality of infrastructure provided and extends beyond the playing surfaces that are funded through council’s Sports Field Maintenance Funding Program. The definition includes toilet, shower and change room facilities. To reflect this, the word “district” has been removed from the program guidelines, however the term “competition level” is retained. The revised Sports Field Maintenance Funding Program guidelines are provided as Appendix B.

2014 Sports Field Maintenance Funding Program

Promotion and support

The 2014 Sports Field Maintenance Funding Program funding round closed on 1 May 2014.

The following tools were used to ensure information about the second iteration of the program reached all eligible organisations and the wider community:

- Council’s website and the CommunityHub
- Media releases
- Fact sheets distributed through libraries and customer service centres
- Direct email to current recipients
- Community Facilities and Planning Branch promoted the program to eligible sporting clubs directly through their networks and
- Parks and Gardens Branch visited clubs and provided advice in the preparation of applications.

Applications

Council received 43 Sports Field Maintenance Funding Program proposals. The application process did not include a request for a specific funding amount, and it was made clear to applicants that funding offered would be based on a contribution to the cost of field maintenance, depending on sport type, period of maintenance and number of fields.

Assessment

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

Recommendation

Of the 43 applications received, it is recommended that 41 be funded, to an amount of \$541,595 for nine sports field types:

- AFL
- Athletics
- Cricket
- Hockey
- Rugby League
- Rugby Union
- Soccer
- Softball
- Touch Football.

The recommendations for funding are in line with the 2011 Council resolution to adopt a 70% Council funding contribution of the full contractor rate to maintain fields. The recommendations are provided for consideration and endorsement as Appendix A.

Legal

It can be said that the act of providing funding does not, of itself, raise issues of legal liability for Council. Rather it is the conduct of the funding recipient in carrying out what may be considered a local government type activity on local government owned or controlled land that will have some legal liability exposure issues for Council.

This will be mitigated, as best as is possible, by having the successful funding applicants enter into Agreements that spell out the relationship between the parties and obligate them to be incorporated bodies with adequate risk management plans, levels of insurance, training, reporting, and financial controls.

Policy

Delivery of the Sports Field Maintenance Funding Program is governed by the Community Grants Policy and supporting guidelines.

Risk

There is minimal financial risk associated to the program in supporting identified eligible clubs to carry out turf maintenance, due to the ongoing working relationships between organisations and dedicated Council officers. This relationship is supported by individually tailored funding agreements.

Previous Council Resolution

OM13/109 – 20 June 2013

That Council:

- (a) *receive and note the report titled “Community Grants Policy”;*
- (b) *adopt the Community Grants Policy (Appendix A);*
- (c) *note the Community Grants Guidelines (Appendix B) as amended by (f) below to implement the Community Grants Policy;*
- (d) *adopt the Mayoral and Councillor Discretionary Funding Policy as amended (Appendix C);*
- (e) *note the Mayoral and Councillor Discretionary Funding Program Guidelines (Appendix D); and*
- (f) *amend the grants guidelines to include a clause that stipulates that each program is subject to annual budget allocations.*

OM12/110 – 23 August 2012

That Council:

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

OM11/205 – 24 August 2011

That Council:

- (a) *receive and note the report titled “Community Partnership and Sports Field Maintenance Funding Program 2011”;*
- (b) *endorse the funding recommendations for Community Partnerships Funding Program Recommendations (Appendix A) and Sports Field Maintenance Funding Program (Appendix C); and*
- (c) *note the 2010/2011 Community Partnership Funding Program second year funding allocations (Appendix B).*

OM11/12 – 2 February 2011

That Council:

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

Related Documentation

Funding arrangements with individual clubs include individual agreements demonstrating field maintenance plans formulated in consultation with the Parks Community Sports Field Officer.

