

# Agenda

## **Ordinary Meeting**

**Thursday 18 October 2012**

**commencing at 9.00am**

**Council Chambers, 1 Omrah Avenue, Caloundra**

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**1 DECLARATION OF OPENING**

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

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

That the minutes of the Council Ordinary Meeting held on 20 September 2012 and Special Meeting (draft Sunshine Coast Planning Scheme) held on 29 and 30 August 2012 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 in the matter and if the councillor participates in the meeting in relation to the matter, how the councillor intends to deal with the real or perceived conflict of interest.

**5 MAYORAL MINUTE****6 PRESENTATIONS**

## 7 REPORTS DIRECT TO COUNCIL

### 7.1 REGIONAL STRATEGY AND PLANNING

#### 7.1.1 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE - HOME BASED BUSINESS TYPE 3 - SIGNIFICANT SCALE (QUAD BIKE TOURS) - 298 TABLELANDS ROAD, COORAN

**File No:** MCU12/0012

**Author/Presenter:** Development Planner, Planning Assessment North  
Coordinator, Planning Assessment North, Planning Assessment  
Regional Strategy and Planning

**Appendices:** App A – Conditions of Approval (Pg 18)

**Attachments:** [Att 1 - Site Map showing Submitters](#) (Att Pg 3)  
[Att 2 - Proposal Plan](#) (Att Pg 4)  
[Att 3 - Concurrence Response DERM](#) (Att Pg 5)  
[Att 4 - Police Permit](#) (Att Pg 8)

**Link to PD Online:**

<http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/default.aspx?page=wrapper&key=1135291>

<b>SUMMARY SHEET</b>	
<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	Mr CJ Marais
<b>Proposal</b>	Development Permit for Material Change of Use - Home-based Business Type 3 - Significant Scale (Quad Bike Tours)
<b>Properly Made Date:</b>	6 February 2012
<b>Decision Due Date</b>	20 September 2012
<b>Number of Submissions:</b>	<ul style="list-style-type: none"> <li>• Properly Made - 24, of which 11 object and 13 support</li> <li>• Not Properly Made - 669, of which 86 object and 583 support</li> <li>• Not Properly Made petition – 71 objections</li> </ul>
<b>PROPERTY DETAILS</b>	
<b>Division:</b>	12
<b>Property Address:</b>	298 Tablelands Rd, Cooran
<b>RP Description:</b>	Lot 2 RP 192052
<b>Land Area:</b>	8.952 ha
<b>Existing Use of Land:</b>	Detached House
<b>STATUTORY DETAILS</b>	
<b>SEQRP Designation:</b>	Regional Landscape & Rural Production
<b>Planning Scheme</b>	The Noosa Plan (8 August 2011)

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<b>Planning Locality:</b>	Mary River Catchment
<b>Planning Zone:</b>	Rural
<b>Assessment Type:</b>	Impact

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## PURPOSE

The purpose of this report is to seek council's determination of an application for a Home-based Business Type 3 - Significant Scale (Quad Bike Tours). The application is before council as the application has attracted significant community interest.

## EXECUTIVE SUMMARY

This application is for a Home-based Business Type 3 - Significant Scale (Quad Bike Tours) at 298 Tablelands Road, Cooran. The applicant proposes to bus up to 10 tourists to the site, undertake a 30 minute induction for riders on quad bikes, and then proceed up Tablelands Road for 500m to Woondum National Park. It is proposed to offer up to 2 tours a day, 7 days a week, with 3 staff employed, including 1 resident of the site.

Home-based Business Type 3 uses are identified by The Noosa Plan as consistent within the rural zone, where they can operate without interfering with the amenity of the area, and the business remains ancillary to the residential use of the site. The application has attracted a number of submissions both objecting to, and in support of, the application, with concerns raised primarily due to the proposal's potential off-site impacts on the National Park and Tablelands Road, as well as the on-site impacts pertaining to noise generated by the quad bikes.

With regard to the off site impacts, the application is only required to be lodged over the private residence and not the National Park. While the National Park is subject to The Noosa Plan zoning provisions, the quad bike tours are consistent with the open space recreational use rights of the park and it is for the Department of Environment and Heritage Protection to decide the entry requirements to the National Park. A Commercial Activity Permit has been issued by the Department of Environment and Heritage Protection for the tours through the park. Furthermore, the Queensland Police have issued a conditional permit for the use of Tablelands Road and associated tracks within the National Park; this permit forms part of the conditional registration of the quad bikes.

To address the on-site impacts associated with noise concerns, the applicant has submitted an acoustic report. This acoustic report has been reviewed by an independent consultant on behalf of council, who advises that the noise from quad bikes is likely to be audible to surrounding residents. Notwithstanding this, the independent consultant has advised that the noise will not be an unreasonable nuisance for residents, given the noise will be for very limited periods, and provided that tours are limited to 2 tours a day, Monday to Friday, 1 tour on Saturday and no tours on Sunday or public holidays. These hours are generally consistent with The Noosa Plan's code requirements which suggest no operation on Sundays for home-based businesses. Notably, all adjoining residents have submitted letters in support of the application.

Overall, the proposal can operate without unreasonably interfering with the locality's amenity, is of a scale and nature relative to the lot size and the area, and is consistent with The Noosa Plan requirements. It is, therefore, recommended that the application be approved with conditions.

## OFFICER RECOMMENDATION

That Council **APPROVE WITH CONDITIONS** Application No. MCU12/0012 and grant a **Development Permit for a Home-based Business Type 3 - Significant Scale (Quad Bike Tours)** situated at 298 Tablelands Road, Cooran, in accordance with Appendix A.

## FINANCE AND RESOURCING

Council's Infrastructure Policy Branch advises that the proposed Home-based Business attracts a nil charge.

## PROPOSAL

This application seeks approval for a Development Permit for Material Change of Use for a Home-based Business Type 3 - Significant Scale (Quad Bike Tours), situated at 298 Tablelands Road, Cooran.

The proposal involves the use of approximately 800m<sup>2</sup> of the 8.952ha site as a base to operate the business. This area is proposed to be used for the storage of 12 quad bikes and as an induction area for the tourists to receive instructions on operating the quad bikes. A maximum of 10 tourists will take part in the tour, with 3 staff (including 2 guides). A maximum of 2 tours a day are proposed to be offered, 7 days a week, with the first tour starting at 9am and returning to the site at 12pm, and the second at 1:30pm and finishing at 4:30pm.

Tourists will travel by mini-bus from either a door to door service, or park in Cooran. Once at the site, the tourists will undertake a 20-30 minute briefing and demonstration ride to assess their capabilities and receive instruction via a headset.

The tour will then proceed from the site, travelling along Tablelands Road for approximately 500m to the Woodnum National Park entrance, on the quad bikes. The applicant indicates that the bikes are speed restricted to 30km/h (2500rpm), and are to travel single file behind the tour operator for the journey, which continues through the park. A site plan showing adjoining owners' submissions is included as **Attachment 1**, and proposal plans are included as **Attachment 2**.

A Commercial Activity Permit has been issued by the Department of Environment and Heritage Protection, which allows for the operation of the tours through the Woodnum National Park. The permit includes a number of conditions restricting the tour operations, a copy of which is included as **Attachment 3**.

Furthermore, the applicant has obtained a Police Permit for the quad bikes to use Tablelands Road and the access tracks in Woodnum National Park, a copy of which is included as **Attachment 4**. The quad bikes are required to be registered with the Department of Transport and Main Roads. It is noted that no conditional registration has been given, as the applicant is yet to purchase the quad bikes.

## SITE DETAILS

### Background/Site History

There are no existing planning or subdivision approvals over the site.

The application was lodged in February 2012, and publicly notified in March 2012. During the public notification period, significant community concern was raised with the proposal, including the potential for the business to adversely impact on residents' amenity due to noise. This was discussed with the applicant and it was suggested that a noise report be prepared to better address the concerns raised by submitters.

The applicant subsequently engaged *David Moore & Associates* to undertake an Environmental Noise Level Assessment. A report was completed on 8 May 2012, recommending that the proposed business be approved with no noise control measures required.

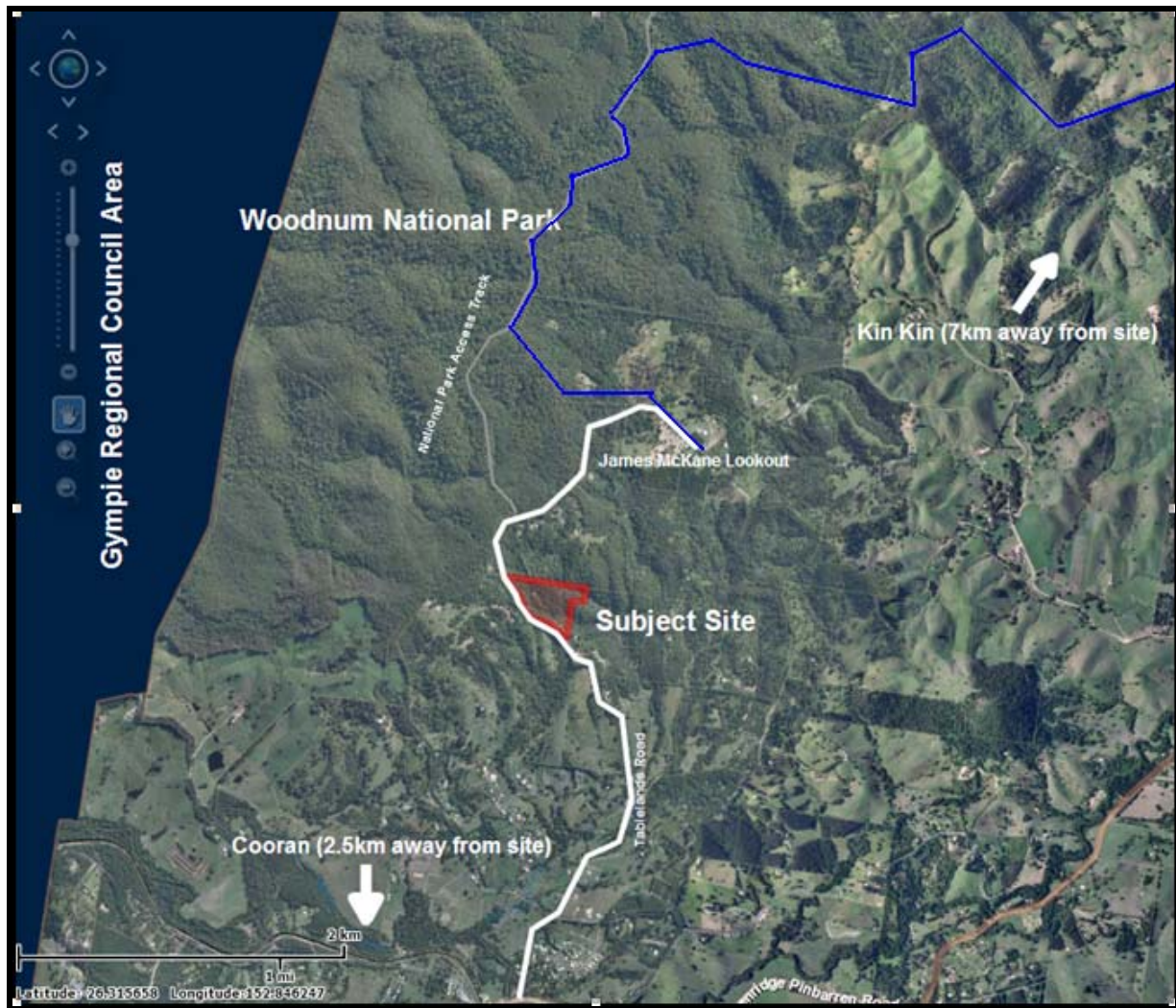
An independent acoustic consultant, *Savery & Associates*, was engaged by council officers to review the applicant's Noise Level Assessment Report. The independent review indicated that noise criteria were not appropriately set and the noise impacts were likely to have been under-predicted. In addition, it was recommended additional monitoring and assessment be undertaken to better address the potential noise issues associated with operation of the quad bike tours.

