

Agenda

Ordinary Meeting

Thursday, 23 May 2013

commencing at 9.00am

Council Chambers, Corner Currie and Bury Streets, Nambour

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1 DECLARATION OF OPENING

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

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

That the Minutes of the Ordinary Meeting held on 24 April 2013 be received and confirmed.

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

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

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

4.2 DECLARATION OF CONFLICT OF INTEREST ON ANY ITEM OF BUSINESS

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

5 MAYORAL MINUTE**6 PRESENTATIONS**

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7 REPORTS DIRECT TO COUNCIL**7.1 REGIONAL STRATEGY AND PLANNING****7.1.1 KIN KIN QUARRY - AMENDED QUARRY MANAGEMENT PLAN****File No:** 51987.2970 (TPC 1899)**Author/Presenter:** Senior Development Planner
Regional Strategy & Planning Department
Manager Development Services
Regional Strategy & Planning Department**Appendices:** App A - Quarry Management Plan (Feb 2013) (*Under Separate Cover*)
App B - Recommended Amendments to Quarry Management Plan (*Under Separate Cover*)

PURPOSE

In July 2012, council considered a report dealing with an updated Management Plan for the operators of the Kin Kin Quarry, the Neilsen Group.

The purpose of this report is to advise of the Neilsen Group's response to council's part approval of the amended Management Plan in July 2012, and to seek council's further review of the Management Plan requirements.

EXECUTIVE SUMMARY

At the Ordinary Meeting of 26 July 2012, council approved in part an Amended Quarry Management Plan for the Kin Kin Quarry. This part approval was recommended due to the fact that stormwater management plans only addressed the initial quarry development phase. A number of amendments were required to improve the document for implementation and compliance reasons.

The quarry operator has agreed to a number of the amendments required by council, but contests others and requests they be deleted or amended. The issues to be resolved involve future updates of the Quarry Management Plan, vegetation buffer incursions, water monitoring locations, covering of trucks, haulage routes, water treatment, benching layout plans and limits on the initial development phase timing.

A critical issue of the assessment is the requirement imposed by the council resolution to restrict totally the release of untreated stormwater from the site in any rain event. Subsequent advice from the Department of Environment and Heritage Protection, and further internal review, confirm the recommendation that such a requirement could not be met and is, therefore, not practically achievable.

Council officers have met with the operator and their consultants and reviewed the supporting material submitted. It is recommended that a number of the applicant's changes be agreed, but others remain unchanged, or amended in part only.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled 'Kin Kin Quarry – Amended Quarry Management Plan'; and
- (b) approve the updated Kin Kin Quarry Management Plan at Appendix A, prepared by Groundwork Plus and dated February 2013, for the initial quarry development phase only, subject to the amendments in Appendix B.

FINANCE AND RESOURCING

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

PROPOSAL

Minter Ellison Lawyers, on behalf of operators of the Kin Kin Quarry – the Neilsen Group, have provided correspondence dated 14 September 2012 in response to council's resolution of July 2012.

The correspondence infers that council does not have the power to approve the Quarry Management Plan in part, or require that it be amended, such that council's decision is taken to be a refusal to approve the Quarry Management Plan. Notwithstanding, the Neilsen Group has indicated that it is prepared to work with council to address the issues raised and achieve the outcomes sought.

In this respect, the Neilsen Group seek that council review its position on several items of the resolution, and have provided further written details of the requested review on 1 and 25 February 2013, with an updated Management Plan provided on 25 February 2013.

SITE DETAILS**Background/Site History**

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



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

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

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

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

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

Previous Council Resolution

At Council's Ordinary Meeting held on 24 January 2012 (**Council Resolution OM12/08**), council resolved to:

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

At Council's Ordinary Meeting held on 26 July 2012 (**Council Resolution OM12/85**), council resolved to:

- (a) receive and note the report titled 'Kin Kin Quarry Amended Management Plan';
- (b) approve in part the amended Kin Kin Quarry Management Plan at Appendix A prepared by Groundwork Plus and dated December 2011, for the initial quarry development phase only, subject to:
 - (i) the amendments in Appendix B where they address the initial development phase;
 - (ii) including an erosion and sediment control management plan that ensures untreated water is not released from the detention basins into the downstream watercourse, in accordance with aspects of the current EPA development approval currently in place;
 - (iii) Section 3.6.4 and Figure 3A shall be revised to be consistent in terms of benching levels. The initial development phase shall be in accordance with the footprint identified in Figure 3A. Figure 3A to be changed from "Conceptual Short Term Quarry Development Plan" to "Short Term Works Development Plan";
 - (iv) the initial development phase to be limited to 7 years as identified in the amended Kin Kin Quarry Management Plan or by reaching the limits of extraction as outlined in Figure 3A or whichever is the sooner;
- (c) advise Neilsen's Quality Gravels Pty Ltd that the amended Kin Kin Quarry Management Plan must be updated to the reasonable satisfaction of Council before further quarrying stages commence, as storm water management is not adequately addressed for subsequent stages;
- (d) request the Chief Executive Officer to seek confirmation from the Department of Environment and Heritage Protection that they are prepared to enforce storm water management provisions that prevent overtopping of the Detention Basin, and other significant direct impacts on the Noosa River Catchment on the understanding that the Noosa River currently enjoys the highest health rating of any South East Queensland river system, is an integral feature of the Noosa Biosphere Reserve, as well as the Cooloola Section of the Great Sandy National Park.

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

(PSC) ITEM 4.2.2 SHEPPERSONS LANE CONSTRUCTION

That Council:

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

Site Inspection of Stormwater Management

Following the major rain events around the Australia Day weekend council hydrology staff undertook an inspection of the site with Department of Environment and Heritage Protection officers. Council's Hydrologist indicated he consider the site generally well managed. A site inspection report was provided to quarry operator and the Department to record the observations and identify issues. The report highlighted a diversion drain that had failed and evidence of erosion on the basin embankment. The Department, as lead body on stormwater matters, advised it issued formal correspondence to the operator requesting thorough soil analysis be undertaken to investigate the extent of dispersive soils on site and what impact they have on the current and proposed drainage controls. It also requested that an independent review of the clean water drains be undertaken to determine a more accurate size calculation and flow velocities expected in that terrain. It recommended that the operator design and implement new clean water drains to a new design standard.

The quarry operator has undertaken to rectify the issues raised in the Department's correspondence and is providing further study of soils on the site that showed evidence of tunnel erosion. These details form part of the Department's ongoing assessment of the ERA conditions.

ASSESSMENT

Subsequently, the Neilsen Group requested a review of the amendments that council asked to be made to the Management Plan. This has occurred, and the outcomes are listed below.

Amendment 1

1. *Section 1.3 shall be revised to specify that an updated Quarry Management Plan must be submitted to Council for further consideration and approval prior to proceeding with any further works beyond the initial quarry development phase (the initial quarry development phase being as referred to in Section 2.4.2). The Quarry Management Plan shall, otherwise, be updated every 5 years over the quarry's term of approval, with future updates submitted to Council for review.*

Applicant's Requested Review

The applicant considers this requirement is beyond the scope of council such that council cannot use the Quarry Management Plan to limit the approval. The quarry, when operational, shall update the management plan every 5 years as previously stated in section 1.3 of the Quarry Management Plan. The applicant also submits that as identified in the Planning and Environment Court the *"use of land for extractive industry is not a static use. The nature of the use means that within the physical confines the area over which the consent authorises the use, quarrying may occur depending on the availability of the resource and the economics of extracting it"*. Advances in technology and operating processes are such that significant changes are likely to take place within 5 years of operation when a subsequent Quarry Management Plan is required. It is, therefore, inappropriate to prescribe stormwater management requirements for advanced phases of operation in the current Quarry Management Plan.

Council Assessment

While it is recognised that quarry operations are an evolving process affected by the nature of the extracted resource and market demand for material, council's agreement to extend the term of the quarry approval until 12 May 2033 was subject to a number of requirements, including an updated Management Plan that related to the operational phase of the development. The current Quarry Management Plan includes stormwater management only

for the 'initial development phase' and not the full operational phase. Therefore, it is reasonable to request an updated Quarry Management Plan be submitted to council and for all future updates to be reviewed by council.

Recommendation

Maintain the required amendment unchanged.

Amendment 2

2. *Additional wording must be included to stipulate that the quarry extraction area must be generally in accordance with Figures 4 and 5 of the Management Plan.*

Applicant's Requested Review

The Neilsen Group agree and have added the following to Section 2.1 of the Quarry Management Plan: *"For the term of this development plan extractive operations will remain within the boundaries of area indicated on Figure 4 Development Stages and Figure 5 Site Layout"*.

Assessment

The updated Management Plan includes this requirement and will ensure quarrying only occurs within the boundaries specified by the Figures during the term of the development plan.

Recommendation

Agree to delete.

Amendment 3

3. *Figures 9 and 10 of the Quarry Management Plan must be amended to indicate that the 20 metre wide buffer along the north-western boundary is to follow the waterway closest to the western corner of the subject site.*

Applicant's Requested Review

A 20 metre wide landscape area and general buffer is shown on Figure 9 - Landscape Vegetation and Fencing Plan, and Figure 10 - Long Term Rehabilitation Concept. Due to site constraints and stormwater management requirements, this buffer is retained but it is not re-designed to follow the waterway closest to the western corner of the subject site.

Assessment

The current required amendment to the Quarry Management Plan is likely to result in slightly less work for the Neilsen Group, so the comments relating to site constraints and stormwater management requirements are questioned. Notwithstanding, the environmental benefit is likely to be negligible and, therefore, the applicant's requested change is acceptable.

Recommendation

Agree to delete.

Amendment 4

4. *The clean water diversion drains must be entirely outside of the required 20 metre wide vegetated buffer to Murrays Road.*

Applicant's Requested Review

The clean water diversion drains will be kept outside the required 20 metre wide vegetated buffer to Murrays Road insofar as is practical. Figure 9 - Landscape Vegetation and Fencing Plan - has been updated to reflect this change.

Assessment

Figure 9 – Landscape Vegetation and Fencing Plan – indicates that it is possible to maintain a 20 metre wide vegetated buffer to Murrays Road along the site's southern boundary. Given this buffer has been consistently maintained in previous Management Plans and Murrays Road is utilised as part of the Noosa Trail network, it is reasonable to maintain the specified setback.

Recommendation

Maintain the required amendment unchanged.

Amendment 5

5. *The noise management procedures and practices contained in Section 3.5.4 are to be amended to include the requirement that all mobile and stationary mechanical plant including the crushing and screening plant must be selected, designed, constructed and shielded to ensure that the noise criteria specified in Section 3.5.3 will be achieved. Noise from the processing plant is to be similarly addressed in Section 2.6.1.*

Applicant's Requested Review

When on site, mobile and stationary mechanical plant will comply with the relevant noise approval criteria.

Assessment

Discussion with the Plan's author, Groundwork, to clarify their position on this item indicated they feel Section 3.5.3 adequately addresses noise criteria, which are enforced by the State not council. It is agreed that the overarching noise criteria included in Section 3.5.3 adequately cover this issue and the amendment can be deleted.

Recommendation

Agree to delete.

Amendment 6

6. *Amend the performance targets in section 3.6.3 such that it simply references the DERM ERA permit conditions relating to water plus includes a requirement that states "All runoff captured by the sediment basin(s) is to be treated and discharged as soon as practicably achievable in order for capacity to be available for subsequent runoff events".*

Applicant's Requested Review

Section 3.6.3 has been amended to read as follows. *"The water release from the site will comply with the Department of Environment and Heritage Protection permit conditions"*.

Assessment

The proposed changes have been incorporated in the updated Management Plan.

Recommendation

Agree to delete.

Amendment 7

- 7. Amend section 3.6 to include a design ARI and freeboard for the sediment basins spillways.*

Applicant's Requested Review

The Quarry Management Plan has been amended in Section 3.6.4 to include the following bullet point: *"The spillway for the primary detention basin is designed to be stable in the peak flow from at least the 10 year ARI time of concentration"*. This was an Environmental Protection Order requirement and has been promulgated from this order. Design criteria for spillways are not applicable for secondary dams as they are related to pumping rates from the primary pond.

Assessment

The proposed changes are agreed with.

Recommendation

Agree to delete.

Amendment 8

- 8. Delete Figures 7A – 7 C and include notes in section 3.6 that additional conceptual and detailed stormwater management plans will be prepared and submitted to Council for approval and DERM prior to works commencing in those stages.*

Applicant's Requested Review

The Quarry Management Plan has been amended in Section 3.6.8 to include the following bullet point: *"Conceptual and detailed storm water management plans will be prepared and submitted to Council and EHP prior to works commencing in those stages."* Figures 7A – 7C have been retained as they show evolving stormwater design concepts.

Assessment

The proposed changes are agreed with.

Recommendation

Agree to delete.

Amendment 9

9. Amend section 3.6.5 as follows:-

- a) *There is potential for upstream monitoring location US1 to be contaminated should the clean water diversion drains fail or areas above the drains become inadvertently disturbed. Additionally monthly upstream monitoring locations should be provided on the drainage line east of US1 as this drainage line does not have the potential to become contaminated by the quarry.*
- b) *A monthly upstream monitoring location should be located to the west of the quarry.*
- c) *Monitoring locations US2 and US3 are quoted in the report but not identified on plan.*
- d) *The method of sampling the ephemeral waterways during a runoff event should be identified (i.e. auto samplers or stage-height samplers).*

Applicant's Requested Review

- a) Areas to the east of US1 (Up-stream) are not impacted upon by quarry operations and US1 serves to provide upstream background data. Positioning a point to the east of US1 serves no purpose and is considered superfluous, and it would be agreed with council in that this drainage line does not have the potential to become contaminated by the quarry.
- b) US1 (Up-stream) provides background data on water quality and additional points in this area are costly and superfluous.
- c) DS2 and DS3 are identified on the plan.

The Quality Management Plan has been amended to include a description of the method of sampling waterways in Section 3.6.5 with the revised text stating: *"Monitoring of surface waters flowing from site will be conducted during a rainfall discharge event on a monthly basis from at least the following monitoring locations – Water release point (DS2) via Rising Stage Sampler; Upstream water quality of receiving environment (US1) via Rising Stage Sampler; Spillway Release via Rising Stage Bottle; and Downstream water quality (DS3) Grab Sample"*.

Assessment

The proposed changes are agreed with apart from the discussion on sampling point US1. The following alternative has been offered to the Neilsen Group with regard to US1. *"The final location of sampling point US1 is to be agreed on site with council officers based on positioning the site at a location that is safely accessible and which will not be impacted by the quarry and hence is representative of upstream conditions"*.

Recommendation

Change the required amendment to read as follows:

Amend section 3.6.5 to specify that the final location of sampling point US1 is to be agreed on site with council officers based on positioning the site at a location that is safely accessible and which will not be impacted by the quarry and hence is representative of upstream conditions

Amendment 10

10. *An updated Quarry Management Plan must be submitted to Council for further consideration of the erosion and sediment control and stormwater management strategy for future quarrying stages 1 to 4 as shown on Figure 4 following the initial quarrying or sooner if there are major departures from the Management Plan during the first 5 years.*

Applicant's Requested Review

An updated Quarry Management Plan which includes erosion and sediment control and storm water management strategy will be submitted to council every 5 years as stated in Section 1.3 of the Plan.

Assessment

The updated Management Plan includes a requirement to submit further updates every 5 years, but does not address the potential for major departures from the Management Plan during the first 5 years. Given the evolving nature of quarries, this would be appropriate requirement for the Management Plan to include.

Recommendation

Maintain the required amendment unchanged.

Amendment 11

11. *Section 3.6 shall be revised to include a requirement that the quarry manager will make available to Council upon request, the results of water monitoring tests.*

Applicant's Requested Review

Section 3.6.8 of the Quarry Management Plan has been amended to include the bullet point: *"Within twenty business days, the quarry manager will make available to council upon request, the results of water monitoring tests which have been completed over the preceding six months"*.

Assessment

The proposed changes are agreed with.

Recommendation

Agree to delete.

Amendment 12

12. *Inclusion of a clause that prohibits the use of The Noosa Trail by heavy equipment/machinery such as drilling rigs and earth moving machinery.*

Applicant's Requested Review

Section 3.6 of the Quarry Management Plan has been amended to include the bullet point: *"Unless in the case of emergency or as otherwise agreed with Council, heavy equipment/machinery such as drilling rigs and earth moving machinery will not use the Noosa Trail from the exit point off Sheppersons Lane including Simpsons Road"*.

Assessment

The proposed change is agreed with and ensures the Noosa Trail is not utilised on an everyday basis by the quarry operations.

Recommendation

Agree to delete.

Amendment 13

- 13. Section 2.7 must be revised to be consistent with Section 3.9.4 to ensure all loads are covered, except large rock boulder loads.*

Applicant's Requested Review

Section 2.7 is generally consistent with Section 3.9.4. All loads will be covered, except large rock boulder loads.

Assessment

Section 2.7 currently states that *"Loads will be wetted down or covered. All fine material loads will be covered. No trucks will be permitted to leave the site unless the load is legal and secure"*. Section 3.9.4 states that *"All loads except large rock boulders, will be covered"*. It is not agreed that there is consistency between these sections and previous loads of material, other than large boulders, have left the site uncovered. Therefore, further amendment is necessary to the Management Plan.

Recommendation

Maintain the required amendment unchanged.

Amendment 14

- 14. Section 2.7 and the Road Transport Protocol must be revised to specify that the approved haul route is Pomona-Kin Kin Road. Where this approved haulage route is not available due to exceptional circumstances, prior approval is required from Council to deviate from the approved route.*

Applicant's Requested Review

This requirement is beyond the scope of council. Council does not have the power to use the Quarry Management Plan to limit the approval. The development approval does not limit the use by the haul route. The haul route has simply been specified in the Quarry Management Plan which is updated periodically. The Neilsen Group confirm that the primary haul route will continue to be Pomona-Kin Kin Road. However, Dr Pages Road will be used

when required. This will neither constitute a material change of use for the quarry nor require a new development application to the council as the approved use has no constraint.

Assessment

While the development approval conditions do not stipulate a haul route, the conditions and the extension to the term of approval require an approved Management Plan to be in place for the quarry. In all previously approved Management Plans for the quarry, the primary access to the quarry has always been specified as being via the Pomona-Kin Kin Road. Dr Pages Road has not been used previously as the haul route and changing the haul route to Dr Pages Road would constitute a material change of use for the quarry and be the subject of a new development application to council. The use of Dr Pages Road as a haul route, for other than local deliveries, is likely to result in significant objection from residents along this route.

Therefore, the Neilsen Group's response is not agreed although it is recommended that the requirement specify Pomona-Kin Kin Road as being the primary haul route and the local road network, including Dr Pages Road, be permitted only for local deliveries.

Recommendation

Section 2.7 and the Road Transport Protocol must be revised to specify that the approved primary haul route is Pomona-Kin Kin Road, with the local road network permitted only for local deliveries.

Amendment 15

- 15. Section 3.9.4 must be revised to include that cartage is to be avoided, where practicable, during times when the school bus is using the local road system, and drivers must exercise extreme caution when arriving at, or departing the quarry site at times when school buses are operating along the haul route.*

Applicant's Requested Review

The applicant considers this is beyond the scope of council as the Quarry Management Plan cannot be used to limit the approval. Regardless, the Neilsen Group will enforce the Traffic Management Plan and also the Neilsen Group Road Transport Protocol. The cycle times of the buses will be reviewed by Neilsen's and communicated to drivers.

Assessment

The updated Management Plan and the Road Transport Protocol describe the use of UHF radios to convey information between the quarry and the vehicles on the haulage route. It is considered that the use of the radios and the implementation of Section 3.9.4 of the Road Transport Protocol (*Ongoing liaison with drivers, Council and community to identify priorities for continual improvements in road traffic safety for the Pomona-Kin Kin Road*) provides the opportunity to minimise the potential for conflicts between vehicles and ongoing improvement to address issues that may arise.

Recommendation

Agree to delete.

Amendment 16

16. Sections 3.9.4 and 3.9.9, and the Road Transport Protocol must be revised to acknowledge the site is in a rural environment and that trucks must not arrive at the quarry site prior to the approved operating hours and must not leave the site with a load after the approved operating hours. Parking of trucks in the area is also prohibited.

Applicant's Requested Review

Sections 3.9.3 and 3.9.9 of the Quarry Management Plan have been amended to include the following text:

Section 3.9.3: *"The target for the Kin Kin Quarry is to minimise traffic-related community complaints and have no incidents or accidents involving haulage vehicles associated with the quarry. Additionally it is noted that the site is in a rural environment and that trucks must not arrive at the quarry site prior to the approved operating hours and must not leave the site with a full load after the approved operating hours"*.

Section 3.9.9 has had an additional bullet point added stating: *"Trucks must not arrive at the quarry site prior to the approved operating hours and must not leave the site with a full load after the approved operating hours"*.

Assessment

The updated Management Plan satisfactorily addresses the issues raised by this requirement.

Recommendation

Agree to delete.

Amendment 17

17. Section 3.10 must be revised to include the requirement for additional signage to be included along the Noosa Trail network alerting trail riders of an impending blast. This additional signage is to be removed promptly at the completion of each blast.

Applicant's Requested Review

The applicant suggests that 2 permanent signs will be erected at suitable points on the Noosa Trail in proximity to the quarry operations, denoting that there is potential for blasting to occur during the hours of 9am to 3pm Monday to Friday. Permanent signs rather than temporary signs are proposed, as access to the original location for the signs is difficult and not always assured, for example, after a rain event. Also, because of the size and bulk of the signs, a vehicle is required to transport them and access is via the Noosa Trail which council has requested the quarry operations not to use. It is, therefore, not practical to place and remove the signs for every blast.

Assessment

The Neilsen Group proposal for 2 permanent signs is reasonable given the area's constraints.

Recommendation

Agree to delete.

Amendment (b)(ii)

- (b) (ii) *including an erosion and sediment control management plan that ensures untreated water is not released from the detention basins into the downstream watercourse, in accordance with aspects of the current EPA development approval currently in place;*

Applicant's Requested Review

Council's requirements must be consistent with the Environment Protection Agency development approval in place at any time. The applicant seeks that council amend its resolution in respect of the following:

"including an erosion and sediment control management plan that ensures untreated water is not released from the detention basins into the downstream watercourse, otherwise than in accordance with the current EPA development approval."

Assessment

The requirement imposed by council is well beyond the requirements of the current ERA Permit and is not considered practicably achievable.

The Neilsen Group have not provided detailed arguments about why this requirement is not reasonable or achievable but have simply relied on the letter from Minter Ellison which states "The Council's requirements must be consistent with the EPA development approval in place at any time."

In response to council's letter required under resolution item (d), the Department of Environment and Heritage Protection significantly noted that:

"Given the topography and size of the catchment, the department does not consider that Neilsens could be reasonably expected to construct a sediment basin with the capacity to capture all storm events without overtopping..... The department acknowledges SCRC's decision to impose a no release condition on the updated Quarry Management Plan at their meeting on 26 July 2012. However, at this stage and for the reasons stated above, the department cannot agree to impose SCRC's condition that prevents overtopping of the sediment basin in all circumstances."

Council's Hydrologist concurs with the view expressed by the Department of Environment and Heritage Protection. Detailed reasons are provided in the report that went to the Ordinary Meeting of 26 July 2012.

It is considered that the change made to the Quarry Management Plan Section 3.6, to simply refer to the ERA requirements as the applicable standards for water releases, is an appropriate change that should be accepted by council. As such, this aspect of the Quarry Management Plan ought to be endorsed without further modification.

Recommendation

Agree to delete.

Amendment (b)(iii)

- (b) (iii) *Section 3.6.4 and Figure 3A shall be revised to be consistent in terms of benching levels. The initial development phase shall be in accordance with the footprint identified in Figure 3A. Figure 3A to be changed from "Conceptual Short Term Quarry Development Plan" to "Short Term Works Development Plan";*

Applicant's Requested Review

The applicant considers it inappropriate to change the title of Figure 3A as the specific detail of the initial development phase is geology dependent. Accordingly, the applicant suggests that council amend its resolution in this respect to the following:

"Section 3.6.4 and Figure 3A shall be revised to be consistent in terms of benching levels. The initial development phase shall, so far as practicable, be in accordance with the footprint identified in Figure 3A."

Assessment

The updated Management Plan has not been revised to ensure the benching levels specified are consistent between section 3.6.4 and Figure 3A, with section 3.6.4 specifying RL75m, RL90m, RL105m and RL120m and Figure 3A showing RL90m and RL105m and RL120m. These benching levels are inconsistent and, therefore, still require clarification, although it is acknowledged that the actual bench levels may vary due to the nature of quarrying, as requested by the applicant. The requirement should remain generally unchanged with only minor amendments, as recommended below.

Recommendation

Amend wording for the requirement to read as follows:

Section 3.6.4 and Figure 3A shall be revised to be consistent in terms of benching levels. The initial development phase shall, so far as practicable, be in accordance with the footprint identified in Figure 3A. Figure 3A to be changed from "Conceptual Short Term Quarry Development Plan" to "Short Term Quarry Development Plan".

Amendment (b)(iv)

- (b) (iv) *the initial development phase to be limited to 7 years as identified in the amended Kin Kin Quarry Management Plan or by reaching the limits of extraction as outlined in Figure 3A or whichever is the sooner;*

Applicant's Requested Review

Council does not have the power to impose this requirement and cannot use the Quarry Management Plan to limit the approval.

Assessment

The Management Plan seeks to quarry the site in a number of stages with the initial quarry development phase expected to last between 3-7 years. This initial development phase is outlined in Figure 3A of the Management Plan and whether this phase lasts 3-7 years or longer is not able to be now lawfully regulated by council. Only the term of the approval is able to be regulated (which in 2003 was extended until 2033). Therefore, the Neilsen Group request is agreed to.

Recommendation

Agree to delete.

Amendment (c)

- (c) *advise Neilsen's Quality Gravels Pty Ltd that the amended Kin Kin Quarry Management Plan must be updated to the reasonable satisfaction of Council before further quarrying stages commence, as storm water management is not adequately addressed for subsequent stages;*

Applicant's Requested Review

On the basis that detailed workings of an extractive industry are geology dependent, the detail of which is only known as extraction proceeds, the Neilsen Group will update the Quarry Management Plan periodically and seek council approval of any resulting revision to ensure that extraction is at all times consistent with the approval.

Assessment

The Quarry Management Plan has been amended in Section 3.6.8 to include the following bullet point: *"Conceptual and detailed storm water management plans will be prepared and submitted to Council and EHP prior to works commencing in those stages."* Figures 7A – 7C have been retained as they show evolving stormwater design concepts.

Recommendation

Agree to delete.

Amendment (d)

- (d) *request the Chief Executive Officer to seek confirmation from the Department of Environment and Heritage Protection that they are prepared to enforce storm water management provisions that prevent overtopping of the Detention Basin, and other significant direct impacts on the Noosa River Catchment on the understanding that the Noosa River currently enjoys the highest health rating of any South East Queensland river system, is an integral feature of the Noosa Biosphere Reserve, as well as the Cooloola Section of the Great Sandy National Park.*

Applicant's Requested Review

The applicant considers this requirement is beyond the scope of council and is a matter for the State to enforce.

Assessment

In August 2012 officers wrote to the department in accordance with this part of council's resolution. A response was received from the department on 3 September 2012 advising that:

- given the topography and size of the catchment, the department does not consider that the Neilsen Group could be reasonably expected to construct a sediment basin with the capacity to capture all storm events without overtopping;

- the department is currently undertaking a review of stormwater management at the site including current conditions of the development approval. The department is aware current conditions of the Environmentally Relevant Permit state that “*there must be no release of stormwater runoff that has been in contact with any contaminants at the site to any waters, roadside gutter or stormwater drain*” and “*that erosion protection measure and sediment controls need to be designed for a 24 hour 1 in 5 year ARI storm event*”;
- this has caused confusion regarding the lawfulness of any release and will be rectified in the review, for example, by amending these conditions to reflect current practices; and
- the department cannot agree to impose Sunshine Coast Regional Council’s condition that prevents overtopping of the sediment basin in all circumstances.

Recommendation

This matter is addressed in the recommendation against item b(ii) earlier in this report.

Legal

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

Risk

The updated Management Plan offers a greater level of detail and updated performance targets compared with the currently approved 2005 Management Plan. If council does not support the Neilsen Group’s requested review, the applicant may seek a declaration in the Planning and Environment Court.

As the approval for the land use already exists and that the management plan is the outstanding element preventing accelerated commercial use of the quarry, the applicant could seek the assistance of the court in resolving this issue. Given the legal advice received on this issue, it is likely that the improved environmental output from the site would be taken into account in any such legal proceedings.

Critical Dates

The developer is awaiting formal approval of the Management Plan by Council. There is no IDAS timeframe applicable to this. However, failure to respond within a reasonable period of time could lead to an action for a performance release (declaration) in the Planning and Environment Court by the Quarry operator. Negotiations with the Quarry operator indicated that they were prepared to await Council’s decision at the May Ordinary Meeting.

CONSULTATION

State Agencies

Department of Environment and Heritage Protection

Officers sought comment from the department in accordance with council’s resolution from the Ordinary Meeting of 26 July 2012. Officers have also continued to maintain a dialogue with the department, with a coordinated site inspection undertaken by council officers and department officers and Neilsen Group representatives in February 2013 following the Australia Day heavy rains.

CONCLUSION

In response to the submitted amended Quarry Management Plan, and the proponent's request to vary a number of the required alterations, it is recommended that council's required amendments 1, 4, 10 and 13 remain unchanged. It is also recommended that required amendments 9 and 14 be modified and amendments 2, 3, 5 -8, 11, 12, 11 and 15-17 deleted. One additional amendment is also recommended.

On the critical issue of stormwater treatment, advice received from the Department of Environment and Heritage Protection and council's Hydrologist confirms that a requirement for no release of untreated water from the site in any rain event is neither reasonable nor achievable. It is recommended that requirement (previous resolution items (b)(ii) to (d) be removed.

Full details of the recommended amendments are contained in Appendix B.