There are also a number of related policies and governing legislation that guide and inform the management and delivery of the Sports Field Maintenance Funding Program. These include:

- *Community Grants Policy (2013)*
- *Sport and Active Recreation Plan 2011 – 2016*
- *Local Government Regulation (2012)*
- *Local Government Act (2009)*
- *Statutory Bodies Financial Arrangements Act (1982)*

Critical Dates

It is planned that the next round of the Sports Field Maintenance Funding Program will open in May 2015.

Implementation

Upon Council endorsement of this report, successful applicants will be contacted and partnership agreements will be negotiated.

Conditions of agreement will be determined, and these will include reporting and acquittal requirements, and any conditions to be met prior to funding being awarded.

Recipients will also be required to sign a maintenance agreement, developed in consultation with council's Parks Community Sports Field Officer, clarifying expectations in relation to the maintenance of the sports fields. Funding will be distributed as soon as the agreements and an invoice are finalised, signed and returned to Council.

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

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

8.3.2 DRAFT DOMESTIC ANIMAL MANAGEMENT (CATS AND DOGS) STRATEGY 2014-2020

File No:	ECM 24 July 2014
Author:	Executive Officer Community Services Department
Appendices:	App A - Draft Domestic Animal Management (Cats and Dogs) Strategy 2014-202085

PURPOSE

The purpose of this report is to seek Council's endorsement of the draft Domestic Animal Management (Cats and Dogs) Strategy 2014-2020 (Appendix A) for the purposes of public exhibition and comment.

EXECUTIVE SUMMARY

The development of a Domestic Animal Management Strategy for the Sunshine Coast region is specifically directed by Council's *Corporate Plan 2014-2019*, to deliver the objectives of the *Animal Management (Cats and Dogs) Act 2008* and Council local laws, in particular *Local Law and Subordinate Local Law No. 2*.

Council understands that pets are an important part of people's lives and contribute to enhanced wellbeing and the provision of companionship in many Sunshine Coast homes and families. The draft Domestic Animal Management (Cats and Dogs) Strategy 2014-2020 acts as a tool for promoting and enhancing responsible pet ownership practices, whilst informing the community about Council's role and future priorities in animal management.

The draft Domestic Animal Management (Cats and Dogs) Strategy endorses the vision of 'your pet, your responsibility', signifying that keeping a cat or dog is a considerable and often long-term commitment and responsibility – both socially and economically.

The objectives of the draft Strategy are to:

- enhance education and awareness around responsible pet ownership and its benefits
- ensure pets in the community are appropriately controlled and contained
- improve the uptake of animal identification and reuniting of pets with their owners
- provide services and infrastructure in line with population growth and animal trends.

A suite of actions underpin the draft Strategy to support the attainment of the objectives and vision.

In consideration of projected population growth and increasing animal numbers, it is important for Council to assist pet owners to be educated and supported in the responsible management of their cats and dogs.

The proposed public exhibition and comment period will allow the community an opportunity to review the draft Strategy and provide feedback. Feedback received will be used to inform final amendments to the document before a final Strategy is presented to Council seeking adoption later in 2014.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Draft Domestic Animal Management (Cats and Dogs) Strategy 2014-2020”
- (b) endorse the “Draft Domestic Animal Management (Cats and Dogs) Strategy 2014-2020” (Appendix A) for public exhibition and comment and
- (c) request the Chief Executive Officer collate and consider all feedback received as part of the public exhibition and comment and present the final Domestic Animal Management (Cats and Dogs) Strategy to Council for consideration.

FINANCE AND RESOURCING

The draft Domestic Animal Management (Cats and Dogs) Strategy will provide Council with a strategic direction to implement animal management improvements in a clear and focussed way. Finance and resourcing implications will be accommodated within existing operational budgets for the organisation, with the exception of the pound redevelopment action, which will be referred to Council’s Ten Year Capital Works Program for prioritisation.

CORPORATE PLAN

Corporate Plan Goal	2 - A strong community
Outcome	2.1 - Safe and healthy communities
Operational Activity	2.1.4.2 - Develop and implement an animal management plan

CONSULTATION

The draft Strategy has drawn reference from internal review and feedback, and will use findings from proposed community engagement and stakeholder consultation to finalise the draft.