Additional monitoring was subsequently carried out by *David Moore & Associates* for the applicant and a revised report was provided to council on 23 July 2012. Further discussion on the issue of noise is provided within the assessment section of this report.

### **Site Description**

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





- \* Note the portion of the Woodnum National Park that shares the Noosa Trail Network is outlined in blue

The property is located at 298 Tablelands Road, and is situated 2.5km to the north east of Cooran. Tablelands Road is a gravel road, which inclines up to the site at a slope rate in some sections of 15-25%.

The site includes a detached house in the southern portion of the lot, which is accessible via Tablelands Roads. A second access is located approximately 200m farther up the road, which provides access to a shed located in the northern portion of the site. Access to the shed is via an internal track with grades not greater than 25% that traverses a gully extending through the site.

### Surrounding Land Uses

Surrounding the site are detached houses and sheds on similar sized rural allotments. From where the quad bikes are to be stored and inductions to be undertaken, the following is a list of the separation distances to neighbouring houses:

- the closest houses to the north of the bike induction and storage area is 374 and 382 Tablelands Road. These 2 houses are approximately 400m away and located at the top of the valley within which the property is situated;

- on the western side of Tablelands Road are house numbers 295 and 335. The 2 houses on these properties are within 50m of the road and number 295 is the closest dwelling to the demonstration and storage area situated 200m away;
- to the south is 268 Tablelands Road which is more than 340m from the bike induction and storage area; and
- extensive vegetation covers the neighbouring properties to the east, with the closest house more than 800m away.

From the subject site, Tablelands Road continues for another 2km uphill towards James McKane Lookout, which includes an amenity block and a large mown recreational area. From the subject site to the entrance of the National Park (approximately 500m), there are 4 properties that share an access to this portion of the road.

Woodnum National Park is 4,047ha in size and encompasses parts of the Sunshine Coast and Gympie Regional Council areas. There are existing tracks within the site which the applicant is proposing to use for the quad bike tours. These tracks are not gazetted as road reserve.

The internal track within the park is regularly used by 4-wheel drives, with the main attraction being the Mothar Mountain rock pools located just inside the Gympie Regional Council section of the park.

## **ASSESSMENT**

### **Framework for Assessment**

#### Instruments for Statutory Assessment

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

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

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

### **Statutory Instruments – State and Other**

#### State Planning Policies

The following State Planning Policies are applicable to this application:

SPP4/11 Protecting Wetlands of High Ecological Significance in Great Barrier Reef Catchments; and

SPP1/12 Protection of Queensland's Strategic Cropping Land.

The site is not identified as state cropping land and the proposal involves no earthworks which would trigger assessment against the wetlands policy. All other policies either do not trigger assessment, or have been deemed by the Minister for Local Government and Planning as being appropriately reflected in council's planning scheme and, therefore, do not warrant a separate assessment.

#### South East Queensland Regional Plan

The site is located within the Regional Landscape and Rural Production designation of the South East Queensland Regional Plan. The proposal is consistent with the regional land use intent, regional policies and desired regional outcomes for the designation.

#### State Planning Regulatory Provisions

The site is not affected by any of the State Planning Regulatory Provisions. Under the South East Queensland Regional Plan Regulatory Provisions, the proposal is identified as a *tourist activity*. However, the proposal does not have a gross floor area of more than 5,000m<sup>2</sup> and does not require referral agency assessment.

### **Statutory Instruments – Planning Scheme**

The applicable planning scheme for the application is The Noosa Plan (8 August 2011). The following sections relate to the provisions of the Planning Scheme.

#### Local Area Provisions

The subject site is located in the Mary River Catchment Locality and is zoned Rural. The proposal is identified as a Home-based Business Type 3 (Significant Scale), as the business is carried out in an associated building and outdoor area on the lot, to which the dwelling is located. There is also visible evidence of the business, by way of the traffic generated by the mini-bus frequenting the site twice a day taking tourists to and from the site.

The home-based business use is identified as a consistent use within the zone, subject to the impact assessment process. The Overall Outcomes of Mary River Locality Code seek to maintain the rural character, lifestyle and identity of the area, and its primary use as agriculture. The Overall Outcomes further detail that "*Home-based Businesses are promoted where they are consistent with the amenity of the locality and environmental qualities.*"

The proposed home-based business is consistent with these outcomes where the business does not adversely impact on the amenity of the locality. The proposal otherwise will not impact on the environmental activities of the locality, noting the application is lodged over private land and not the National Park.

#### Land Use and Works Provisions

The Business Uses and Engineering Works Codes are the most relevant codes for assessment of this application. The codes have specific provisions relating to the assessment of a Home-based Business - Type 3 Significant Scale. The main issues relate to noise, extent of use, and traffic and parking.

### Noise

The Business Uses Code includes specific provisions around the use of premises for a Home-based Business Type 3 - Significant Scale. Probable Solutions S53.2 and S53.3 outline that "Noise from the business is not audible beyond the site boundaries"... and "All noise emitting equipment associated with the business is enclosed or located at least 200m from adjoining houses."

The main component of the business is the bike demonstration area where riders will receive instructions for up to 30 minutes before undertaking a tour of the Woodnum National Park. While this demonstration area is located 200m away from the closest neighbouring house, the business has the potential to impact on nearby residents' amenity due to noise from quad bikes on the bike demonstration area and travelling along Tablelands Road.

The applicant's noise report by David Moore submits that the bikes will only be audible at the closest side of the residences at 268 and 295 Tablelands Road (200m south of the subject property), and only just barely audible on the side of the deck closest to this noise source at 374 Tablelands Road (400m north of the subject property). Notably these 3 neighbours were invited by the applicant to conduct a sound test, after which they included letters of support for the application. **Attachment 1** includes the location of neighbouring submitters.

The applicant's noise report was reviewed by council's acoustic consultant, John Savery & Associates who concludes the following:-

*"It is our view that the proposed quad bike operations will result in an audible impact upon the five nearest residential properties from both the training competency circuit and travel to and from the entrance to the National Park.*

*It is not possible to attenuate the noise impact of the proposed usage to a satisfactory level (i.e. inaudibility) on the training circuit or on the roads.*

*The amended David Moore Report is very simplistic and if SCRC requires that the noise levels are more thoroughly and accurately assessed and monitored then considerable further reworking of the report will be required to bring its findings to an acceptable level in our view.*

*Irrespective of the quality of the information in the report, however, the outcomes from such further detailed assessment are not expected to alter the conclusions of the review assessment that we have conducted based on the current information in the reports.*

*Although there is an audible noise impact from the proposed use, there are no noise criteria or guidelines that suggest that the predicted noise level over a 40 minute period per tour group during the day period will cause harm to the health of a receptor (this includes the tour proceeding up Tablelands Rd). The question then becomes one of how many groups per day over how many days is a reasonable nuisance impost upon the existing sensitive receptors along the road and near to the proposed training site.*

*Our recommendation is that the existing receptors should have at least one day where their ambient noise environment is not intruded into by the noise of quad bikes in the daytime, albeit only for a total of 40 minutes per tour group. It is therefore recommended that a maximum of two groups of up to twelve bikes per group be allowed per day between Monday to Friday with only one group on Saturday."*

In coming to these conclusions John Savery advises that it is expected that the audible noise impact of the training circuit driving may be up to 10dB greater than the background noise level at times at the 4 nearest residential locations, being 268, 295, 301 and 335 Tablelands Road, and perhaps 5dB greater at times at 374 Tablelands Road. The exceedance of the background noise levels (in the absence of extraneous noise) at times will be clearly audible outside the dwelling and may at times be audible inside rooms with open windows facing towards the training circuit.

Notwithstanding this, John Savery has advised officers that, in rural areas some noise can be expected due to everyday rural type activities and that the noise from the quad bikes is for such short durations, the noise is unlikely to be an unreasonable nuisance for residents and thus his recommendation for a conditional restricted approval.

These conclusions are consistent with the Code's specific outcomes that require home-based businesses to not interfere with the amenity of the neighbourhood and generally align with Probable Solution S60.1 of the business uses code for hours of operation which states "*the business does not operate outside the hours of 8:00am to 6:00pm, Monday to Saturday excluding public holidays*".

#### *Extent of Use*

Probable Solutions S54.1 and S55.1 also outline that "*a maximum of 300m<sup>2</sup> of the site is used for business purposes*" and "*no more than 6 persons associated with the business are present on the premise at any one time*".

The bike demonstration and storage area is proposed in a cleared portion of the site of approximately 800m<sup>2</sup> within the middle of the 8.952ha site, and is not visible to other residents or the roadway. This proposed area represents 1% of the site area and is at a scale that will not dominate the site consistent with the Code's specific outcome.

The proposed business is to have a maximum of 10 tourists and 2 guides using the site for 30 minutes twice a day, as well as 1 administration staff who resides at the premises. Although there are 13 people on the site at a time for the business use, given the limited activities occurring, the business will remain ancillary to the site's residential use consistent with the Code's specific outcome.

#### *Traffic and Parking*

Tablelands Road is a reasonable standard gravel road that includes gradients of approximately 20-25%. Internally, the access driveway to the bike demonstration area includes a gradient for a section of around 25%, which is consistent with the requirements of the code. The applicant has also submitted comment from a registered engineer concluding that the proposed access point to the site is "*satisfactory for the stated purpose*".

The applicant proposes to collect tourists from either their accommodation, or public parking areas in the neighbouring towns of Pomona and Cooran, then deliver them to the site in a small bus (the applicant has suggested a troop carrier or similar vehicle). Council's engineer indicates that, as the proposal is for a maximum of 2 tours per day, this equates to an increase in traffic movements between the subject site and the larger road network of 4 trips per day (2 in-bound and 2 out-bound). This increase in traffic movements is considered negligible and will not adversely impact on Tablelands Road south of the subject site. In this regard, restrictions may be imposed on clients attending the site.

With regard to the increased traffic movements on the portion of Tablelands Road between the site's access and Woodnum National Park access (approximately 500m), council's engineer advises that the current formation of Tablelands Road can satisfactorily accommodate the quad bikes.

The type of vehicle and the extent of rider experience is a matter for the Department of Transport and Main Roads and the Queensland Police and is not council's jurisdiction. These two state bodies have exclusive authority to grant permits for the use of quad bikes (restricted vehicles) on the road. On 20 August 2012, the Queensland Police issued a 1 year permit allowing the applicant to conduct quad bike tours on Tablelands Road and the Woodnum National Park. 33 conditions are included on the permit, addressing the proposed quad bike tours, safety, general road use and registration with the Department of Transport and Main Roads. Notably, the permit specifies that no more than 6 guests and 2 guides may travel along Tablelands Road at any one time, as well as controlling entry and egress from Tablelands Rd.

Notwithstanding council's limited jurisdiction, council's Transport and Engineering Services Branch have advised that they do not have any objections to the use of the road for the proposed business.

#### *Woodnum National Park*

While the application relates only to the use of private property and has not been lodged over Woodnum National Park, the business does involve tours of the park, which has raised significant community concern. In this respect, council's solicitor has advised that no development application is required to be lodged over Woodnum National Park despite the park being zoned by The Noosa Plan and the businesses proposed use. Tours of the park are consistent with the open space recreational use rights of the park and the manner of access to the park, whether driving, riding or walking, is a matter for the land owner being the Department of Environment and Heritage Protection.

Nevertheless, given the concerns received around the use of Woodnum National Park the following comments are provided to council for background and context.

The Department of Environment and Heritage Protection has issued a Commercial Activity Permit to the operator authorising the quad bike tours through the Woodnum National Park. The Commercial Activity Permit expires on 31 March 2015 and has been granted subject to a number of conditions, including:

- maintenance of public liability insurance;
- mechanically governing quad bikes to a maximum speed of 30km/hr;
- no tours permitted following specified rain events;
- restriction of the tours to specified tracks; and
- imposition of an annual review of the business operations by the department.