7.1.2 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE (DUAL OCCUPANCY) AND OPERATIONAL WORK (ENGINEERING AND LANDSCAPING), 1 CROWS ASH PLACE, KULUIN

File No: MCU13/0044
 Author/Presenter: Development Planner
 Regional Strategy & Planning Department
 Principal Development Planner
 Regional Strategy & Planning Department
 Appendices: App A - Conditions of Approval
 Attachments: Att 1 - Proposal Plans

<http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/default.aspx?page=wrapper&key=1299972>

SUMMARY SHEET	
APPLICATION DETAILS	
Applicant:	Mrs DM Blundell & Mr MW Blundell
Proposal:	Development Permit for Material Change of Use and Operational Works to Establish a Dual Occupancy
Properly Made Date:	20 March 2013
Information Request Date:	27 March 2013
Information Response Received Date:	10 April 2013
Decision Due Date:	10 May 2013
Number of Submissions:	Not applicable – Code Assessment Only
PROPERTY DETAILS	
Division:	7
Property Address:	1 Crows Ash Place KULUIN
RP Description:	Lot 12 SP223655
Land Area:	800m ²
Existing Use of Land:	Vacant
STATUTORY DETAILS	
SEQR Designation:	Urban Footprint
Planning Scheme:	Maroochy Plan 2000 (24 October 2011)
Strategic Plan Designation:	Urban
Planning Area / Locality:	8 – Kuluin/Kunda Park
Planning Precinct / Zone:	3 – Kuluin South (Neighbourhood Residential)
Assessment Type:	Code

PURPOSE

The purpose of this report is to seek council's determination of an application for a Development Permit for a Material Change of Use to establish a Dual Occupancy and Operational Works (Stormwater, Earthworks, Landscaping & Driveway works) at 1 Crows Ash Place, Kuluin. The application is before council as it involves a staff member.

EXECUTIVE SUMMARY

Approval is sought for a Material Change of Use and Operational Works to establish a Dual Occupancy Dwelling at 1 Crows Ash Place, Kuluin.

The application does not seek any concessions to the provisions of the planning scheme.

The proposed development has been designed in accordance with the planning scheme. The proposal has demonstrated it is consistent with the intent for its location for the following reasons:

- its location on a corner lot results in an appearance that is consistent with a single dwelling and, in turn, the desired character for the area;
- the proposal is a consistent land use which addresses amenity impacts;
- solar orientated design to reduce the need for heating and cooling systems; and
- adequate parking for tenants and visitors.

The proposed development is recommended for approval.

OFFICER RECOMMENDATION

That Council APPROVE WITH CONDITIONS Application No. MCU13/0044 and OPW13/0236 and grant a Development Permit for Material Change of Use and Operational Works to establish a Dual Occupancy dwelling situated at 1 Crows Ash Place, Kuluin, in accordance with Appendix A.

FINANCE AND RESOURCING

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

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

ADOPTED INFRASTRUCTURE CHARGE AMOUNT = @ March 2011 index			\$27,000.00
Allocation of adopted infrastructure charge to trunk infrastructure networks	Calculated Charge	Offset/Rebate or other	Amount Payable
Water Supply	\$4,256	\$0.00	\$4,256
Sewerage	\$6,384	\$0.00	\$6,384
Transport	\$6,544	\$0.00	\$6,544
Public Parks & Land for Community Facilities	\$8,180	\$0.00	\$8,180
Stormwater (applicable to Residential development)	\$1,636	\$0.00	\$1,636
Stormwater (applicable to Non-Residential development)	\$0	\$0.00	\$0
TOTAL =	\$27,000	\$0.00	\$27,000

AMOUNT PAYABLE AT CURRENT INDEX (DEC 2012) = **\$27,904**

PROPOSAL

The application seeks approval for a Duplex Dwelling and associated Operational Works. The Duplex Dwelling consists of 2 x 3 bedroom units located on the corner of Crows Ash Place and Boxwood Avenue.

The dwellings have been designed so that each unit has its own street frontage combining their own vehicle and pedestrian entries on opposing streets. Each unit contains 3 bedrooms, 2 bathrooms, open kitchen/living/dining and double garages. The proposal also consists of private open space/outdoor entertaining areas which have been designed to the north/north-east in order to capture the light in winter and the shade in summer.

Unit 1 has a Gross Floor Area of 150.36m² and Unit 2, 150.97m². The total of both units represents 37.63% of site cover. With the inclusion of outdoor entertaining areas, site cover is proposed at 42.2%. The exterior design proposed represents a standard project style brick and tile home, which is keeping with the built environment of Kuluin.

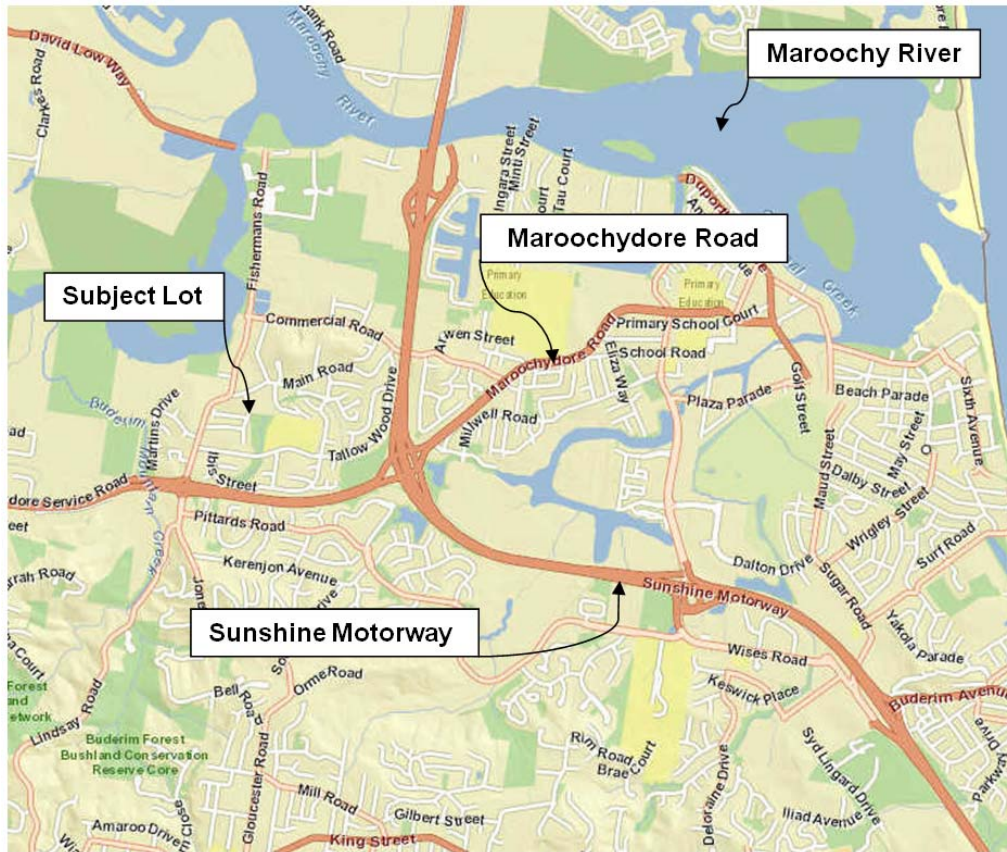
SITE DETAILS

Background/Site History

There is no background or site history information applicable to this application.

Site Description

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



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



The 800m² site is located within the residential suburb of Kuluin.

The site is irregular in shape with a 33m frontage to Crows Ash Place and a 25m frontage to Boxwood Avenue. The site is relatively flat with a slight slope from the south-west corner to the north-east corner. The site is currently a vacant lot with no significant vegetation.

Surrounding Land Uses

Surrounding land uses consist of single detached dwellings with an area of open space/bush reserve to the east.

ASSESSMENT

Framework for Assessment

Instruments for Statutory Assessment

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

- State Planning Policies;
- the South East Queensland Regional Plan;
- State Planning Regulatory Provisions; and
- the Planning Scheme for the local government area;

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

Statutory Instruments – State and Other

South East Queensland Regional Plan

The site is located within the Urban Footprint of the South East Queensland Regional Plan. The proposal is for an urban use within the Urban Footprint. The proposed development is consistent with the regional land use intent, regional policies and desired regional outcomes for the Urban Footprint.

Statutory Instruments – Planning Scheme

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

Strategic Provisions

The subject lot is designated Urban within the Strategic Plan of the Planning Scheme. The proposed Dual Occupancy dwelling complies with the preferred and dominant land uses designation.

Local Area Provisions

The subject site is located in the Kuluin/Kunda Park Local Planning Area. Within the planning area, the site is specifically located in Area 3 – Kuluin South, which is designated in the Neighbourhood Residential precinct. A Dual Occupancy dwelling is an acceptable land use, and is code assessable development, where it meets the following criteria:

- a. the site has an area not less than 800m²; and
- b. building height is not more than 8.5m.

The proposed proposal complies with these criteria given that the lot is 800m² in area and the building is a low scale single storey structure, to be set in well landscaped grounds. The dwellings have also been designed to their northern aspect to cool the building in summer and heat it in winter.

Land Use and Works Provisions

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

- Development and Use of Dual Occupancy;
- Integrated Water Management;
- Landscaping Design;
- Operational Works; and
- Transport, Traffic and Parking.

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

Development and Use of Dual Occupancy Dwelling

Performance Criteria P1 of the code requires the following:

Dual Occupancy dwellings being limited to a very small proportion of the total number of sites and dispersed to accommodate a mix of housing types in new and established residential areas.

To achieve the above, Acceptable Measure A1.2 of the code stipulates that following:

In existing residential areas, no new lot with any boundary adjoining a site used or approved for use for Dual Occupancy purposes.

The development satisfies the related Acceptable Measures as it adjoins existing single dwellings and is consistent with the density provisions of the code.

The proposal further complies with Dual Occupancy provisions as it achieves the following:

- the building appearance is in keeping with the surrounding built environment;
- the building will not create overshadowing issues or create privacy issues to adjoining lots;
- the building has been designed for sustainable living with a northern orientation;

- private open space for each residence has been provided above the minimum dimensions; and
- screened waste storage areas can be provided.

Code for Integrated Water Management

As well as mitigating flood issues, the code also requires a non-worsening effect for stormwater runoff where new development occurs. In this instance, a surface water drainage easement was created on the southern boundary of the lot at the time of subdivision of Crows Ash Place. This easement extends up through the rear of the lots adjoining to the west.

The applicant originally proposed structures, including fencing, and a rainwater tank through the easement, which would not have allowed water to flow to capacity in events of peak discharge.

However, the applicant has provided an amended plan removing all infrastructure from the easement.

All other aspects of this development generally comply with Council's relevant planning provisions and conditions of approval are to be applied where required.

Overlay and Special Management Area Provisions

The following Overlays are applicable to this application:

- Nature Conservation Management Areas;
- Landslip Hazard Area;
- Steep Land;
- Acid Sulfate Soils; and
- Mineral and Extractive Resources Buffer Area.

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

Nature Conservation Management Areas

Although the lot captured under the nature conservation overlay, there is no conservation value to the lot as no significant vegetation exists.

Landslip Hazard and Steep Land

The lot is flat and there are no landslip hazards.

Other Matters for Consideration

Sunshine Coast Council Policy Framework - Strategies

The proposed development has not been assessed against the Strategies for the following reasons:

- it is not a Section 242 Application Overriding the Planning Scheme to create a planning assessment framework fundamentally different from that which currently exists;
- the planning impacts of the proposal are not of regional significance; and
- it is not a use which is so unusual, unknown and/or un contemplated in nature that it warrants a wider assessment.

Traffic and Transport

The proposed Dual Occupancy dwelling is located within an established road network and is an approximate 250m walk to local public bus services and 300m to local shops.

CONSULTATION

IDAS Referral Agencies

There are no IDAS referral agencies applicable to this application.

Other Referrals

Unitywater

The application was forwarded to Unitywater and their assessment forms part of this report.

Internal Referrals

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

- Development Engineer, Engineering and Environment Assessment Branch;
- Hydraulics and Water Quality Specialist, Engineering and Environment Assessment Branch; and
- Landscape Officer, Engineering and Environment Assessment Branch.

Public Notification

Public Notification was not required for the application.

DRAFT SUNSHINE COAST PLANNING SCHEME

The subject site is zoned Low Density Residential and located within the Maroochydore/Kuluin Local Area Plan of the draft Sunshine Coast Planning Scheme.

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

- Acid Sulfate Soils;
- Biodiversity, Waterways and Wetlands (Urban Riparian Area);
- Biting Midges and Mosquitoes;
- Medium Bushfire Hazard Buffer Area; and
- Height of Buildings and Structures.

The development is not consistent with the draft planning scheme as it is not a preferred location for a Dual Occupancy dwelling under the draft Sunshine Coast Planning Scheme.

CONCLUSION

The proposed Dual Occupancy has been assessed against, and is consistent with, the planning provisions contained in Maroochy Plan 2000. The development is recommended for approval, subject to conditions.

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7.1.3 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE (EDUCATIONAL ESTABLISHMENT - MINING INDUSTRY TRAINING CENTRE) 136-166 VERRIERDALE ROAD VERRIERDALE

File No: MCU12/0075
 Author/Presenter: Development Planner
 Regional Strategy & Planning Department
 Principal Development Planner
 Regional Strategy & Planning Department
 Attachments: Att 1 - Proposal Plans

<http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/default.aspx?page=wrapper&key=1187873>

SUMMARY SHEET	
APPLICATION DETAILS	
Applicant:	Nitro Drilling Pty Ltd
Proposal	Development Permit for Material Change of Use (Educational Establishment – Mining Industry Training Centre)
Properly Made Date:	19/06/2012
Information Request Date:	10/07/2012
Information Response Received Date:	09/10/2012
Decision Due Date	23/5/2013
Number of Submissions	159 Properly Made 17 Not Properly Made
PROPERTY DETAILS	
Division:	9
Property Address:	136-166 Verrierdale Rd, Verrierdale
RP Description:	Lot 8 RP 159967
Land Area:	20.17Ha
Existing Use of Land:	General Rural Land with existing approved residential dwelling and associated outbuildings.
STATUTORY DETAILS	
SEQRP Designation:	Regional Landscape and Rural Production Area
Planning Scheme	Maroochy Plan 2000 (24 October 2011)
Strategic Plan Designation:	Rural and Valued Habitat
Planning Area / Locality:	Northern Coastal Plains (No.25)
Planning Precinct / Zone:	Northern Coastal Uplands (No.7)
Assessment Type:	Impact

PURPOSE

The purpose of this report is to seek council's determination of an application for Development Permit for Material Change of Use of Premises (Educational Establishment – Mining Industry and Training Centre) at 136-166 Verrierdale Road, Verrierdale. The application is before Council as there are significant levels of public interest, with 159 properly made submissions and 17 not properly made submissions having been received.

EXECUTIVE SUMMARY

The application seeks approval for an educational establishment (specifically a mining industry training centre) to offer specialised training courses for individuals looking to enter the mining industry. The development proposes to combine elements of classroom training with some outdoor practical training involving the use and demonstration of heavy machinery.

The site is located within a General Rural Lands precinct under the Maroochy Plan 2000, in an area characterised by a mix of heavily vegetated areas, open canelands and small rural lifestyle properties with dwellings set back from the roads and/or obscured by mature vegetation. The development does not meet with the planning scheme's preferred use of the land for rural-based activities. The development would introduce an inherently commercial, if not industrial, type of use into a rural and lifestyle-residential area.

The application was publicly notified and received 159 properly made submissions. The submitters are primarily concerned that the proposal is not in keeping with the character of the area and would have detrimental visual, noise and traffic related impacts on their existing quality of life.

The applicant requests that council give weight to the economic benefits of the proposed development, mainly its contribution to employment opportunities by providing a platform and pathway for newcomers to the mining industry.

While there may be economic grounds in favour of the development, they are not uniquely tied to the subject site and, therefore, not considered sufficient to warrant approval despite the expected impacts on the local community. Assessment of the application indicates the subject site is not suitable, and that the development would be more appropriately located in an industrial precinct or a site where the impacts can be more appropriately mitigated.

It is recommended that the application be refused, and the applicant encouraged to find a more suitable location for the use via liaison with the Economic Development Branch.

OFFICER RECOMMENDATION

That Council:

- (a) **REFUSE** Application No. MCU12/0075 for a Development Permit for Material Change of Use (Educational Establishment) situated at 136-166 Verrierdale Road, Verrierdale for the following reasons:
1. the development would not establish or maintain a rural-based or domestic use of the land and is therefore in conflict with the planning scheme
 2. the development would appear out of character with the prevailing type and scale of uses in the surrounding area
 3. the applicant has not demonstrated that potential noise impacts could be successfully eliminated
 4. the applicant has not demonstrated that the development would not cause environmental harm by way of water contamination and
 5. there are not sufficient grounds to approve the development despite all conflicts with the planning scheme and
- (b) **REFER** the matter to the Chief Executive Officer, in conjunction with the Economic Development Branch, to work with the Applicant to seek an alternative location.

FINANCE AND RESOURCING

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

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

Allocation of adopted infrastructure charge to trunk infrastructure networks	Amount Payable
Transport	\$38,592
Stormwater (applicable to Non-Residential development)	\$15,980
TOTAL =	\$54,572.00

PROPOSAL

The proposal seeks to convert the site's existing dwelling and sheds, formerly used as the unapproved corporate business office for Nitro Drilling Pty Ltd, into a mining industry training centre. All buildings and infrastructure exist on the site to accommodate the use, with the exception of an effluent disposal system, which is proposed to be provided.

Nature of the Use

The application indicates that the proposed use would accommodate a maximum of 25 students and 5 staff at any one time.

The proposed mining centre would provide specific training opportunities for employees of Nitro Drilling, and others wanting to enter the mining industry. The courses proposed to be offered would include prerequisite/mandatory inductions and courses specifically tailored to facilitate commencement of work in the mining industry. Some examples include: general induction, confined spaces, emergency management, manual handling, first aid, project management, machinery operations and white card.

The proposal would involve both a classroom component and a practical component of training where students would become accustomed to operating the following 4 types of machinery:

- Bulldozer (Caterpillar D6)
- Backhoe (JCB 4CX)
- Bobcat and
- Mobile Drilling Rig.

The practical component would involve the use of the abovementioned machinery, primarily for orientation, familiarisation, induction and demonstrating workplace health and safety principles. It is anticipated that the machinery would be turned on and operated during a training session. Each session is proposed to have a duration of 1 to 2 hours, with no more than 3 sessions per day and no more than 10 sessions per week. The extent of the proposed machinery use is as follows:

- the mobile drilling rig would remain stationary while it drills a hole and then fills it in immediately after
- the backhoe would excavate a 1-2m deep trench by 3-5m in length and
- the bulldozer and bobcat would shift earth around the site for practical demonstration purposes.

Depending on student enrolments, the machinery would be used by 6 students operating each machine on rotational basis for a duration of 45 minutes each, with maximum daily duration of approximately 4½ hours per day Monday to Friday. Up to 4 machines would operate at the same time (4 separate inductions).

The volume of soil moved around the site is not expected to exceed 10m³. At the end of each training session the soil would be consolidated and levelled for recommencement.

The practical machinery inductions are intended to occur on the eastern and southern sides of the existing shed. The machines would remain located within this area, except for times of inactivity where the machinery would be stored within the storage shed.

No practical training or use of machinery is proposed to occur on the surrounding public road network, although it is expected that the machinery would be occasionally transported to and from the site for maintenance purposes.

Hours of Operation

The training centre is proposed to operate between the hours of 8.30am to 5pm, Monday to Saturday, and excluding public holidays.

Car Parking, Access and Services

The site contains more than 980m² of concrete hardstand area, which is capable of accommodating more than 30 on-site car parking spaces. Additionally, the site includes a further 635m² of gravel hardstand area that is capable of accommodating another 20 on-site car parks, therefore, providing accommodation for approximately 50 on-site car spaces.

Vegetation, Landscaping and Open Space

The development is proposed to be limited to the existing 2 hectare cleared area of the subject site, adjacent to Verrierdale Road. No additional vegetation is proposed to be cleared as a result of the development.

Proposed landscaping areas comprise 250m² generally around the periphery of the site. An existing 3 metre wide mounded landscape buffer is located along part of the Verrierdale Road property frontage.

The proposal also includes a 59m² patio area on the northern end of the proposed training building, contiguous with the kitchen and amenity area. The patio would provide a recreational area to be utilised by the trainees or students.

On-Site Effluent Disposal

The applicant proposes to install a new on-site effluent disposal system with a capacity to accommodate up to 30 adults on the site. A nominal area of 550m² of effluent disposal irrigation area is proposed, with additional land available in the event that it is required.

Clarification of the Use

The precise nature of the proposed use has been unclear throughout the assessment of the application. The proposal initially stated that the educational establishment would require large amounts of open space to demonstrate the use of certain machinery and, as such, would be better carried out in an isolated environment.

Council officers issued an information request seeking details of the type and number of machinery proposed to be used, and how and where the machinery was proposed to be used. Among other things, an acoustic report and stormwater management details of the disturbed areas was also requested.

The applicant's response stated that the proposed on-site machinery would involve static exhibits only, and would not be used for training in terms of driving or manoeuvring on the site. As such the applicant stated that an acoustic assessment and details about management of disturbed soils was unnecessary.

Further clarification was later sought by officers on the role of the static machinery. In response the applicant indicated that the machinery would in fact be operational on-site and involve on-site excavation and drilling holes. Council officers then encouraged an acoustic report to be provided for review and assessment, as had originally been requested.

SITE DETAILS

Background/Site History

The subject application has been made as a result of compliance action for unlawful use of the property as a business office (understood to be the head office for Nitro Drilling Pty Ltd). The compliance action has resulted in both the relocation of the Nitro Drilling office into the

Coolum Beach Village Centre and the lodgement of the subject application for an educational establishment.

The site has current building approvals for a dwelling and a machinery shed only, being the existing structures on the site adjacent to Verrierdale Road. The undercover carport/walkway that connects the dwelling and the shed has not received a building approval.

Site Description

The site is located on the south-western corner of the intersection between Verrierdale Road and Jamaican Road, which is located approximately 4km west of the northern end of Peregian Springs.

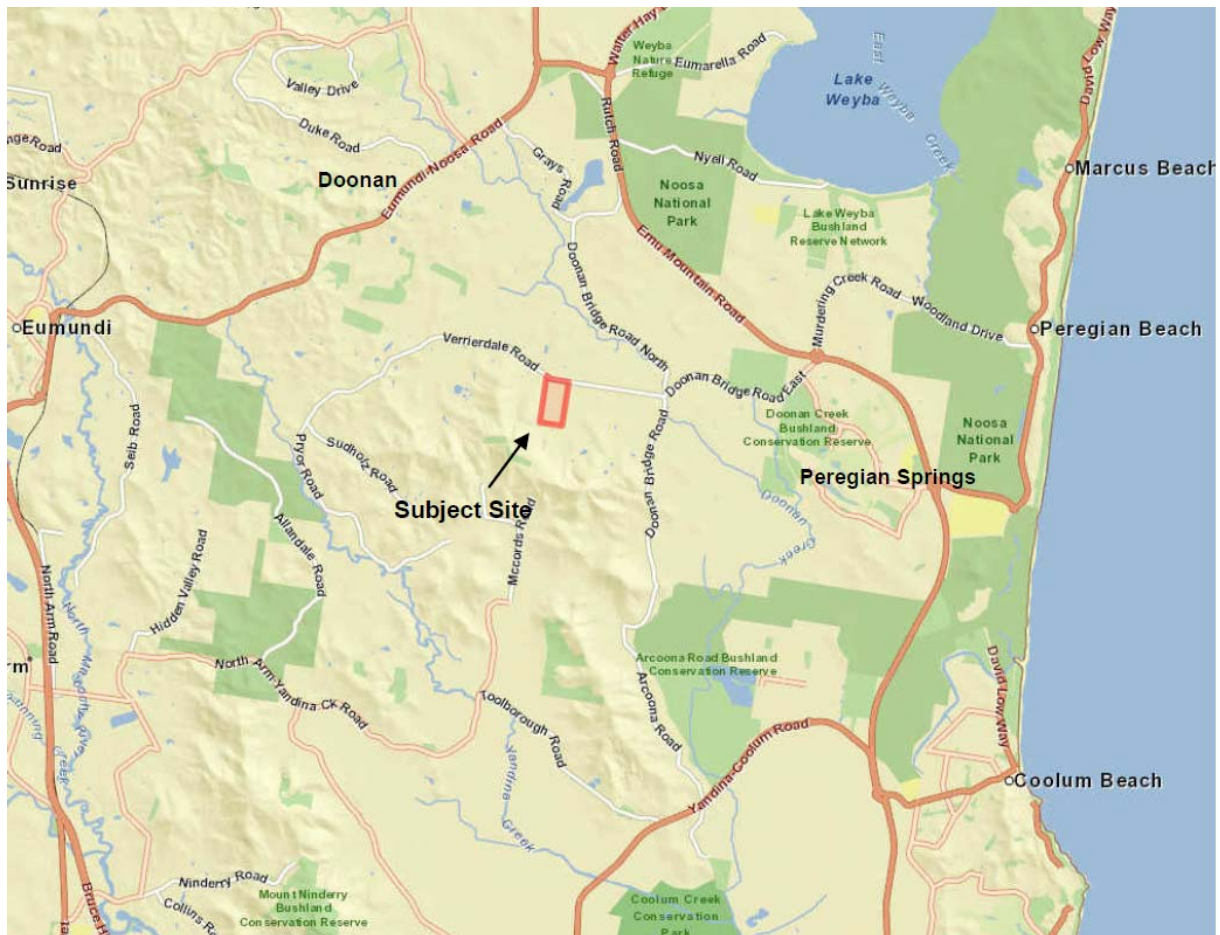
The subject site is 20 hectares in size, although the development is proposed to occur within an existing 2 hectare cleared portion of the site along the frontage to Verrierdale Road. The site contains an existing approved dwelling and machinery shed, which are highly visible and in close proximity to Verrierdale Road (20 metres). The proposed development area also contains an existing paved area for car parking at the front of the site and has a constructed concrete access to Verrierdale Road.

The topography consists of undulating to steep land in the south-west and flattens out towards the north-eastern corner, where the existing buildings and cleared area are located. The site has a watercourse that traverses north to south prior to crossing Verrierdale Road. The site also includes a mapped wetland which drains back towards the stream and to the north-eastern corner of the site.

The site is heavily vegetated with the exception of the cleared 2 hectare development site and another 2 hectare area along the western boundary that has been recently cleared. The existing vegetation is identified as 'of least concern' Regional Ecosystem and is also identified as 'Essential Habitat' under the *Vegetation Management Act 1999*. The Regional Ecosystem on the site is known to be habitat for 2 endangered orchid species and also the vulnerable wallum froglet *Crinia tinnula*.

The site is serviced by a rural access road (Verrierdale Road), which links Peregian Springs in the east and Doonan to the west. The road is sealed in front of the subject site although there are sections of the road that are not sealed, between the site and Peregian Springs.

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



Surrounding Land Uses

The most notable of the adjoining land uses is a wholesale nursery operation that is situated immediately opposite the site and is a sizeable operation that occurs on 3 hectares of land. The surrounding land uses are best described as rural lifestyle lots, where the lot sizes generally range between 1-20 hectares and contain residential dwellings.

The area is highly fragmented and many of its residents appear to be predominantly living in the area for rural lifestyle purposes. Notwithstanding this, the site is proximate to canelands immediately to the north-east and toward Peregrin Springs. Further to the south a number of dwellings are located along the vegetated ridge lines.

Surrounding land to north, west and south of the site is not practical for agricultural purposes due to site constraints such as steep land, natural vegetation, wetlands, and small lots sizes.

ASSESSMENT

Framework for Assessment

Instruments for Statutory Assessment

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

- State Planning Policies
- the South East Queensland Regional Plan
- State Planning Regulatory Provisions and
- the Planning Scheme for the local government area.

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

Statutory Instruments – State and Other

State Planning Policies

The following State Planning Policies are applicable to this application:

- State Planning Policy 1/92 Development and the Conservation of Agricultural Land;
- State Planning Policy 1/03 Mitigating the Adverse Impacts of Flood, Bushfire and Landslide; and
- State Planning Policy 1/12 Protection of Queensland's Strategic Cropping Land.

Of these, State Planning Policies 1/92 and 1/03 have been deemed by the Minister for Local Government and Planning as being appropriately reflected in council's planning scheme and, therefore, do not warrant a separate assessment.

In relation to the State Planning Policy 1/12 (Strategic Cropping Land), the only small part of the site that is mapped Potential Strategic Cropping Land is located in the cleared north-eastern part of the site. The application was referred to the Department of Natural Resources and Mines for assessment against the State Planning Policy, but was returned on the basis that the referral was not required.

South East Queensland Regional Plan and State Planning Regulatory Provisions

The site is located within the Regional Landscape and Rural Production Area of the South East Queensland Regional Plan. The proposed educational establishment is defined as a 'community activity' under the South East Queensland Regional Plan and, as such, does not require referral agency assessment as the proposal is less than the 5,000m² gross floor area.

The intent of the South East Queensland Regional Plan for the Regional Landscape and Rural Production Area is described as follows:

“The Regional Landscape and Rural Production Area (RLRPA) identifies land with regional landscape, rural production or other non-urban values. It protects this land from inappropriate development, particularly urban or rural residential development.”

An educational establishment is not neatly defined as either a rural or an urban activity. However, the Regional Plan does acknowledge the existence of, and need for, some small scale non-rural uses such as community activities located outside the Urban Footprint. The development is not considered to be in substantial conflict with the Regional Plan.

Statutory Instruments – Planning Scheme

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

Strategic Provisions

The subject site situated in a Rural and Valued Habitat designation under the Strategic Plan, which is addressed within the Rural Activities and Natural Resource component of the Strategic Plan.

One of the key issues is the need for rural areas to accommodate a range of non-farming activities which cannot be reasonably be located in urban areas. However, any proposal must be suitably located and managed to minimise its impact upon the community in terms of infrastructure, image, rural character and amenity.