Internal Consultation

The draft Strategy has been developed in recent consultation with numerous internal stakeholders across various departments and branches, including:

Community Services

- Community Response
- Community Facilities and Planning
- Customer Contact

Corporate Services Department

- Corporate Governance
- Information Communication Technology Services

Infrastructure Services Department

- Parks and Gardens
- Environmental Operations
- Project Delivery

Regional Strategy and Planning Department

- Environment and Sustainability Policy
- Major Urban Developments

External Consultation

Upon endorsement for release for the purposes of community engagement, the draft Strategy will undergo a number of consultation processes as outlined below.

Community Engagement

The community will be encouraged to have their say on the draft Strategy through a number of avenues including an online survey via Council's website, hard copy documents and feedback forms in all Council libraries and customer service centres, to be communicated through various communication tools, such as print and radio to assist in progressing the document to its final draft.

Stakeholder consultation

Upon endorsement, the draft Strategy will be distributed to key partnering stakeholders to provide feedback and contribute to the finalisation of the Strategy. These stakeholders include:

- 4 Paws Animal Rescue
- Australian Vet Association (AVA)
- Department of Agriculture, Fisheries and Forestry (DAFF)
- Neighbouring local governments
- RSPCA
- South East Queensland Animal Management Group (SEQAM)
- Sunshine Coast Animal Refuge Society (SCARS)
- Wilvos.

PROPOSAL

This report seeks Council's endorsement of the draft Domestic Animal Management (Cats and Dogs) Strategy 2014-2020 (Appendix A) for the purposes of public exhibition and comment. Feedback received from this process will be used to inform the development of a final Domestic Animal Management Strategy which aims to be presented to Council for adoption later in 2014.

The development of a Domestic Animal Management Strategy for the Sunshine Coast region is specifically directed by Council's *Corporate Plan 2014-2019*, to deliver the objectives of the *Animal Management (Cats and Dogs) Act 2008* and Council local laws, in particular *Local Law and Subordinate Local Law No. 2*.

Council understands that pets are an important part of people's lives and contribute to enhanced wellbeing and the provision of companionship in many Sunshine Coast homes and families. The draft Domestic Animal Management (Cats and Dogs) Strategy 2014-2020 acts as a tool for promoting and enhancing responsible pet ownership practices, whilst informing the community about Council's role and future priorities in animal management.

Council works with the community to promote and encourage responsible pet ownership through information, education, investigation, and as a last resort enforcement and prosecution. Council is also responsible for the provision and maintenance of a range of infrastructure, services and programs that support animal management.

The areas of registration, microchipping, desexing and mitigation of nuisance behaviours are fundamental in the advancement of responsible pet ownership performance. It is important

for Council and its affiliates to focus operational efforts towards these priorities to progress key outcomes in the employment of responsible pet ownership.

Similarly, with upcoming urban development and population growth, it is also important that infrastructure and open space planning is considerate of animal populations and trends, and its provision is appropriately located and suitably timed.

The Sunshine Coast boasts a strong cat and dog population, which is only due to increase. By 2031, it is estimated that there will be a total 85,000 dogs and 50,000 cats within the Sunshine Coast Council region. This means that there will be growing demand on animal management services and infrastructure. In order to provide a sustainable level of service into the future, undertaking a coordinated approach to animal management operations, and enhancing responsible pet ownership practices is fundamental.

The draft Domestic Animal Management (Cats and Dogs) Strategy endorses the vision of 'your pet, your responsibility', signifying that keeping a cat or dog is a considerable and often long-term commitment and responsibility – both socially and economically.

The objectives of the draft Strategy are to:

- enhance education and awareness around responsible pet ownership and its benefits
- ensure pets in the community are appropriately controlled and contained
- improve the uptake of animal identification and reuniting of pets with their owners
- provide services and infrastructure in line with population growth and animal trends.