The Woodnum National Park includes many kilometres of trails, with the Noosa Trail Network sharing a 2km section of the park's access tracks. As shown within the locality plan, the Noosa Trail Network is identified only for a portion of the proposed tour route for the quad bikes. Notably, the entrance to Woodnum National Park from Tablelands Road is signed for "4WD Drive Access Only" and a sign also indicates that horses are not permitted on this section of track.

Where the track is shared by horse riders or other motor vehicles, the Police Permit addresses this potential conflict by regulating bike speed and requiring that quad bikes pull to the left as far as practicable, stop, and remain stopped, to allow the motor vehicle or horse to pass, and will be a matter for the Police to regulate.

Notably, the officer involved in developing the Noosa Trail Network has advised they have no objection to the permit being issued by the Department of Environment and Heritage Protection as there are kilometres of trails both within the Woodnum National Park and the Noosa Trail Network where quad bikes are not permitted.

### Overlay Provisions

The application triggers assessment against the Natural Hazards Overlay Code, as a portion of the site is mapped as being within a Landslide Hazard Area and the entire site is mapped within the Bushfire Hazard Area.

#### *Landslide Hazard Area*

The proposal is for the use of a reasonably flat area of land surrounding the on-site shed for quad bike storage and inductions prior to the tour through the National Park. This portion of the site is located just outside of the mapped overlay area. The associated internal driveway leading to the induction site is located within the mapped area and includes slopes of 25%. This is an internal driveway that is at a grade similar to sections of the adjoining Tablelands Road. Council's engineer indicates that the driveway is at a reasonable standard to handle the anticipated traffic levels, without compromising the stability of the site.

#### *Bushfire Hazard Area*

The area adjacent to the shed, which is to be used for the proposed bike inductions, is within an area mapped as being a Medium Bushfire Hazard Area. The Probable Solutions of the Code refer to a site specific bushfire hazard assessment being undertaken to determine the use is a low bushfire risk. The State Planning Policy Guideline 1/03 pertaining to bushfire indicates that a proposal is only made assessable where the use is not for occupation on a short-term or intermittent basis. This use brings visitors to the site on an intermittent and short-term basis to undertake quad bike inductions, thereby not materially compromising the safety of people visiting the site from bushfire.

With regard to the storage of petrol in bulk for the bikes, the quantities proposed are not more than that reasonably expected with a farming operation on a rural zoned property.

### **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.

### Economic Implications

In terms of council's Corporate Plan (2009-2014), the proposed development aligns with the Corporate Plan objective of creating a more robust economy. The Economic Development Strategy (2010-2014) aims to build a mature, diversified economy that is more resilient to the fluctuations of economic cycles by enabling growth in a range of identified emerging sectors in concert with ensuring that the traditional pillars of the regional economy (including tourism) continue to grow.

The Strategy specifically identifies the need to create a sustainable tourism industry, which is the primary economic focal point of this development. It is envisaged that the proposal has, or will have, the potential to provide additional tourism product adding to the range of "outdoor recreational experience" products that visitors have to choose from. This form of development will, therefore, potentially add to the tourism offering, tourism image, point of difference and visitor attractiveness.

## CONSULTATION

### IDAS Referral Agencies

No referral agencies are applicable to the proposal.

### Other Referrals

The application was forwarded to the following internal council specialists:

- Development Engineer, Engineering and Environment Assessment Branch;
- Environment Officer, Engineering and Environment Assessment Branch;
- Economic Development Branch;
- Transport and Engineering Services Branch; and
- Strategic Planning Branch.

Their assessment forms part of this report.

### Public Notification

The application was publicly notified for 15 days in accordance with the requirements of the *Sustainable Planning Act 2009*. 24 properly made submissions (of which 11 object and 13 support), and 737 not properly made submissions (of which 33 object and 734 support) were received.

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

Issues	Comments
<p><i>Woodnum National Park</i> The business is being carried out on a road under the ownership of Woodnum National Park. As it is a road and in accordance with Section 2.10.1 of The Noosa Plan, the road takes the adjoining land's zoning of Open Space Conservation.</p>	<p>The National Park and the existing tracks are zoned by The Noosa Plan as Open Space Conservation. Council's legal department considers that the taking of quad bikes as a commercial venture through the National Park does not constitute development under the <i>Sustainable Planning Act 2009</i> and is, therefore, not subject to The Noosa Plan provisions.</p>



Issues	Comments
	<p>The Department of Environment and Heritage Protection is the sole authority to grant permits to use the National Park for tours. In this regard, the Department has issued a temporary Commercial Activity Permit which expires in March 2015 (<b>Attachment 3</b>).</p>
<p><i>Additional traffic generation along Tablelands Road</i></p> <ul style="list-style-type: none"> <li>• Traffic report should have been included.</li> <li>• Upgrading of Tablelands Road should occur.</li> <li>• Carparking needs to be provided on-site.</li> <li>• Increase the risk of car accidents on Tablelands road and scare wildlife, cattle &amp; people.</li> </ul>	<p>The anticipated increase in traffic demand on Tablelands Road south of the site's access gate is 4 trips per day and will not adversely impact the safety of this stretch of road. Before the proposed business is allowed to use the 500m stretch of Tablelands Road, conditional registration is required from the Department of Transport &amp; Main Roads for the use of the quad bikes on this road. Furthermore, the conditions of the Police Permit address safety issues associated with the use of quad bikes on the public road and National Park track.</p> <p>With a maximum of only 10 tourists visiting the site at any one time, the picking up of tourists from multiple sites nearby does not pose a significant burden on the existing carparking infrastructure of surrounding towns. It is also noted that there are other significant scale tourist operators providing a similar pick up service from arranged pick up locations across the coast.</p>
<p><i>Driveway</i></p> <ul style="list-style-type: none"> <li>• The location of the toilet and refuelling station will require regular visits to the site by a truck.</li> <li>• The driveway includes grades of over 1 in 4.</li> <li>• The driveway condition is in a poor condition and located in an area with poor sight lines.</li> </ul>	<p>The access driveway to the quad bike induction is at a gradient of less than 25% at its steepest point. Council's plumbing officer indicates that pumpout trucks are able to service sites with grades of up to 25%. The applicant will be required to provide regular maintenance of the driveway and sight lines onto Tablelands Road.</p>
<p><i>Noosa Trail</i></p> <ul style="list-style-type: none"> <li>• The use of the road for quad bike operation is in conflict with the function of the Noosa trail network.</li> <li>• The tours would limit the use of the National Park for walking and driving through safely.</li> </ul>	<p>The 500m section of Tablelands Road where the quad bikes are to operate is not identified as being on the Noosa Trail network. The use of Woodnum National Park for quad bike is a matter for the Department of Environment and Heritage Protection, as per the Commercial Activity Permit.</p> <p>In addition, the police permit includes specific conditions pertaining to the actions which must occur when approached from the front or rear by any motor vehicle or ridden horse.</p>
<p><i>Quad Bikes</i></p> <ul style="list-style-type: none"> <li>• Questionable safety of quad bikes</li> <li>• Issues pertaining to the servicing and repairs of the bikes on the site.</li> </ul>	<p>The applicant indicates that all servicing and repairs of the bikes are to be undertaken off-site at an approved mechanical workshop. The applicant also indicates that they have taken out</p>

Issues	Comments
<p><i>Impacts on neighbour's amenity</i></p> <ul style="list-style-type: none"> <li>• Due to the numbers of visitors and the size of the business, the proposal is more than the definition of a home based business.</li> <li>• Hours of operation.</li> </ul>	<p>public liability insurance for the tour business.</p> <p>The proposed quad bike storage and induction area is located well away from neighbouring dwellings and is restricted to a maximum of 10 tourists, twice a day. The tourists will be on-site for about half an hour at a time. This compares with other home-based business operations, which may have up to 6 people on site all day.</p> <p>The timing of the tours will be restricted so as to ensure the use will not result in a noise nuisance.</p>
<p><i>Environmental Impacts</i></p> <ul style="list-style-type: none"> <li>• Weed management.</li> <li>• Dust issues associated with bikes.</li> <li>• Fuel storage.</li> <li>• Wash down facilities.</li> <li>• Waste disposal.</li> </ul>	<p>The quad bike induction area is located more than 200m away from the closest house. Council's environment officer does not consider dust nuisance or weed spread to be an issue within this location.</p> <p>The amount of fuel to be stored on site is equivalent to that required for a medium scale agricultural use involving multiple types of machinery.</p>
<p><i>Acoustic Impacts</i></p> <ul style="list-style-type: none"> <li>• Noise from the business should not be audible beyond the site boundaries.</li> <li>• Due to the sloping terrain, cumulative noise pollution of 12 bikes will occur during riding demonstrations.</li> <li>• Quad bikes produce around 65 to 115 db of noise measured at 5m from the exhaust.</li> <li>• Council should enforce mandatory six monthly vehicle safety checks, by suitably qualified technicians.</li> <li>• Occasional infrequent motor cycle or quad bike activity can be tolerated, but not without inconvenience, whereas being subjected to that on a daily basis, despite claimed lower noise levels, would be intolerable and cause undue hardship for the affected residents.</li> </ul>	<p>The applicant engaged an acoustic consultant to undertake an Environmental Noise Level Assessment. Council engaged an external consultant to review the impacts associated with noise.</p> <p>The review found that, although the noise of the bikes will be heard outside, given the short duration the predicted noise level is unlikely to be an unreasonable nuisance for neighbours where limited on weekends.</p>
<p><i>Slope Stability</i></p> <p>Impacts associated with conducting a business on the steeply sloping site.</p>	<p>The quad bike induction area is located on a part of the site which is relatively flat. The driveway access includes slopes under 25% which is compliant with the requirements of the Business Uses Code.</p>
<p><i>Bushfire risk</i></p> <p>No fire evacuation plan or procedures are included to support the application</p>	<p>This use brings visitors to the site on an intermittent and short-term basis to undertake quad bike inductions, thereby not materially</p>

Issues	Comments
	compromising the safety of people visiting the site from bushfire.
<p><i>Requirements of SPA2009</i></p> <ul style="list-style-type: none"> <li>• Notification not carried out correctly.</li> <li>• Application not properly made as questions 4 &amp; 5 on the IDAS form not filled out.</li> </ul>	<p>The applicant has indicated on the advertising sign where the site plan should be, that <i>'the starting point of the Quad Bike tours is to be conducted from this property to the Woondum National Park and return'</i>, with a further reference to Sunshine Coast Council for full copies of the proposal.</p> <p>Although the applicant has not included a site plan, this has not affected the awareness of the public of the application.</p> <p>In accordance with Section 296 (3) of SPA2009 – the applicant must give all mandatory parts on the approved form. Questions 4 and 5 relate to existing approvals over the site and the works involved.</p> <p>Although the boxes have not been ticked, this has no bearing on the application as there are no existing approvals relating to the site and the proposal does not involve any building work.</p>
<p><i>Support for the application</i></p> <ul style="list-style-type: none"> <li>• The business will create additional employment and business.</li> <li>• Supports National Park's financially and in its conservation efforts.</li> </ul>	<p>The proposal is consistent with the Economic Development Strategy.</p>

## CONCLUSION

The application for a Home-based Business Type 3 - Significant Scale (Quad Bike Tours) at 298 Tablelands Road, Cooran, has been notified and assessed against the provisions of The Noosa Plan. During the notification period, a number of concerns were raised in relation to the application, relating to both on-site and off-site impacts.

The primary off-site concerns include the use of the National Park for the business and associated traffic impacts. In this respect, the applicant has obtained the relevant permit for the use of the National Park from the Department of Environment and Heritage Protection and a Police Permit for the conditional registration of the bikes to use Tablelands Rd and the tracks in the national park. Both regulatory agencies have included conditions pertaining to the bikes safety and their use.

With regard to the on-site impacts, the proposed business uses only a small portion of the site which is not visible from Tablelands Road and is more than 200m away from any neighbouring house. The use of the site is limited to bike demonstration and storage only, with the tour being conducted off-site. The noise impacts are, therefore, restricted to only 2 x 30 minute periods a day which will not cause an unreasonable level of noise impact to the neighbourhood. In this respect, it is recommended that the application be approved subject to reasonable and relevant conditions, including hours of operation being limited to Monday to Friday, and only one tour on a Saturday.