The preferred use for the Rural and Valued Habitat designation is stated in Section 10.4.2 of the Natural Resources section of the Strategic Plan, as follows:

“The emphasis of this allocation is generally on the retention of the land in its present situation ... This includes land being used for rural purposes which may not have been identified as good quality agricultural land;... and land which, at this time, has a preferred non urban function. While it is intended that rural and non urban uses and the retention of valued habitat should be the dominant activities occurring in the Rural or Valued Habitat areas, the allocation provides for a range of other uses suited to establishing in rural areas.

These uses may include but are not limited to rural industries, tourist and accommodation facilities appropriate to a rural area and animal husbandry and rural residential in the Permissible Area for Rural Residential.”

The Strategic Plan provisions are closely aligned to the local precinct intent provisions, for which a detailed assessment is provided below.

Local Area Provisions

The subject site is located in the Northern Coastal Plains planning area and the Northern Coastal Uplands (General Rural Lands) precinct.

The Key Character Elements for the Northern Coastal Plains planning area provide that:

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

and

“Commercial, industry, service industry or related uses are inconsistent with the desired character of this Planning Area...”

The Statements of Desired Precinct Character for the Northern Coastal Uplands (General Rural Lands) precinct state that a wide range of rural activities are preferred within the locality, with favourable consideration given to ‘broad hectare’ activities that are compatible with rural setting and do not require urban services and infrastructure.

An educational establishment is not a rural activity and is not identified as a ‘preferred and acceptable’ use type for the precinct. As such, the proposed development is in conflict with the planning scheme and requires overriding public interest grounds under the *Sustainable Planning Act 2009* to warrant approval. However, it must be noted, for context, that there are no planning precincts in the Maroochy Plan (except Sippy Downs) where educational establishments are specifically identified as a preferred use. This means the degree of conflict is dependent on a site-specific analysis about the planning merit for any particular educational establishment in any proposed location.

There are several different types of uses that fall within the definition of ‘educational establishment’, and each has different characteristics including, for example, vocational training centres, agricultural research and development facilities, driving schools, swim schools or a primary/high school campus. The suitability of a particular educational establishment for a particular site depends on the nature of the facility and the characteristics of the site and its surrounds.

In this case, the applicant contends the site is suitable for the development on the basis that:

- the development would not cause harm or adverse impact to other people, properties or environments and, in particular, it would cause less harm than other more rural-based activities that might involve use of heavy vehicles and generate additional traffic;
- the site has good accessibility on a through-connecting road that links to the Sunshine Motorway approximately 4km to the east;
- the site has no practical agricultural potential due to the site’s environmental constraints;
- the use could not establish in a commercial area because of the outdoor land requirement to provide practical machinery induction as a prerequisite to the course competency; and
- the use should not establish in an industrial area because the proposed facility is not an industrial use type, as students require a quiet training environment and the facility would constitute a wasteful use of valuable industrial land. The applicant had also originally stated that an industrial area was not appropriate because the facility does not involve the operation of heavy machinery or equipment, an aspect of the proposal that was later changed by the applicant.

While the site may have limited agricultural potential, and while there may potentially be other more impactful rural-based activities that could hypothetically establish on this site or elsewhere in the locality, these are not relevant considerations to the question of whether a particular development is appropriate for a site.

It is agreed the site’s location on a through-connecting road that links to the Sunshine Motorway does contribute to grounds that the site is suitable for a use that would generate non-local traffic. However, the site still could not be said to be highly accessible considering there are sections of Doonan Bridge Road East between the site and the Sunshine Motorway

that remain unsealed, and considering the site is not contiguous to an existing built up area (being 4km from the nearest urban zoned land at Peregian Springs).

It is agreed the use would not be appropriately located within a commercial area given the practical component of the training courses proposed to be offered. However, the proposed reasons as to why the use could not be located in an industrial area (or similar) are not agreed. The development proposes regular operation of heavy machinery and there are likely to be opportunities within existing industrial areas or other more suitable locations that could store machinery and accommodate the amount of earthmoving required for training purposes.

Assessment of the potential impacts the proposed use may have on the environment and on nearby residents by way of noise, character and traffic is discussed below.

Noise Assessment

A noise report was submitted by the applicant, upon request, once it had been clarified the proposed use would involve operation of heavy machinery on the site (which occurred after the public notification period for the application).

For assistance with the acoustic considerations, staff engaged an outside consulting specialist experienced in providing expert opinion to the Planning & Environment Court (MWA Environmental). Council's expert was asked to review the submitted noise report and provide an opinion about:

- whether the submitted report makes appropriate assumptions about the likely operation of the use, and whether it correctly identifies all likely sources of noise from the development;
- whether an appropriate level of background noise had been assumed, and whether appropriate noise limits have been set; and
- whether all calculations and modelling are correct.

Council's expert agreed with some aspects of the submitted acoustic report, such as appropriate background noise levels to be used as a basis for assessment. However, the expert had the following concerns about the submitted noise report:

- the report only assessed the impacts on one nearby dwelling (being the nearest dwelling to the site at a distance of 220 metres), whereas there are several dwellings located at various distances within approximately 700 metres of the site that should be considered;
- the report assumes an 8 dB(A) drop in sound levels from outside to inside the house at the location of the receiving dwelling, whereas a 5 dB(A) drop is more common practice and appropriate;
- the report assumes a 10 dB(A) drop in sound levels reaching the nearest dwelling because of the barrier screening effect of a nursery building located between the noise source and the receiving dwelling. There is no supporting information to demonstrate how the nursery building achieves a barrier screening effect of 10 dB(A), and it is unlikely that a 10 dB(A) reduction could be achieved given the building is quite distant from both the source and dwelling;
- modelling was only undertaken for noise produced by the drilling rig, which was assumed to be the noisiest piece of machinery, but it is likely the bulldozer would actually be louder;

- the report does not consider the cumulative noise levels of multiple machines being operated at the one time, as is proposed by the applicant. Cumulative noise levels would be higher than a single machine in operation; and
- the report does not identify and assess all potential sources of noise from the site, including potential impacts from car parking, increased traffic on the road and fixed plant and equipment noise.

Council's expert concluded that: *"I consider that there is considerable uncertainty with respect to the noise assessment provided and in its present form it does not provide me with adequate assessment that the proposed development can operate within appropriate noise limits."*

Council's expert considers that, should the acoustic report be revised to address the issues summarised above, it is likely that significant noise control measures would be required to the outdoor equipment induction area to achieve acceptable noise levels at the surrounding sensitive receptors. For example, it may be necessary that the outdoor induction area is surrounded by a perimeter earth mound and/or noise barrier of a height greater than 3 metres. A detailed assessment as to whether such an outcome would be practical or feasible on the site would also be required.

It must also be considered that, even if the development were determined able to achieve appropriate noise limits (with or without significant noise control measures), statutory noise requirements do not mandate that noise produced by a new development is inaudible; only that it does not exceed a certain accepted level above background ambient levels. As such, even for a complying use of the site, surrounding residents would likely detect noise emanating from it, depending on the wind direction and other background factors. Although distant-sounding machinery noise is not an uncommon noise type for a rural area, the frequency and duration of the noise may be perceived as a nuisance when combined with the knowledge that the noise is produced by a non-rural pursuit. Many who live in rural localities such as Verrierdale would not ordinarily expect to be exposed to regular and ongoing non-rural noise source.

Character and Visual Amenity

The surrounding area is characterised by a mix of heavily vegetated areas and expanses of open cane lands. Beyond Peregrin Springs, the landscape has a distinctively remote and semi-rural appearance. Parts of the locality also have a rural residential appearance characterised by small rural lifestyle properties ranging from 1 to 20 hectares. This is the result of fragmentation of the land due to past planning practices, limited agricultural potential and environmental constraints.

For the most part, dwellings and shed structures throughout the locality are either well set back from the roads or are obscured by mature vegetation (or both). The only exception is the buildings located on both the subject site and the nursery across the road from the site, which have a much less domestic scale and appearance and are very obvious from the road. In particular, the largest shed structure on the subject site is approximately 8 metres tall and is very exposed to Verrierdale Road from the east.

The proposed training centre is not a close match with the prevailing rural and lifestyle residential character of the local setting. While shed structures are commonplace in rural areas, the particular shed structures on the subject site, when combined with a commercial hardstand concrete driveway/turnaround area and 30 bay car park and a lack of mature vegetation, do not take on a domestic appearance. The visual impact and industrial nature of the development would then be exacerbated if the applicant were required to construct

perimeter earth mounds and barrier fencing over 3 metres high for acoustic attenuation, as has been indicated by council's acoustic expert.

Landscaping could be required as part of any approval of the development to soften the built form, but it would take several years for such landscaping to reach maturity and, unless very densely planted, would unlikely fully screen the development from the road frontages anyway. The proximity of the existing buildings and car park to the road makes it difficult to retrospectively hide the proposed development.

Comparisons with the existing wholesale nursery across the road are of contextual importance in the character considerations. While there may be some similarities between the 2 sites (for example, both are of a non-domestic scale), the key difference is that a wholesale nursery is aligned with the intended use of rural land for primary production and other rural-based activities. It is also a closer fit with the general expectations of the community as to what is an anticipated use of rural land. A training centre that has some components that appear to belong in a commercial area, as well as heavy machinery components that could feasibly be established in an industrial area is not an anticipated use of rural zoned land.

While it may be true that most of the built infrastructure required for the use already exists on the site, there has never been an approval granted for commercial use of the property, and approval of a commercial use now will only intensify the current use of that existing infrastructure. For example, the development would still modify the existing appearance of the site in ways that might include:

- increased car movements and other activity occurring at the front of the site;
- advertising signage;
- earth mounds and acoustic barriers attached to the existing buildings; and
- possible views of heavy machinery, such as the mobile drilling rig which is expected to be high enough when fully erected for operation that it would easily protrude above fencing and buildings on the site.

Overall, the visual impacts of the proposal are expected to play a role in changing the existing character of the locality. The proposal would be better located in an industrial area or another more suitable location that is not so prominent from the surrounding road network, nor appear out of place in its setting.

Traffic Impacts

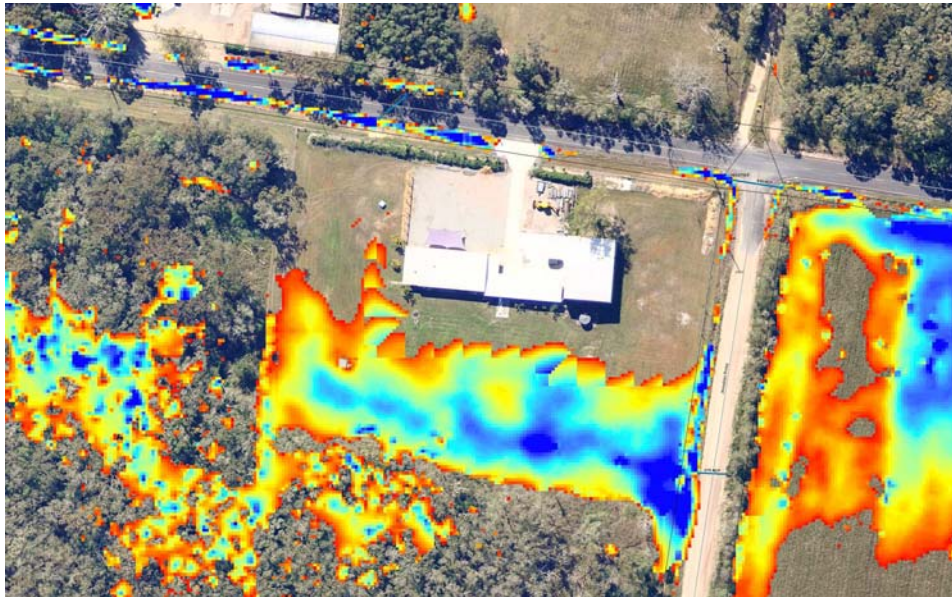
The proposal was forwarded to council's engineering specialist to assess the traffic impacts associated with the proposed development. Given the carrying capacity and through-connecting nature of Verrierdale Road, the proposal would have a minimal impact on the road network, with an expected increase in traffic of 15% to the east and 9% to the west of the subject site.

In terms of increased traffic affecting local character and amenity, it is likely that increased traffic will only be noticeable as general activity at the subject site itself when classes are commencing or finishing.

Environmental Impacts

The entire site is mapped as a protected wetland, and the vegetation that remains on the site is identified as part of a Regional Ecosystem that is known to be habitat for 2 endangered orchid species and also the vulnerable wallum froglet *Crinia tinnula*.

While the application does not propose to clear any vegetation to make way for the development, there are possible edge effects that have not been explored. For example, flood mapping undertaken by council shows that the outdoor area proposed to be used for machinery operation is in a major overland flow path and is subject to flooding. Without any bunding or filling above the flood level, overland flow will pass through the disturbed areas causing erosion and sediment leaving the site. With bunding or filling, flows could be diverted around the outdoor training area, but the impacts associated with diverting those flows have not been quantified and could potentially impact on adjacent vegetation or increase flooding on Jamaican Road. The map below shows flood depth and inundation extent during a 1 in 100 year flood event.



The applicant elected not to provide details of how stormwater from disturbed areas could be managed, instead stating that the facility does not involve the operation of heavy machinery or equipment (an aspect of the proposal that was later changed by the applicant). In relation to this issue, council's hydraulic specialist states:

“Because this area will be permanently disturbed there is an increased risk of water contamination occurring on this site than for a similar sized area which is only being disturbed temporarily. To be effective a sediment basin will be required and this basin actively managed by flocking it and then pumping out the basin following each rainfall event. For any erosion and sediment control plan to be effective the external catchment flows must be diverted around the disturbed area.”

Council could impose conditions on any approval to ensure erosion and sediment control measures are put in place to counter the effect of the site being in a permanently disturbed state. However, those conditions would need to impose a relatively labour-intensive management regime such as pumping out sediment basin/s after each rainfall event. Such conditions would bring with it the risk that non-compliance would result in environmental damage, and compliance with such conditions would be difficult to monitor and enforce over the long term.

Summary – Grounds Despite the Conflict

In summary, the development would likely have a detrimental impact on the existing character of the locality, and there is doubt as to whether the development could practically operate on the site without causing water quality impacts to the environment and noise impacts to nearby residents. For these reasons, the site is not considered suitable for the

proposed educational establishment and the development conflicts with the planning scheme.

The *Sustainable Planning Act 2009* enables council to approve development that conflicts with the planning scheme where there are sufficient grounds in the public interest to do so. In this case, there are no foreseeable grounds that can be uniquely linked to this particular site. As explained later in this report, there are likely to be economic benefits resulting from approval of the development, but those same benefits could be realised from a training facility established on a more suitable site. The grounds, therefore, do not override the site limitations in this case and are not sufficient to warrant approval despite the conflicts.

Land Use and Works Provisions

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

- Code for Transport Traffic and Parking; and
- Operational Works Code.

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

Code	Discussion
Code for Transport, Traffic and Parking.	<p>Council's engineering specialist advises the existing access is appropriate for the proposed development. It is also advised the additional traffic generated by the proposal would not create any issues with the local road network, provided there are no regular heavy vehicle trips as indicated by the applicant.</p> <p>Considering the sealed nature of the road in the vicinity of the site, and the minor increase in traffic expected (approximately 10%-15%), the proposed development would not pose any significant safety concerns over and above the existing environment.</p> <p>Conditions could be applied to deal with car park construction standards, should an approval be contemplated.</p>

The following Special Management Areas are applicable to this application:

- Code for Integrated Water Management;
- Code for Waterways and Wetlands;
- Code for Nature Of Conservations and Biodiversity;
- Code for the Development of Bushfire Prone Areas; and
- Code for the Assessment of Acid Sulfate Soils.

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

Code	Discussion
Code for Integrated water Management	<p>The site is not mapped as being flood prone land in Maroochy Plan 2000. However, council's hydrology specialist advises that subsequent flood mapping undertaken by council indicates that the outdoor area proposed to be utilised for machinery operation is situated in a major overland flow path and is subject to flooding (refer to the flood inundation map above).</p> <p>The development would require bunding or filling above the flood level to ensure a suitable land area for the proposed machinery use.</p>
Code for Erosion and Sedimentation Control	<p>As discussed earlier, council's hydrology specialist considers the development to pose a high risk of water contamination given the major overland flow path that crosses the site in the area proposed to be permanently disturbed for machinery training.</p> <p>Assuming it is practical to divert the flow path around the outdoor induction area, conditions could be imposed requiring a sediment basin that is actively managed by pump out after each rain event. Conditions to this effect would be labour-intensive and difficult to monitor and enforce.</p>
Code for the Assessment of Acid Sulfate Soils	<p>Council's hydrology specialist advises that acid sulfate soils would unlikely be encountered unless the drilling rig were to extend more than 8 metres below the ground and then bring soil back to the surface, which is considered unlikely.</p> <p>Disturbance of acid sulfate soils is not considered to be a major issue with respect to the proposed use. A precautionary condition could be imposed to limit drilling depth to 8 metres, but such a condition would be difficult to monitor and enforce.</p>
Code for Nature Conservation and Biodiversity; Code for Waterways and Wetlands	<p>As discussed earlier, the entire site is mapped as a wetland and the vegetation remaining on the site is identified as "of least concern" Regional Ecosystem that is known to be habitat for two endangered orchid species and also the vulnerable wallum froglet. The site's vegetation is also mapped as "Essential Habitat", and forms part of a much larger tract of vegetation covers the ridgelines to the south and the land beyond the nursery to the north.</p> <p>The application proposes to avoid vegetation clearing by staying within the existing cleared area of the site. However, it is not known whether this is an achievable outcome considering the likely need to:</p> <ul style="list-style-type: none"> • bund or fill the outdoor machinery induction area to avoid flood impacts; • divert the existing major overland flowpath around the outdoor machinery induction area; and • erect earth mounding and/or acoustic fencing around the perimeter of the use area.

CONSULTATION

IDAS Referral Agencies

The application was referred to the following IDAS referral agencies:

Concurrence

Department of Natural Resources and Mines

The application was referred to the department for being mapped as having Potential Strategic Cropping Land. The department responded by letter dated 6 July 2012 stating that the application did not trigger referral for concurrence agency assessment.

Advice

Department of Environment and Heritage Protection

The department is an advice agency for land situated in a Wetland Management Area. The department responded by letter dated 6 July 2012 containing non site-specific comments about how development, generally, should be designed and operated to protect environmental values of a wetland. The matters raised in the letter include maintaining wetland habitat, maintaining water quality and maintaining hydrological processes within the wetland ecosystem. The department recommends a precautionary buffer of 200 metres between wetlands and development in rural areas.

As explained in this report, there is some doubt as to whether the development could practically operate on the site without causing water quality impacts to the environment. The applicant has not provided details for ongoing and effective erosion and sediment control, and it is unclear as to whether the works required to make the outdoor training area suitable for its intended use can be achieved without having consequential impacts to the adjoining wetland vegetation.

Other Referrals

Unitywater

The application was forwarded to Unitywater and their assessment forms part of this report.

Internal Referrals

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

- Development Engineer, Engineering and Environment Assessment Branch;
- Hydraulics and Water Quality Specialist, Engineering and Environment Assessment Branch; and
- Landscape Officer, Engineering and Environment Assessment Branch.
- Development Engineer, Engineering and Environment Assessment Branch;
- Hydraulics and Water Quality Specialist, Engineering and Environment Assessment Branch;
- Environment Officer, Engineering and Environment Assessment Branch;
- Ecology Specialist, Engineering and Environment Assessment Branch; and

- Traffic Engineering, Engineering and Environment Assessment Branch.

Their assessment forms part of this report.

Strategic Planning Branch

Council's Strategic Planning Branch provided the following advice about the application:

"In general terms the location is not well suited to the intensity of use proposed as it is serviced to rural standards only. Many of the courses involve the use of industrial equipment and would be more suitably located with industrial activities both in relation to the intensity and nature of the machinery and equipment."

Economic Development Branch

Council's Economic Development Branch provided the following advice about the application:

"...the type of activity proposed in the application for a Mine Industry Training Centre is strongly aligned to Council's economic development priorities associated with industry development and economic diversification."

The branch also advised that the resources sector has been identified as a priority for council, and that funds have been contributed to workforce development and training initiatives, demonstrating council's commitment to developing skills, employment and connections to the resources sector.

The applicant submits that the development would offer a specialist service and, therefore, has the potential to draw students wishing to enter the mining industry from the greater Sunshine Coast region. The applicant states the facility would be the only one of its type on the Sunshine Coast, providing a diverse range of mining related courses. While Brisbane and the Gold Coast already offer these type of courses, the Sunshine Coast only offers a limited range of courses related to gaining employment in the mining industry. The applicant also submits that Nitro Drilling Pty Ltd specialises in coal exploration and is the only owner-operated company directly involved in the mining industry on the Sunshine Coast.

Council officers agree the development would yield economic benefits for the region by providing a convenient platform and pathway for residents to enter the mining industry. The development would, therefore, complement council's vision to diversify the economy. However, these economic benefits cannot be linked to the subject site in particular, other than the fact the property is currently owned by the applicant. For the economic benefits to constitute sufficient grounds for approving the development on an otherwise unsuitable site, there would need to be something unique about the site that could deliver those benefits where other more suitable sites could not.

It is recommended that this matter be referred to Economic Development Branch to work with the applicant to seek a more suitable location.

Public Notification

The application was publicly notified for 15 days in accordance with the requirements of the *Sustainable Planning Act 2009* 159 properly made submissions and 17 not properly made submissions were received. It is noted that all submissions oppose the development proposal with the exception of one submission that supports the development.

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

Issues	Comments
Non-compliance with the planning scheme.	It is agreed the nature and scale of the use does not fit within the planning scheme's intent statements for the precinct in which the site is situated.
<u>Rural Character</u> The area is best defined as rural residential nature, which is a quiet and peaceful place to live among the natural environment. The proposal would resemble an entry to an industrial estate.	The character issues associated with the proposed use have been assessed within this report and it is agreed that the proposed use has the potential to impact on the character of the area.
<u>Community expectation</u> The very nature of the mining industry moving into the area is against the community's social, moral, and environmental values.	Community expectations are relevant to the assessment to the extent they align with the precinct intent provisions stated in the planning scheme. It is agreed the development does not match with community expectations for a domestic or rural based use of the land.
The area should be maintained for future urban living and should not be subjected to inappropriate industrial development.	The land is currently in rural precinct and proposed to be zoned rural under the Draft Sunshine Coast Planning Scheme. Neither urban residential or industrial development are preferred uses in the area.
<u>Visual amenity</u> The site is highly visible and would create an imposing blight along Verrierdale Road and the rural landscape/setting.	The potential visual impacts of the proposal have been assessed within the report. It is agreed the development would be visible and, therefore, appear out of character with the balance of the locality.
<u>Noise and dust emissions</u> are inevitable and are unwelcome in this quiet rural community.	The issue of noise emission has been assessed within the report. Dust emissions are not considered to be an issue given the distance of the site from the nearest dwelling (over 200 metres).
<u>Contamination and pollution</u> would occur as a result of onsite servicing of equipment.	The proposal would not require an ERA licence under the <i>Environmental Protection Act 1994</i> . The onsite equipment would require some degree of maintenance, however the proposal is unlikely to pose any greater risk than the maintenance of typical agricultural machinery.
<u>Industrial Use</u> The use would be more appropriately located in an industrial area. The use fails to provide good co-location with other similar uses.	For the reasons explained in this report, it is agreed the proposal would be better suited in an alternative location such as an existing industrial precinct or the like.
The proposed use is just a means to enable the storage of other ancillary mining related equipment, hence	Assessment of the application can only take into account the proposed use of the land as described in the application materials. If

Issues	Comments
reinforcing its industrial nature.	approved, the development could be conditioned to restrict use of the site other than as was proposed.
Other similar facilities have been an ongoing source of impact to nearby residents.	Each application must be assessed on its merits having regard to the circumstances of the particular site and its surrounds.
<p>Any approval would create an unacceptable <u>precedent</u> to general rural lands. Providing no protection to the environment or those that reside in general rural lands.</p> <p>A similar application (Vehicle Depot) was refused along Deans Road. To be consistent council should also refuse this application.</p>	Each application must be assessed on its merits having regard to the circumstances of the particular site and its surrounds.
<p><u>Traffic generation</u> The development would increase traffic flows to a locality that is serviced by a gravel road, contributing to dust, noise and pollution to the quiet rural landscape. The development could result in a serious accident.</p> <p>The application is contradictory by stating there will be no heavy vehicle activity but goes on to suggest that periodical delivery of machinery will occur.</p>	<p>The proposed use is serviced by sealed rural access road, albeit it does have sections that are yet to be sealed between the subject site and Peregrin Springs.</p> <p>Council's engineering specialist advises the development would result in only minor percentage increase in traffic generation (approximately 10%-15%) and would have a negligible impact on the existing road network.</p> <p>The applicant proposes to contain all heavy vehicle activity on the subject site, with the occasional heavy vehicle movement to transport equipment to and from the site for maintenance purposes. This matter could be conditioned if the application were to be approved.</p>
<p><u>A school bus stop</u> is located immediately opposite the site. The assessment of the application should consider the safety of these children.</p>	The application proposes that heavy machinery movement would only be required occasionally to transport equipment to and from the site for maintenance. Other more general traffic is not considered to have a safety impact on the existing local road network.
<p><u>Confusion as to the proposed use</u> The applicant claims the machinery will be static, however goes on to state that commercial and industrial sites would be unsuitable due to the required use of machinery. This is a misleading statement.</p>	It is agreed that the precise nature of the use has not been clear through the submitted application materials. The assessment of the application was undertaken on the basis that there would be some use of heavy machinery as part of the training coursework, as discussed in this report.
The application describes the locality consists of a mix of rural and semi	The site is located opposite a wholesale nursery, but it is agreed that the locality has no other

Issues	Comments
commercial activities. There is little if any commercial activities in this area.	obvious commercial uses. This fact is acknowledged and addressed throughout this report.
The site is approved as dwelling and a farm shed as opposed to an 'office' that was incorrectly publicly notified.	The issue that the public notification indicated that use was changing from an office to educational establishment was noted. However, the public notification details did not affect the officer assessment of the application, nor the public's awareness of the application.
<p><u>Proposed Heavy Machinery</u> The applicant's photos of the proposed equipment intended for the site are incorrect as one is a photo of toy backhoe, and the purported mobile drilling rig is only a support truck. Hence the submitted photos misrepresent the true size of these pieces of equipment.</p>	It is agreed the equipment shown in the application materials may not be the actual vehicles proposed for the site. However, the proposed nature of the use and its potential visibility issues have still been taken into consideration.
<p><u>Lack of economic benefit to Verrierdale</u> There will be no economic benefit to the area, and instead would cause economic loss to surrounding property owners by depreciating property values.</p>	<p>It is agreed the economic benefits of the development would more likely flow to the region as a whole, as opposed to the Verrierdale locality.</p> <p>Any effects on surrounding property values is not a relevant planning consideration.</p>
<p><u>Environmental Impacts</u> The existing vegetation is mapped as significant vegetation and a wetland. Concern is raised with respect to reduction in the site's natural habitat that has occurred to date. Further human occupation and activity would exacerbate the impacts on the natural environment, including koala habitat.</p> <p>The proposal would result in further incremental destruction of the site's natural environment and visual amenity.</p>	<p>It is agreed the vegetation remaining on the site has environmental significance and value. The application proposes to be confined to the existing cleared area and avoid further clearing, although officers are unable to determine whether that is an achievable outcome given the full extent of works required for the outdoor induction area is unknown.</p> <p>Any previous clearing of the site is a compliance matter, and of no relevance to the assessment of the current application.</p>
<p><u>Wetlands</u> The proposal is to be constructed on land that has a wetland overlay. The Department of Environment and Heritage advises a minimum 200m buffer should be established around the wetland. The proposed development would have impacts on this sensitive ecosystem and essential habitat.</p>	<p>As explained in this report, there is some doubt as to whether the development could practically operate on the site without causing water quality impacts to the wetland.</p> <p>It is possible the development could be conditioned to achieve acceptable levels of water quality. However, depending on the technical circumstances, such conditions may be difficult to monitor and enforce.</p>
<p><u>Site Flooding</u> The applicant claims that the site is not subject to flooding, however local</p>	Council's hydrology specialist confirms the site is subject to flooding and contains a major overland flowpath. Earthworks such as filling or bunding

Issues	Comments
<p>experience indicates flooding does occur annually. Onsite works have reduced the onsite impacts, but have just diverted the problem to the nearby roads.</p>	<p>would be required to ensure the outdoor training area is flood free, and further technical reporting would be required to assess the likely impacts of those works. It is possible this matter could be adequately dealt with by conditions.</p>
<p><u>Illegal activities</u> The site has a history of illegal practices. The community has no confidence that, should any approval be granted, these illegal practices would not continue to occur i.e. further expansion and vegetation removal.</p> <p>The owners are operating without regulatory approval for an office and industrial storage yard, and appear to have no regard for the rural setting or environment.</p> <p>The wording of the application is devious, intending to mislead and misconstrues its real intents and purposes.</p>	<p>The subject application has been lodged in response to compliance action resulting from unlawful use of the site.</p> <p>The possibility of future illegal activities or works on the site is not relevant to assessment of the current application, and is a matter for council's development compliance team.</p>

DRAFT SUNSHINE COAST PLANNING SCHEME

The subject site is zoned Rural in the draft Sunshine Coast Planning Scheme.

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

- Acid Sulphate Soils;
- Obstacle Limitation Surface;
- Waterways;
- Riparian Area;
- Wetlands;
- Koala Habitat Area
- Medium and High Bushfire Hazard;
- Biting Midges and Mosquitoes;
- Landslide Hazard Area; and
- Steep Land.

The purpose of the Rural zone is to provide for a range of rural activities and a limited range of non-rural activities which complement, value add or provide a service to rural areas. The proposed development is considered inconsistent with the purposes of the Rural zone as the proposal is not considered to complement, value add or provide a service to the rural area.

The proposal development as an Educational Establishment is not a preferred use within the Rural zone and, while it is not specifically identified as an inconsistent use, it is noted that

industrial uses such as Low, Medium and Heavy Industry and Transport Depots are listed as inconsistent uses for the area.

CONCLUSION

As detailed throughout this report, the proposed development is considered to be in conflict with the provisions of Maroochy Plan 2000, and not appropriate for the subject site.