To guide the application of the draft Strategy, the following principles are proposed:

- Cat and dog owners are responsible for the health and welfare of their pet
- Cat and dog owners are responsible for managing the impact that their pet has on the community and environment, in compliance with legislation
- Council rewards and encourages responsible pet ownership behaviours by offering discounted fees and incentives for microchipping and desexing cats and dogs
- Council develops legislation, policies and procedures to impose and effect responsible pet ownership behaviours
- Council undertakes education and enforcement programs relating to responsible pet ownership
- Council utilises strategic partnerships to help deliver and extend responsible pet ownership education, promotion and initiatives.

The objectives of the draft Strategy are achieved through a series of corresponding actions. Through implementing the actions, Council in partnership with key stakeholders and the community can extend communications, enhance services, achieve key outcomes, and contribute to a vibrant, green and diverse region that is celebrated by both animals and the community alike.

Legal

There are no legal implications relevant to this report.

Policy

The draft Strategy forms Council's policy direction for how to carry out its role in animal management operations into the future. The draft Strategy has been prepared with consideration to State legislation, in particular the *Animal Management (Cats and Dogs) Act 2008*, and Council's existing policy framework. Of note, Council's *Local Law and Subordinate Local Law No. 2*, which the draft Strategy is guided by.

Risk

There is a risk that without an endorsed Domestic Animal Management (Cats and Dogs) Strategy, an uncoordinated and unresponsive approach to the future delivery and support of animal management operations may occur. This may hinder the progression of responsible pet ownership practice within the community.

Previous Council Resolution

There are no previous Council resolutions that relate to this report.

Related Documentation

There are a number of related policies, strategies and legislation guiding and informing the draft Domestic Animal Management (Cats and Dogs) Strategy. These include:

Federal

- *Customs Act 1901*
- *Australia New Zealand Food Standards Code - Standard 3.2.2 - Food Safety Practices and General Requirements 2012*

State

- *Local Government Act 2009*
- *Guide, Hearing and Assistance Dogs Act 2009*
- *Animal Management (Cats and Dogs) Act 2008*
- *Animal Care and Protection Act 2001*
- *Disability Discrimination Act 1992*

Local

- *Sunshine Coast Council Corporate Plan 2014-2019*
- *Sunshine Coast Compliance and Enforcement Policy (2009)*
- *Sunshine Coast Open Space Landscape Infrastructure Manual (2013)*
- *Sunshine Coast Open Space Strategy (2011)*
- *Sunshine Coast Social Infrastructure Strategy (2011)*
- *Sunshine Coast Planning Scheme (2014)*

Critical Dates

The public exhibition and comment period for the draft Strategy is a vital step towards ensuring Council has a plan for its animal management operations that motivates cat and dogs owners to fulfil their obligations as responsible pet owners so that animals and the community can coexist harmoniously.

Implementation

Following the endorsement of the draft Domestic Animal Management (Cats and Dogs) Strategy 2014-2020, Council will employ a number of different tactics to achieve its communication approach. There will be an online survey made available via Council's website, as well as hard copy surveys available in each of Council's libraries and customer service centres, advertising in local papers and on spotlight radio, and use of Council's Facebook and eNews to promote the opportunity for the community to have their say. A copy of the Strategy and letter requesting comments/feedback will also be emailed to each of the key external stakeholders relating to this project.

Once all feedback has been received as part of the public consultation period, the final Domestic Animal Management (Cats and Dogs) Strategy 2014-2020 will be presented for adoption to Council. A second phase of communication will be employed to promote the adoption of the final Strategy via an active community launch.

8.3.3 CULTURAL HERITAGE LEVY PROGRAM 2014 - 2015

File No:	ECM 24 July 2014
Author:	Coordinator Learning and Heritage Services Community Services Department
Appendices:	App A - Draft Cultural Heritage Levy Program 2014 - 2015 133
Attachments:	Att 1 - Sunshine Coast Heritage Reference Group-2014 135

PURPOSE

This report seeks Council's consideration and endorsement of recommendations for the draft Cultural Heritage Levy Program 2014/2015 (Appendix A).