## APPENDIX A - CONDITIONS OF APPROVAL

### 1. APPLICATION DETAILS

Application No:	MCU12/0012
Street Address:	298 Tablelands Rd Cooran
Real Property Description:	Lot 2 RP 192052
Planning Scheme:	The Noosa Plan (8 August 2011)

### 2. DECISION DETAILS

The following type of approval has been issued:

- Development Permit for Material Change of Use - Home-based business Type 3 - Significant Scale (Quad Bike Tours)

### 3. RELEVANT PERIOD OF APPROVAL

The relevant period for this development approval is 4 years starting the day that this development approval takes effect.

### 4. ASSESSMENT MANAGER CONDITIONS

#### PLANNING

##### **When Conditions must be Complied With**

1. Unless otherwise stated, all conditions of this Decision Notice must be complied with prior to the use commencing, and then compliance maintained at all times while the use continues.

##### **Approved Plans**

2. Development authorised by this approval must be undertaken generally in accordance with the Approved Plans listed within this Decision Notice.

##### **Nature and Extent of Approved Use**

3. The home-based business is limited to undertaking quad bike inductions and storage in the cleared area marked as 'Car parking, Shed A & Shed B' as indicated on the approved Site Plan. Quad bikes shall not be ridden outside the 800m<sup>2</sup> bike induction area of the site, and the associated driveway leading to Tablelands Road.
4. The approved use must be conducted by a permanent resident or residents of the detached house, with the total number of persons associated with the approved use on the site at any one time not exceeding 10 tourists and 3 staff.
5. The approved use must not involve the sale of goods from the premises, nor the public display of goods visible from any point outside the premises.
6. Any storage of flammable and/or combustible liquids must comply with the minor storage provisions of Australian Standard AS1940 "*The Storage and Handling of Flammable and Combustible Liquids*".

7. The total number of advertising signs provided on the site must not exceed one, having a maximum sign face area of 0.3 m<sup>2</sup> and not involving illumination or motion.
8. The total number of quad bike tours from the site must not exceed 2 per day, Monday to Friday, with only one tour on Saturday. No tours shall be conducted on Sundays and Public Holidays. The on-site inductions must not exceed a maximum of 30 minutes.
9. The use shall not operate outside the hours of 8:30am to 5pm, Monday to Saturday.
10. All tourists must be picked up by mini bus/troop carrier or the like.
11. The development must be provided with an approved on-site waste water treatment and effluent disposal system in accordance with *PSP 24 - Effluent Disposal* and have a capacity sufficient for the use. Due to the frequent accessing of the site for pump-out, portaloos are not to be used.
12. All mechanical servicing and repair associated with the quad bikes is to be undertaken off site at an approved mechanical workshop.
13. Refuse storage, removal and collection facilities must be provided in accordance with the following:
  - (a) Provision of 2 x 240L wheelie bins for the business use; and
  - (b) Collection by service vehicles from the kerbside.
14. The quad bikes must have the appropriate registration permits for use on the roads, as specified by the Department of Transport & Main Roads and Queensland Police.
15. Prior to the commencement of the use, the applicant shall submit a Noise Management Plan (NMP), to the reasonable satisfaction of Council. This must include as a minimum:
  - (a) Objective statement for the minimisation of adverse impacts upon the acoustic amenity of the environment near the quad bike site;
  - (b) Names of overall responsible person and site quad bike manager for the site tourism operations;
  - (c) Training details for site quad bike manager to ensure safety of patrons and minimisation of noise emissions on the training circuit, on Tablelands Road, and in the National Park. Annual training that is suitable and relevant for these requirements for each site quad bike manager is the minimum training requirement. The details and dates of the training for the site quad bike manager shall be detailed in the NMP;
  - (d) Minimum competency levels for quad bike drivers to be achieved prior to departing the on-site training circuit, including method of testing prior to departure from the site;
  - (e) Training and inductions for quad bike riders shall not exceed 30 minutes per tour;
  - (f) Quad bike driver behaviour and site quad bike manager supervision requirements for noise minimisation during travel on Tablelands Road and in the National Park;
  - (g) All riders shall be provided with a communication headset to converse and receive instructions;
  - (h) Hours of operation of quad bikes training and tours to be 8.30am to 5pm Monday to Saturday;

- (i) The total number of quad bike tours must not exceed 2 per day on Monday to Friday with only one tour on Saturday. There are to be no tours on Sundays or Public Holidays;
- (j) The maximum number of quad bikes for any tour is to be limited to twelve. While a tour is in operation no other quad bikes are permitted to be operated on the training circuit or on the site;
- (k) Quad bikes are to be Kymco MXU300 (including automatic transmission, 270cc engine, governed and fitted with a suitable muffler), or equivalent to be approved by Council;
- (l) Quad bikes must be mechanically governed by an authorised mechanic to a maximum speed of 30km/hr;
- (m) Quad bikes are to be maintained in good condition. All maintenance and servicing of quad bikes that requires running of quad bike engines shall be conducted external to the site. Quad bike maintenance records, including regular mechanical servicing and inspection of muffler condition, and annual noise testing to be kept on site and provided to Council for inspection, upon request;
- (n) Maximum noise level of quad bikes to be not greater than  $_{max}L$  69 dBA at 10 metres from the edge of the track when the bike is being driven around the training circuit with throttle wide open. A minimum of three laps of the training track shall be completed during each noise test per quad bike. All bikes to be tested at least once per annum. Noise levels to be measured by a suitably qualified acoustic consultant with company membership of the AAAC, or individual membership of the AAS;
- (o) If a reasonable complaint about quad bike operations is received, then Council may request additional noise testing to be conducted. Any bikes that do not comply with the maximum noise levels shall be removed from service and will not be permitted to be used for quad bike training or tours, until testing indicates compliance with the maximum noise level criteria; and
- (p) A noise complaint plan, including a standard noise complaint registration form, a publicly advertised noise complaint phone number fitted with an answering machine if not attended, and actions taken in response to a complaint to prevent the source of the complaint from re-occurring. All noise complaint records and responses to be kept on file on the site for inspection by Council, if requested.

#### **Sunset Clause for Completion of Approved Development**

16. Pursuant to s342 of the *Sustainable Planning Act 2009*, this development approval lapses on 31 March 2015, unless application is made and approved by Council for extension.

## **ENGINEERING**

### **Site Access and Driveways**

17. An access driveway must be provided from the formation in Tablelands Road to the quad bike storage and induction area. The access driveway (location and formation) must be in accordance with AS/NZS 2890.1:2004 and certified by an RPEQ prior to the commencement of the use. The certification must include recommendations for the ongoing maintenance of the access location and driveway.
18. The property owner must maintain the access location and the full length of the access driveway in accordance with the recommendations of the RPEQ certification.

**Stormwater Drainage**

19. Stormwater runoff from the development, including bike wash down must be disposed of on-site without causing scour or damage to the subject site or any adjoining property.

**Damage to Services and Assets**

20. Any damage caused to existing services and assets above or below the ground must be repaired:

- (a) Where the damage would cause a hazard to pedestrian or vehicle safety, immediately; or  
 (b) Where otherwise, upon completion of the works associated with the development.

Any repair work which proposes to alter the alignment or level of existing services and assets must first be referred to the relevant service authority for approval.

**5. REFERRAL AGENCIES**

Not Applicable.

**6. APPROVED PLANS**

The following plans are Approved Plans for the development:

**Approved Plans**

Plan No.	Rev.	Plan Name	Date
-	-	Site Plan - 298 Tablelands Road, Cooran, prepared by Charles Morais	Date Stamped 6/02/2012

**7. REFERENCED DOCUMENTS**

Not Applicable.

**8. ADVISORY NOTES**

The following notes are included for guidance and information purposes only and do not form part of the assessment manager conditions:

**Aboriginal Cultural Heritage Act 2003**

1. There may be a requirement to establish a Cultural Heritage Management Plan and/or obtain approvals pursuant to the *Aboriginal Cultural Heritage Act 2003*.

The *ACH Act* establishes a cultural heritage duty of care which provides that: "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage." It is an offence to fail to comply with the duty of care. Substantial monetary penalties may apply to individuals or corporations breaching this duty of care. Injunctions may also be issued by the Land and Resources Tribunal, and the Minister administering the Act can also issue stop orders for an activity that is harming or is likely to harm Aboriginal cultural heritage or the cultural heritage value of Aboriginal cultural heritage.

You should contact the Cultural Heritage Co-ordination Unit on 07 3239 3647 to discuss any obligations under the *ACH Act*.

**9. PROPERTY NOTES**

Not Applicable.

**10. PRELIMINARY APPROVAL OVERRIDING PLANNING SCHEME**

Not Applicable.

**11. FURTHER DEVELOPMENT PERMITS REQUIRED**

Not Applicable

**12. SELF ASSESSABLE CODES**

Not Applicable.

**13. SUBMISSIONS**

There were 24 properly made submissions about the application. In accordance with *Sustainable Planning Act 2009*, the name and address of the principal submitter for each properly made submission is provided and attached.

**14. REASONS / GROUNDS FOR APPROVAL DESPITE CONFLICT WITH SCHEME**

Not Applicable.

**15. RIGHTS OF APPEAL**

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Sustainable Planning Act 2009* is attached.

During the appeal period, you as the applicant may suspend your appeal period and make written representations to council about the conditions contained within the development approval. If council agrees or agrees in part with the representations, a “negotiated decision notice” will be issued. Only one “negotiated decision notice” may be given. Taking this step will defer your appeal period, which will commence again from the start the day after you receive a “negotiated decision notice”.

**16. OTHER DETAILS**

If you wish to obtain more information about council's decision, electronic copies are available on line at [www.sunshinecoast.qld.gov.au](http://www.sunshinecoast.qld.gov.au) or at council Offices.



## 7.1.2 DEVELOPMENT APPLICATION FOR RECONFIGURATION OF A LOT (12 LOTS INTO 12 LOTS) AT 385 – 523 AHERNS ROAD, CONONDALE

**File No:** REC11/0051

**Author/Presenter:** Development Planner, Planning Assessment  
Principal Development Planner, Planning Assessment  
Regional Strategy and Planning

**Attachment:** [Att 1 - Proposal Plan](#) (Att Pg 11)

**Link to PD Online:**

<http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/default.aspx?page=wrapper&key=1028549>

<b>SUMMARY SHEET</b>	
<b>APPLICATION DETAILS</b>	
<b>Application Number:</b>	REC11/0051
<b>Applicant:</b>	Mr SJ Cochrane & Mrs MIJ Cochrane
<b>Proposal:</b>	Reconfiguring of 12 Lots into 12 Lots
<b>Properly Made Date:</b>	06/05/2011
<b>Information Request Date:</b>	02/06/2011
<b>Info Response Received Date:</b>	13/08/2012
<b>Decision Due Date:</b>	25/10/2012
<b>Number of Submissions:</b>	N/A – Code Assessable
<b>PROPERTY DETAILS</b>	
<b>Division:</b>	5
<b>Property Address:</b>	Various addresses along Aherns Road, Conondale, in the vicinity of 385 – 523 Aherns Road
<b>RP Description:</b>	Lot 5 on SP240945 Lot 5 on RP50304 Lots 1 – 10 on C3821
<b>Land Area:</b>	1 x 38ha 1 x 69ha 10 x 2023m <sup>2</sup>
<b>Existing Use of Land:</b>	Cattle Grazing
<b>STATUTORY DETAILS</b>	
<b>SEQR Designation:</b>	Regional Landscape and Rural Production Area
<b>Planning Scheme:</b>	Caloundra City Plan 2004 (08/08/2011)
<b>Strategic Plan Designation:</b>	N/A
<b>Planning Area / Locality:</b>	Mary River – Conondale
<b>Planning Precinct / Zone:</b>	Rural
<b>Assessment Type:</b>	Code

## PURPOSE

The purpose of this report is to seek council's determination of an application to reconfigure 12 lots into 12 lots in the vicinity of 385 Aherns Road, Conondale.