The development is a semi-commercial/industrial use type that bears little resemblance to, and connection with, the traditional rural-based activities that the planning scheme stipulates should occur on the site and surrounds. The development would likely impact on local character and amenity, and could not be easily conditioned to resolve those likely impacts.

While the development may have economic benefits by providing opportunities for those seeking work in the mining industry, there is no foreseeable reason why the applicant could not deliver those same economic benefits by establishing in a more suitable location.

It is recommended that the application be refused, and the applicant encouraged to find a more suitable location for the use via liaison with the Economic Development Branch.

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7.2 COMMUNITY SERVICES

7.2.1 REGIONAL ARTS DEVELOPMENT FUND RECOMMENDATIONS

File No:	ECM 23 May 2013
Author:	Team Leader Community Connections Community Services Department
Appendices:	App A - RADF Major Recommendations
Attachments:	Att 1 - RADF Funding Comparisons

PURPOSE

The purpose of this report is for council to consider and endorse funding recommendations for the second round of 2012/2013 Regional Arts Development Fund (RADF).

EXECUTIVE SUMMARY

The Regional Arts Development Fund (RADF) supports cultural activity through the professional development and employment of arts and cultural workers in regional Queensland. RADF is a partnership between Queensland State Government (through Arts Queensland) and Sunshine Coast Regional Council.

The RADF budget provides funds for two major and four minor grant rounds each year.

This report covers the second major RADF grant round for 2012/2013 which closed on 1 March 2013. A total of 21 applications were received requesting \$138,704 for projects with a total value of \$367,283. Eighteen (18) applications totalling \$97,421 are recommended by the committee for council's consideration and endorsement (see Appendix A). The total value of the funded projects is \$335,561.

Council's RADF committee determined final funding outcomes based on Arts Queensland's RADF Guidelines and according to the merit, benefit, skills and capacity demonstrated in each application.

The current RADF Committee is made up of one councillor, council officers and seven external professional arts industry representatives.

Attachment 1 details the funding comparison of the current March 2013 round and the previous September 2012 round.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Regional Arts Development Fund Recommendations" and**
- (b) endorse the Regional Arts Development Fund Recommendations (Appendix A).**

FINANCE AND RESOURCING

The RADF program is jointly funded on a 40:60 basis by the State Government (Arts Qld) and council respectively.

The 2012/2013 budget provided funds for two major rounds. This report covers the second round for the 2012/2013 financial year that closed on 1 March 2013. Funding totalling \$97,421 for 18 projects is recommended in this report.

CORPORATE PLAN

Corporate Plan Theme: *Robust Economy*

Emerging Priority: 1.1 - A broad economic base

Strategy: 1.1.3 - Facilitate the development of the region's knowledge-based economy in particular the creative, health, environmental, leisure and sporting sectors

Corporate Plan Theme: *Innovation & Creativity*

Emerging Priority: 3.3 - A creative and artistic region

Strategy: 3.3.2 - Provide and facilitate local and regional arts and cultural facilities and programs within the community

Corporate Plan Theme: *Great governance*

Emerging Priority: 8.5 - Advocacy and partnerships

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

CONSULTATION

Internal Consultation

- Team Leader, Community Connections, Community Services
- Senior Development Officer (Creative), Community and Cultural Programs, Community Services
- Development Officer (Creative), Community and Cultural Programs, Community Services – RADF Liaison Officer.

External Consultation

- Seven members of the public who are elected members of the RADF Committee

Community Engagement

Council's RADF Liaison Officer and Senior Development Officer (Creative), and the RADF Committee continue to engage in one-on-one consultation with the community in order to establish program priorities.

Council staff liaised with the RADF Committee to ensure engagement with the RADF program and skill development for applicant assessment in line with RADF Guidelines.

PROPOSAL

Promotion and support

Promotion of RADF included newspaper advertising through councillor columns and 'spotlight', e-news and emails to listed artists. All relevant information was also posted on council's website.

Staff attended face to face meetings with applicants and responded to numerous telephone enquiries and emails.

Applications

A total of 21 applications were received requesting \$138,704.

Assessment

Due to prior commitments, the councillor committee member was unable to attend the assessment panel meetings and therefore a council staff member acted as chair (non-voting position).

Applications were assessed and scored in accordance with the set RADF assessment criteria:

1. Project will develop the paid artist's professional life
2. Project will benefit the community, both directly and indirectly
3. Project is well planned and achievable and
4. Project will increase the sustainability of quality and diverse creative communities.

In accordance with RADF Guidelines, committee member's Declarations of Interest were recorded and the committee member was not involved in related deliberations.

Assessment was a two stage process. Firstly, individual RADF Committee members assessed applications allocated to them. Secondly, the whole Committee met to discuss the outcomes; recommended funding to successful applicants and provided final comments on all submissions.

Recommendation

Eighteen (18) applications are recommended for funding totalling \$97,421. The projects recommended for funding are excellent in quality and diversity, and will employ a broad range of artists and arts workers to engage in valuable arts and cultural activities across the region.

Below is a summary of applications and recommended outcomes. Full details are provided in Appendix A

March 2013 - RADF Recommendations Summary

Round	Applications Received	Funding Requested	Applications Recommended	Funding Recommended (GST exc.)	% Applicants Recommended
March 2013	21	\$138,704	18	\$97,421	86%

Legal

There are no legal implications to this report.

Policy

The recommendations are in accordance with the *Local Government Act 2009*, *Local Government Regulation 2012* (sections 194, 195 and 202) and the endorsed Grants Policy.

The RADF program aligns with council's Cultural Development Policy, which provides a framework for funding priorities.

Risk

There is a minimal risk of concern from unsuccessful applicants of this round of RADF funding. Council officers have processes to effectively mitigate this risk.

Previous Council Resolution

Ordinary Meeting 15 November 2012 - **Council Resolution (OM12/173)**

That Council:

(a) receive and note the report titled "Cultural Development Policy"

(b) adopt the Cultural Development Policy (Appendix A);

Ordinary Meeting 15 November 2012 - **Council Resolution (OM12/174)**

That Council:

(a) receive and note the report titled "Community Grants Program Major Grants and Regional Arts Development Fund (RADF) Recommendations";

(b) endorse the Major Grant Recommendations (Appendix A);

(c) endorse the Regional Arts Development Fund Recommendations (Appendix B)

Related Documentation

Arts Queensland Regional Arts Development Fund Guidelines.

Cultural Development Policy

Critical Dates

Subject to council funding, the next scheduled major round of council's RADF program closes on 1 September 2013.

Implementation

Upon council endorsement of this report, successful applicants will be notified by letter. Unsuccessful applicants will also be advised by letter, including feedback provided by the assessment panel on areas of the project or application that may be improved.

Funding will be distributed throughout June and July 2013.

7.3 INFRASTRUCTURE SERVICES

7.3.1 OPEN SPACE LANDSCAPE INFRASTRUCTURE MANUAL VOLUME ONE

File No:	20340
Author:	Team Leader Landscape and Urban Design (South) Infrastructure Services Department
Appendices:	App A - Landscape Infrastructure Manual Vol 1 (<i>Under Separate Cover</i>)
Attachments:	Att 1 - Industry feedback on the Landscape Infrastructure Manual

PURPOSE

The purpose of this report is to seek Council endorsement in principle of the Open Space Landscape Infrastructure Manual - Volume One as landscape design guidance material for Council controlled parks and open space.

Council is being asked to endorse its use and function (rather than the technical details) as an information document which sits outside the Planning Scheme, providing guidance rather than being a legal requirement. Council is also being asked to delegate authority to the Chief Executive Officer to amend the manual to ensure it is updated regularly.

Council endorsement of the Landscape Infrastructure Manual will allow the material to be used for guidance by developers with respect to contributed capital assets as well as Council's own capital infrastructure development in advance of the finalisation of the Planning Scheme.

EXECUTIVE SUMMARY

The documentation that guides Council's own capital development and developers currently on Council's website is, in some instances, out of date due to advances in materials, construction techniques, industry standards and codes. Parks and Gardens Branch has undertaken significant work on the approved Open Space Landscape Infrastructure Manual project to update the guidance material in line with the endorsed Open Space Strategy. There is a strong demand for this material to ensure that capital projects take account of current standards, materials, technical design details and products to achieve functional, cost effective, low maintenance, sustainable and accessible open space development into the future.

The same standards will guide both Council staff and the development industry. The guidance material is based on extensive internal Council consultation across departments. The input received from relevant design and delivery operations areas can be summarised as follows:

- selection of products and designs that work best from a durability, servicing and maintenance perspective
- selection of ready reference material that will save time by provision of illustrated standards and dimensions
- selection of plants suitable for use on the Sunshine Coast and
- standardising components such as locks and keys, saving time and money.

Under the draft Planning Scheme Policy for Development Work - Open Space and Landscaping Infrastructure policy, reference is made to the Sunshine Coast Council Infrastructure Guidelines and Standards Manual as providing further guidance. The Landscape Infrastructure Manual is one component of the Infrastructure Guidelines and Standards Manual.

The Manual sits outside the Planning Scheme allowing it to be updated regularly as improved products and technical information become available, as a living document which will grow and evolve as Council's needs change. Agreement is sought to delegate to the Chief Executive Officer the authority to amend the Landscape Infrastructure Manual as required, to ensure it is regularly updated.

Endorsement by Council at this time allows the Landscape Infrastructure Manual to be used by those assessing development as a reference source. The Landscape Infrastructure Manual is performance based and where alternate solutions meet the performance criteria they can be approved.

It is important to note that the material is not intended to take away the designer's role of designing for a site specific response, including choice of colour, materials, layout and selection of unique character products in line with place making principles, in consultation with the community. The Open Space Landscape Infrastructure Manual provides a basic platform for guiding selection of robust, accessible products and illustrates design standards that have been researched for ready reference. Centre Design Palettes currently being prepared by the Place Design and Standards team, will be added to the Infrastructure Standards and Guidelines Manual and will provide design palettes for town centres reflecting their unique character with input from key stakeholders.

The development industry has been consulted and the feedback has been positive. Details are in **Attachment 1**.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled " Open Space Landscape Infrastructure Manual Volume One"**
- (b) endorse the Open Space Landscape Infrastructure Manual Volume One (Appendix A) providing guidance for the design and construction of council open space assets**
- (c) note that the endorsement of the Open Space Landscape Infrastructure Manual Volume One (Appendix A) will also provide guidance for developer contributed assets until such time as it is considered for possible incorporation into the new Sunshine Coast Planning Scheme, subject to industry feedback and**
- (d) delegate authority to the Chief Executive Officer to amend the Open Space Landscape Infrastructure Manual Volume One as required to maintain currency in respect of technology, materials and design approaches.**

FINANCE AND RESOURCING

The development of the Open Space Landscape Infrastructure Manual has been funded within the Parks and Gardens Branch budget. Future Manual development will be funded by the Infrastructure Services budget. Overall content and suppliers will be reviewed and updated annually.

The Open Space Landscape Infrastructure Manual will provide long term financial benefits for both Council and the development industry. It will save Council time and money by standardising basic elements, the provision of a central source of information based on the knowledge of experienced staff, providing up to date information on whole of life costs of embellishments, encouraging the use of sustainable and durable products, and by assisting to reduce all abilities access claims. It will save the development industry time and money by providing readily available information on Council's standards and guidelines.

CORPORATE PLAN

Corporate Plan Theme: *Ecological Sustainability*

Emerging Priority: 2.6 - Environmentally friendly infrastructure and urban design

Strategy: 2.6.3 - Review council infrastructure plans, design standards and procurement policies to maximise sustainable outcomes

Corporate Plan Theme: *Accessibility and connectedness*

Emerging Priority: 6.4 - A community that recognises the importance of universal access and equity

Strategy: 6.4.1 - Continue to develop public areas that are easily accessible to people of all ages and abilities

Corporate Plan Theme: *Managing growth*

Emerging Priority: 7.4 - Timely and appropriate infrastructure and service provision

Strategy: 7.4.2 - Require appropriate infrastructure provision and agreements as a component of development approvals so the cost of infrastructure is not a burden on the current generation

Corporate Plan Theme: *Great governance*

Emerging Priority: 8.2 - Effective business management

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

CONSULTATION

Internal consultation

The information was developed in six packages between March and November 2012 which were distributed widely across Council for comment. Individual areas were consulted in detail on specific topics such as Waste and Resource Management (bins), Local Laws (dog off leash areas). Parks and Gardens and Development Assessment staff participated in a series of workshops and meetings to ensure the information was soundly based and practical. Detailed discussions were held with the Place Design and Standards Team and the Social Policy Branch throughout the year, as well as with other areas of the Regional Strategy and Planning Department.

The internal consultation process highlighted strong support from all parties consulted for the Landscape Infrastructure Manual and provided the opportunity to streamline and coordinate information and standards. Agreement on the required outcomes was reached through discussion and negotiation. The draft Landscape Infrastructure Manual was discussed with the Mayor and Councillors at the Strategic Discussion Forum of 25 February 2013. In addition, individual briefings have been held with all divisional Councillors.

External consultation

Information briefing sessions have been conducted for the development industry on the draft Manual and the results have been very positive. Comments to date support the Landscape Infrastructure Manual being outside the Planning Scheme and support the work and research that has gone into producing the reference material. Landscape architects have welcomed the production of a document which will provide guidance for the future generations of landscape architects and a central reference point for shared knowledge and experience. Details are at **Attachment 1**. Dialogue with the industry and suppliers will be pursued on an ongoing basis. The briefing sessions included consultation with the Sunshine Coast Access and Advisory Network (SCAAN) on the way in which access has been incorporated into the document, which has been certified by a qualified access consultant.

Community engagement

The community is able to provide feedback and ideas as part of the master planning and concept planning process for works in open space and their views are incorporated in revised designs. Choice of products and development of designs are part of the site specific response which is the responsibility of the designer. The Landscape Infrastructure Manual does not indicate where products and activity nodes should specifically be located other than referencing guidance for levels of parks embellishments already cited in the endorsed Open Space Strategy.

PROPOSAL

The material to guide developers and internal staff on products and standards for landscape design is located on Council's external website and contains guidance material including drawings and photographs of products meeting council's standards. The material was produced several years ago, under the current three planning schemes. The Open Space Strategy, endorsed by Council in 2011 provides a list of embellishments suitable for Local, District and Sunshine Coast wide parks. Under the capital works program funds were set aside to consolidate the existing guidance material, research appropriate design strategies, installation techniques and current products in line with the Open Space Strategy.

The topics in Volume One include thirteen embellishment types, four activity area types (eg exercise equipment), a site set up category, planting information and planting palettes which were researched and disseminated widely across Council in six packages. Workshops were held to discuss best practice approaches, techniques, and outcomes. Comments were consolidated and reissued to Managers for further comment. These comments have now been incorporated in the latest version. Updating the information will be an ongoing process. The information will be placed on Council's website for external reference. The information will also be placed on Council's intranet and it is expected that this will provide the location to monitor trial sites and the discussion board will inform the ongoing updating of material, providing advice on improved products and construction techniques.

A substantial amount of material has been produced for Volume One and, while there are further topics to be addressed, there is enough information to make a positive impact on

decisions. Volume Two is currently in preparation and will include guidance for environmental reserves, amenity reserves, recreation trails, coastal pathway, sports grounds and coastal and canal areas to provide a seamless source of information on open space.

Each topic in the Landscape Infrastructure Manual has a stand-alone information package including performance criteria, design guidance, all ability access guidance and project management information that should be acquired, such as manuals and warranties. There is also detailed product information on an embellishment matrix which links through to product drawings and permission has been obtained from the suppliers profiled. The drawings are not for construction and have been labelled as such. Any product that meets the standards can be used, as products are labelled "or equivalent". Profiling of a product does not mean it is on a panel of suppliers nor does it replace the need to observe procurement policies and guidelines. A review of products profiled in the document will be conducted regularly and new ones added. The all ability access material has been certified by an accredited access consultant, thus reducing liability for retrofitting embellishments or legal claims.

Legal

The legal area had been consulted on the wording of the written agreement signed by suppliers giving permission for their products to be profiled, and on the wording of the disclaimer.

Policy

The Landscape Infrastructure Manual has been prepared in line with relevant Commonwealth and State legislation, Australian Standards and Council policies including:

- Open Space Strategy 2011
- Charter for Sunshine Coast Places, Access and Inclusion Strategic Plan 2011
- Access and Inclusion Plan 2011 -2016
- Urban Tree Management - Public Land Policy 2012
- Positive Aging Strategy 2011 – 2016
- Biodiversity Strategy 2010 -2020
- Pest Management Plan 2012 -2016
- Skate and BMX Plan 2011 - 2020

as well as relevant local laws and the planning schemes.

Risk

1. Further delay in the use of the guidance material will mean a risk that the choice of park embellishments and their installation is not as robust or accessible as it could be, potentially increasing maintenance costs into the future, burdening future rate payers and leading to potential claims that the facilities are not accessible.
2. There is a risk that the user will unquestioningly adopt the material instead of recognising that it is guidance. This could lead to unquestioning standardisation of products. It will be made clear that the material provides a basic platform, and the site specific response by the designer is required, using place making principles.
3. There is a risk that the designer will adopt the drawings without considering that they are not for construction and may not be the latest available products. The disclaimer and information on all drawings expressly state that they are not for construction and where a product drawing is provided, the disclaimer asks the user to contact the manufacturer for current drawing specifications and installation details.

4. There is a risk that the information will be overlooked. However it will be located on Council's internal and external websites and it will form part of Council's Quality Assurance system. Staff in Regional Strategy and Planning Department will actively use it for reference material for developers. Staff in Parks and Gardens Branch have welcomed the material as providing one central source of information and the intranet site will assist to maintain its profile, including a discussion of issues as they arise with constant updates and reminders.

Previous Council Resolution

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

Related Documentation

- Maroochy Shire Council parks and open space landscape standards;
- Noosa Planning Scheme Policy 3 – Landscaping Plants and Guidelines;
- Caloundra City Council Development Design Planning Scheme Policy (DDPSP) Section 10 Landscaping Infrastructure, Planting and Street Trees.

Critical Dates

As soon as the material is endorsed for guidance, it will be prepared for access on Council's website.

Implementation

As soon as the material is endorsed for guidance, the development industry will be advised in a newsletter via the database of 191 organisations used by Development Services for their Newsflash service and peak development organisations will be contacted. Council staff will be advised by internal communications.

7.3.2 FLYING-FOX DISPERSAL FEASIBILITY STUDY

File No:	Environmental Management
Author:	Manager Environmental Operations Infrastructure Services Department
Appendices:	App A - Flying-Fox Feasibility Study (<i>Under Separate Cover</i>)
Attachments:	Att 1 - Flying-Fox Colony Divisional Distribution

PURPOSE

The purpose of this report is to provide Council with the findings of a cost, risk and feasibility study associated with a proposed dispersal of two flying-fox roosts located at Cassia Wildlife Corridor - Coolum Beach, and Tepequar Drive - Maroochydore (Stella Maris Catholic School). The report makes recommendation based on the balance of the financial and social risk associated with the unpredictability of flying fox dispersal in an urban environment. The report is in response to a Notice of Motion on this specific issue (OM13/50).

EXECUTIVE SUMMARY

At its Ordinary Meeting of 28 March 2013, Council endorsed a Notice of Motion to undertake a cost, risk and feasibility study for the purpose of developing damage mitigation permits to undertake vegetation management and dispersal actions to force the relocation of flying-foxes from two roost locations at Cassia Wildlife Corridor - Coolum Beach, and Tepequar Drive – Maroochydore (Stella Maris Catholic School).

The Notice of Motion was tabled as a response to the continued concerns raised by some residents in the roost locations noted above regarding: loss of amenity, impact on well being, decline in property values, and potential physical health risks. While it is acknowledged that these risks exist to varying degrees, the report specifically considers risks associated with a flying-fox dispersal action, which is the subject of this report.

In summary those risks include:

- potential high social risk associated with the relocation of the colonies to new, higher conflict sites e.g. hospital, aged care facility, equine facility
- potential high social risk associated with the relocation of the colonies to existing low to moderate conflict roost sites
- potential high financial risk associated with requirement to undertake subsequent dispersal action associated with creating multiple new or exacerbating current roost sites, and
- potential moderate level environmental and legislative risk associated with environmental impacts and requirements to fulfill statutory conditions.

Further detail regarding risk is noted below.

Along with consideration of the risks to inform the feasibility study, officers have also undertaken a range of actions that have included:

- vegetation and fauna assessments at each roost site
- assessment of vegetation off-set requirements associated with removal of least-concern vegetation communities
- a collation of customer service requests that inform demand

- entered into pre-lodgment discussions with the State Department of Environment and Heritage Protection
- referred the action to the Federal Government Department of Sustainability, Environment, Water, Population and Communities for its consideration (Tepequar Drive Roost referral is pending landholder consent)
- undertaken stakeholder engagement with landholders, adjacent residents, and community groups
- developed a comprehensive communications plan to ensure clear information can be communicated to the community during the proposed activities
- sought advice from flying-fox experts, and
- developed a series of options to affect the dispersal of flying-fox colonies from the sites noted above.

Given that the Tepequar Drive roost is principally located on the Stella Maris Catholic School site, the school Principal and council officers continue to meet to discuss the potential action within the school grounds, and the extent to which the vegetation removal on their land would be required to disperse the flying-foxes. It must be noted that while adjoining residents continue to express their concerns regarding the presence of the flying-fox roost, the school (as the owner of the land) maintains that, while it understands the issues noted by the adjoining residents, it does not believe there to be a high risk to the school community as it continues to manage the risk through education with the school children and parents.

The options for both sites include a combination of varying degrees of vegetation management coupled with active non-lethal dispersal actions using noise, smoke and disruption during early morning flying-fox roosting. Each option will have varying degrees of forecast success relative to the outcome of a forced relocation of the flying-fox colony. Options also are identified as 'best practice' where applicable with the report recommendation based upon the balance of factors including cost, risk and outcome.

Intervention strategy costs for flying-fox dispersal range from \$126,490 - \$552,753.

Flying-fox dispersal success within Australia has been investigated within this report, with published research papers documenting the success and failure of ten projects in various states of Australia between 1990 and 2009. Atypically, success can be achieved in dispersal attempts when the project is heavily resourced financially. The cost of the successful Melbourne Botanical Gardens project was approximately \$3,000,000. However, the Maclean project, at an initial cost of \$400,000 resulted in the fragmentation of the existing colony into several urban/residential camps; the costs for this location are ongoing.

Finally an assessment of demand has been made based on three broad categories of affected community indicated that for Cassia Wildlife Corridor 93 properties have been identified as primarily affected residents (located within 100 metres of the roost). Over the last eleven months, ten primarily affected residences have submitted complaints, with several residents submitting more than one complaint. This reflects approximately 10.75% of those living in this location, with the majority of complaints received since February 2013. There have been three complaints from individuals from the wider community. For Tepequar Drive (Stella Maris Catholic School site) 42 properties have been identified as primarily affected residents (within 100 metres of the roost site). Over the past 23 months, five primarily affected residences have submitted complaints, with several residents submitting more than one complaint. This represents approximately 11.9% of those living in this location. There have been ten complaints from the wider community, originating from five individuals.

Based on the balance of the unpredictability of a flying-fox dispersal and, as a consequence, the inherent high social and financial risks the report does not recommend dispersal intervention at either the Cassia Wildlife Corridor or Tepequar Drive sites.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Flying-Fox Dispersal Feasibility Study”**
- (b) not proceed with the flying-fox dispersal in the Cassia Wildlife Corridor, Coolum Beach**
- (c) not proceed with the flying-fox dispersal in Tepequar Drive, Maroochydore and**
- (d) note that the reasons for not proceeding with the flying-fox dispersal action at these sites include:**
 - (i) the demonstrated unpredictability associated with the movement of flying-fox colonies following dispersal intervention, and as a consequence**
 - (ii) the high social risk of transferring the conflict to other neighbourhoods, and as a consequence**
 - (iii) the high financial risk associated with the unknown flow-on costs for follow-up dispersal activities, as well as**
 - (iv) the high initial costs of flying-fox dispersal actions and**
 - (v) the dispersal action is not budgeted for in the current financial year.**

FINANCE AND RESOURCING

While the report does not recommend dispersal actions and as a consequence incurs no resourcing commitment a range of options have been considered and costed to inform the feasibility study. Those costs for both the Cassia Wildlife Corridor and Tepequar Drive (Stella Maris Catholic School) roost sites are noted below.

The majority of the costs associated with flying-fox dispersal actions are in relation to vegetation removal and are relevant to the site-specific constraints of each individual location e.g. access, presence of standing water, safety conditions for night time operations, vegetation type and density etc.

The 2012/2013 operational budget allocations for Environmental Operations do not provide for intensive management of flying-fox camps associated with the Species Management Plan (SMP) or Damage Mitigation Permit (DMP) actions. It is considered likely that the costs of monitoring, community education and early intervention action can be accommodated within existing operational budgets and service levels, if approved by the state. This approach is considered feasible due to the current limited number of problematic flying-fox camps/roosts in conjunction with the lesser cost of the above actions when compared to the costs associated with the extensive vegetation works required for a Species Management Plan or Damage Mitigation Permit. It is however noted that this circumstance may change if the number of problematic flying-fox camps/roosts escalate. Council's consideration of the resourcing requirements for this approach may be required at this time.

In contrast, if Council considered a dispersal action necessary at these two sites the minimum cumulative cost would be approximately \$264,000. As this is currently unbudgeted for within the Environmental Operations budget it would necessitate a commiserate reduction of budgeted activities across the region, for example, 580 contractor labour days for weed management, artificial lake maintenance, road side spraying operations etc.

Flying-fox Dispersal Costs

Cassia Wildlife Corridor

Option 1	Option 2	Option 3
\$137,488	\$453,253	\$552,753

Tepequar Drive Roost

Option 1	Option 2	Option 3
\$126,490	\$143,590	\$405,960
		Or
		\$213,880*

* This option presents a high level of animal welfare risk and may not be suitable over the entire site. Subject to permit conditions under the *Environmental Protection and Biodiversity Conservation Act 1999* and *Nature Conservation Act 1992*.

Ongoing annual maintenance costs following the implementation of the options are noted below:

Cassia Wildlife Corridor Maintenance

Option 1	Option 2	Option 3
\$8,446	\$18,445	\$13,100

Tepequar Drive Roost Maintenance

Option 1	Option 2	Option 3
\$3,092	\$3,308	\$3,760

The maintenance costs will be incorporated into reserve service level allocations.

CORPORATE PLAN

Corporate Plan Theme: *Ecological Sustainability*

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

Strategy: 2.2.1 - Engage with the community to assist with the protection of our environment through sustainable practices and resource minimisation

RISK

While it is acknowledged that there are financial, health and amenity risks of varying degrees associated with living in close proximity to a flying-fox colony, the risks discussed below are specifically related to a flying-fox dispersal action, the subject of this report.

The risk associated with dispersal options can be categorised into four broad categories: (a) Financial, (b) Environmental, (c) Legislative and (d) Social.

These risk factors cannot be treated in isolation as inherent inter-relationships exist between them. Each factor is briefly explored below.

Financial Risk

The prominent risk associated with a dispersal action is a direct financial risk based on the unpredictable outcome of flying-fox dispersals. That is, where a flying-fox colony has been forcibly dispersed there is no guarantee of controlling where that colony will settle. There is potential for dispersal into alternative existing site or fragmentation into multiple camps at new sites.

Council understands that the Queensland State Government Damage Mitigation Permit will be conditioned to ensure that ongoing management of the colony is undertaken by council which essentially obligates council to continue to disperse the flying-fox colony where the alternative roost site is of equal or higher conflict than the original location.

In an attempt to reduce this risk council could employ an 'early intervention' approach. This approach enables council to actively initiate non-lethal dispersal actions if the colony was to settle in a high conflict, previously unregistered, roost site. N.B. this option can only be applied in the case of new sites. A full Damage Mitigation Permit process would apply if the colony re-established in a known roost site that escalated the conflict level. To assist in an expeditious response a communications plan and regional awareness program would be deployed for the community to notify council of any new site or escalation of activity at a known site.

It is noted that residents within the Maclean Shire in NSW are currently undertaking legal action against council, where dispersed flying-foxes are now roosting in several urban sites.

With regard to actions considered for the private lands of Stella Maris Catholic School the above risks associated with on-going colony management apply, along with a further risk associated with establishing a precedent for council in assuming the cost and on-going responsibility of undertaking flying-fox dispersal actions on privately owned land.

It is considered that this risk is *high*, based on a 'likely' likelihood and a 'moderate' consequence. (Risk assessments based on the Corporate WH&S Risk Calculator, 2009).

Finally, a further financial risk associated with Tepequar Drive, Stella Maris Catholic School roost is associated with requirement of providing a vegetation off-set given the site contains protected remnant vegetation; this risk has not been captured within this report and applies to the Council managed Aragon St Bushland where Stage 2 or Stage 3 works are undertaken.

Environmental Risk

Recent studies by the Queensland Centre for Emerging Infectious Diseases have likened the stress output from flying-foxes within colonies undergoing dispersal similar to the natural stress levels experienced during mating. The stress is considered to be measurable and short-lived.

Based on the outcomes of this study, we consider the animal welfare/stress risk to the flying-foxes to be *moderate* based on 'likely' likelihood and a 'minor' consequence.

Further to this, works at Tepequar Dr, Maroochydore would result in the loss of remnant vegetation (Melaleuca forest) and mapped essential habitat for two species of Acid Frog, *Crinia tinnula* (Wallum Froglet) and *Litoria freycineti* (Wallum Rocketfrog).

Legislative Risk

There is *moderate* legislative risk where the conditions of the Damage Mitigation Permit are observed. This is based on an 'unlikely' likelihood and 'moderate' consequences.

Social Risk

As discussed above in financial risk there is a risk that the flying-fox urban problem may be transferred to a higher risk community (e.g. aged care facility, hospital and equine facility). This risk is considered to be *high*, based on a 'likely' likelihood and a 'moderate' consequence.

As noted above some degree of risk can be mitigated through the use of an 'early intervention' approach, regional awareness of the project, and implementation of a communications plan.

If undertaken, dispersal action may be viewed as successful by the primarily affected residents. However, it is likely that where new camp sites are established in nearby urban areas, the wider community may view the dispersal as unsuccessful.