EXECUTIVE SUMMARY

At a Special Meeting on 26 June 2014, Council adopted the 2014/2015 budget which included the continuation of a Cultural Heritage Levy (the Levy) of \$5 per annum on all rateable properties.

The Levy raises approximately \$634,000 annually to fund the implementation of projects endorsed by Council as part of an annual heritage expenditure program. The Levy aims to encourage greater protection, awareness and celebration of cultural heritage within the Sunshine Coast, given the increasing impact of growth on cultural sites, places, knowledge and artefacts.

The Levy program, contained in Appendix A, has been developed in collaboration with the Sunshine Coast Heritage Reference Group (SCHRAG), an endorsed community advisory committee established to work with Council on heritage matters, including the development of the Levy program. This program has been selected and endorsed by the SCHRAG at its meeting on 1 April 2014.

The 2014/2015 Levy program is recommended for Council's consideration and endorsement as Appendix A.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Draft Cultural Heritage Levy Program 2014 - 2015" and**
- (b) endorse the "Draft Cultural Heritage Levy Program 2014/2015" (Appendix A).**

FINANCE AND RESOURCING

At a Special Meeting on 26 June 2014, Council adopted the 2014/2015 budget which included the continuation of a Cultural Heritage Levy (the Levy) of \$5 per annum on all rateable properties.

The Heritage Levy for 2014/2015 will raise \$633,390 for the purposes of encouraging greater protection, awareness and celebration of cultural heritage within the Sunshine Coast.

Proposed expenditure of the Levy as per Appendix A is aligned with the revenue raised by the Levy in the 2014/2015 financial year.

CORPORATE PLAN

Corporate Plan Goal Outcome	2 - A strong community
Operational activity	2.3 – Culture, heritage and diversity and valued and embraced 2.3.1 – Develop and implement a heritage strategy
Corporate Plan Goal Outcome	2 - A strong community
Operational Service	We serve our community by providing this great service S4 - Community and cultural development and partnerships - providing planning, partnering and supporting the community through a range of community development, civic and cultural programs and grants

CONSULTATION

Internal Consultation

Consultation has been undertaken with relevant internal stakeholders across various departments and branches of Council, including:

- Councillor Jenny McKay (Portfolio Councillor, Sunshine Coast Heritage Reference Group Chairperson)
- Director Community Services
- Manager, Community Relations Branch, Community Services
- Manager, Environment and Sustainability Policy, Regional Strategy and Planning and
- Senior Management Accountant, Finance, Corporate Services

External Consultation

The Cultural Heritage Levy Program has been determined in consultation with the Council endorsed membership of the Sunshine Coast Heritage Reference Group chaired by Councillor Jenny McKay, within the governance framework of Council's *Heritage Levy Policy*. Membership of the Reference Group can be found at Attachment 1.

Community Engagement

Information contained in this report has been informed by feedback obtained from the following external stakeholders:

- Sunshine Coast Heritage Reference Group (Attachment 1) and
- Community-based museum and heritage sector groups.

PROPOSAL

At a Special Meeting on 26 June, 2014, Council adopted the 2014/2015 budget which included the continuation of a Cultural Heritage Levy (the Levy) of \$5 per annum on all rateable properties.

The Levy, guided by Council's *Heritage Levy Policy*, supports the delivery of key strategic outcomes identified in the *Corporate Plan 2014-2019*, which would not normally be funded through Council's general operating budget. The resources generated encourage greater protection, awareness and celebration of cultural heritage within the Sunshine Coast region, given the increasing impacts of growth on cultural sites, places, knowledge and artefacts.