The application is before council at the request of the divisional councillor.

## EXECUTIVE SUMMARY

The subject site contains 10 small lots, believed to have been created in the 1930s for the Conondale township which ultimately occurred 7kms to the north. There are presently no houses constructed on any of the 10 small lots. The remainder of the subject site comprises one large 38ha parcel, and one large 69ha parcel of land used for cattle grazing. The proposal would result in one 72ha parcel of land, and 11 smaller lots ranging in size from 1.5-11ha, all with frontage to Aherns Road. The argument presented by the applicant, to support their proposal to provide 11 'rural residential' sized allotments in the rural area, is that the reconfiguration is an improvement on the existing situation as the 10 existing small lots are not in keeping with the character of the area, are located on 'good quality agricultural land', and are not suitable for building on due to poor drainage and small land size for effluent disposal.

The application was assessed against the Caloundra City Plan 2004, the principles of the South East Queensland Regional Plan and the State Planning Policy 1/92 (Development and the Conservation of Good Quality Agricultural Land). The proposal does not comply with the requirements of the planning scheme and will reduce the viability of one of the existing large rural lots by reducing its size from 38ha to 11ha. The fragmentation of rural land is not supported in the planning scheme and is not supported by the South East Queensland Regional Plan or the State Planning Policy 1/92.

## OFFICER RECOMMENDATION

**That Council REFUSE Application No. REC11/0051 for a Development Permit to Reconfigure 12 lots into 12 lots at Aherns Road, Conondale for the following reasons:**

- 1. the proposal does not meet the Overall Outcomes of the Conondale Planning Area Code in that it fragments 2 existing large rural land parcels, making the balance lots unproductive for rural uses;**
- 2. the proposal does not meet the Specific Outcomes of the Reconfiguring a Lot Code in that it results in the local rural area having more of a rural residential character;**
- 3. the proposal does not improve the existing lot configuration and will compromise the intent of the Conondale Planning Area to restrict further rural residential settlement from encroaching into the rural cattle grazing country; and**
- 4. the applicant has not demonstrated that there is an overriding community need or benefit to provide 11 'rural residential' sized allotments in the rural area.**

## FINANCE AND RESOURCING

If council were to approve this development, the applicant would not be required to pay infrastructure charges for trunk infrastructure as no additional lots are being created.

## PROPOSAL

The application seeks to reconfigure 10 small rural lots (each 2023m<sup>2</sup> in area) and 2 large rural lot into 11 'rural residential' sized allotments and a large balance rural lot.

The application proposes to relocate these lots further north and enlarge them to create 11 lots ranging in size from 1.5-11ha. This would be achieved by including a large 38ha parcel of land, which will ultimately be reduced in size to 11ha.

Access to each of the new lots would be via Aherns Road.

## SITE DETAILS

### Background/Site History

The site comprises 10 small lots that are part of an unusual subdivision comprising a grid of 10 small (in the context of a rural area) 2,023m<sup>2</sup> allotments. The remaining part of the site is comprised of one large rural lot that is 38ha in area, and another large rural lot that is 69ha in area.

It is believed that the 10 small lots were created some time in the 1930s and were intended to be the Conondale Township. The Conondale Township was eventually established in a different location along the Maleny-Kenilworth Road approximately 7kms to the north and the 10 lots have remained vacant ever since. A large overhead power line runs diagonally across 5 of the 10 lots.

The applicant owns several land holdings within the wider area and has had 3 similar reconfiguration applications (involving the realignment of lot boundaries) approved between August 2010 and December 2010. When each of the previous applications was being assessed, the applicant successfully demonstrated that each boundary realignment outcome resulted in a larger balance rural lot closer in size to the prescribed minimum lot size of 50ha.

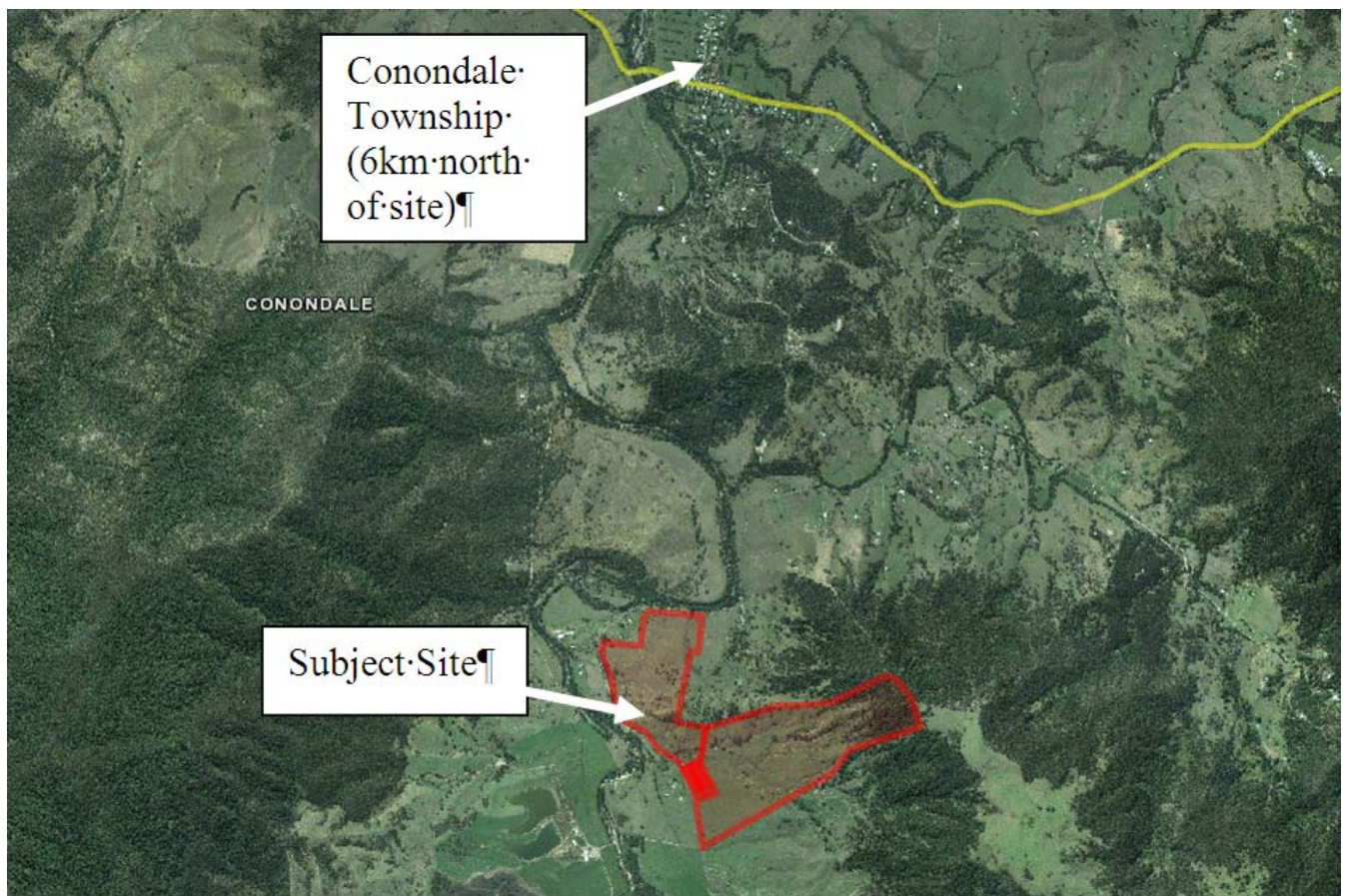
At the end of 2010, the applicant applied for a fourth reconfiguration which was later withdrawn for reasons that are discussed below. That application had sought to reconfigure 4 of the 10 small lots, which would have resulted in an outcome that provided 4 rural residential sized allotments, retained 6 existing small (within the context of a rural area) township residential sized allotments and created one balance rural lot almost half the minimum lot size of 50ha (26ha). Council officers were aware that the applicant owned the remaining 6 small allotments and met with the applicant to determine what the ultimate 'vision' was for the site, and if there were likely to be further applications. At this meeting (attended by the applicant, council officers and the divisional councillor), the applicant indicated that it was their intention to reconfigure all 10 lots. The applicant suggested that the ultimate layout resulting in 10 larger allotments would provide a more marketable product.

The applicant was advised of concerns that reconfiguration of the 10 lots would result in a 'rural residential' type character encroaching into the rural part of Conondale and that the planning scheme did not support this pattern of development. The applicant was also advised of concerns that the proposal would result in fragmentation of rural land due to an existing viable 38 parcel of land being reduced in size. These were the 2 primary issues the applicant was advised to address in any future application. The applicant proceeded to lodge the current application, which seeks to reconfigure all 10 lots.

While the applicant's initial argument to support the reconfiguration was based on the layout being more 'in keeping' with the surrounding rural area and 'freeing up' good quality agricultural land, it was later expanded to include arguments as to why the existing small lots were unsuitable to build on. This arose after a geotechnical report was requested by council to demonstrate that the proposed lots were suitable to build on due to their steep nature. The geotechnical report concluded that the proposed lots were all capable of supporting a house, driveway and on-site effluent disposal. The report also found that the existing 10 lots were poorly drained and not provided with any inter-allotment stormwater drainage. The report also concluded that, due to the small size of the lots, there would be minimal room left for things such as sheds, pools and the like once the house and on-site effluent area had been established. These findings were considered in the assessment of the application.

The applicant had previously advised council officers that it was his intention to proceed with the construction of 10 houses on each of the existing small lots if the application was refused. However, development of the existing 10 small lots would require construction of a new road and relocation of overhead power lines. It would also be challenging to provide suitable onsite effluent disposal areas for the small lots.

### Site Description



The total site area is 109ha and has a long winding frontage to Aherns Road to the north and west. The land is undulating in parts, with soft gullies and ridges centrally located. The small lots are located on a flatter portion of the southern end of the site. This small pocket of land is located on 'good quality agricultural land' as identified on Map DEO1.2 of the planning scheme. The remainder of the site is identified as 'other agricultural land' as designated in the planning scheme. An explanation of the difference between 'good quality agricultural land' and 'other agricultural land' is provided below.

The site is mostly cleared for grazing purposes.

### **Surrounding Land Uses**

The site is surrounded predominantly by rural properties devoted to cattle grazing.

## **ASSESSMENT**

### **Framework for Assessment**

#### Instruments for Statutory Assessment

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

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

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

### **Statutory Instruments – State and Other**

#### State Planning Policies

The following State Planning Policies are applicable to this application:

- State Planning Policy 1/03 - Mitigating the Adverse Impacts of Flood, Bushfire and Landslide; and
- State Planning Policy 1/92 - Development and the Conservation of Agricultural Land.

State Planning Policy 1/03 has been deemed by the Minister for Local Government and Planning as being appropriately reflected in council's planning scheme and, therefore, does not warrant a separate independent assessment.

State Planning Policy 1/92 is relevant to the site in that it provides information about the need to conserve and manage good quality agricultural land in the longer term. The State Planning Policy states that planning schemes must reflect this requirement for good quality agricultural land to be protected from such things as fragmentation.

In particular, Part 4.3 of the State Planning Policy details the following:

*...Farm size, layout and the type of business vary, but the loss of a holding or a part can have important ramifications for the remainder, particularly where severance or fragmentation is involved...*

Part 4.4 goes on to state that:

*...once land is built on or subdivided, its return to agriculture is seldom practicable...*

The need to avoid rural residential type subdivision in rural areas is mentioned in Part 4.7 which states:

*...small scale subdivision, especially 'rural residential' merit such mention. In purely 'agricultural' terms, such subdivisions lead to either a loss from production or generally less efficient and productive use than commercial agriculture...*

The effect of the State Planning Policy (written in 1992) was that, when the current Caloundra City Plan was drafted, a 'Good Quality Agricultural Land Planning Study' was undertaken across the region. A result of this study was that rural areas were mapped as either 'good quality agricultural land' or 'other agricultural land'. The following classes of land were identified:

- Class A1      Crop land – suitable for a wide range of crops;
- Class A2      Crop land – suitable for a limited number of crops;
- Class B1      Limited crop land – marginal suitability for a wide range of crops;
- Class B2      Limited crop land – marginal suitability for a few crops;
- Class C        Pasture Land; and
- Class D        Non-agricultural land.