General Risk Management

In attempting to provide some risk mitigation the following actions include:

- detailed site-specific risk assessment
- consultation with regulatory agencies, and
- referral to council for consideration of actions that require budget allocations beyond current funding arrangements. For any proposed active dispersal intervention for a recognised flying-fox roost or camp, a report detailing the demand, costs, risks and feasibility will be presented to council for its consideration and endorsement prior to any action being undertaken.

CONSULTATION**Internal Consultation**

Internal consultation was undertaken in preparation of this report. Internal stakeholders were given the opportunity to comment on works.

Internal consultation was undertaken with the following stakeholders:

- Divisional Councillors
- Infrastructure Services
 - Manager – Environmental Operations
 - Team Leader – Natural Areas
 - Team Leader – Planning
 - Team Leader – Pest Management
 - Senior Conservation Project Officer
 - Conservation Officer – Wildlife Management
 - Natural Areas – Operations Coordinator
 - Bushfire Management Officer
 - Senior Environmental Officer.

External Consultation

Consultation was undertaken with the following stakeholders:

- Department of Environment and Heritage Protection Director of Wildlife

- Department of Environment and Heritage Protection Officers
- Flying-fox researcher Billie Roberts (Griffith University)
- Local government officers (Gold Coast City Council)
- Stella Maris School

Pre-lodgement meetings have been undertaken with Department of Environment and Heritage Protection Director of Wildlife and Department of Environment and Heritage Protection Officers.

Community Engagement

Council's engagement program in relation to this report consists of a dedicated communications plan developed in conjunction with staff from the Media and Public Relations Team.

This communication plan covers the current range of activities (development of the Draft Regional Flying-Fox Management Plan and cost, risk and feasibility study into dispersal action for two urban roost sites) being undertaken by council in relation to flying-fox management within the region.

The method of engagement and target audience includes:

- radio interviews – community
- general media releases – community
- activity specific media releases – community
- plan and study development meetings – consultants, State Government, flying-fox interest groups, Stella Maris Catholic School
- community on-site based meetings – local residents affected by the possible actions, and
- interest group briefs – flying-fox and other wildlife care groups.

In addition regular updates and progress reports have been provided to all Councillors and Fiona Simpson MP, Member for Maroochydore.

Feedback received from these engagement tools have been reflected in both the plan and study development where appropriate.

PROPOSAL

Background

At the Ordinary Meeting of 28 March 2013, Council endorsed a Notice of Motion to develop a cost, risk and feasibility study for the purpose of dispersing flying-foxes from two roost locations at Cassia Wildlife Corridor - Coolum Beach, and Tepequar Drive – Maroochydore (Stella Maris Catholic School). The Notice of Motion was tabled as a response to the continued concerns raised by some residents in the roost locations noted above. This subsequent report does not recommend dispersal actions at these two sites. This recommendation is based on the outcomes of the feasibility study which considered a range of issues including the risks, logistics, impacts and possible implications associated with flying-fox dispersal. A summary of the findings from the feasibility study is noted below.

Eighteen camps are currently known and monitored in the local government area on a variety of land tenures. The majority of these camps are relatively isolated from residential areas and the potential for land use conflict is fairly low. However, where large camps occur very

close to residential areas, the potential for conflict increases dramatically as the noise and odour associated with large camps disrupt the lifestyles of nearby residents. Please refer to Attachment One for a listing of flying-fox camp/roost distribution by division.

The development of the flying-fox dispersal feasibility study is consistent with the Draft Regional Flying-Fox Management Plan endorsed by council at the Ordinary Meeting, 24 April 2013. The Plan is still yet to be approved by the Department of Environment and Heritage Protection.

Community Concerns

Complaints about flying-fox camps usually relate to excessive smell and noise, mess from faeces staining walls, driveways, washing or parked cars, along with other issues such as damage to domestic fruit trees, constraints on opening windows, etc. Community concerns also centre around the loss of property values, the impact on the psychological wellbeing of residents exposed to the persistent impacts of living in close proximity to flying-fox camps, and the subsequent deterioration of the amenity of the home, along with concerns regarding the potential for viral infection.

Importantly the most significant concerns raised by residents relate to the potential human health risks from Australian Bat Lyssavirus (ABL) and Hendra Virus.

It is noted that Stella Maris Catholic School has not experienced negative impacts from the flying-fox roost. The school maintains that the risk has been mitigated through an extensive education program with the school children and families.

In quantifying the statistics of articulated community concern the following methodology has been developed to categorise affected residents and community into three groupings:

1. primarily affected residents – residents directly adjacent to flying-fox camp (or within 100 metres of the outside of the flying-fox roost (where vegetation is continuous over a larger area))
2. secondarily affected residents – residents within a 300 metre radius of the outside of the flying-fox camp
3. general community – residents outside the 300 metre radius from the outside of the flying-fox camp.

Customer service requests have been utilised as a measure of demand within these groupings. The specific customer statistics for each location are discussed below.

Human Health

Council has actively sought advice from Queensland Health to quantify the degree of risk of becoming infected with Australian Bat Lyssavirus; Queensland Health has advised that this risk is very low. It is estimated that in Australia only one per cent of flying-foxes carry Australian Bat Lyssavirus and it can only be transmitted by direct contact through a skin-penetrating bite or scratch. Three people have died from Australian Bat Lyssavirus infections in Australia since 1996. The availability of a post-exposure vaccination reduces the risk of contracting Australian Bat Lyssavirus even further. It should be noted that two of the deaths that have occurred are associated with contact with micro bats (one confirmed and one suspected) while one death has been associated with contact with a black flying-fox. The micro bat species demonstrate very different roosting habits to that of Black, Grey-headed and Little red flying-foxes in that they do not congregate in large numbers in canopy vegetation such as the Cassia Wildlife Corridor and Stella Maris Catholic School sites noted above.

Similarly, research carried out by Queensland Primary Industries and Fisheries indicates that while flying-foxes are a natural host for Hendra Virus, which can be fatal to humans, there is no evidence that they can transmit this virus to humans or even to horses (however the virus has been transmitted from horses to humans).

Other health conditions that can be carried by flying-foxes (as advised by Queensland Health) include:

- a. *Histoplasmosis* is a very rare lung infection. It can be found in bats, dogs, cattle, horses, rats and other animals and the organisms can be excreted through droppings. Queensland Health recommends personal protective equipment when working near these animals to protect from exposure to dust.
- b. *Leptospirosis* is a bacterial disease transmitted via urine of infected animals. It is a rare disease that can be fatal to humans. Rodents and cattle carry the disease. Bats may also carry the disease. To prevent exposure, avoid contact between bat urine and broken skin, eyes, nose or mouth.
- c. *Salmonella* and other bacteria that can cause gastroenteritis may be found in animal faeces. The infection may be acquired by eating undercooked or raw food contaminated with the bacteria, or acquired by close physical contact with dogs, poultry and cattle. It is assumed that some flying-foxes may also carry the bacteria.

Queensland Health remains the appropriate agency for the provision of information regarding health risks.

Flying-fox Ecology and the Role of flying-fox Camps

As long distance pollinators, flying-foxes species are essential for the maintenance of healthy forest diversity and the transport of genetic material across fragmented, degraded and urban landscapes. During foraging they disperse the pollen and seeds of plants making a significant contribution to the reproductive and evolutionary processes of forest and woodland communities, and are regarded as essential to the hardwood timber industry with up to 75% of the pollination of timber species being carried out by flying-foxes.

Over the last century, flying-fox numbers are thought to have seriously declined due to extensive vegetation clearing. The resulting reduction in flying-fox habitat has forced them to seek out alternative habitat, including remnant vegetation in urban areas. Their choice of urban roosting sites may be linked to historic connections with the site prior to development, and is also probably influenced by the availability of food within the urban streetscape and backyard plantings

Flying-fox camps serve a number of functions. Their primary purpose is to provide suitable resting habitat within nightly commuting distance of food sources. They are also sites of information exchange and social behaviours such as those associated with reproduction and maternal care. For several weeks in late spring and summer, camps provide refuge during the day for lactating females and their young. During the night, camps are a safe refuge for flightless young while adults depart to feed. Camps are highly socially structured; the majority of roost trees are occupied by mixed groups of adults, comprised of a single male, who scent-marks and defends a territory shared by one or more females and their dependent young. The roosting positions of individual animals are highly consistent and animals return to the same branch of a tree over many weeks or months. Some Grey-headed flying-foxes are known to occupy a single area within a camp for several years, while others may return

to the same branch of a tree after having migrated over large distances. Flying-foxes often have a strong connection to camp sites and can be extremely resistant to relocation efforts.

Locations of camps are generally stable through time and several well-documented camps have histories of use that exceed 100 years. Flying-foxes have well-developed spatial memories to assist them in utilising their complex habitats, enabling individuals to remember the locations of camps and associated feeding sites. Little red flying-foxes appear to also establish ephemeral sites which are used for short periods and not revisited.

Flying-foxes have an undeniable impact on vegetation at a camp site through the death of some trees and the damage and defoliation of others. Such damage is site-specific and is a consequence of the simultaneous intensive use of large numbers of flying-foxes. While such damage can be substantial it is localised and offset by the vital ecological services they provide in relation to pollination and seed dispersal in Australian forests.

It is anticipated that the loss of flying-fox habitat will continue and remnant bushland in urban areas will become increasingly important as habitat for flying-foxes and a range of other native animals. The combination of habitat loss and the effects of climate change disrupting flowering patterns will serve to increase encounters between flying-foxes and humans.

Where flying-foxes establish camps bordering residential areas, negative human/wildlife interactions can sometimes occur.

Vegetation Management Options for flying-fox Dispersal

In the event flying-fox roost dispersal is undertaken, vegetation management has been proposed as the key management technique, and includes:

Buffer Management

Buffer management can be effective in reducing the impacts of residents immediately adjacent to roost sites. Increasing the distance between flying-foxes and residential structures may reduce noise and odour impacts, and may alleviate concerns regarding human health.

Understorey Management

Removal of understorey trees or weed management may change the microclimate of the roost site. This change may discourage flying-foxes from roosting in the canopy trees.

Roost Tree Removal

Roost tree removal may change the site to make it unsuitable for flying-fox roosting. Previous action within the Gold Coast in 2011 indicated that natural abandonment of the site coincided with 75% removal of understorey and 30% removal of canopy trees; however, further tree work was required to maintain the site.

Non-lethal Options for flying-fox Dispersal

Concurrent to the above vegetation management options, non-lethal dispersal techniques should be used to increase the success of the action.

Non-lethal dispersal techniques may include the following:

- wind clown (inflatable clown)
- smoke/fogging machines;

- noise (stock whips, loud banging of kitchen equipment and heavy music)
- gas guns (where appropriate in residential areas), and
- lighting (intensive industrial flood lighting).

Non-lethal dispersal methods are only to be used within a prescribed time period.

Where flying-foxes are located in residential properties after the allocated time period for non-lethal dispersal techniques, flying-foxes are to be left in situ until the next dispersal period.

Animal Welfare Considerations

The following mitigation strategies would be also be required during proposed dispersal works to minimise risks to flying-foxes:

- fauna spotter/catcher (S/C) is to be engaged to provide advice and recommendations during proposed works
- a fauna spotter/catcher will be assigned to each vegetation removal contractor working on site
- where works are to be undertaken within 30 metres of roost trees (night works):
 - a fauna spotter/catcher is to survey the roost to ensure no flying-fox remain within the roost site. The fauna spotter/catcher is to notify project manager on completion of survey to advise that works can commence.
 - where works are to be undertaken outside of 30 metres of roost trees (day works):
 - a fauna spotter/catcher is to survey the roost, and notify project manager where flying-foxes lift off for more than five minutes consecutively. Works are to cease where this occurs.
- works are to stop immediately if a flying-fox appears to have been killed, injured or harmed during proposed works. Works can resume only after approval from a Department of Environment and Heritage Protection officer
- where a flying-fox appears injured, an experienced, vaccinated flying-fox handler only is to approach, handle and collect the animal. The animal is to be transported to a veterinary facility immediately, and
- local wildlife veterinary hospital is to be briefed on the proposed works and be prepared to receive sick or injured wildlife if required.

Dispersal Success in Australia

Flying-fox roost dispersal activities have been undertaken in many places around Australia with varying degrees of success and cost involved.

When referring to attempts to relocate flying-fox camps using non-lethal methods, Roberts Et. Al. (2011) state that:

“Some have succeeded in moving flying-foxes from their original camp site, however in most cases the effect has been temporary, and ongoing programs of dispersal have been required after the flying-foxes made regular attempts to return, while others have simply been unsuccessful in dispersing the bats.”

Specifically, this paper reviews 10 dispersals undertaken in Queensland, New South Wales, Victoria and Northern Territory from 1990 to 2009. The paper refers to a case study of the Maclean Flying Fox dispersal. At the time of finalisation of the paper, the Maclean roost site had been dispersed into seven (7) new camps, over a six (6) year period of dispersal activity.

The paper also discusses that:

“The outcome after nearly a decade of dispersal attempts at Maclean was that flying-foxes continued to return periodically to the original site, and there were more camp sites established in the region, over a wider area than previously known from historical records, and the number of affected residents experiencing conflict had increased.”

Within the study, the author recommends the creation of buffers, or constructing sound barriers as more effective ‘local scale mitigation’ than attempted relocation of a camp.

Discussions between Council Officers and the lead author have been initiated to assist with the preparation of the feasibility study. The author advised that although flying-foxes had potential to relocate within a 20km radius from the original roost site, they were more likely to relocate to a suitable site between 200m and 2km away.

Hall (2002) suggests that camp dispersals (in some cases) result in flying-foxes dispersing into even less suitable sites such as nearby residential backyards.

Roberts (2006) suggests that the long life expectancy of flying-foxes (>14 years) and highly migratory behaviour, with return to known camp sites, are key factors in the lack of success of relocation attempts.

Roberts also attributes successful examples of flying-fox dispersals, such as the Melbourne Botanical Gardens, to the significant budget (\$3,000,000) and resources available. The Melbourne Botanical Gardens is possibly the only example of abandonment of a site for an extended period. However, in some cases (Maclean), where the total cost is in excess of \$400,000 can result in fragmented colonies with multiple affected communities.

Note that the review of published research into flying-fox dispersals has not resulted in a conclusive, successful dispersal methodology recommendation.

Cassia Wildlife Corridor (CWC)

Flying-foxes have been recorded within the Coolum district since 1938 where a roost site was located 2.1 miles north of the Yandina-Coolum Beach Road (Nambour Chronicle and North Coast Advertiser, 1938).

Flying-foxes have anecdotally been reported within the Cassia Wildlife Corridor over previous years; however, the first formal recognition of the location as a camp/roost site occurred in November 2011 following a monitoring survey undertaken by Department of Environment and Heritage Protection officers.

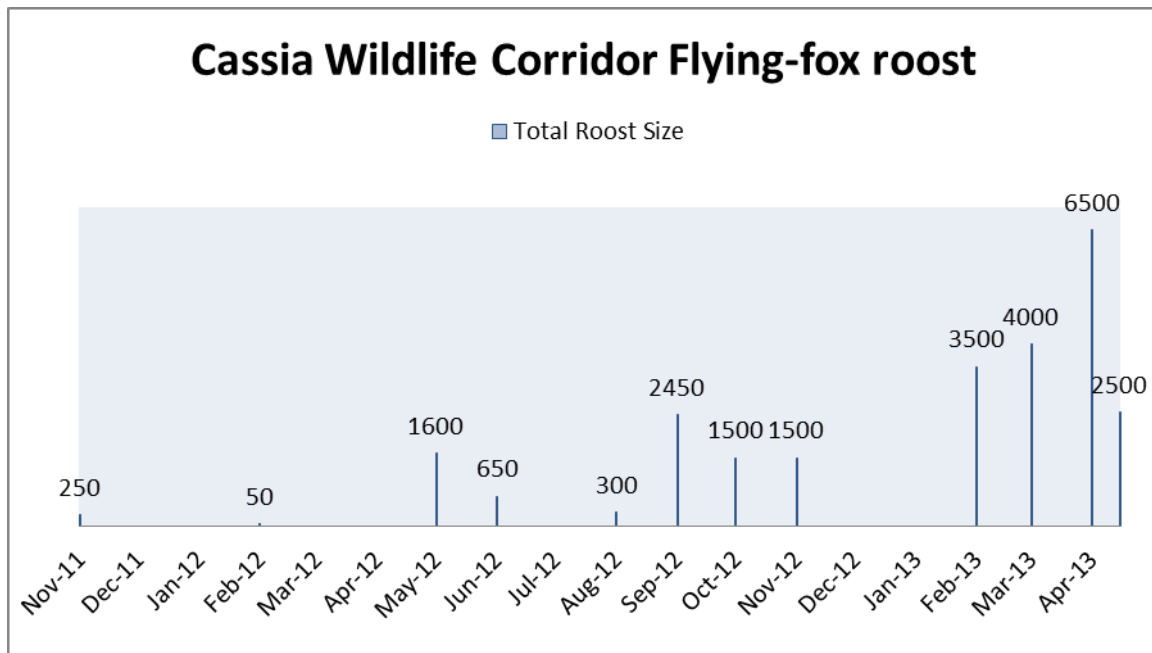


Figure 1.0. Department of Environment and Heritage Protection monitoring survey results at Cassia Wildlife Corridor from November 2011 to present.

Roost survey results (Figure 1.0) indicate a considerable increase in total roost size over the 18 month period up to early April 2013, with a more recent decrease in size. Council has recorded a number of complaints from adjoining residents over this time period that include issues such as: lack of sleep, health concerns, and a reduction amenity associated with concerns of utilising outside portions of their properties.

In response to increased complaints, the Divisional Councillor attended the site to liaise with residents that had contacted council to describe the impacts of the roost's current location. Flora and fauna survey undertaken by council officers indicated low value bushland, characterized by invasive weed species and garden variety plantings. Fauna species observed during on-site inspections and camera trapping were highly urbanised, with some presence of introduced species (Black rat and Cane toad). There were no conservation significant species observed within the corridor, except for the Grey-headed flying-fox.

A community group worked over a number of years maintaining the reserve; however, this group is no longer active within the Corridor.

Council officers have investigated non-destructive methods of dispersing the flying-fox roost. Preliminary investigations looked into closing the storm water drain located down the mid-line of the Cassia Wildlife Corridor through the use of concrete piping. Closing the storm water drain within Cassia Wildlife Corridor would reduce the available surface water (a key component in the selection of flying-fox roost sites). However, due to the low water table, drainage works may not result in decrease to humidity (microclimate) within the roost site. A cost for this work has been estimated at \$962,000 with a confidence level of 60%, by council's Water Management and Drainage Services officers.

Demand

93 properties have been identified as primarily affected residents (located within 100 metres of the roost). Over the last 11 months, ten primarily affected residences have submitted complaints, with several residents submitting more than one complaint. This reflects approximately 10.75% of those living in this location, with the majority of complaints received since February 2013. There have been three complaints from individuals from the wider community.

Options*Option 1 – Buffer establishment and understorey clearing with non-lethal dispersal*

- Removal of all vegetation within a three metre buffer zone from residential properties
- Removal of all overhanging branches extending from Cassia Wildlife Corridor into buffer zone and residential properties
- Understorey clearing of shrubs and trees within Cassia Wildlife Corridor
- Vegetation modification within the designated road reserve between properties 25 and 27 Cassia Ave, Coolum
- Tree-trimming and removal within adjacent residences (where appropriate, with landholder consent), and
- Non-lethal dispersal techniques to discourage roosting within Cassia Wildlife Corridor.

Option 2 – Removal/Trimming of up to 80% of known and potential roost trees within Cassia Wildlife Corridor

- Removal/trimming of up to 80% of known and potential roost trees
- All works noted in Option 1, and
- Non-lethal dispersal techniques to discourage roosting within Cassia Wildlife Corridor.

Option 3 – Removal of up to 100% of known and potential roost trees within Cassia Wildlife Corridor

- Removal/trimming of up to 100% of known and potential roost trees
- All works noted in Option 1, and
- Non-lethal dispersal techniques to discourage roosting within Cassia Wildlife Corridor.

Option	Cost	Measure of Success	Expected success	Rationale
1	\$137,488	<ul style="list-style-type: none"> Some alleviation of impacts to residents Less than 1000 flying-foxes located within CWC 	Unknown but expected to be low	<ul style="list-style-type: none"> Buffer establishment will increase space between flying-foxes and residents Understorey clearing may change the microclimate of the roost site Tree trimming/removal on adjacent properties will remove available roost space in residential properties. Buffer establishment considered 'Best Practice' for flying-fox mitigation.
2	\$453,253	<ul style="list-style-type: none"> Alleviation of impacts to residents 	Unknown but expected to be good.	<ul style="list-style-type: none"> Site will become unsuitable as a flying-fox roost. Retention of at least 20% of canopy will retain some bushland amenity for adjacent residents. Staged approach (Progression from Option 1 to 2) considered the 'Best Practice' approach to flying-fox dispersal.
3	\$552,753	<ul style="list-style-type: none"> Alleviation of impacts to residents 	100% Success	<ul style="list-style-type: none"> Action will force the relocation of flying-foxes from this site. Option 3 is not considered 'Best Practice' approach to flying-fox dispersal.

*Historically, where the population expanded to over 1000 flying-foxes, residents experienced a higher level of lifestyle impact – indicated by increased complaint activity.

Tepequar Drive Roost

The Tepequar Drive roost (TDR) site is located on mixed-land tenure (Stella Maris Catholic School and council land). Flying-foxes have been monitored on the site by Department of Environment and Heritage Protection since May 2011.

It is noted that Stella Maris Catholic School maintains that it has not experienced negative impacts from the flying-fox roost. The school advises that the risk has been mitigated through an extensive education program with the school children and families.

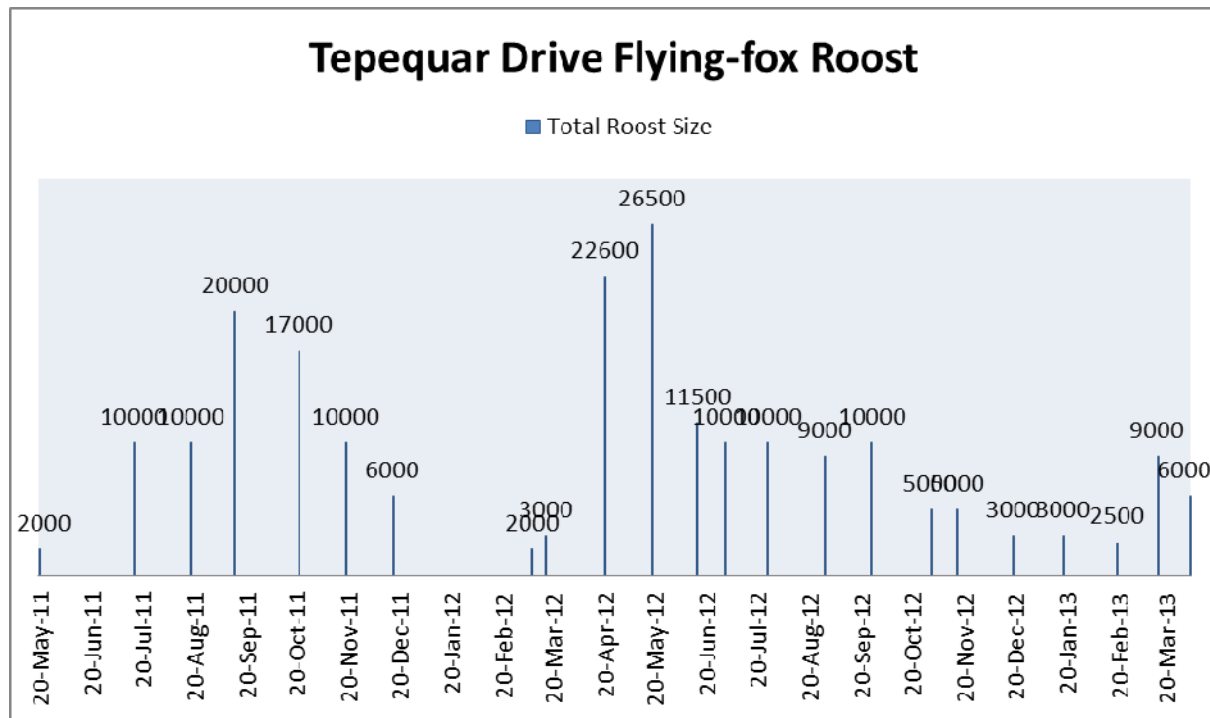


Figure 2.0. Department of Environment and Heritage Protection monitoring survey results at Tepequar Drive Roost from May 2011 to present.

Population figures for Tepequar Drive roost vary seasonally, with three species of flying-fox observed within the roost. The current status of the roost indicates a decreased population, with the defoliation of trees contributing to the reduced habitat available for roosting.

Council officers have attended many working group meetings on site with Councillors, Department of Environment and Heritage Protection officers, State MP Fiona Simpson, Queensland Health, Biosecurity Queensland, Residents and Stella Maris Catholic School representatives.

Council Environmental Health Officers conducted an acoustic assessment on 3 April 2013. Daytime noise levels are 55dB(A) at affected properties, this being 5 dB(A) above the daytime recommended 50dB(A) for the type of residential area.

Council officers have investigated non-destructive methods of mitigating impacts to residents. Noise attenuation fencing is expected to mitigate flying-fox noise for the residents immediately adjacent to the roost site by 6 – 10 dbA. Noise attenuation fencing is not expected to mitigate noise for the wider community, or mitigate other flying-fox related concerns. Fencing costs have been estimated below in Figure 3.0.

Component	Cost	Output(s)	Year
Initial Investment	\$92,000		
Annual Rehabilitation Expense	\$0		
Annual Operational Expense	\$550		
Annual Maintenance Expense	\$4,030		
Estimated Whole of Life Cost	\$206,500		
Annual Depreciation	\$3,680		

Notes

* The above calculation is based on a useful life of 25 years.

Demand

42 properties have been identified as primarily affected residents (within 100 metres of the roost site). Over the last 23 months, five primarily affected residences have submitted complaints, with several residents submitting more than one complaint. This represents approximately 11.9% of those living in this location. There have been ten complaints from the wider community, originating from five individuals.

Options*Option 1 – Buffer establishment and understorey clearing with non-lethal dispersal*

- Removal of all native and non-native trees and shrubs to establish a 10m buffer zone from residential fencing (15m from residential buildings)
- Understorey clearing of native and non-native shrubs and trees within Tepequar Drive roost (where possible)
- Vegetation modification to maintain a buffer of vegetation between potential roost tree and the school grounds
- Establishment of tracks into the vegetation to allow for dispersal activities, and
- Non-lethal dispersal techniques to discourage roosting within Tepequar Drive roost.

Option 2 – Buffer establishment and understorey clearing with non-lethal dispersal

- Removal of all native and non-native trees and shrubs within a 23 metre buffer zone from residential fencing (28m from residential buildings)
- Understorey clearing of native and non-native shrubs and trees within Tepequar Drive roost (where possible)
- Vegetation modification to maintain a buffer of vegetation between potential roost tree and the school grounds
- Establishment of tracks into the vegetation to allow for dispersal activities, and
- Non-lethal dispersal techniques to discourage roosting within Tepequar Drive roost.

Option 3 – Removal of up to 100% of known and potential roost trees within Tepequar Drive roost

- Removal/trimming of up to 100% of known and potential roost trees
- Vegetation modification to maintain a buffer of vegetation between potential roost tree and the school grounds, and
- Non-lethal dispersal techniques to discourage roosting within Tepequar Drive roost.

Option	Cost	Measure of Success	Expected success	Rationale
1	\$126,490	<ul style="list-style-type: none"> Alleviation of impacts to residents 	Unknown but expected to be low.	<ul style="list-style-type: none"> Buffer establishment will increase space between flying-foxes and residents Understorey clearing may change the microclimate of the roost site Reduction of habitat available for roosting flying-foxes. Buffer establishment considered 'Best Practice' for flying-fox mitigation.
2	\$143,590	<ul style="list-style-type: none"> Alleviation of impacts to residents 	Unknown but expected to be good	<ul style="list-style-type: none"> Buffer establishment will increase space between flying-foxes and residents Adjacent residents noise exposure under Australian Standards for amenity noise. Reduction of habitat available for roosting flying-foxes. Buffer establishment considered 'Best Practice' for flying-fox mitigation.
3	\$405,960 or \$213,880*	<ul style="list-style-type: none"> Alleviation of impacts to residents 	100% Success	<ul style="list-style-type: none"> Action will force the relocation of flying-foxes from this site. Option 3 is not considered 'Best Practice' approach to flying-fox dispersal.

* This option presents a high level of animal welfare risk and may not be suitable over the entire site. Subject to permit conditions under the *Environmental Protection and Biodiversity Conservation Act 1999* and *Nature Conservation Act 1992*.

Legal

- *Nature Conservation Act 1992*

Flying-foxes are protected under the *Nature Conservation Act 1992* and any interference or management of the roost is regulated under the associated *Nature Conservation (Wildlife) Regulation 2006*.
- *Vegetation Management Act 1999*

Vegetation within the Tepequar Drive Roost is protected under the *Vegetation Management Act 1999*.
- *Animal Care and Protection Act 2001*

All actions are to be in accordance with the *Animal Care and Protection Act 2001* which promotes the responsible care and use of animals and to protect animals from cruelty, and for other purposes.
- *Environmental Protection and Biodiversity Conservation Act 1999*

The Grey-headed flying-fox is listed as *Vulnerable* under the *Environmental Protection and Biodiversity Conservation Act 1999*, which affords protection to the species and its critical habitat.

Policy

Proposed actions within this report on council land are consistent with both operational and corporate policies in relation to a proactive approach to flying-fox roost management and safe and healthy communities.