The proposed Levy identifies the following major operational projects for 2014/2015:

- development of a Cultural Heritage Strategy
- review of the *Heritage Levy Policy* and operational guidelines and
- the progression of an audit of council owned heritage properties

The significant capital project for 2014/2015 is the construction of the Archival Interpretive Building at Bankfoot House.

Levy Principles

The following principles provide a consistent approach to the administration of the *Heritage Levy Policy*, ensuring an open and transparent process for the delivery of the Levy program:

1. Promotion of heritage values and strategies across the region
2. Implementation of heritage programs and projects across the region
3. Recording and preserving the history of the region including its oral and social history
4. Establishing partnerships that have the capacity to enhance the preservation of heritage facilities and resources
5. Identification, recording, protection and restoration of cultural heritage, including Aboriginal heritage, landscape heritage, historical heritage and collections.

Development of the Levy Program 2014/2015

Council officers manage the Levy program, which is developed in collaboration with the Sunshine Coast Heritage Reference Group (SCHR) as detailed in Attachment 1. The Levy is directed by Council's *Heritage Levy Policy*.

At the SCHR meeting of 13 March 2014, the committee resolved to institute a formal voting process in endorsing programs nominated for funding through the Cultural Heritage Levy Program 2014/2015. At the subsequent SCHR workshop meeting on 1 April 2014, the full program was developed and endorsed. Selection focused on the alignment with Council and Levy principles and priorities, and endorsed the continued delivery of specific longer term Levy programs.

Minor adjustments to individual programs may be required throughout the financial year in order to respond to emerging priorities. The process for adjustment to, or introduction of, new projects under the value of \$50,000 requires approval by the Director, Community Services, and consultation with the SCHR.

Levy Program expenditure categories

The proposed Cultural Heritage Levy Program 2014/2015 is allocated in four expenditure categories:

1. Capital works: Includes heritage infrastructure building works, and major conservation projects on council-owned heritage properties/places/objects.
2. Major projects and initiatives: Includes major projects, place management plans, Aboriginal cultural heritage initiatives, interpretive studies and exhibitions, and cultural tourism initiatives.
3. Partnerships and incentives: Includes Community Partnerships Funding Program, cultural incentives, community heritage sector development, Sunshine Coast Heritage Reference Group (SCHRAG) administration, and the Heritage Advisory Service.
4. Cultural Heritage Levy management and administration: Staffing costs associated directly with the administration of the Cultural Heritage Levy and associated works and programs.

This report seeks Council's endorsement of the draft Cultural Heritage Levy Program 2014/2015 (Appendix A).

Legal

There are no legal implications to this report.

Policy

This proposal is consistent with the directions as provided in Council's *Corporate Plan 2014-2019* and *Heritage Levy Policy*.

Risk

There is no significant risk associated with this report. The Sunshine Coast Heritage Reference Group provides informed community-based and specialist advice to Council on recommendations for proposed expenditure of the Levy.

Previous Council Resolution**SM10/21 - 22 April 2010**

That Council:

- (a) receive and note the report entitled "Introduction of a heritage levy on all rateable land across the Council region" and consider in their budget deliberations on all rateable land in the council region, for the:
 - i. promotion of heritage values and strategies across the region;*
 - ii. implementation of heritage programs and projects across the region;*
 - iii. recording and preserving the history of the region including its oral and social history;*
 - iv. establishing partnerships that have the capacity to enhance preservation of heritage facilities and resources;*
 - v. identification, recording and protection of cultural heritage including Aboriginal heritage, landscape heritage, historical heritage and collections;**
- (b) support \$5.00 rates notice for the 2010/2011 year with the amount reviewed in the 2011/2012 year;*
- (c) note the prepared program scope included in the Sunshine Coast Heritage Levy Program (Attachment A)*
- (d) support the formation of a regional Cultural Heritage Reference group to provide support and advice and appoint Cr Anna Grosskreutz as portfolio councillor of Social Policy to chair the group;*
- (e) endorse the commitment of the remaining funds of the Northern Area Heritage Levy to a relevant and eligible project in the Noosa area; and*
- (f) continue discussion with the State Government and traditional owners and Aboriginal people of the region to strengthen Council's response to Aboriginal heritage on the Sunshine Coast.*