Under the planning scheme, only land in Classes A1, A2, B1 and B2 constitutes good quality agricultural land. The subject site contains mostly Class C – Pasture Land, which is identified as other agricultural land in the planning scheme. This means that the prime use of the site is for pasturing of animals.

Despite the fact that most of the site is not designated as good quality agricultural land, the inherent principle of protecting rural land from fragmentation, so that rural activities such as pasturing of animals can occur, is still relevant.

#### South East Queensland Regional Plan

The site is located within the Regional Landscape and Rural Production Area of the South East Queensland Regional Plan.

#### State Planning Regulatory Provisions

For the purpose of the *Sustainable Planning Act 2009* the regulatory provisions contained within the South East Queensland Regional Plan are defined as State Planning Regulatory Provisions. These provisions technically do not apply as the reconfiguration does not involve the creation of any *additional* lots within the Regional Landscape and Rural Production Area. However, a general assessment of the proposal against the outcomes sought for this area is provided below.

Desired Regional Outcome 5 (Rural Futures) states the following:

*Rural communities are strong and viable with sustainable economies contributing to the health, wealth, character and liveability of the region.*

The South East Queensland Regional Plan makes reference to the fact that much of the Regional Landscape and Rural Production Area is already fragmented into small rural allotments, historically created prior to the implementation of planning schemes.

The South East Queensland Regional Plan seeks to prohibit further fragmentation and urban development in the Regional Landscape and Rural Production Area to help protect the future of agricultural lands and rural communities. There is also a financial burden associated with servicing urban encroachment into the rural area and this practice is not sustainable. The South East Queensland Regional Plan prohibits rural subdivision where additional lots are created and do not meet the minimum lot size of 100ha. However, these provisions do not technically apply where additional lots are not being created as is the case for rearranging of boundaries.

The effect of rearranging boundaries can often be that of creating a rural residential pattern of development and fragmentation of existing rural land. The current application is for rearranging the boundaries of a 38ha lot, a 69ha lot and 10 very small lots (in the context of a rural area) and rearranging them into 11 rural residential style lots from 1.5–11ha and a 72ha balance lot.

The application does not meet the desired outcomes of the South East Queensland Regional Plan in that it does not protect rural land from land fragmentation.

### **Statutory Instruments – Planning Scheme**

The applicable planning scheme for the application is the Caloundra City Plan 2004. The following sections relate to the provisions of the Planning Scheme.

#### Local Area Provisions

The subject site is located in the Rural Precinct of the Mary River-Conondale Planning Area.

The relevant Planning Area Overall Outcomes sought for the Mary River–Conondale Planning Area Code includes the following:

- (a) *The Planning Area is a productive and sustainable rural area with grazing and other sustainable rural activities predominant uses.*
- (c) *Rural residential settlement is contained to the Rural Residential Settlement Precinct at Conondale. No new residential or rural residential settlements are established within the Planning Area. The area is too remote from social and physical infrastructure, and comprises lands more suited to productive rural, forestry and conservation purposes.*

The application will result in an existing large rural parcel of land (38ha) being reduced in size to 11ha. This incremental fragmentation of larger rural holdings in areas such as Conondale may ultimately result in rural areas becoming unproductive and unviable due to insufficient land size to pasture animals.

The planning scheme is clear in its intent to limit rural residential type settlement to the existing township and immediate surrounds. It is acknowledged there is already non-compliance in this respect due to the existence of 10 small lots along Aherns Road that are 7km from the small Conondale Township. However, these lots are an historical anomaly. On balance, there is an existing situation that provides 10 small township residential lots and 2 large rural lots, compared with a proposal that will result in 11 rural residential lots and only one large rural lot.

Despite the existing lot layout and size not complying (with regard to the 10 small lots), the reduction of a large rural lot to provide 11 'lifestyle', rural residential style lots does not provide a better outcome.

#### Land Use and Works Provisions

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

- Conondale Planning Area;
- Reconfiguring of a Lot;
- Civil Works;
- Landscaping;
- Parking and Access; and
- Nuisance.

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

Code	Discussion
<b>Conondale Planning Area</b>	<p>The proposal does not achieve <b>Specific Outcome O2:</b></p> <p><i>Reconfiguring a lot:</i>  <i>(a) protects the capability of rural lands for ongoing productive use;</i>  <i>and</i>  <i>(b) contributes to the retention of the inherent character and identity of rural and rural residential settlement areas.</i></p> <p><b>Probable Solution S2.1</b> states the following:</p> <p><i>Land in the Rural Precinct is retained in lots with a minimum lot size of 50ha.</i></p> <p><b>Comment:</b>            Except for one of the large rural lots (69ha), the current lot layout does not meet the minimum lot size of 50ha. However, the proposed lot layout deviates even further from this minimum lot size by reducing a 38ha parcel into an 11ha parcel.</p> <p>The application does not protect the capability of rural land for ongoing productive use, as each time a large rural lot becomes smaller in size, there is less potential for the land to be viably used for pasturing of animals (in this case, dairy grazing).</p> <p>In addition, the character of the rural area will be further compromised</p>



Code	Discussion
	<p>by the proposal as it will result in a small ‘rural residential’ type development on the outskirts of Conondale. There is potential for each of these lots to have large homes, sheds, tennis courts, stables and the like all located within close proximity and high visibility to Aherns Road. Instead of the area having wide, open plains with houses sporadically placed within the landscape, there is potential for the immediate area to have a more rural residential appearance.</p> <p>It is acknowledged that the present situation is not ideal, and that there is potential for houses to be built on the 10 small lots already established south of the site. This outcome would also detrimentally impact on the character of the rural area. However, it is pertinent to note that these 10 small lots were created some 80 years ago.</p>
<p><b>Reconfiguring Lot</b>      <b>a</b></p>	<p>The proposal does not meet <b>Specific Outcome 02:</b></p> <p><i>Lot size and dimensions: ... (f) are in keeping with the character of surrounding development...</i></p> <p><b>Probable Solution S2.1</b> states: <i>Unless otherwise specified in the applicable Planning Area Code, the minimum lot size complies with Column II of <b>Table 9.7 (Minimum Lot Size and Dimensions)</b>.</i></p> <p><b>Comment:</b> The proposal does not provide an overall lot layout that is consistent with several of the Overall Outcomes of the Conondale Planning Area Code. This matter is discussed in the preceding table.</p> <p>In respect of probable solution (f), the character of the surrounding development is that of large rural lots interspersed with farm houses and large paddocks for cattle grazing. The creation of a rural residential type development in the area will add more built structures to the immediate area <u>and</u> reduce the capacity of the land to be used for cattle grazing, which is an integral part of Conondale’s visual landscape and character.</p> <p>Should the existing small lots be developed in their current format, they will create a small urban scale pocket, but an existing large parcel of land (38ha) will remain available for pasturing.</p> <p>-----</p> <p>With specific reference to the rearrangement of boundaries, the application does not meet the criteria for rearranging boundaries namely <b>Specific Outcome 05:</b></p> <p><i>The rearranging of a boundary or boundaries: (a) does not result in the potential creation of additional lots; and (b) is an improvement on the existing situation.</i></p> <p><b>Probable Solution S5.1</b> states:</p>

Code	Discussion
	<p><i>An improvement on the existing situation results when the dimensions of proposed lots comply more fully with <b>Table 9.7 (Minimum Lot Size and Dimensions)</b>, and at least one of the following is achieved:</i></p> <p><i>(a) the rearrangement of lots will correct an existing boundary encroachment by a building or areas;</i></p> <p><i>(b) lots will become more regular in shape;</i></p> <p><i>(c) access is provided to a lot that previously had no access or an unsuitable access; and</i></p> <p><i>(d) the rearranged lots better meet the overall outcomes of the Precinct or Planning Area in which the site is situated.</i></p> <p><b>Comment:</b></p> <p>The applicant has argued that the proposal is an improvement on an existing situation as the 10 small lots do not currently have access to a constructed road. However, there is an un-named road reserve fronting these that can be constructed.</p> <p>The applicant has also stated that the small lots are currently located on 'good quality agricultural land' that is suitable for cropping and that relocating these lots to another location will 'free up' this land for cropping and the like. However, in reality there will only be approximately 8000m<sup>2</sup> freed up, which would not necessarily facilitate viable production on this small parcel of land.</p> <p>The proposed layout does not better meet the overall outcomes of the Conondale Planning Area. It will actually compromise achievement of the overall outcomes.</p>

## CONSULTATION

### IDAS Referral Agencies

The application did not require referral to any IDAS referral agencies.

### Other Referrals

The application was forwarded to the following internal council specialist:

- Development Engineer, Engineering and Environment Assessment Branch.

The application is recommended for refusal on planning grounds. Accordingly, no comments or conditions have been received.

### Public Notification

The application did not require public notification as it is code assessable.

**CONCLUSION**

The application to rearrange the boundaries of 12 existing rural lots on the outskirts of Conondale has been assessed against the Caloundra City Plan 2004, the principles of the South East Queensland Regional Plan and State Planning Policy 1/92 (Development and the Conservation of Good Quality Agricultural Land). The proposed lot layout will impact on the viability of the rural area in terms of pasturing and will also impact on the existing rural character of the area. The proposal cannot be conditioned to comply with the requirements of the planning scheme as the existing lots already do not meet the minimum lot size of 50ha. The proposal will result in a large rural lot of 38ha being reduced in size to 11ha, further reducing its viability as a pastoral lot. This fragmentation of rural land is not supported in the planning scheme, the South East Queensland Regional Plan or the State Planning Policy 1/92.

It is acknowledged that the existing situation of 10 small lots in the middle of cattle grazing country is not ideal. However, this is an historical situation. It is not reasonable to further reduce a large rural allotment to create 11 rural residential style lots that are not in keeping with the character of the area. Approval of the application will compromise achievement of the Overall Outcomes of the Conondale Planning Area Code.

In addition, there is limited likelihood that the existing small lots will be developed as there are significant expenses associated with construction of a road, relocation of power lines and constraints associated with on-site effluent disposal. The applicant has not provided any further reasonable justification to support the proposal.

Therefore, it is recommended that the application be refused.

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### 7.1.3 CHARTER FOR SUNSHINE COAST PLACES – URBAN DESIGN ADVISORY PANEL

<b>File No:</b>	<b>ECM 18 October 2012</b>
<b>Author:</b>	<b>Senior Urban Designer Regional Strategy and Planning</b>
<b>Appendix:</b>	<a href="#"><u>App A - Local Charter-for-Sunshine-Coast-Places</u></a> (Att Pg 13)
<b>Attachments:</b>	<a href="#"><u>Att 1 - National Urban-Design-Protocol</u></a> (Att Pg 23) <a href="#"><u>Att 2 - State Charter-for-Queensland-Places</u></a> (Att Pg 51) <a href="#"><u>Att 3 - Inaugural-Report-UDAP</u></a> (Att Pg 68)

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#### PURPOSE

The purpose of this report is to:

- provide information to Council regarding the Federal and State Government, and Sunshine Coast initiatives on documenting urban design principles;
- acknowledge the importance of the Federal and State Government urban design documentation; and
- obtain Council's adoption of the "*Charter for Sunshine Coast Places*" produced by the Council's Urban Design Advisory Panel.