Previous Council Resolution**Ordinary Meeting 28 March 2013 (Council Resolution OM13/50)**

That council request the Chief Executive Officer:

- (a) *to initiate investigations and report back to council regarding the cost and feasibility of a Damage Mitigation Permit for the purpose of the flying-fox colony located at Cassia Wildlife Corridor, to consider:*
 - (i) *undertaking vegetation management to increase a buffer between residents and the flying-fox roost site, and, as an alternative*
 - (ii) *undertaking a flying-fox dispersal and vegetation management program to force the relocation of the flying-fox colony to another site.*
- (b) *to initiate investigations and report back to council regarding the cost and feasibility of a Damage Mitigation Permit for the purposes of the flying-fox colony principally located on Stella Maris Catholic School lands adjacent to Tepequar Drive, to consider:*
 - (i) *undertaking a flying-fox dispersal and vegetation management program to force the relocation of the flying-fox colony to another site, and in doing so*
 - (ii) *ensure that the Stella Maris Catholic School, on behalf of the owners being Corporation of the Trustees of the Roman Catholic Archdiocese of Brisbane, are completely aware of the extent and implications associated with vegetation removal on their land that would be required to undertake a flying-fox dispersal program.*

Ordinary Meeting 26 October 2011 (Council Resolution OM11/255)

That Council:

- (a) receive and note the report titled "Flying-Fox Management"*
- (b) note the Infrastructure Services Department Directive "Flying-fox Colony Management (Customer Action Requests)" (Appendix A as amended), and*
- (c) request the Chief Executive Officer to write to the Minister for Environment (Hon Ms Vicky Darling) to formally request that the Department of Environment and Resource Management (DERM), as lead agent responsible for flying-fox colony management, develop a fully funded and comprehensive regional flying-fox management program for the SEQ region, which includes a comprehensive community engagement and consultation process.*

Ordinary Meeting 24 April 2013 (Council Resolution OM13/67)

That Council:

- (a) receive and note the report titled "Draft Regional Flying-Fox Management Plan"*
- (b) endorse the Draft Regional Flying-Fox Management Plan (Appendix A) as amended, for the purpose of submission to the State Government for approval and*
- (c) note that, for proposed active dispersal intervention action at any recognised flying-fox roosts or camps, a report detailing the demand, costs, risks and feasibility will be presented to Council for its consideration and endorsement prior to any action being undertaken.*

Related Documentation

Draft Regional Flying-Fox Management Plan

Critical Dates

Action undertaken within roost sites can only commence during the period where there are:

- a) no visibly pregnant female flying-foxes within the roost, and
- b) no dependent or non-dependent crèched young flying-foxes within the roost.

Typically, this time period occurs from March – May each year for Grey-headed flying-foxes and Black flying-foxes. This is subject to inspection prior to proposed works by Department of Environment and Heritage Protection officers.

Implementation

Based on the recommendation Council's implementation will be consistent with those recommended in the Flying-fox Management Plan. However if Council concluded a dispersal intervention was necessary the Environmental Operations Branch would acquire the relevant state and federal government approvals and initiate the required actions noted in this report to undertake a dispersal activity. These actions would be preceded and supported by a comprehensive community engagement and communication plan.

7.3.3 NOOSA WATERS REVETMENT WALLS - STABILISATION OPTIONS, LIABILITY, COSTS AND FUNDING OPTIONS

File No: ECM

Author: Manager Environmental Operations
Infrastructure Services Department

Attachments: Att 1 - GHD Report (*Under Separate Cover*)
Att 2 - Soil Surveys Report (*Under Separate Cover*)
Att 3 - Draft Amended Plan Noosa Waters Lake, Lock and Weir Overall Plan (*Under Separate Cover*)
Att 4 - Noosa Waters Residents Association Correspondence (*Under Separate Cover*)

PURPOSE

The purpose of this report is to present for Council's consideration and endorsement a range of actions relevant to the findings of further engineering investigations for the Noosa Waters revetment wall.

Accompanying this report is a confidential report that provides legal advice to council.

EXECUTIVE SUMMARY

At Council's Ordinary Meeting, 31 January 2013, Council resolved (OM13/7) to undertake further investigations into the Noosa Waters revetment wall failures.

The revetment walls in question are located within the property boundaries and are not council's responsibility other than those associated with adjacent public open space. The Noosa Waters Residents Association and Council's SAFI information notes "*The revetment wall forms part of the property title and is the responsibility of the property owner to maintain*".

The investigation was undertaken by Soil Survey Pty Ltd, reviewed by GHD and collated into a final report; see Attachment 1, GHD Report and Attachment 2, Soil Surveys Report.

The key points of the engineering investigation include:

Investigation Overview

A broadscale geotechnical investigation program of lake bed conditions was undertaken immediately in front of the revetment walls at fifteen selected locations corresponding to known affected and non-affected areas.

Very loose conditions were indicated at the majority of test sites with no penetration resistance (penetrometer sunk under self weight) recorded to depths of up to 1.2 metres below lake bed level and very loose to loose conditions in some locations and extending to continuous depths of up to 3.8/4.7 metres below lake bed level in other locations.

Hydrographic survey data and recorded lake bed depths were reviewed in comparison to the original construction design drawings indicating a general flattening/relaxation of the lake batters with a general build-up of material at the base/toe of the batter profile and possibly some build up across the lake base.

It is important to note that no 'As Constructed' drawings/surveys are available despite Council undertaking an extensive review of the former Noosa Council's archives as well as engaging the consulting engineer's to review their own development records.

Failure Cause

Both GHD and Soil Surveys Engineering Pty Limited are of the view that the failure mechanism responsible for the movement and distress of the revetment walls, ie. settlement and rotation, is loss of toe foundation support afforded by slumping of the lake batter profile.

Remediation

The installation of protective revetment rock is recommended to prevent the continued regression of the underwater batter slopes via a broadscale remediation program of rock scour protection around the entire estate. It is recommended that this response be considered on both affected and unaffected lake batters. However as an alternative, coupled with a monitoring program, priority works could be considered for those most directly impacted revetment walls only.

Subsequent to the above findings, an overview of cost, funding mechanisms, responsibility and liability are discussed below.

Cost

The forecast cost of undertaking the revetment wall remediation to the design specifications works noted by Soil Surveys and peer reviewed by GHD for the Noosa Waters estate would be approximately \$4,000,000. However, if only the immediate priority works are undertaken, that is, for those sections of the revetment wall adjacent to a lake profile that is 300mm below original lake bed profile design (approximately 23% of the adjacent estate) it is expected the cost of these works would be approximately \$1,700,000.

It must be noted that it is expected that on-going maintenance and additional works will be required as the protection structures continue to settle on a substrate demonstrating poor load bearing capacity. This on-going cost is uncertain.

Funding Mechanism

Council has been consistent in its advice to the Noosa Waters Residents Association in that property owners are responsible for the maintenance of revetment walls located on private property for the protection of private assets. With this in mind, Council will continue to assist property owners in identifying critical failures and provide advice and technical support in relation to meeting their obligations to maintain structural integrity of revetment walls on their property. It is however acknowledged that a range of lake operational and asset management activities are required for the on-going management of the Noosa Waters lake system. As a consequence it is recommended as a funding option for the 2013 – 2014 financial year that, following consultation and a further report on the matter, Council consider amending the current Overall Plan for the lock and weir levy to accommodate lake operational and asset management activities. See Attachment 3, Draft Amended Overall Plan. It is noted that correspondence received from the Noosa Waters Residents Association (16 April, 2013, s.4.2) suggest that Council will need to consider the use of a benefited levy to fund revetment wall rectification works. See Attachment 4, letter from Noosa Waters Residents Association.

Currently a benefited area levy exists to support the whole of life maintenance costs of the lock and weir. There is currently a balance of \$615,000 in the relevant reserve account.

Responsibility for Undertaking Works

It is the responsibility of the property owner to meet their obligations to maintain the structural integrity of revetment walls on their property for the protection of private assets. Council will continue to assist in the process by providing typical design solutions and works approvals,

contacts for suitably qualified contractors to undertake the works as well as any ancillary assistance such as facilitating access through parks etc.

It must also be noted that some private landholders most directly affected by current failures are now initiating rectification works for their respective properties.

General Liability

Matters of legal liability have now been considered by external lawyers. The lawyers engaged have specialist knowledge and background in the legal responsibilities of landowners and local authorities in Queensland to maintain waterways and their associated revetment structures.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Noosa Waters Revetment Walls - Stabilisation Options, Liability, Costs and Funding Options"**
- (b) propose amendment to the existing Noosa Water Lock and Weir Maintenance Levy Overall Plan for the maintenance of the Lock and Weir to include whole of lake management actions and incorporating the request of the Noosa Waters Residents Association Inc**
- (c) authorise the Chief Executive Officer to consult with those property owners affected by the Levy Plan (as above) seeking feedback on the proposed change to the Overall Plan**
- (d) note that potential amendment of the Noosa Water Lock and Weir Maintenance Levy Overall Plan, including feedback, will be considered as part of a future report to council including implementation and funding of any urgent works and**
- (e) note that property owners will continue to be assisted with advice and technical support in relation to meeting their obligations to maintain structural integrity of revetment walls on their property.**

FINANCE AND RESOURCING

It is considered that the cost of any revetment wall rectification works will be the responsibility of the property owner as noted above.

Currently a benefited area levy exists to support the whole of life maintenance costs of the lock and weir. There is currently a balance of \$615,000 in the relevant reserve account. However the prescription of the operational plan for this special rate does not recognise other lake operational and asset maintenance functions such as revetment wall stabilisation, scour protection, lake profile maintenance or shark management.

Therefore it is recommended for the 2013 – 2014 financial year, following consultation and a further report on the matter, Council consider amending the current Overall Plan for the lock and weir levy to accommodate lake management actions as noted above. See Attachment 3 for amended Overall Plan. It is noted that correspondence received from the Noosa Waters Residents Association (16 April, 2013, s.4.2) suggest that Council will need to consider the use of a befitted levy to fund the rectification works, see Attachment 4, letter from Noosa Waters Residents Association.

It is also noted that the Chief Executive Officer will refer the engineering investigations, forecast rectification costs, funding issues and all supporting documentation to the Transfer Manager for the new Noosa Council to consider a long term management strategy for the Noosa Waters Lake system.

CORPORATE PLAN

Corporate Plan Theme: *Managing growth*

Emerging Priority: 7.5 - Council's services and assets meet the needs of our growing community

Strategy: 7.5.2 - Develop long term asset management plans which are linked to financial management plans

CONSULTATION

Consultation was undertaken with a range of internal and external stakeholders and technical experts to (a) define the extent of the revetment wall failure, (b) potential remediation options and (c) funding mechanisms.

A range of internal, external and community stakeholders were engaged in this process. Community consultation with the Noosa Waters Residents Association has been on-going and reflective of the Partnership Agreement between the Association and Council. Along with numerous e-mails and letters this has included:

- (a) three on-site meetings between Noosa Waters Residents Association representatives and Council's Coastal and Canals Manager and Technical Officer;
- (b) two off site meetings at Wisers Rd Depot that included the above parties along with the Port of Brisbane Authority to review the Noosa Waters Lake hydrographic survey;
- (c) a second meeting with consulting engineers GHD and Soil Surveys. There was also a third meeting held in Nambour that included Council's Acting Chief Executive Officer, Chief Legal Officer, Manager Environmental Operations, Coast and Canals Manager and Project Engineer along with three representatives of the Noosa Waters Residents Association; and
- (d) an impromptu meeting following the January Ordinary Meeting in Caloundra Chambers between Noosa Waters Residents Association representatives and Council's Chief Legal Officer, Manager Environmental Operations and Coast and Canals Manager.

Council has been consistent through this consultation in its advice to the Association that the revetment walls are located on private property for the protection of private assets and remain the responsibility of property owners to maintain. However, Council, without prejudice, has also committed to facilitating the provision of expert engineering advice to determine reactive revetment wall rectification options.

While the Noosa Waters Residents Association has actively participated in these discussions they have also noted that they believe that lake bed profile slumping has been a causal factor in the revetment wall failure and as a consequence the Association believes it is the responsibility of Council to rectify the revetment wall failures.

Internal Consultation

Internal consultation was undertaken with:

- Division 11 Councillor
- Chief Executive Officer
- Executive Director Finance

- Executive Director Infrastructure Services
- Chief Legal Officer
- Coast and Canals Manager, Infrastructure Services

External Consultation

External Consultation was undertaken with:

- GHD Consulting Engineers
- Soil Surveyors Consulting Geotechnical Engineers
- Noosa Waters Residents Association

Community Engagement

At this time discussions are continuing with the Noosa Waters Residents Association as representative of the affected community.

PROPOSAL

At Council's Ordinary Meeting, 31 January 2013, Council resolved (OM13/7) to undertake further investigations into the Noosa Waters revetment wall failures.

To progress this investigation Council agreed to assume the responsibility and cost for the engagement of Soil Surveys Pty Ltd the consulting engineers that had already been engaged by the Noosa Waters Residents Association for this purpose.

A summary of the findings of the report are detailed below.

Noosa Waters Estate comprised of a reclaimed waterway subdivision with fill material placed and compacted over alluvial deposits. The fill material generally comprised sand and residual clay material won from canal excavations.

The underlying alluvium comprised sand, silty sand, and clayey sand overlying firm to very soft marine clay deposits

A long term factor of safety, against global instability, of equal or greater than 1.5 was confirmed based on a 15kPa surcharge on allotments, water in the lake and a lake batter profile as per Cardno and Davies (QLD) Pty Ltd design.

A Broadscale Geotechnical Investigation Program was undertaken on lake bed conditions immediately in front of the revetment walls and were assessed at fifteen selected locations corresponding to known affected and non-affected areas, using the following investigation procedures from a purpose modified boat platform.

- Sampling the upper level soil strata to depths of 1.0m below current lake bed levels at fifteen (15) representative locations across the estate lake system using a manual piston sampler.
- Probing the lake bed strata with a total of one hundred (100) continuous Dynamic Cone Penetrometer tests (DCP/test method AS1289 6.3.2).

Tests were commenced at lake bed level with most tests recording no penetration resistance within the upper level very loose strata.

A total of one hundred (100) Dynamic Cone Penetrometer tests (DCP's) were carried out at fifteen (15) representative sections across the lake bed within the estate. Additional tests were attempted and terminated at alternate locations due to revetment rock obstruction.

Very loose conditions were indicated at the majority of test sites with no penetration resistance (penetrometer sunk under self-weight) recorded to depths of up to 1.2m (DCP-5C) below lake bed level and very loose to loose conditions extending to continuous depths of up to 3.8/4.7m (DCP 3G/2G respectively) below lake bed level.

As part of our broadscale geotechnical assessment of twenty eight (28) sections of the lake bed profile within the Noosa Waters Estate was undertaken. The survey was carried out by Port of Brisbane Pty Ltd, Hydrographic Solutions, based on data recorded and collated from their January 2012 survey.

Typical lake profiles were overlaid on the survey sections for reference. The sections indicated a general flattening/relaxation of the lake batters, originally designed at 1V:10H to RL -0.5m and 1V:3H to RL -2.2m/RL -3.70m, with a general build-up of material at the base/toe of the batter profile and possibly some build up across the lake base.

Significant over excavation of the lake base was also indicated in two locations. Historic geotechnical records indicated a revised lake bed level of RL -9.0m with lake batter profiles of 1V:3H from RL -0.5m to RL -9.0m were assessed for stability in this estate stage in order to win material suitable for filling. The lake bed levels recorded during our broadscale geotechnical investigation program generally concur with the Hydrographic Survey Sections. We do advise, however, that the hydrographic survey data and recorded lake bed depths have **not** been reviewed in comparison to the Construction Drawings. 'As Constructed' surveys were not available for this assessment.

The levels indicated significant portions of the 1V:10H lake bed profile extending along the toe of the revetment walls had slumped to the base or below the revetment wall. Probing at select locations concurred with the measurements.

The findings of the broadscale geotechnical assessment indicated no evidence of global instability along the lake revetment. A long term factor of safety of > 1.5 was assessed with the existing lake bed profiles, revetment batter load conditions and lake water level to RL 0.40m. However, alteration of the above conditions could impact the global stability accordingly, particularly if the lake batter profile continued to slump or lake water levels were reduced.

Revetment Wall Failure Mechanism

Based on the findings of the broadscale geotechnical assessment, it is Soil Surveys Engineering Pty Limited assessment that the failure mechanism responsible for the movement and distress of the revetment walls, i.e. settlement and rotation, is loss of toe foundation support afforded by slumping of the lake batter profile. It would appear the slumping has originated within the 1V:3H batter profile and regressed to impact the 1V:10H batter profile. At many sites, the regression has continued to such an extent that the support of the revetment wall foundation has been lost.

Comparison of lake bed measurements, refer Drawing No. 112-14835-02, with areas of over excavation, ie. lake bed level > RL -2.20m, indicated a correlation with apparent lake batter slumping, most likely as a result of slumping of an increased/extended 1V:3H lake batter profile. Comparison of lake bed measurements with known marine clay thickness maps did not indicate any correlation.

In view of the results of the geotechnical investigation and wide spread nature of the slumping, further regression of the batter profile would therefore be expected without appropriate intervention.

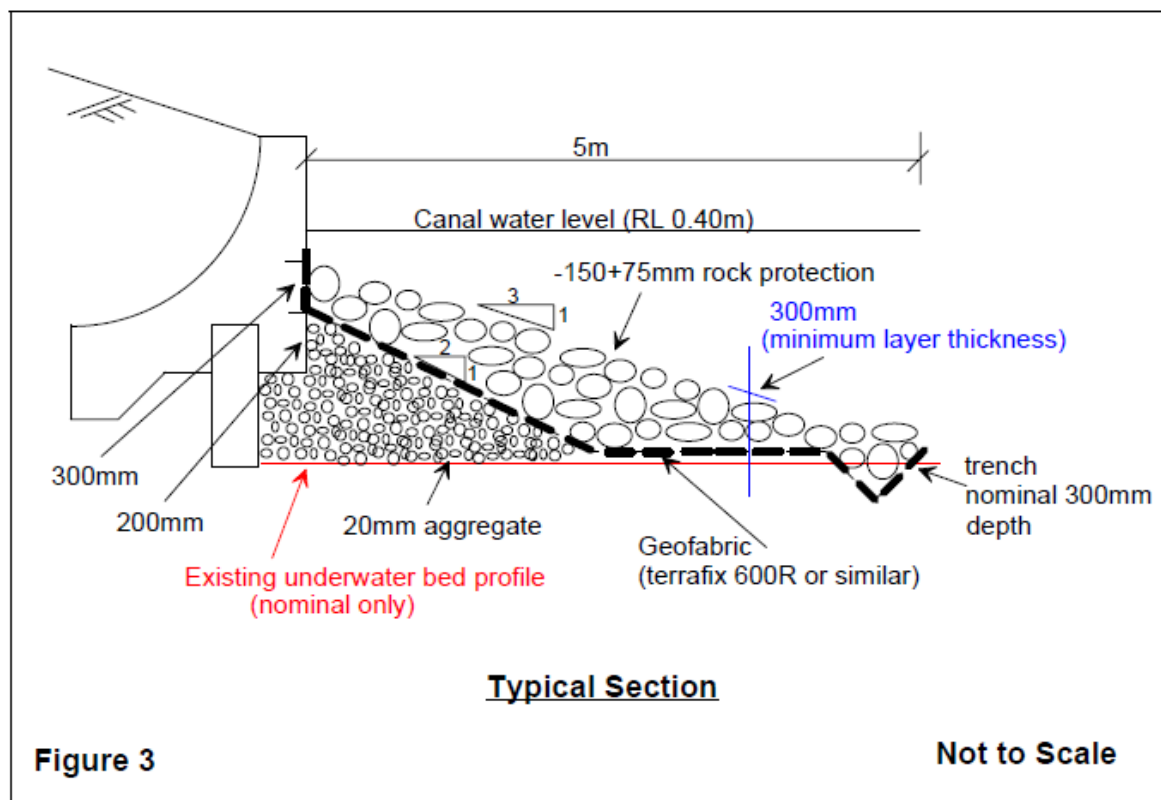
Remediation

The consultant recommended remediation of the lake batter be carried out, without unnecessary delay, to re-establish the revetment wall foundation support and inhibit further slumping of the immediate lake batter.

The installation of protective revetment rock is recommended to prevent the continued regression of the underwater batter slopes. The revetment rock will provide an overburden pressure. A broadscale remediation program of rock scour protection is therefore recommended around the entire estate.

Figure 3 below indicates a diagrammatic recommended Typical Section of rock scour protection. The use of 20mm aggregate, without geofabric underlay, is suggested to fill voids and re-establish ground support at the toe of the revetment wall where slumping has exposed or undermined the revetment wall base. Above the 20mm aggregate base a layer of geofabric material will support a further layer of 75mm to 150mm rock size be placed against the wall to within 500mm of the top of the wall or 100mm below lake water level

Where the lake batter has not slumped below RL 0.0m immediately adjacent to the wall a 75mm to 150mm aggregate rock protection layer, with geofabric underlay, is recommended.



The report recommends the extent of the remediation program be assessed by independent survey. It is considered that all walls where the lake batter immediately adjacent the revetment wall has slumped would require prompt remediation. Revetment rock protection should also be considered on remaining unaffected lake batters, however, a monitoring program comprising periodic inspections of the revetment walls and lake bed measurements at the toe of the walls could also be considered with remedial works carried out on an 'as needed' basis.

Cost

The forecast cost of undertaking the revetment wall remediation to the design specifications works noted by Soil Surveys and pier reviewed by GHD for the Noosa Waters estate would be approximately \$4,000,000. However, if only the immediate priority works are undertaken, that is, for those sections of the revetment wall adjacent to a lake profile that is 300mm below original lake bed profile design (approximately 23% of the adjacent estate) it is expected the cost of these works would be approximately \$1,700,000.

It must be noted that for both options it is expected that on-going maintenance and additional works will be required as the protection structures continue to settle under the weight of the structures on a substrate demonstrating poor load bearing capacity. This on-going cost is uncertain.

Funding Mechanism

Council has been consistent in its advice to the Noosa Waters Residents Association in that the property owners are responsible for the maintenance of revetment walls located on private property for the protection of private assets. With this in mind Council will continue to assist property owners in identifying critical failures and provide advice and technical support in relation to meeting their obligations to maintain structural integrity of revetment walls on their property. It is however acknowledged that a range of lake operational and asset management activities are required for the on-going management of the Noosa Waters lake system. As a consequence it is recommended as a funding option for the 2013 – 2014 financial year that, following consultation and a further report on the matter, Council consider amending the current Overall Plan for the lock and weir levy to accommodate lake operational and asset management activities. See Attachment 3, Draft Amended Overall Plan. It is noted that correspondence received from the Noosa Waters Residents Association (16 April, 2013, s.4.2) suggest that Council will need to consider the use of a benefited levy to fund revetment wall rectification works. See Attachment 4, letter from Noosa Waters Residents Association.

Currently a benefited area levy exists to support the whole of life maintenance costs of the lock and weir. There is currently a balance of \$615,000 in the relevant reserve account.

For the purposes of background information and referral to the Noosa Council Transfer Manager only, two possible long term funding strategy options beyond the 2013 – 2014 financial year that could be considered for rectification works could include, (a) initiating works for full revetment wall stabilisation along the entire linear frontage of the revetment wall at a cost of approximately \$4,000,000 or (b) focusing rectification works only on the 23% of the estate where the current lake profile is 300mm below original lake bed profile design at a cost of approximately \$1,700,000.

Assuming Council endorses the amendment to the Overall Plan for the following financial year at some future point the new Noosa Council could extend and expanded the amended benefited area levy to cover and recoup the costs of coordinated rectification works. Two hypothetical scenarios relevant to options (a) and (b) are discussed below.

Option (a)

Based on the total remediation cost of \$4,000,000, the amendment to the overall plan would reflect a change based on numbers of properties adjoining the lake. That is, there are 585 properties (including strata title) properties that immediately adjoin the lake system therefore the average cost, of undertaking the rectification works, based on total cost noted above, would be \$6,837 per property or, if disbursed over 10 years, \$683.70 per property per year for a period of 10 years. As Council retains management responsibility for 35 lots as open space, Council's total contribution based on percentage of council managed allotments would be \$456,000.

Option (b)

Based on the partial and prioritised rectification works cost of \$1,700,000 the amendment to the overall plan would reflect a change based on numbers of properties identified as requiring priority works. That is, there are approximately 140 properties directly affected therefor the average cost of undertaking the rectification works, based the prioritised work cost noted above, would be \$12,142 per property or, if disbursed over 10 years, \$1,214.20 per property per year for 10 years. There are no Council managed open space assets in the vicinity of the immediate prioritised works.

It is also noted that this amendment could also be utilised to amend the Overall Plan to accommodate other asset and operational management requirements such as shark management.

Responsibility for Undertaking Works

It is the responsibility of the property owner to meet their obligations to maintain the structural integrity of revetment walls on their property for the protection of private assets. Council will continue to assist in the process by providing typical design solutions and works approvals, contacts for suitably qualified contractors to undertake the works as well as any ancillary assistance such facilitating access through parks etc.

It must also be noted that some private landholders most directly affected by current failures are now initiating rectification works for their respective properties.

Legal

Legal matters associated with responsibilities under the Land Act and general liability are addressed in the confidential legal advice to be provided.

The imposition of a benefitted area levy requires:

- (1) Adoption of an overall plan and
- (2) Adoption (at the annual Council Budget Meeting) of the rate to be applied to the levy.

There is an existing overall plan for the Noosa Waters Estate however it currently applies only to maintenance of the lake's lock and weir system. Pursuant to Section 94(9) of the *Local Government Regulation 2012*, an Overall Plan can be amended by council resolution at any time. The existing overall plan can be amended to expand the use of the levy to include such matters as the costs of maintenance of the lake, adjoining revetment walls and other lake associated management issues.

Policy

While the adoption of the proposed Overall Plan is a necessary pre-requisite to any special rate or charge that may be adopted at some future annual budget meeting of Council, the Overall Plan adoption does not however bind Council to later adopt a special rate or charge in the future.

Risk

Notwithstanding legal position, affected landowners could still institute claims against Council. Any such claims received would, as a matter of course, need to be referred to Council's insurers who would then take over the conduct of the matter.

Other risks are associated uncoordinated and unapproved rectification works impacting on adjoining revetment walls. To mitigate this risk Council has provided certified typical design solutions to the Noosa Waters Residents Association and retains over sight and approval of all works to be undertaken by residents with in the lake system.

Previous Council Resolution

(OM13/1) Ordinary Meeting 31 January 2013

That Council:

- (a) receive and note the report titled "Noosa Waters Revetment Walls";*
- (b) endorse Council's coordination of revetment wall remediation engineering investigations and designs;*
- (c) note a future report will be presented to Council detailing and not limited to,*
 - i. the outcomes of engineering investigations on the causal effect to the revetment wall failures;*
 - ii. responsibility for undertaking prescribed remediation works;*
 - iii. the costs associated with proactive revetment wall stabilization engineering investigations, designs and works, including funding options available to council and others; and*
 - iv. legal opinion on Ministerial advice provided from Andrew Cripps MP, dated 15 January 2013.*

Related Documentation

Available and relevant development assessment documentation has been referenced.

Confidential legal advice has been obtained and is to be provided.

Critical Dates

While some Noosa Waters residents have expressed concerns regarding the continued failure of the revetment walls there are no critical dates associated with this report. It is also noted that some property owners who are experiencing revetment wall failures on their respective properties have and are initiating remediation works in the absence of this report.

Implementation

Upon endorsement of this report Council will, for the 2013 -2014 financial year, continue with (a) monitoring of the stability of the revetment walls, (b) provide notice to property owners with revetment walls demonstrating immediate failure risk to initiate rectification works of those revetment walls, (c) assist property owners with certified designs and approvals, along with contacts for suitably experienced contractors as well as facilitate access requirements for any required works and (d) undertake lake management actions as necessary.

If endorsed Council will also initiate consultation with property owners within the existing benefitted area levy regarding the proposed amendment to the Overall Plan as noted above. Upon completion of the consultation a further report regarding the outcome of the consultation will be presented to Council for its consideration.

Finally, all relevant information will be passed onto the Noosa Council Transfer Manager for consideration in developing a long term management strategy for the Noosa Waters Lake System.

7.4 FINANCE AND BUSINESS

7.4.1 SALE OF LAND FOR ARREARS OF RATES

File No: 23 May 2013

Author: Manager Finance
Finance & Business Department

Attachments: Att 1 - Sale of Land Schedule - As at 31 March 2013 (*Under Separate Cover*) - *Confidential*

PURPOSE

1. This report has been prepared to brief council of properties where rates and charges have been overdue for a period of more than three years, and the Sale of Land procedures in the *Local Government Regulation 2012*.

EXECUTIVE SUMMARY

2. Part 12 Division 3 of the *Local Government Regulation 2012* applies if an overdue rate has remained unpaid for a period greater than three years. Section 140 provides that a local government may sell the land on which the rate was levied. The land is sold by way of public auction, and for that purpose should be concluded no later than six months after council gives notice of intention to sell.

3. There are currently 56 properties on the Sale of Land list, with a total balance outstanding of \$698,294.34. Should council approve the recommendations in this report, the legislation directs the following timelines

- First statutory notice sent after council approval in June 2013;
- Second statutory notice sent in August 2013; and
- Sale of Land Auction (if required) October 2013

4.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Sale of Land for Arrears of Rates"
- (b) commence proceedings under Chapter 4 Part 12 Division 3 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 31 March 2013 with the exception of eligible pensioners and owner occupiers without a mortgage and
- (c) in accordance with the *Local Government Regulation 2012*, conclude any Public Auction where required, by no later than 30 November 2013.

FINANCE AND RESOURCING

There are currently 56 properties on the Sale of Land list, with a total outstanding of \$698,294.34. 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 4.5% 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 years rates outstanding.

CORPORATE PLAN

Corporate Plan Theme: *Great Governance*
Emerging Priority: 8.1 Ethical, accountable and transparent decision-making
Strategy: 8.1.1 Develop and implement a governance framework that provides transparent and accountable processes and enhances council's reputation

Corporate Plan Theme: *Great Governance*
Emerging Priority: 8.1 Ethical, accountable and transparent decision-making
Strategy: 8.1.2 Ensure legislative compliance and awareness

Corporate Plan Theme: *Great Governance*
Emerging Priority: 8.2 Effective business management
Strategy: 8.2.2 Develop information and technology solutions that meet corporate needs and enhance business processes

CONSULTATION

Internal Consultation

No internal consultation has been undertaken for this report.