SM11/35 - 16 May 2011

That Council:

- (a) receive and note the report titled "Heritage Levy Progress Report";*
- (b) endorse the indicative program of Cultural Heritage Projects outlined in the Heritage Levy Progress Report (Appendix A) for implementation in 2011/2012;*
- (c) acknowledge and thank the members of the Sunshine Coast Cultural Heritage Reference Group for their work in relation to the Heritage Levy;*
- (d) endorse the criteria for assessing and prioritising items for expenditure in relation to the Heritage Levy developed by the Cultural Heritage Reference Group and Council's Cultural Heritage and Collections Unit;*
- (e) endorse the indicative program of Cultural Heritage projects for implementation in 2011/2012; and*
- (f) support a \$5.00 Heritage Levy per rates notice for the 2011/2012 rates notice with the amount to be reviewed in the 2012/2013 year.*

OM14/10 - 30 January 2014

That Council:

- (a) receive and note the report titled "Sunshine Coast Cultural Heritage Reference Group Membership 2014/2015" and*
- (b) endorse the nominated applicants as the members of the Sunshine Coast Heritage Reference Group.*

Related Documentation

There are a number of related policies and plans guiding and informing the draft Cultural Heritage Levy Program 2014/2015. These include:

- Heritage Levy Policy (2010)
- Sunshine Coast Access and Inclusion Plan (2011)
- Cultural Development Policy (2012)
- Community Grants Policy (2013)
- Sunshine Coast Planning Scheme (2014)

Critical Dates

Endorsement of this report will adopt expenditure of the Levy programs nominated in the 2014/2015 Heritage Levy budget.

Implementation

Following Council endorsement of the draft Cultural Heritage Levy Program 2014/2015, implementation of the program schedule will proceed in consultation with the Sunshine Coast Heritage Reference Group (SCHRAG).

8.4 INFRASTRUCTURE SERVICES

Nil

8.5 CORPORATE STRATEGY AND DELIVERY

Nil

8.6 OFFICE OF THE MAYOR AND THE CEONil

9 NOTIFIED MOTIONS**10 TABLING OF PETITIONS**

Petitions only eligible for submission if:

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

11 CONFIDENTIAL SESSION**11.1 REGIONAL STRATEGY AND PLANNING**

Nil

11.2 CORPORATE SERVICES**11.2.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - NAMBOUR PROPERTY ACQUISITION**

File No: ECM

Authors: Coordinator Property, Projects and Development
Corporate Services Department
Principal Property Officer
Corporate 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.

11.3 COMMUNITY SERVICES

Nil

11.4 INFRASTRUCTURE SERVICES**11.4.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - COOLUM ACQUISITION OF LAND**

File No: ECM 24 July 2014

Author: Coordinator Major Projects
Infrastructure Services Department

This report is confidential in accordance with section 275 (e) of the *Local Government Regulation 2012* as it contains information relating to contracts proposed to be made by it.

11.5 CORPORATE STRATEGY AND DELIVERY**11.5.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - OPTION FOR POTENTIAL FUTURE LAND ACQUISITION****File No:** File ECM**Author:** Director Corporate Strategy and Delivery
Corporate Strategy and Delivery Department**Attachments:** Att 1 - Agreement: potential future land acquisition
Att 2 - Map: potential future land acquisition

This report is confidential in accordance with section 275 (e) of the *Local Government Regulation 2012* as it contains information relating to contracts proposed to be made by it.

11.6 OFFICE OF THE MAYOR AND THE CEONil

12 NEXT MEETING

The next Ordinary Meeting will be held on 21 August 2014 in the Council Chambers, Corner Currie and Bury Streets, Nambour.

13 MEETING CLOSURE