#### EXECUTIVE SUMMARY

The Federal Department of Infrastructure and Transport launched "*Creating Places for People: An Urban Design Protocol for Australian Cities*" in November 2011. It was first initiated in 2009 by the Planning Officials Group and the Planning Institute of Australia, and was then further backed by the Council of Capital City Lord Mayors. The published document is the culmination of two years of cooperation and collaboration between governments, industry and the community. It promotes adaptation of broad urban design principles to generate an individual approach for each place, taking into account the unique characteristics of a community and its location encouraging quality design outcomes.

Commencing in 2009, as an initiative of the Queensland Government, the Queensland Board for Urban Places (BfUP) was created as a champion for high quality urban design. In November 2010 the Board released "*A Charter for Queensland Places*". This Charter focuses on what is particular to urban places in Queensland. It identifies seven key principles to guide the making and review of urban places to benefit and sustain Queensland places and people. The BfUP anticipated that the Charter would form the basis for a toolbox of documents and guidelines to assist in achieving high quality urban outcomes.

Council resolved to establish an Urban Design Advisory Panel in August 2009 to provide third party advice to Council. With the wider debate on place making and urban design, taking place at both a national and state level, influencing the direction and intent of place design, a Sunshine Coast response was required. At the inaugural meeting in 2010 the Panel initiated debate on a set of core values that represent the broader Sunshine Coast Character. Taking into account the Federal Protocol and the State Charter in support of quality urban design the Sunshine Coast Urban Design Advisory Panel have developed, the "*Charter for Sunshine Coast Places*". The intent of the Panels Charter is to identify principles for the design of places which embody the core values and character of the Sunshine Coast.

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The advent of the National Urban Design Protocol, the State Charter for Queensland Places, and the “*Charter for Sunshine Coast Places*” creates a toolbox of documents for the design and delivery of place. While the Federal Protocol promotes excellence in urban design and identifies key characteristics of a holistic design approach the State and Local Charters champion design of place, identifying key elements that underline Queensland and Sunshine Coast places. The State and Local Charters are complementary and may be used together in the design of Sunshine Coast places.

The report recommends that Council:

- acknowledge the importance of the Federal Government “Creating Places for People: An Urban Design Protocol for Australian Cities” and the State Government “A Charter for Queensland Places”; and
- adopt the “Charter for Sunshine Coast Places” produced by the Sunshine Coast Council Urban Design Advisory Panel.

## OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Charter for Sunshine Coast Places - Urban Design Advisory Panel ; and
- (b) adopt the “Charter for Sunshine Coast Places” contained in Appendix A.

## FINANCE AND RESOURCING

There are no funding implications resulting from endorsement of the “Charter for Sunshine Coast Places”, and any associated actions are to be funded from existing budgets.

## CORPORATE PLAN

**Corporate Plan Theme:** *Robust Economy*

**Emerging Priority:** 1.2 Support for local businesses  
**Strategy:** 1.2.1 Create attractive and viable urban and hinterland centres

**Corporate Plan Theme:** *Ecological Sustainability*

**Emerging Priorities:** 2.6 Environmentally friendly infrastructure  
**Strategies:** 2.6.1 Ensure new developments meet high standards of ecological sustainability and urban design  
 2.6.2 Develop guidelines to promote excellence in ecological sustainable development with architects, designers, environmental groups and the development industry  
 2.6.3 Review council infrastructure plans, design standards and procurement policies to maximise sustainable outcomes

**Corporate Plan Theme: *Health and Well-being***

- Emerging Priorities:** 4.1 Safe and healthy communities  
**Strategies:** 4.1.3 Adopt and encourage 'crime prevention through environmental design' principles in the design of public and private spaces

**Corporate Plan Theme: *Social Cohesion***

- Emerging Priorities:** 5.3 A sense of identity and belonging  
**Strategies:** 5.3.1 Support community programs and infrastructure that encourage interaction, expertise and resources

**Corporate Plan Theme: *Accessibility and Connectedness***

- Emerging Priorities:** 6.4 A community that recognises the importance of universal access  
**Strategies:** 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 Priorities:** 7.1 The areas for growth and renewal are clearly defined  
**Strategies:** 7.1.2 Develop and implement strategies to retain the unique character of our centres, villages and towns

- Emerging Priorities:** 7.3 Well designed and beautiful places  
**Strategies:** 7.3.1 Encourage developers to use place making techniques and embrace high quality urban design in the provision of parks, open spaces and local facilities  
 7.3.2 Ensure council developments and projects are well designed, landscaped and have aesthetic appeal  
 7.3.4 Develop and implement master plans for centres and towns to preserve and enhance their character

**CONSULTATION****Internal Consultation**

Urban Design Advisory Panel

**External Consultation**

As the Panel is established to provide specialist internal advice on a range of council projects it does not undertake external consultation.

**Community Engagement**

No community engagement was conducted in relation to this matter.

## PROPOSAL

### 1.0 Urban Design

Urban design is relevant to all types of development and impacts on both the public and private realms across the region concerned primarily with the layout, appearance and function of place. As both a process and outcome it directly impacts design and development, operating from the macro to the micro, effecting outcomes in open space, streetscape detailing, transport and infrastructure networks, residential accommodation, greenfield and brownfield development, town centre development, shopping precincts both as entertainment venues and other specific land uses; all elements that contribute to the economic viability and lifestyle of the Sunshine Coast.

Commencing operation in April 2010 the Urban Design Advisory panel respond to specific criteria outlined in their terms of reference. They are expected to provide advice including recommendations on the following:

- Built Form – the overall built form merits
- Public Realm – the relationship with, support for enhancement of and impact upon the public realm of its immediate locality and the broader precinct and especially connectedness to public transport
- Urban Fabric – the support for or impact upon the essential structure of the locality/precinct
- Character and Heritage – the support for the desired character of the precinct including its impact upon heritage structures, significant natural features and landmarks
- Architectural Design – the quality of the architectural design, including its relationship to adjoining development and the street and its enhancement of the amenity of the area
- Sustainability – the extent to which the proposal is designed to be resource-efficient, climatically appropriate, responsive to climate change and a contribution to environmental sustainability, including transit oriented development principles
- Urban Design – the demonstration of other qualities of best practice urban design including its crime prevention through environmental design performance, protection of important view corridors and lively civic places
- Housing policy – the achievement of satisfactory levels of affordable housing in our communities through a diversity of housing types and appropriate densities

The Panel may recommend specific changes to a policy or proposal that would enhance its quality and appropriateness. However, the Council will be responsible for the acceptance or otherwise of the suggested changes. The Panel recommends the protection and cultivation of Sunshine Coast places. They identify the core principles necessary for the delivery of quality design of places which embody the character of the Sunshine Coast. The *“Charter for Sunshine Coast Places”* is the compilation of these core design principles.

Urban design facilitates creation and protection of the unique culture and characteristics of place and as such is a long-term process that continues to evolve and adapt to changing needs. The key aspects of the three urban design documents are summarised below:



### 1.1 Creating Places for People: An Urban Design Protocol for Australian Cities

The Federal Government “*Creating Places for People: An Urban Design Protocol for Australian Cities*” provides a national framework for the practice and delivery of world class, best practice urban design. The Protocol was developed in collaboration between three levels of government, community and industry experts, aimed at promoting excellence in place making. It outlines broad principles for urban design together with case studies showcasing examples Australia-wide, including Paddington Reservoir Gardens in Sydney, Northbridge Piazza in Perth and South Bank Urban Village in Brisbane.

The Protocol embraces the thinking of Danish architect and urban designer Jan Gehl, who said: ‘*First life, then spaces, then buildings: the other way around never works*’. The Urban Design Protocol is founded on five pillars: productivity, sustainability, liveability, leadership and design excellence. Together these pillars form the aim of the Protocol: To create productive, sustainable and liveable places for people through leadership and the integration of design excellence. The document identifies that quality urban design:

- enhances economic productivity & living affordability
- fosters environmental responsibility
- demonstrates leadership & integrates design excellence
- cultivates healthy, cohesive & inclusive communities

Twelve broad principles underpin the five pillars of the Protocol based on design, leadership and governance. These principles are adaptable to project and location from a large city through to a rural town and may be read in conjunction with local urban design standards. The Protocol recognises that both State and Local urban design guidelines and standards exist and demonstrates within the document the relationships between each of the government levels. The Protocol provides a foundation for the production of quality urban design projects.

### 1.2 A Charter for Queensland Places

While the National Protocol provides broad urban design principles the Queensland Government Board for Urban Places (BfUP) has produced “*A Charter for Queensland Places*” that focuses on the key characteristics particular to Queensland urban places. It identifies seven key principles to guide the making and review of urban places to benefit and sustain Queensland places and people. The BfUP anticipated that the Charter would form the basis for a toolbox of documents and guidelines to assist in achieving high quality urban outcomes.

The Charter considers the development of place and identifies the importance of place making from micro intervention through to large scale infrastructure projects. Endorsing the National Protocol’s collaborative delivery process the Charter identifies that *place making is not the responsibility of one particular individual or group; everybody may contribute to, and benefit from, the enhancement and transformation of Queensland’s urban places.*

Recognising that Queensland is a mixture of unique and extreme differences in place and culture underpins the State Charter. It identifies the core values of Queensland and translates them into a document that can direct the delivery of contemporary place making. The Charter focuses on what is particular to urban places rather than urban design in general and intends to be a practical document relevant to all designers and the community.

The seven key principles established by the Board will guide the making and review of urban places to benefit and sustain Queensland places and people. The seven principles are:

- Our places embody our values and our uniqueness
- Our places are for people and about people
- Our places are ecosystems that we respect and nurture
- Our places value our natural landscape and waterways
- Our place experiences are enhanced by what we build and the spaces within and between
- Our places are connected, accessible and contribute to the surrounding neighbourhoods
- Our places are shaped by design, our shared responsibility and our management.

The Board is determined that urban places realise their potential. Its aim is to ensure places are:

- Socially inclusive and culturally enriching
- Responsive to and celebrating local and regional qualities, character and diversity
- Environmentally balanced for now and into the future.

As part of a larger toolbox of documents supporting the delivery of urban design the Charter acknowledges the existence of other references while encouraging the reader to explore place making and urban design to assist in *shaping good places for Queensland's future*.

### 1.3 The "Charter for Sunshine Coast Places"

The purpose of the Sunshine Coast Council Urban Design Advisory Panel is to provide independent expert design advice to Council on design issues associated with proposals for policy, master planned projects and occasional development applications that are referred to the Panel, in order to inform Council's decision making processes. The Panel is intended to stimulate debate on wider urban design issues affecting the Sunshine Coast and on trends that are influencing the profession.

The formation of the Panel provides an opportunity to harness the debate of eight professional experts with quality Sunshine Coast experience to identify core values in relation to protection and creation of place. Attachment 3 is the inaugural report on the wide ranging activities of the Panel. A second report is almost completed. Extensive debate influencing the direction and intent of place design at a national and state level highlighted the need for a Sunshine Coast position on urban design and place making. At the request of councils Chief Executive Officer, the Panel developed the "*Charter for Sunshine Coast Places*"; a high level strategic document which describes the principles and values that could guide development on the Sunshine Coast, be it policy, private or public development or public infrastructure.

The core values identified in the Charter are:

- Our Community Of Townships
  - Recognising and preserving the diversity of places across the Sunshine Coast
- Our Coastal Context
  - Maintain and protect the dominant presence of the natural coastal environment throughout the process of urban growth and intensification
- Our Relaxed Casual Environment
  - Respect the open relaxed urban environment where landscape dominates the built form
- Our Human And Community Scale
  - Protect the human urban scale of our urban environments, reflective of our rural origins, and maintain this balance between people and urban form.
- Our Productive And Fertile Rural Base
  - Future proof our region and preserve our agricultural and seafood industries while also maintaining the significant visual amenity that they provide
- Our Views And Vistas
  - Recognise our visually rich and unique landscape and topography from ocean to hinterland and protect our views and vistas
- The Diverse Character Of Our Rural Towns
  - Preserve the relationship between rural towns and their original function to protect their unique developed character
- The Strong Presence Of Vegetation
  - Maintain the significant presence of vegetation in our developments reflective our the outdoor lifestyle and spectacular presence of coastal and rural landscapes
- Our Responsive Design Ethos And Green Credentials
  - Recognise and protect the grass-roots production of our local communities and encourage sustainable practice across the environment to protect our natural assets and lifestyle

Responding to the National Government "*Creating Places for People: An Urban Design Protocol for Australian Cities*" and the Board for Urban Places "*A Charter for Queensland Places*" the Urban Design Advisory Panel are seeking to create a product entirely relevant to the Sunshine Coast that could be read in conjunction with the overarching National and State publications. The intent of the Panel's Charter is to identify the specific values and principles which:

- have been responsible for defining the unique and particular urban and rural character of the Sunshine Coast region, and which
- are valued by its residents and visitors, and which
- need to be respected if the region is to continue to exhibit that character under the pressures and opportunities presented by growth and change.