External Consultation

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. This has included steps such as issuing letters, following up with telephone calls to the owners, referrals to Financial Counsellors, meetings, and in several cases personal interviews at Council's offices and the Magistrates Court. After consultation with Department of Communities Housing Services, some owners were referred to the Department of Communities Housing Services to determine if they qualified for an interest-free Mortgage Relief Loan.

As at January 2012, 265 properties were on the Sale of Land list, with letters sent to the owners and in some cases the mortgagees, requesting payment or a repayment arrangement. Follow up action by way of telephone contact and issue of reminder notices since January 2012 has been undertaken to those customers who failed to respond to the initial request for payment. This approach assisted in providing that all residents and ratepayers are treated fairly and equally in regard to the recovery of long-term rate debts. The letters and subsequent actions have resulted in payment or arrangements for 211 properties, for an amount of \$1.98 million. The number of properties on the Sale of Land list has been reduced to 56 as at 31 March 2013.

Community Engagement

No community engagement is required for this report.

PROPOSAL

The 56 properties on the Sale of Land list with total outstanding rates and charges of \$698,294, are separated into categories as follows:

• Commercial/Industrial/Vacant	3 properties	\$62,725
• Residential – Non Owner Occupier	26 properties	\$334,116
• Residential - Owner Occupier	27 properties	\$301,453
Total	56 properties	\$698,294

Following Council advice at workshops in previous years, due consideration has been given to those properties owned by eligible pensioners. Outstanding rates and charges for these properties will be pursued through a consolidated accounts receivable function within the Finance Branch, rather than through this sale of land process.

Previous sale of land processes have demonstrated that, in the majority of cases, outstanding rates are paid in full before the planned auction date. The sale of land process conducted during the 2010/2011 financial year initially commenced with 64 properties tabled to council for resolution. All overdue rates with the exception of one property were paid prior to the auction.

Letters were issued to owners and mortgagees in January 2012 and 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 staff undertook further steps and this included reminder notices, telephone calls, and meetings. In several cases personal interviews at council's offices and the Magistrates Court have been undertaken. Some owners have been referred to Department of Communities Housing Services to determine if they qualify for interest-free Mortgage Relief Loans. 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.

Recent council experience indicates 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 2012/2013 Revenue Policy and 2012/2013 Revenue Statement were adopted as part of the annual Budget.

Risk

Although the *Local Government Act 2009* does reduce council's bad debt risk exposure through securing the debt against the property, it is good business practice to manage accounts receivable on a proactive basis. The Act gives statutory protection to council's interest in the property.

Previous Council Resolution**(PSC) Item 4.1.1 Sale of Land for Arrears of Rates (OM11/31) 23rd February 2011**

That Council:

- (a) *note the report titled "Sale of Land for Arrears of Rates";*
- (b) *commence procedures under Chapter 2 Part 12 Division 3 of the Local Government Act 2009 and Finance Plans and Reporting Regulation to recover outstanding rates and charges by way of sale of land for all properties with overdue rates for a period greater than three years as at November 2009 with the exception of eligible pensioners and owner occupiers without a mortgage; and*
- (c) *the Public Auction for that purpose be concluded no later than 30 October 2011.*

(OPC) Item 4.1.1 Sale of Land for Arrears of Rates (OM09/067) 12th March 2009

That Council commence procedures under Chapter 14 Part 7 Division 3 of the Local Government Act 1993 to recover outstanding rates and charges by way of sale of land for all properties with overdue rates for a period greater than three years as at November 2008 with the exception of eligible pensioners and owner occupiers without a mortgage.

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 May 2013 Ordinary Meeting;
- First statutory notice sent after council approval in June 2013;
- Second statutory notice sent in August 2013; and
- Sale of Land Auction (if required) October 2013

Implementation

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

7.4.2 MARCH 2013 FINANCIAL PERFORMANCE REPORT

File No: Financial Reports
Author: Acting Financial Services Manager
Finance & Business Department
Appendices: App A - March 2013 Financial Performance Report

PURPOSE

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

EXECUTIVE SUMMARY

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

The report also identifies minor budget adjustments that have occurred during the month to allow work to continue in a responsive manner. More significant budget reviews are carried out during the year.

The operational results at 31 March 2013 show a positive variance of \$5.9 million compared to the forecast position. This operating result is a key financial performance measure and ongoing surpluses will be critical.

The 31 March 2013 operating surplus variation is made up of higher than expected revenue of \$4.5 million (1.2%) and lower than anticipated operating expenses of \$1.4 million (0.4%). Further detail is provided in the proposal section of this report.

As at 31 March 2013 \$93.7 million (47%) of council's \$198.1 million 2012/2013 Capital Works Program was financially expended.

During March 2013 the 2012/2013 Operating and Capital Budgets were adjusted to accommodate reallocations between budget categories or line items. Details are set out in **Appendix A**.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "March 2013 Financial Performance Report" and**
- (b) approve the budget amendments as outlined in the March 2013 Financial Performance Report (Appendix A).**

FINANCE AND RESOURCING

This report incorporates reallocations within the 2012/2013 operating, capital and cash reserve budgets. There has been no change to the contribution to council as a result of these reallocations.

CORPORATE PLAN

Corporate Plan Theme: *Great governance*

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

Strategy: 8.1.2 - Ensure legislative compliance and awareness

Corporate Plan Theme: *Great governance*

Emerging Priority: 8.3 - Strong financial management

Strategy: 8.3.1 - Develop long term financial plans and indicators to achieve optimum use of resources and alignment to strategic priorities

Corporate Plan Theme: *Great governance*

Emerging Priority: 8.3 - Strong financial management

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

CONSULTATION

Internal Consultation

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

External Consultation

No external consultation is required for this report.

Community Engagement

No community engagement is required for this report.

PROPOSAL

Council's financial results at 31 March 2013 show the organisation with a \$5.9 million higher than forecasted operating position against the full year budget.

The 31 March 2013 operating surplus variation is made up of higher than expected revenue of \$4.5 million and lower than anticipated operating expenses of \$1.4 million.

The operating revenue favourable variance of \$4.5 million is largely the result of a number of items being higher than profiled. These include Other Revenue of \$1.4 million, Interest Received from Investments of \$1.1 million, Fees & Charges of \$1 million and Net Rates & Utility Charges of \$730,000.

The favourable variance in Other Revenue mainly sits with Infrastructure Services Department and relates to the following items being higher than forecast - road maintenance performance contract revenue, fleet auction proceeds & rebates and revegetation offset agreement with Energex. Most of these items will have offsetting expenditure. In addition, Airport income is lower than profiled.

Interest Received from Investments is higher than budget partly due to slightly higher than forecast cash balances along with higher than forecast investment rates for the first half of the year. The average investment rate is expected to be lower in the second half of the year. This item will continue to be monitored but there is no change to the year end forecast at this point.

Within the Fees and Charges category, items running higher than forecast include Development Applications, Material Change of Use and Search fees. Volumes still remain below last year to date however there are now small increases in activity this calendar year. Other favourable variances exist in Aquatic and Leisure Centres, Cemeteries, Response Services and Health licences. These are offset by lower than forecast Airport fees.

The January 2013 rate run had 153,443 rateable properties compared to 151,818 this time last year. Growth in that time was 1.1% which is less than the budgeted 1.5%. Although General Rates have an unfavourable variance of \$2.3 million, this is compensated by Prepaid Rates of \$3 million resulting in the favourable variance in Net Rates and Utility Charges of \$730,000. History shows Prepaid Rates can be expected to continue to increase and maintain this positive variance in Net Rates and Utility Charges through to the end of the financial year.

The favourable variance in operating expenses of \$1.4 million is due to Materials & Services being lower than profiled by \$3.5 million. This is offset by Employee Costs and Other Expenses being higher than profiled by \$1.7 million (1.6%) and \$428,000 respectively.

The unfavourable variance in Employee Costs sits mainly with Infrastructure Services and Community Services. Within Infrastructure Services, the variance is mainly due to overhead recoveries from capital being lower than budget. In Community Services, the variance will be offset by a transfer from Materials & Services relating to Quad Park being brought into council. The transfer forms part of this month's operating adjustments.

The Other Expenses variance mainly relates to vehicle leases being higher than profiled.

At 31 March 2013, \$93.7 million (47%) of council's \$198.1 million 2012/2013 Capital Works Program was financially expended. On a year to date basis, capital expenditure is \$2.7 million (2.8%) behind budget.

During March 2013, the 2012/2013 Operating, Capital and Cash Reserve Transfer Budgets were adjusted to accommodate reallocations between budget categories or line items. Full details are set out in **Appendix A** with amendments greater than \$100,000 detailed below:-

** Revenue increases are in brackets.

Ref	Item Description	Increase \$000**	Decrease \$000	Details	Reason
Operating Revenue & Expenditure Transfers					
0933515	Quad Park – Increase Fees and Charges income	(466)		Offset increase in Quad Park Employee Costs	To recognise expected income from Quad Park
0933515	Quad Park – Employee Costs	662		Offset by reduction in Company Contributions and increase in Fees and Charges	To cover Quad Park employees - now part of council
0933515	Quad Park – Materials & Services	66			
0933515	Quad Park –		262	Transfer to	To cover Quad Park

Ref	Item Description	Increase \$000**	Decrease \$000	Details	Reason
	Company Contributions			Employee Costs	employees - now part of council
	Subtotal	262	262		
0931705	London Creek Energy Offset – Increase Other Revenue	(320)		Increase Other Revenue offset by increase in Materials & Services	To recognise revegetation offset
0931705	London Creek Energy Offset – Materials & Services	320		Increase Materials & Services offset by increase in Other Revenue	To recognise revegetation offset
	Subtotal	Nil	Nil		
0932903	Coes Creek Bond – Increase Other Revenue	(140)		Bond Call up offset by increased Materials & Services	Coes Settlement Expenses Civil Works – income component
0932903	Coes Creek Bond – Materials & Services	140		Bond Call up offset by increased Other Revenue	Coes Settlement Expenses Civil Works – expense component
	Subtotal	Nil	Nil		
0930407	Infrastructure Charges – Discount Allowed – Materials & Services	226		Funded from temporary labour savings	To cover Infrastructure Charges – Discounts Allowed
0930407	Regional Strategy & Planning – Vacancy Management – Employee Costs		226	Reduce budget to recognise temporary labour savings	To offset Infrastructure Charges – Discounts Allowed
	Subtotal	Nil	Nil		
0936508	Airport Route marketing contribution – Other Expenses	104		Transfer from Airport Route Development - marketing	Allocate unspent marketing funds
0936508	Airport Route Development – marketing – Materials & Services		104	Transfer to Materials & Services – Marketing.	Allocate unspent marketing funds.
	Subtotal	104	104		

Capital Expenditure and Cash Reserve Transfers

B1601	Bus Stops – Nambour and Maroochy Areas – Capital Expenditure	150		Transfer from Public Transport Levy operating budget	Reallocation of Public Transport Levy for funding of "One Off" Bus Stop Initiative
B1602	Bus Stop Shelters at agreed sites – Capital Expenditure	150		Transfer from Public Transport Levy operating budget	Reallocation of Public Transport Levy for funding of "One Off" Bus Stop Initiative
0933902	Public Transport Levy Projects – Operating Materials &		300	Transfer to capital projects B1601 and B1602	Reallocation of Public Transport Levy for funding of 'one off' bus stop initiative

Ref	Item Description	Increase \$000**	Decrease \$000	Details	Reason
	Services				
	Subtotal	300	300		
A7632	Land Acquisition – Evans Street road corridor work – Increase Capital Expenditure	552		Reallocate funds from Cash reserve 0000712.	Funds drawn from Cash Reserves to continue project scope
A7632	0000712 - Evans St Land Acquisitions Cash Reserve		552	Reallocate funds to A7632 SCC0061	Funds drawn from Cash Reserve to continue project scope
	Subtotal	552	552		
A8877	A8877 - Exploration Drilling Program Scope – Capital Expenditure	101		Funds reallocated from A7671, A9757, and B1418.	Funds allocated from completed projects
A8877	B1418 - Replacement of Diesel Fuel Storage Cube		3	Reallocate funds to A8877	Project complete
A8877	A9757 - Crusher Radial Stacker		77	Reallocate funds to A8877	Project complete
A8877	A7671 - Crusher 1200 requires renewal		21	Reallocate funds to A8877	Project complete
	Subtotal	101	101		
B0788	B1629 - Yungar St Greenoaks Dr Path	30		Reallocate funds from B0788 to various Transport Infrastructure Development Scheme (TIDS) projects Coolum Precinct	Project scope has been broken down to individual projects
B0788	B1630 - Learg St Pedestrian refuge	25		Reallocate funds from B0788 to various Transport Infrastructure Development Scheme (TIDS) projects Coolum Precinct	Project scope has been broken down to individual projects
B0788	B1631 - Greenoaks Dr Pedestrian Refuge	25		Reallocate funds from B0788 to various Transport Infrastructure Development Scheme (TIDS) projects Coolum Precinct	Project scope has been broken down to individual projects
B0788	B1632 - Yandina Coolum Rd Path South Side	60		Reallocate funds from B0788 to various Transport Infrastructure Development Scheme (TIDS)	Project scope has been broken down to individual projects

Ref	Item Description	Increase \$000**	Decrease \$000	Details	Reason
				projects Coolum Precinct	
B0788	B1633 - Central Ave Path Link East Side	60		Reallocate funds from B0788 to various Transport Infrastructure Development Scheme (TIDS) projects Coolum Precinct	Project scope has been broken down to individual projects
B0788	Coolum School Parade Cycle access upgrades		200	Reallocate funds to various Transport Infrastructure Development Scheme (TIDS) projects Coolum Precinct	Project scope has been broken down to individual projects
	Subtotal	200	200		
B1651	Information Communication Technology - Capitalised Labour	621		Transfer from Cash Reserve 0000491	To reflect capitalised labour in technology program.
B1651	0000491 Other Cash Reserves		621	Transfer from Cash Reserves	To reflect capitalised labour in technology program.
	Subtotal	621	621		
0000852	A9937 – Tamarind St – Rehab of Stormwater Pipe Capital Expenditure	233		Transfer from Cash Reserves	Project brought forward
0000852	0000852 - Capital Projects – Parked - Cash Reserve		233	Transfer to Capital Expenditure	Project brought forward
	Subtotal	233	233		
B0823	B0823 – Gympie Street North, Stormwater Rehab – Capital Expenditure	292		Transfer from Cash Reserves	Funds previously transferred to cash reserves due to concerns that impacts of adverse weather conditions and predicted delays in construction timeframes would stretch works into early 2013/14 with anticipated 2012/13 unexpended funds. However project is now progressing as originally planned
0000853	0000853 - Capital Projects Parked – Cash Reserve		292	Transfer from Cash Reserves	Funds previously transferred to cash reserves due to concerns that impacts of adverse weather

Ref	Item Description	Increase \$000**	Decrease \$000	Details	Reason
					conditions and predicted delays in construction timeframes would stretch works into early 2013/14 with anticipated 2012/13 unexpended funds. However project is now progressing as originally planned
	Subtotal	292	292		
A9553	A9553 – Alex to Maroochydore Beach Renourishment – Capital Expenditure	700		Initial budget allocation of \$500,000 in 2012/13. \$200,000 from savings from other projects (A7989 Cornmeal Creek \$290,000 and A6830 Lakeshore Ave park lake \$196,000 allocated to cash reserve 0000789 as part of BR3).	Pipeline capital construction.
A9553	A9553 – Alex to Maroochydore Beach Renourishment – Operating Expenditure	550		Project Brought Forward from 2013/14. Funded from balance of savings as above and 2012/13 allocation that was reserved in BR3.	Dredging operating expenses.
A9553	0000789 – Alex to Maroochydore Beach Foreshore – Cash Reserve		700	Transfer from Cash Reserve to A9553.	Completion of pipeline.
A9553	0000789 – Alex to Maroochydore Beach Foreshore – Cash Reserve		550	Transfer from Cash Reserve to A9553.	Commence dredging works.
	Subtotal	1,250	1,250		

Legal

On budget amendments, this report ensures that council complies with its legislative obligations under Section 169 and 170 of the *Local Government Regulation 2012*, along with council's legislative obligations to amend its budget in accordance with Section 173 of the *Local Government Regulation 2012*.

Policy

No policy implications are associated with this report.

Risk

The following risks remain current:

1. In June 2012 the Federal Government pre-paid over half of the 2012/2013 Financial Assistance Grant. In the past, one quarter of the grant has been pre-paid and the adopted budget anticipated this practice to continue. Advice has now been published and the shortfall is \$3.2 million in the current budget. The prepayment for 2012/2013 in June 2012 resulted in an operating surplus for the 2011/2012 period.
2. The budget assumes the achievement of a \$4.46 million savings target. Currently, \$3.5 million or 78% of the target has been achieved leaving a balance to achieve of \$1 million. Of the \$3.5 million achieved to date, \$2.8 million are permanent savings. Of the \$2.8 million of permanent savings, \$630,000 relates to employee costs. A number of reviews and initiatives are underway to achieve the balance of this target.
3. Capital (Developer) Contributions - budget is \$12.9 million with actuals to March 2013 being \$5.3 million. This is due to a downturn in development.
4. Repair costs in relation to extreme weather events to date are as follows:
 - Ex Tropical Cyclone Oswald \$2.5 million (\$1.3 million is labour costs) of which only \$1.3 million maximum can be expected to be funded by Natural Disaster Relief and Recovery Arrangements (NDRRA);
 - East Coast Low \$119,000 (\$63,000 is labour costs) of which only \$49,000 maximum can be expected to be funded by Natural Disaster Relief and Recovery Arrangements (NDRRA); and
 - East Coast Trough \$170,000 (\$119,000 is labour costs) of which only \$56,000 maximum can be expected to be funded by Natural Disaster Relief and Recovery Arrangements (NDRRA).

In summary, operating costs total approximately \$2.8 million with approximately \$1.4 million expected to be recouped.

Previous Council Resolution

On 27 June 2012, council adopted the 2012/2013 budget.

On 20 September 2012, council amended the 2012/2013 budget as a result of July 2012 Financial Performance Report and Budget Review 1 relating to 2011/2012 carryover requests.

On 13 December 2012, council amended the 2012/2013 budget as a result of October 2012 Financial Performance Report and Budget Review 2.

On 31 January 2013, council amended the 2012/2013 budget as a result of the November 2012 Financial Performance Report.

On 28 February 2013, council amended the 2012/2013 budget as a result of the December 2012 Financial Performance Report.

Related Documentation

There is no related documentation for this report.

Critical Dates

There are no critical dates that relate to this report.

Implementation

If the recommendations are adopted by council, the budget will be amended to reflect the adjustments included in this report.

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7.4.3 INVESTMENT PERFORMANCE REPORT MARCH 2013

File No: Investment & Loans
Author: Finance Planning & Performance Manager
 Finance & Business Department

PURPOSE

The purpose of this report is to inform council of the performance of the investment portfolio for the period to 31 March 2013 in accordance with the requirements of the Investment Policy.

EXECUTIVE SUMMARY

All investment parameters remain within guidelines established under the investment Policy, and the portfolio has outperformed industry benchmarks and the revised council budget forecast for the period.

It was originally predicted that the Reserve Bank of Australia would reduce the official cash rate during the period January to March 2013, but to this point the rate has remained firm at 3.00%. The minutes from the most recent meeting of the Board point to the possibility of further easing, however, commentators are divided on that occurring in the short term.

Over the past quarter, the margin above benchmark has declined moderately as deposit agencies gain access to cheaper funds internationally, and this has resulted in slightly lower returns compared to recent periods, although some uncertainty remains in global markets.

The investment focus remains on preservation of capital and on ensuring cash is available to meet operating requirements. Cash levels as at 31 March are higher than originally forecast, and this has resulted in higher levels of cash available for investment.

OFFICER RECOMMENDATION

That Council receive and note the report titled “Investment Performance Report March 2013”.

FINANCE AND RESOURCING

The return on invested funds for the 2012/2013 financial year is \$9,586,867 compared to the revised year-to-date budget of \$8,496,000. Total funds invested as at 31 March 2013 were \$284,422,759, which is almost \$26 million above predicted cash levels.

As at 31 March 2013, the relative liquidity of the portfolio (excluding Trust funds) is represented in the following Table:

Term to Maturity	Percentage of Portfolio
< 7 days (highly liquid)	20%
7 days to 90 days	42%
90 days to 180 days	38%
>180 days	0%

CORPORATE PLAN

Corporate Plan Theme: *Great governance*

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

Strategy: 8.1.2 - Ensure legislative compliance and awareness

Corporate Plan Theme: *Great governance*

Emerging Priority: 8.2 - Effective business management

Strategy: 8.2.1 - Develop indicators and measure the performance of council and the success in achieving its vision

Corporate Plan Theme: *Great governance*

Emerging Priority: 8.3 - Strong financial management

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

CONSULTATION

Internal Consultation

The draft report was distributed to members of the Investment Oversight Committee for review.

External Consultation

Queensland Treasury Corporation has been consulted for information relating to economic forecasts and statistical benchmarking data used in the compilation of this report. Further, suggestions and comments arising from their recent cash management and liquidity review have been considered in drafting this report.

Community Engagement

There has been no community engagement in the compilation of this report.

PROPOSAL

Council's year-to-date investment performance has exceeded both the revised budget forecast and industry benchmarks, partially as a result of higher cash balances available for investment, but also as a result of interest rates remaining higher than initially predicted.

As with previous months, the primary aim has been the preservation of capital and to ensure sufficient funds are available to meet cash flow requirements.

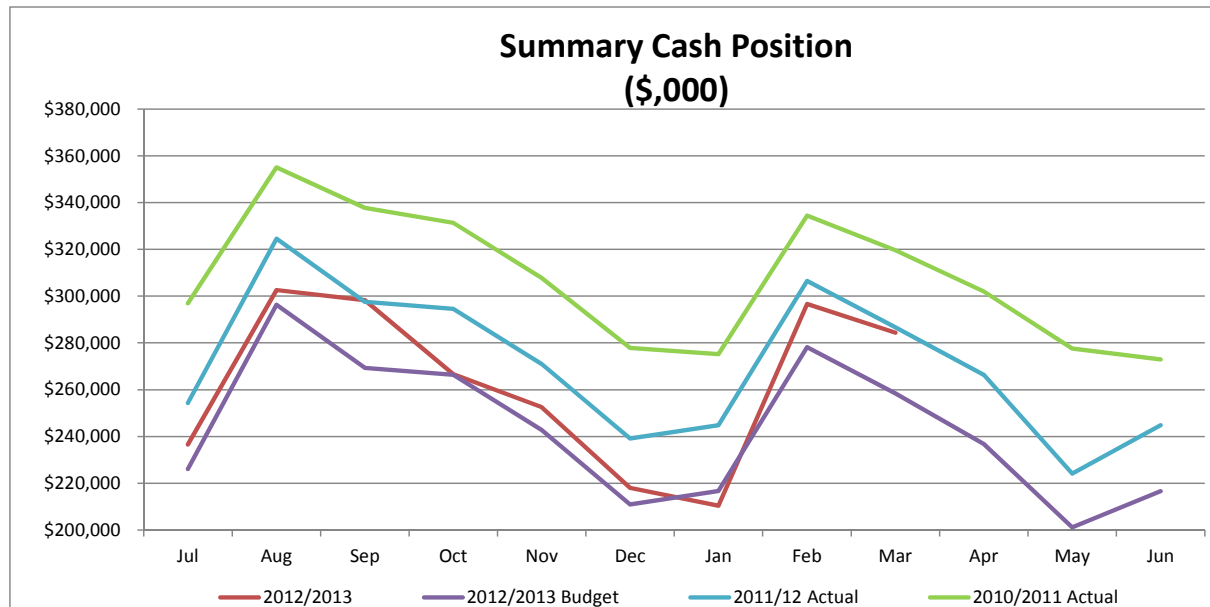
It is noted that one of the recommendations from the Queensland Treasury Corporation cash management and liquidity review is for closer collaboration between business areas responsible for delivery of the capital works program and Treasury staff to provide for greater certainty around the timing of cash payments. This would allow Treasury staff to better optimise investment of funds and increase returns.

The following Table provides a comparison of council's overall performance (YTD) against previous years. It is noted that the reducing cash balances and declining interest rates have resulted in a reduced interest yield.

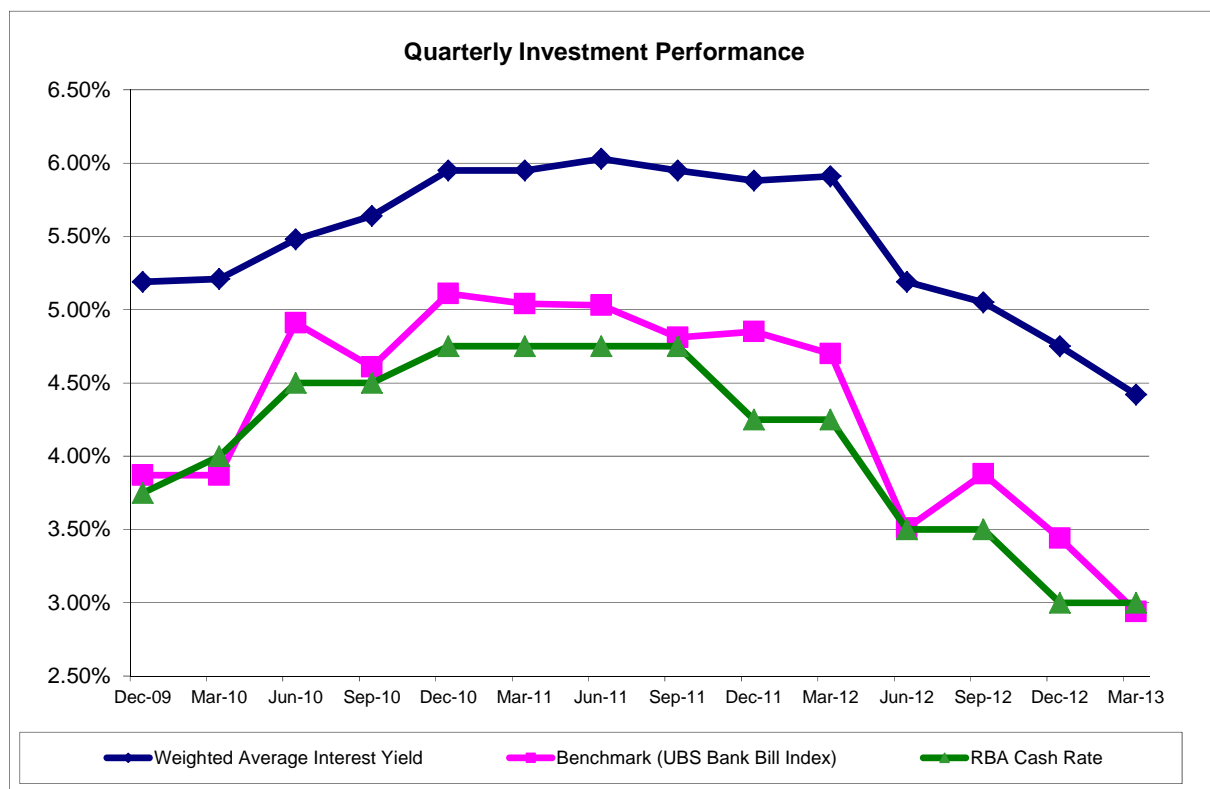
Investment Performance	2012/13 YTD	2011/12	2010/11
Average Daily Cash Balance	\$ 259,614,505	\$ 273,795,318	\$ 306,962,543
Total Interest Yield	\$ 9,586,867	\$ 15,991,705	\$ 18,043,729
SCRC Average Annual Interest Rate	4.94%	5.84%	5.88%
Average UBS Bank Bill Index	3.36%	4.68%	4.98%
SCRC Average Margin Above Benchmark	1.58%	1.16%	0.90%

All investment parameters remain within thresholds established in the Investment Policy.

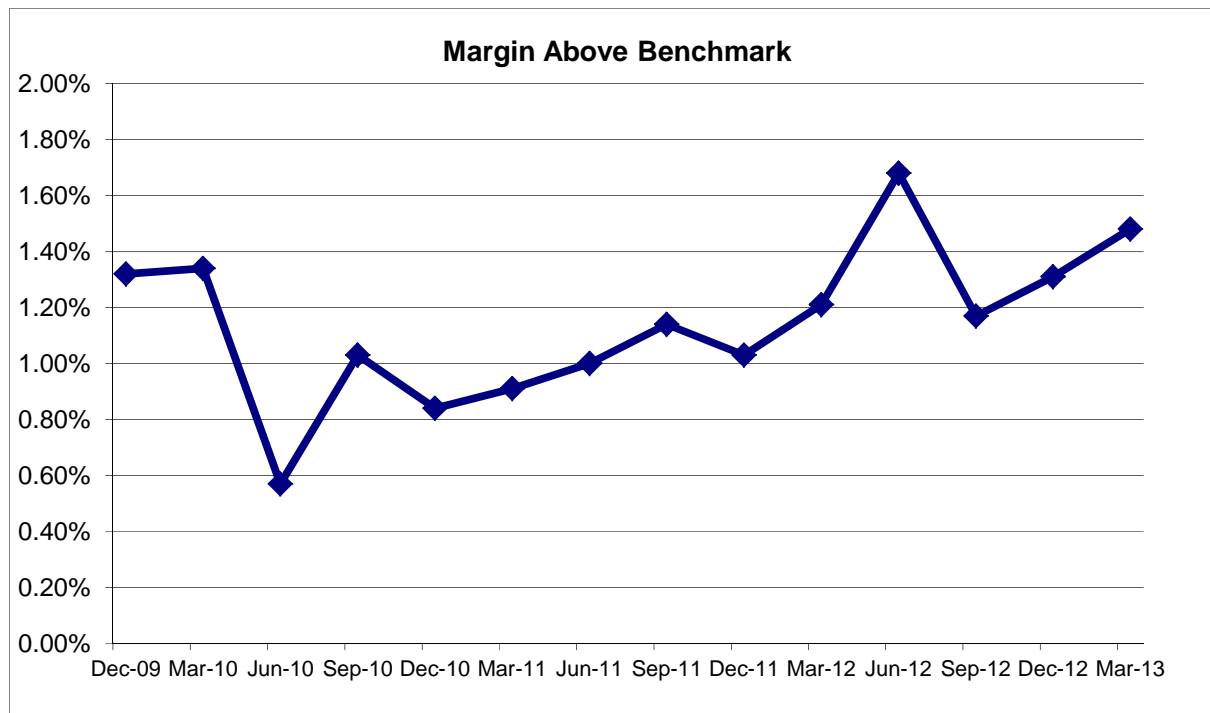
The graph below shows the actual funds available for investment (red line) against the original budget (purple line), and compared with previous years. Whilst the pattern of cash flows is generally in accordance with previous years, it is noted that the cash position as at 31 March 2013 is approximately \$26 million above predicted levels.



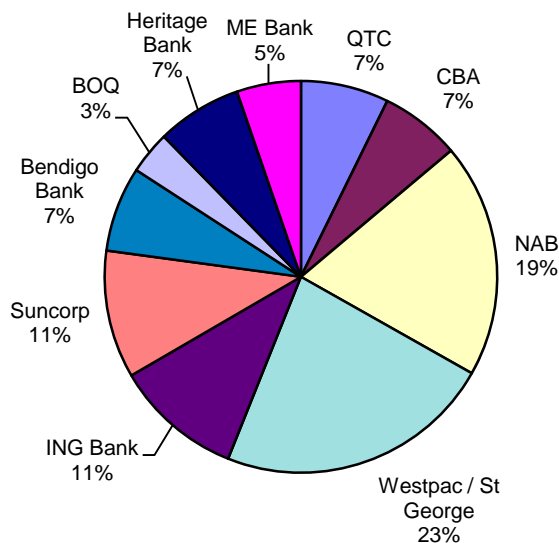
Investment performance against the market is determined by comparing actual results to recognized industry benchmarks. The margins above benchmark rates are shown in the following graphs using published data at the close of the reporting period. It should be noted that these rates fluctuate daily, and the conditions that applied at the time of the original investment decision may be vastly different to the position as at the reporting date.



The benchmark used to measure the performance of cash funds is the UBS Bank Bill Index, whereas the Bank Bill Swap Rates (BBSW) is applied against term deposits. As can be seen in the above graphs, fluctuation of the primary benchmark rate (according to market influences) is generally in accordance with movement in the official cash rate.



Council’s conservative position in the market sees a portfolio with diversity between individual counterparties, and also between different risk rating categories. As at 31 March 2013, cash funds invested and on hand were \$284,422,759. The split of investments between counterparties is shown in the following chart:



Legal

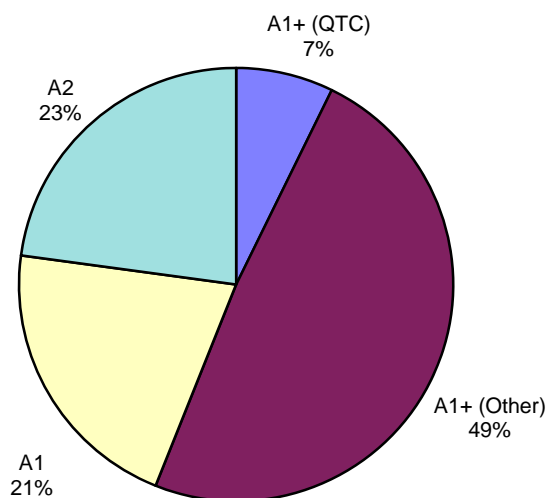
Investment of funds is in accordance with the provisions of the *Statutory Bodies Financial Arrangements Act 1982* and the associated *Statutory Bodies Financial Arrangements Regulation 2007*, and the *Local Government Act 2009*.

Policy

Council's Investment Policy is reviewed annually as part of the budget adoption process and provides guidance to staff throughout the year.

Risk

The Investment Policy contains clear guidance for the diversification of risk and for capital protection. The following graph shows the current diversification of risk between rating categories:



The risk profile has not changed significantly over the past quarter.

Previous Council Resolution

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

Related Documentation

There is no related documentation for this report.

Critical Dates

There are no critical dates that relate to this report.

Implementation

There are no implementation details to include in this report.

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7.4.4 FINANCIAL POLICIES 2013/2014

File No:	Financial Management / Investments / Investment and Loans
Author:	Finance Planning & Performance Manager Finance & Business Department
Appendices:	App A - 2013/2014 Investment Policy App B - 2013/2014 Debt Policy
Attachments:	Att 1 - 2013/2014 Investment Policy (with markups) Att 2 - 2013/2014 Debt Policy (with markups)

PURPOSE

This report seeks the adoption of an Investment Policy and Debt Policy to apply for the 2013/2014 financial year.

EXECUTIVE SUMMARY

The *Local Government Regulation 2012*, sections 191 and 192 require council to prepare an investment policy and a debt policy each year.

These policies form part of the Council's overall system of financial management, as required under Section 104(5)(c) of the *Local Government Act 2009*.

There have been minor changes made to both policies to incorporate recommendations and suggestions made by Queensland Treasury Corporation following their recent review of council's cash management practices and liquidity. A summary of changes appears in the body of the report.

The Investment Policy identifies the overall philosophy and strategy for investment of surplus funds, along with detailed guidelines and procedures for officers in the application of the Policy.

The objective of the Debt Policy is to ensure sound management of council's existing and future debt, and to demonstrate compliance with long term financial forecasts. It is noted that the Debt Policy contains an appendix that outlines borrowing forecasts for the new budget year along with forecasts for the next 9 years. The final schedule will be presented to council for endorsement along with final budget documents at the Special Meeting (Budget Adoption) to be held 25 June 2013.

Should there be any amendments to the final debt schedule shown as an appendix to the Debt Policy, the complete revised Debt Policy will be re-presented to Council for adoption at the Budget Adoption Meeting.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Financial Policies 2013/2014";**
- (b) adopt the 2013/2014 Investment Policy (Appendix A) and**
- (c) adopt the 2013/2014 Debt Policy (Appendix B).**

FINANCE AND RESOURCING

Investment revenue in the vicinity of \$9.6 million is included in the draft budget and this has been calculated on predicted daily cash balances and anticipated interest rates.

Proposed borrowings will be outlined in the draft budget and will be presented to council for adoption at the Special Meeting (Budget Adoption) to be held 25 June 2013. New loans are generally not drawn down until late in the financial year to minimize interest expenses during that year, with normal repayments commencing in the following period.

In the development of the 2013/2014 budget, council endorsed a number of budget principles and goals which included:

- maintain or increase cash levels; and
- maintain or decrease debt levels.

These principles have been incorporated into both the Investment Policy and the Debt Policy to optimize the return on investment and to minimize interest expenses.

Corporate Plan Theme: *Great governance*

Emerging Priority: 8.1 - Ethical, accountable and transparent decision-making
Strategy: 8.1.1 - Develop and implement a governance framework that provides transparent and accountable processes and enhances council's reputation

Corporate Plan Theme: *Great governance*

Emerging Priority: 8.1 - Ethical, accountable and transparent decision-making
Strategy: 8.1.2 - Ensure legislative compliance and awareness

Corporate Plan Theme: *Great governance*

Emerging Priority: 8.3 - Strong financial management
Strategy: 8.3.2 - Ensure council's financial performance is well managed and leads to a strong financial position

CONSULTATION

Internal Consultation

Consultation has occurred through the Investment Oversight Committee reviewing the draft policies and report prior to consideration by council.

External Consultation

Reference was made to guidelines issued by the Department of Local Government, Community Recovery and Resilience in the development of these policies. Reference was also made to the recommendations of Queensland Treasury Corporation from their recent review of cash management practices and liquidity.

Community Engagement

There was no community engagement in the development of these policies, although information from the policies will be incorporated into the Community Budget Report.

PROPOSAL

The *Local Government Act 2009* and the *Local Government Regulation 2012* requires Council to prepare an investment policy and to undertake regular reviews and updates as necessary. The Investment Policy must outline council's overall investment objectives, risk philosophy and procedures for achieving the goals stated in the policy.

Council's overall philosophy is that priority is given to the preservation of capital over investment returns, and a detailed risk matrix is included to ensure diversification, with clear guidelines to assist staff in the implementation of the Policy.

Council's borrowing activities are governed by the *Statutory Bodies Financial Arrangements Act 1982*, and the Debt Policy provides clear guidelines for loan raising, requiring an assessment of the impact of any borrowing decision on council's long-term financial sustainability.

All borrowing proposals remain subject to evaluation by the Department of Local Government, Community Recovery and Resilience, and periodic Credit Reviews are undertaken by Queensland Treasury Corporation.

The schedule of proposed loan borrowing will be presented to council along with final budget forecasts for adoption in June. This schedule will outline proposed borrowing over a 10-year period, and will be guided by recent decisions around the nature and scope of the proposed capital works program over that period.

The cash management and liquidity review undertaken by Queensland Treasury Corporation included a range of recommendations towards optimisation of investment returns and management of the overall debt portfolio. Recommendations included:

- Segmentation of cash balances into four categories:
 1. Cash to meet daily requirements;
 2. Minimum liquidity cash requirements;
 3. Externally restricted cash; and
 4. Surplus cash available for strategic priorities.
- Involvement of Treasury staff prior to commitment of capital expenditure obligations to distribute cash requirements more evenly throughout the year, and to provide greater certainty around cash outflows.
- Review borrowing to ensure the organisation is not unnecessarily incurring interest expense where projects can be funded from available cash.

These recommendations have been considered in the development of these financial policies as well as providing guidance in the development of both the 2013/2014 budget and the long term financial forecast.

Along with updating references to changed Regulations, key changes made to the two policies are summarised below:

- Investment Policy:
 1. Inserted definition of *Market Value* to clarify what will be included in monthly and quarterly reports.
- Debt Policy:
 1. Included item 5 under Borrowing Purposes to clarify the ability to review proposed borrowing prior to draw-down of loans to minimise interest expense;
 2. Included item 7.1 under Debt Term to clarify current practice of re-balancing the debt portfolio within the 12-year debt pool;
 3. Inserted section 11 on Leases to clarify Council's position on the use of leasing for asset financing together with the relevant Roles and Responsibilities.

Legal

The adoption of these policies satisfies council's legislative obligations and provides clear guidance to staff to ensure understanding and compliance.

Policy

The Investment Policy and Debt Policy are reviewed annually as part of the budget development process.

Risk

A key purpose of these policies is to minimise council's exposure to credit risk. Proposed investments are assessed against a risk matrix with maximum exposure levels for individual counterparties and for each credit rating.

The Debt Policy provides the opportunity for restructure of the debt portfolio in the event of significant fluctuations in borrowing interest rates. Further, borrowing is restricted to Queensland Treasury Corporation under legislation without specific approval from the Treasurer under the advice of the Department of Local Government, Community Recovery and Resilience.

Council presents a formal evaluation of financial risk management as part of the published annual financial statements that includes an assessment of:

- Interest rate risk
- Liquidity risk and
- Credit risk.

Previous Council Resolution

The current policies were adopted by council under resolution SM12/11 at the meeting held 27 June 2012.

Related Documentation

There is no related documentation for this report.

Critical Dates

These policies underpin elements of the 2013/2014 budget which will be presented to council for final adoption at the Special Meeting (Budget Adoption) to be held 25 June 2013.

Implementation

There are no implementation details to include in this report.

7.4.5 BENEFICIAL ENTERPRISE FOR 2013-2014

File No: Statutory Meetings
Author: Commercial Analysis Manager
Finance & Business Department

PURPOSE

To inform Council of recent changes to the beneficial enterprise provisions of the *Local Government Act 2009* and to outline the beneficial enterprises to be conducted during the 2013-2014 financial year.

EXECUTIVE SUMMARY

A beneficial enterprise is an enterprise that a local government considers is directed to benefitting, and can reasonably be expected to benefit, the whole or part of the local government area. Council is conducting a beneficial enterprise if it is engaging in or helping the beneficial enterprise. Business activities of council alone that trade in goods or services are not beneficial enterprise.

The *Local Government and Other Legislation Amendment Act 2012* changed the *Local Government Act 2009* provisions relating to beneficial enterprises by:

- Providing local governments with an express power to conduct beneficial enterprises
- Repealing beneficial enterprise provisions to streamline the way in which local governments may conduct beneficial enterprises
- Requiring a local government's annual report for each financial year to contain a list of all beneficial enterprises conducted during the year
- Repealing provisions relating to planning for a beneficial enterprise with the private sector.

During the 2013-2014 year council will participate in beneficial enterprises with the controlled entities Sunshine Coast Events Centre Pty Ltd and the Noosa Biosphere Ltd.

Council will also participate in beneficial enterprises with two entities that it does not control, Sunshine Coast Destination Ltd and Forestry Products Queensland Pty Ltd.

OFFICER RECOMMENDATION

That Council receive and note the report titled "Beneficial Enterprise for 2013-2014".

FINANCE AND RESOURCING

Council has a 100% controlling interest in Sunshine Coast Events Centre Pty Ltd and Noosa Biosphere Ltd.

Table 1 below shows key financial information for these entities for the 2011-2012 financial year.

Table 1: Financial information for 2011-2012

	Sunshine Coast Events Centre Pty Ltd 2012 \$'000	Noosa Biosphere Ltd 2012 \$'000
Revenue	2,605 *	159 *
Expenses	(2,542)	(128)
Surplus/(deficiency)	63	31

Source: Audited Financial Statements 2011-2012 - Note 30 Controlled Entities.

* Council contributed \$1,067,000 to Sunshine Coast Events Centre Pty Ltd and \$150,000 to Noosa Biosphere Ltd in the 2011-2012 financial year.

Previous entities include Quad Park Corporation Pty Ltd that is currently being wound up with its operations being transferred to relevant branches of Council and Sunshine Coast Enterprises Pty Ltd that was formally wound up and deregistered as at 30 June 2011.

CORPORATE PLAN

Corporate Plan Theme: *Ecological Sustainability*

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

Strategy: 2.2.1 - Engage with the community to assist with the protection of our environment through sustainable practices and resource minimisation

Corporate Plan Theme: *Innovation & Creativity*

Emerging Priority: 3.3 - A creative and artistic region

Strategy: 3.3.2 - Provide and facilitate local and regional arts and cultural facilities and programs within the community

Corporate Plan Theme: *Great governance*

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

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

CONSULTATION

Internal Consultation

Financial Accounting Manager

External Consultation

Department of Local Government

Community Engagement

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

PROPOSAL

A beneficial enterprise is an enterprise that a local government considers is directed to benefitting, and can reasonably be expected to benefit, the whole or part of the local

government area. Council is conducting a beneficial enterprise if it is engaging in or helping the beneficial enterprise.

Business activities of council alone that trade in goods or services are not beneficial enterprises as these are considered part of the ordinary local government activities and may be subject to competitive neutrality requirements under National Competition Policy.

The *Local Government and Other Legislation Amendment Act 2012* changed the *Local Government Act 2009* provisions relating to beneficial enterprises by:

- Providing local governments with an express power to conduct beneficial enterprises
- Repealing beneficial enterprise provisions to streamline the way in which local governments may conduct beneficial enterprises
- Requiring a local government's annual report for each financial year to contain a list of all beneficial enterprises conducted during the year
- Repealing provisions relating to planning for a beneficial enterprise with the private sector.

Beneficial Enterprises with Controlled Entities

Controlled entities during the 2013-2014 year will be the Sunshine Coast Events Centre Pty Ltd and the Noosa Biosphere Ltd.

The authority exists 'for the mayor or the mayor's delegate appointed as council's representative (acting in an equity holder capacity) to attend and act on council's behalf at meetings of companies that council controls and undertake any other business as required'. This authority applies to Sunshine Coast Events Centre Pty Ltd, and Noosa Biosphere Ltd.

Sunshine Coast Events Centre Pty Ltd

The Sunshine Coast Events Centre Pty Ltd operates the Events Centre at Minchinton St Caloundra. The Centre caters to the entertainment and conference market and features a 900 seat main theatre, a 320 seat theatre and a number of smaller rooms for corporate events, galas and balls.

The Sunshine Coast Events Centre Pty Ltd was formed in January 2004 with Caloundra City Council as its sole shareholder. This structure was employed to provide:

- Flexibility to operate within the market place without restrictions of the Local Government Act in terms of employment and purchasing
- Increased direct community involvement and support through membership of a board of management
- Increased opportunity to access a wider range of funding sources.

Sunshine Coast Events Centre Pty. Ltd is governed by a board of eight directors and chaired by the councillor representing Division 2.

Noosa Biosphere Ltd

Noosa Biosphere Ltd is a company limited by guarantee whose purpose is to advance the Noosa Biosphere Reserve established in October 2007, under the charter of UNESCO's Man and the Biosphere Program. The company liaises closely with council and provides a valuable level of community input to inform policy and strategy development.

The biosphere reserve concept can be used as a framework to guide and reinforce projects to enhance people's livelihoods and ensure environmental sustainability. Biosphere reserves are about developing quality economies based on local community action and entrepreneurship, sound science, public-private sector partnerships and networks.

Council is the sole member of Noosa Biosphere Limited and has the power to appoint the board. The directors are appointed from three categories:

- Two councillors representing Divisions 11 and 12
- Up to three directors representing the general community of Noosa
- One director nominated and approved from each of the six community sector boards.

Council appoints the independent chair from the second category directors and the company secretary.

Council also provides administrative support of up to two staff to the Noosa Biosphere Ltd.

Other Beneficial Enterprises

During the 2013-2014 year council will participate in two beneficial enterprises with entities that it does not control.

Sunshine Coast Destination Ltd

Sunshine Coast Destination Ltd is a company limited by guarantee established in June 2010. The objects for which the company was established are to:

- Deliver strategic research, planning and leadership for tourism in the region
- Promote and maintain a regional tourism brand and a regional tourism brand family
- Coordinate visitor information services in the region
- Advocate for the development of tourism infrastructure within the region
- Participate in the development of a regional major events governance structure ensuring maximum exposure and leveraging major events held in the region
- Generally promote, advance, develop, coordinate, facilitate and encourage tourism in the region to ensure that tourism remains a major contributor to the region's economy.

Council entered into a three-year funding and performance deed commencing 1 July 2012 with Sunshine Coast Destination Ltd to provide a range of marketing and tourism related services across the Sunshine Coast for council.

Deed with Forestry Plantations Queensland Pty Ltd

In 2010 Council purchased 213.6 Ha of land for environmental purposes at Lot 176 on Crown Plan MCH798 and Lot 178 on Crown Plan MCH865 Kirby's Road, Obi Obi. The previous owner had an existing deed in place with Forestry Plantation Queensland Pty Ltd with respect to 13.5 Ha of eucalyptus cloeziana (Gympie Messmate) planted on the subject properties. The deed commenced in December 1998 with a 35 year term and allows Forestry Plantation Queensland Pty Ltd to harvest timber from the 13.5 Ha parcel. Purchase of the land by council was conditional on continuing the deed with Forestry Plantation Queensland Pty Ltd.

Legal

Chapter 3 Part 2 of the *Local Government Act 2009* enables council to carry out a beneficial enterprise on its own account without specific statutory restriction on the amount committed or any other parameter. Public transparency of the activity is the key control with council's annual report required to list all beneficial enterprises that the local government conducted during the year.

Where the beneficial enterprise is carried out in partnership with the private sector additional restrictions are prescribed reflecting the fact that council would not have sole control over the destiny of its investment and may have limited ability to withdraw in the event that the enterprise experiences losses. The restrictions mean that council must not:

- Be an unlimited partner of a partnership; and
- Either directly or indirectly participate with an unlimited corporation; and
- Enter into an agreement that does not limit the liability of council, as between the parties of the agreement, to the amount committed by the local government under the agreement.

Previous Council Resolution

At the Ordinary Meeting on 7 December 2011 Council resolved to conduct a beneficial enterprise associated with a three year funding and performance deed with Sunshine Coast Destination Limited.

Council Resolution (OM11/307)

That Council:

- a) *delegate authority to the Chief Executive Officer to seek approval (if required) from the Department of Local Government and Planning under Section 42 of the Local Government Act 2009 to conduct a beneficial enterprise associated with a three-year Funding and Performance Deed with Sunshine Coast Destination Limited;*
- b) *authorise the Chief Executive Officer to negotiate a Three-Year Funding and Performance Deed with Sunshine Coast Destination Limited to commence on and from 1 July 2012, with the Deed to be presented to council for endorsement and include additional and specific key performance measures that relate to membership, tourism industry support, the ratio of council funding to own source revenue, and community partnerships; and*
- c) *subject to satisfactory achievement of (a) and (b) above, Council resolves to conduct the above mentioned beneficial enterprise.*

At the Ordinary Meeting on 29 June 2011 council resolved to conduct a beneficial enterprise with a Forestry Plantations Pty Ltd.

Council Resolution (OM11/176)

That Council:

- a) *note the forestry plantation Joint Venture Deed("Deed") registered over Lot 176 on Crown Plan MCH798 and Lot 178 on Crown Plan MCH865;*
- b) *consider the forestry plantation project referred to in the Deed to be a beneficial enterprise;*

- c) *resolve to conduct the beneficial enterprise, in accordance with Section 40 of the Local Government Act 2009;*
- d) *authorise the Chief Executive Officer to execute a Deed of Novation necessary to transfer the benefit of the Deed to Council.*

Related Documentation

There is no related documentation to this report.

Critical Dates

There are no critical dates in relation to this report.

Implementation

There is no implementation in relation to this report.

7.4.6 APPLICATION OF NATIONAL COMPETITION POLICY REFORMS FOR 2013-2014

File No: NCP
Author: Commercial Analysis Manager
Finance & Business Department
Attachments: Att 1 - Reform Options
Att 2 - Business Activity Identification
Att 3 - Full Cost Performance

PURPOSE

To make recommendations for the application of National Competition Policy reforms for the 2013/2014 financial year.

EXECUTIVE SUMMARY

The key recommendations for the 2013/2014 financial year resulting from the annual review of the application of National Competition Policy reforms to Council's business activities are outlined in this report.

The recommended business activity structure for 2013/2014 is unchanged from 2012/2013 as follows:

- apply Full Cost Pricing to the Waste & Resources Management significant business activity; and
- apply the Code of Competitive Conduct to Sunshine Coast Airport, Sunshine Coast Holiday Parks and Quarries business activities.

The reform options and key differences between Full Cost Pricing, Commercialisation, Corporatisation and Code of Competitive Conduct, and cost-recovery pricing principles are outlined in **Attachment 1**.

Section 47(7) of the *Local Government Act 2009* requires Council to decide each financial year, by resolution, whether to apply National Competition Policy reforms to Council business activities.

Legislative requirements and the process for business activity identification are illustrated in **Attachment 2**.

Business activity full cost pricing performance for 2011/2012 is shown in **Attachment 3**.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Application of National Competition Policy Reforms for 2013-2014”
- (b) apply Full Cost Pricing to the Waste and Resource Management significant business activity for the 2013/2014 financial year in accordance with section 44(1)(b) of the *Local Government Act 2009* and
- (c) apply the Code of Competitive Conduct to the following business activities, for the 2013/2014 financial year in accordance with section 47 of the *Local Government Act 2009*:
 - (i) Sunshine Coast Airport
 - (ii) Sunshine Coast Holiday Parks and
 - (iii) Quarries.

FINANCE AND RESOURCING

The finance and resourcing implications of applying the National Competition Policy reforms primarily relate to competitive neutrality and cost reflective pricing for council’s business activities.

CORPORATE PLAN

Corporate Plan Theme: *Great governance*

Emerging Priority: 8.2 - Effective business management

Strategy: 8.2.1 - Develop indicators and measure the performance of council and the success in achieving its vision

Corporate Plan Theme: *Great governance*

Emerging Priority: 8.2 - Effective business management

Strategy: 8.2.5 - Develop commercial opportunities and review Council’s commercial operations for compliance, efficiency and to determine their future

Corporate Plan Theme: *Great governance*

Emerging Priority: 8.3 - Strong financial management

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

CONSULTATION**Internal Consultation**

- Manager Commercial & Procurement
- Financial Accounting Manager
- Manager Finance

External Consultation

Department of Local Government

PROPOSAL

1. Background

In the mid to late 1990's a suite of market and economic reforms were introduced to stimulate growth and job creation in Australia. For local governments in Queensland these reforms revolved around:

1. The extension of the trade practices laws prohibiting anti-competitive activities to all businesses including local government businesses;
2. The introduction of competitive neutrality so that private businesses could compete on an equal footing with those owned by local government;
3. The review and reform of all laws that restrict competition; and
4. Specific reform and price monitoring of the water industry.

National Competition Policy reforms are applied to various identified 'business activities' of the Council. **Attachment 1** outlines the reform options and the key difference between Commercialisation, Full Cost Pricing, Code of Competitive Conduct, and cost recovery pricing principles.

Attachment 2 sets out the legislative requirements, threshold analysis of council's business activities and the process for annual business activity identification.

Attachment 3 shows business activity full cost pricing performance based on 2011/2012 actual results.

2. Classification of Council's Business Activities

Business activities are classified against expenditure thresholds set each financial year. For significant business activities, expenditure for this purpose is the operating expenditure less depreciation and any expenditure to achieve competitive neutrality which is not actually incurred plus loan redemption payments. The 2013/2014 thresholds are as follows:

- Type 1 significant business activities are those with expenditure over the \$26.3 million threshold;
- Type 2 significant business activities are those with expenditure over the \$8.8 million threshold; and
- Type 3 business activities have expenditure over the \$300,000 threshold.

The classification of council's business activities are listed in the table below for 2012/2013 and 2013/2014.

Table: Current and Proposed Business Activity Classification

Business Activity	2012/2013	2013/2014
	Current Classification	Proposed Classification
Waste and Resources Management	Type 1	Type 1
Sunshine Coast Airport	Type 3	Type 3
Holiday Parks	Type 3	Type 3
Quarries	Type 3	Type 3

A public benefit assessment is required when business activities move classification from Type 3 to Type 2 or Type 2 to Type 1. A public benefit assessment requires extensive public consultation to determine which reform option will achieve the greatest net community benefit.

3. Summary Outcomes of Business Activity Review

The recommended 2013/2014 business activity structure based on the annual business activity review and identification conducted in accordance with the legislation is to:

- 3.1 Apply the Full Cost Pricing in accordance with section 44(1)(b) of the *Local Government Act 2009* to the Waste and Resource Management significant business activity.
- 3.2 Apply the Code of Competitive Conduct to the following activities, in accordance with sections 47 of the *Local Government Act 2009*:
 - a. Sunshine Coast Airport;
 - b. Sunshine Coast Holiday Parks; and
 - c. Quarries.

Legal

In accordance with Chapter 3 of the *Local Government Act 2009* and the *Local Government Regulation 2012*, council is required each year to identify any new 'financially significant' Type 1 and 2 business activities, and also to identify its Type 3 business activities.

There are no legal implications with applying the National Competition Policy reforms.

Attachment 2 describes the current statutory requirements.

Policy

Guidelines have been prepared to assist with ongoing compliance in the application of National Competition Policy to council's nominated business activities, in accordance with applicable legislative requirements.

Risk

Council would not be complying with the key legislative National Competition Policy principles contained in the *Local Government Act 2009* and *Local Government Regulation 2012* if the National Competition Policy reforms are not applied.

Previous Council Resolution

Council applied the National Competition Policy reforms for the 2012/2013 financial year as resolved at the Ordinary Meeting on 18 October 2012.

Council Resolution (OM12/149).

That Council:

- (a) *receive and note the report titled "Application of National Competition Policy Reform 2012-2013";*
- (b) *apply Full Cost Pricing to the Waste and Resource Management significant business activity for the 2011/2012 financial year in accordance with section 44(1)(c) of the Local Government Act 2009;*
- (c) *apply the Code of Competitive Conduct to the following business activities, for the 2011/2012 financial year in accordance with section 47 of the Local Government Act 2009:*
 - (i) *Sunshine Coast Airport;*
 - (ii) *Holiday Parks; and*
 - (iii) *Quarries.*

Related Documentation

Local Government Act 2009.

Local Government Regulation 2012.

Critical Dates

The resolution applies to the 2013/2014 financial year .

Implementation

The revised National Competition Policy reforms will be applied for the 2013/2014 financial year.

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8 NOTIFIED MOTIONS**9 TABLING OF PETITIONS**

Petitions only eligible for submission if:

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

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10 CONFIDENTIAL SESSION**10.1 REGIONAL STRATEGY AND PLANNING****10.1.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - PLANNING APPEAL - NOOSAVILLE**

File No: 152006.1999 & 344/09
Author: Coordinator Appeals Management
Regional Strategy & Planning Department

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

10.1.2 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - DIFFICULT TO LOCATE SPORTS STATUS

File No: Statutory Meeting
Author: Manager Social Policy
Regional Strategy & Planning Department

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

10.2 FINANCE AND BUSINESS**10.2.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - GLASS HOUSE MOUNTAINS ACQUISITION**

File No: ECM Project & Contract- Property & Business
Author: Project Manager
Finance & Business Department

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

**10.2.2 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - PROPOSED DISPOSAL,
ALEXANDRA HEADLAND**

File No: Statutory Council Meeting
Author: Project Manager, Property and Business
Finance & Business Department

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

**10.2.3 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - DISPOSAL OF LAND,
MT COOLUM**

File No: Statutory Meetings
Author: Project Manager, Property and Business
Finance & Business Department

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

**10.2.4 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - ENVIRONMENTAL
LEVY ACQUISITION**

File No: EL Acquisition Investigations
Author: Property Operations Coordinator
Finance & Business Department

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

10.2.5 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - INVESTIGATION INTO POTENTIAL ACQUISITION OF LAND

File No: ECM PropertyLandCommercial
Authors: Manager Property
Finance & Business Department
Property Officer
Finance & Business Department

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

10.3 EXECUTIVE OFFICE**10.3.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - MAJOR URBAN DEVELOPMENT- GOVERNANCE AND OTHER MATTERS**

File No: OM 23May 2013
Author: Executive Director
Executive Office

This report is confidential in accordance with section 275 (h) of the *Local Government Regulation 2012* as it contains information relating to 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 NEXT MEETING

The next Ordinary Meeting will be held on 20 June 2013 in the Council Chambers, 9 Pelican Street, Tewantin.

12 MEETING CLOSURE