The Board for Urban Places Charter can be seen to identify principles for the design of 'good' places, while the Panel's Charter seeks to identify principles for the design of places which embody the character of the Sunshine Coast. The two documents are therefore complementary, and can be used together in the design of Sunshine Coast places, and referenced when decisions are generally made about future policies, public projects and growth on the Sunshine Coast. The Charter is not intended for formal use in the statutory assessment of development applications. It may be a helpful reference in undertaking negotiations on design outcomes by council staff with development proponents.

### **Legal**

The "*Charter for Sunshine Coast Places*" will have no legal status and would be an advisory document.

### **Policy**

Adoption of the "*Charter for Sunshine Coast Places*" will enhance existing council policy and provides a useful reference point in decision making around the design and development of urban and rural places.

### **Risk**

There are not risks associated with this matter.

### **Previous Council Resolution**

**Ordinary Meeting 6 August 2009** (Council Resolution: OM 09/223)

*That Council:*

- (a) *establishes an Urban Design Advisory Panel to provide third party advice to Council and to operate in accordance with the Terms of Reference and the Standard Operating Procedure (Appendix A as amended); and*
- (b) *requests that the Chief Executive Officer, in conjunction with the Portfolio Councillor, be requested to undertake the advertising for panel membership, with recommendations for appointment to the panel to be brought before Council.*

### **Related Documentation**

There is no related documentation to this report.

### **Critical Dates**

There are no critical dates in relation to this report.

### **Implementation**

Once endorsed by Council the "*Charter for Sunshine Coast Places*" will be utilised as a reference document when considering the development and design of urban and rural places. The Charter is not intended for use in the statutory assessment of development applications, but may give guidance to council staff in negotiating better design outcomes with development proponents.

The Charter will be distributed internally as a means to increase awareness of urban design principles that are considered relevant to the Sunshine Coast.

## 7.1.4 ENVIRONMENT LEVY 2011 -2012 ANNUAL PROGRESS REPORT

**File No:** 1-17286

**Author:** Senior Biodiversity Project Officer - Environment Levy  
Regional Strategy and Planning

**Appendix:** [App A - Environment Levy Program 2011-2012 Annual Progress Report](#) (Att Pg 91)

**Attachment:** [Att 1 - Revised Environment Levy Program \(August 2011\)](#) (Att Pg 122)

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### PURPOSE

The purpose of this report is to provide Council with an overview of Environment Levy Program achievements for the 2011 – 2012 financial year.

### EXECUTIVE SUMMARY

The Sunshine Coast Council currently operates an Environment Levy which responds to the emerging priorities of Council's Corporate Plan 2009-2014 including:

- Our natural environment preserved for the future;
- Viable ecosystems that maintain biodiversity values; and
- Healthy waterways and foreshores.

In August 2009, Council endorsed an Environment Levy Policy and five year Program (amended June 2012) that addressed these emerging priorities through the following three funding themes:

1. Acquisition of environmentally significant land for conservation;
2. Major initiatives and catalyst projects; and
3. Grants, incentives and partnerships.

The Environment Levy currently supports the delivery of key strategic outcomes identified in the Sunshine Coast Biodiversity Strategy 2010-2020 and the Waterways and Coastal Management Strategy 2011-2021 which would not normally be funded through Council's general operating budget.

The rate for the Levy has been maintained at a \$60 charge per rateable property per annum since 2009 and raises approximately \$9 million annually to fund the implementation of the endorsed Program.

The implementation of the Program involves numerous departments across the organisation including Infrastructure Services, Community Services, Finance and Business and Regional Strategy and Planning.

In its third year of implementation (2011 – 2012) the revised Environment Levy Program (August 2011) (**Attachment 1**) made significant achievements with associated benefits for the Sunshine Coast. These include:

- The acquisition of four environmentally significant and strategically located properties, contributing 188 hectares of land for conservation purposes;
- Delivery of large scale rehabilitation projects across the region including coastal foreshores and major waterway corridors, for example the '*Mooloolah River Corridor Restoration Project*' which established over 35,000 native plants;
- Protection and rehabilitation of more than 1500 hectares of land through partnerships with more than 1000 land owners involved in the Land for Wildlife and Voluntary Conservation Agreements Programs; and
- Investment of more than \$700,000 to strengthen partnerships with not-for-profit community groups to advance conservation and sustainability outcomes for the Sunshine Coast.

The Environment Levy has assisted Council and the Sunshine Coast community to be recognised for environmental outcomes through national, state and regional award programs, including the National Riverprize (2011), Queensland Landcare Awards (2012) and Healthy Waterways Award (2012).

The following report and **Appendix A** – Environment Levy Program 2011 -2012 Annual Progress Report provides an overview of Environment Levy Program achievements for the 2011 – 2012 financial year.

## OFFICER RECOMMENDATION

That Council:

- receive and note the report titled “Environment Levy 2011-2012 Annual Progress Report” and
- note the “Environment Levy Program 2011 -2012 Annual Progress Report” (Appendix A).

## FINANCE AND RESOURCING

The Environment Levy generates approximately \$9 million annually. Outcomes of the established Environment Levy Program for 2011-2012 have been achieved within the budget provided by this revenue and from Environment Levy Reserves. Table 1 provides an overview of the Environment Levy Program expenditure for each of the funding themes as at 30 June 2012 and Table 2 provides a summary of the Environment Levy Reserves as at 30 June 2012.

**Table 1 Environment Levy Program Expenditure as at 30 June 2012**

	<b>2011-12 \$M</b>
<b>TOTAL REVENUE</b>	<b>9.128</b>
Land Acquisition	5.040
Major Initiatives and Catalyst Projects	1.165
Community Grants, Incentives and Partnerships	1.812
Transitional Phase Out Arrangements for Day-to-Day Operational activities	2.356
<b>TOTAL ACTUAL EXPENDITURE</b>	<b>\$10.37M</b>

**Table 2 Environment Levy Reserves as at 30 June 2012**

<b>ENVIRONMENT LEVY RESERVES</b>	<b>AMOUNT (\$M)</b>
Land Acquisition (includes Establishment Management, Planning/Legal Cost and Phase Out Surplus )	2.616
Major Initiatives and Catalyst Projects	1.789
Community Grants, Incentives and Partnerships	0.854
<b>TOTAL</b>	<b>\$ 5.258M</b>

Minor adjustments of individual projects have been necessary throughout the financial year to improve investments and as project implementation has progressed. These adjustments have been possible through the transfer of predicted underspends from individual projects, within the endorsed Program.

At the annual budget review of the Environment Levy Policy and Program in June 2012, Council resolved to continue the Environment Levy at a charge of \$60 per rateable property per annum in accordance with the Environment Levy Policy 2009 (**SM12/05**).

## **CORPORATE PLAN**

**Corporate Plan Theme:** *Ecological Sustainability*

**Emerging Priority:** 2.2 Our natural environment preserved for the future  
**Strategy:** 2.2.3 Prepare and implement an environmental levy policy and program that focuses on identified strategic needs

**Emerging Priority:** 2.3 Viable ecosystems that maintain biodiversity values  
**Strategy:** 2.3.2 Protect and expand our ecological conservation areas

**Emerging Priority:** 2.4 Healthy waterways and foreshores  
**Strategy:** 2.4.2 Maintain and improve the quality of beaches, waterways, lakes, rivers, canals and wetlands

## **CONSULTATION**

### **Internal Consultation**

Consultation with Environment Levy Project Managers and representatives from the following areas of Council was undertaken in preparing Appendix A - Environment Levy 2011 - 2012 Annual Progress Report:

- Environment Policy Branch, Regional Strategy and Planning
- Environment Operations Branch, Infrastructure Services
- Finance Branch, Finance and Business
- Community Development Branch, Community Services

### **External Consultation**

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

### **Community Engagement**

No community engagement has been undertaken in relation to this report.

## PROPOSAL

### *Background*

In August 2009, Council endorsed an Environment Levy Policy and five year Environment Levy Program (amended June 2012) for the Sunshine Coast. The key objectives of the Policy are:

- To protect environmentally significant land through acquisition, as part of a wider strategy for landscape and habitat protection and rehabilitation;
- To respond to the region's key environmental challenges and produce on-ground actions;
- To outline environmental and administrative principles that provides direction for allocation of Environment Levy revenue towards agreed projects and programs in an effective, open and accountable way; and
- To maximise partnerships with a range of stakeholders, community based and government, to improve conservation and sustainability outcomes.

The Environment Levy Policy applies to all programs, activities or incentives that are directly or indirectly funded or supported, wholly or partly, by the Environment Levy.

The Environment Levy Program is delivered through three funding themes:

1. Acquisition of environmentally significant land for conservation;
2. Major initiatives and catalyst project, which includes major pilot projects and investigations that would not ordinarily be funded by general revenue; and
3. Grants, incentives and partnerships for conservation, sustainability and natural resource management activities.

In addition, the Program incorporates transitional phase out arrangements for funding day-to-day operational activities within Environment Policy and Environmental Operations Branches historically resourced through Environment Levy funds.

### *Key Achievements*

In its third year of implementation (2011 – 2012) the revised Environment Levy Program (August 2011) (**Attachment 1**) has had many achievements which are described in detail for each project within **Appendix A** – Environment Levy 2011 – 2012 Annual Progress Report. In brief, some of the significant achievements include:

- The acquisition of four high conservation values properties, contributing a further 188 hectares of land to Council's conservation estate;
- \$638,934 awarded to 228 private landholders through the Landholder Environmental Grants program for natural resource management projects which contribute towards biodiversity conservation on privately owned properties;
- Ongoing development of a draft Noosa River Catchment and Estuary Management Plan and preparation of a preliminary draft of the Pumicestone Catchment and Estuary Management Plan;
- Commencement of a recreational water quality monitoring program;



- \$52,378 awarded to eleven not-for-profit community groups through the Community Environmental Grants program;
- An additional 5 three year Community Environmental Partnerships and 3 one year partnerships established to the value of \$256,296;
- 14 new private landholder partners entering into a Voluntary Conservation Agreement with Council, bringing the region's total up to 54 properties, protecting 780 hectares protected;
- Launch of a Backyard Biodiversity Module to complement Council's Living Smart Homes Program and delivery of extension activities;
- Rehabilitation of key coastal foreshore sites from Caloundra through to Noosa spit;
- Rehabilitation and maintenance of over 40 hectares of land within the Mooloolah River riparian corridor targeted for revegetation, weed removal and existing remnant vegetation care; and
- Ongoing community education and engagement to promote the achievements and benefits of the Environment Levy to ratepayers and residents of the Sunshine Coast.

### **Legal**

There are no legal implications to this report.

### **Policy**

Council's *Corporate Plan 2009–2014*, identifies the need to prepare and implement a single Environment Levy Policy that focuses on identified strategic needs for the region. In August 2009, Council endorsed an Environment Levy Policy and five year Program (amended June 2012) for the Sunshine Coast. The Program is a key funding source for the implementation of the Sunshine Coast Biodiversity Strategy 2010-2020 and Waterways and Coastal Management Strategy 2011-2021.

At the Special Budget Meeting held on 13 June 2012, Council requested an opportunity to review the Environment Levy Policy to ensure generated revenue continues to be efficiently and effectively fund projects and initiatives which assist in the delivery of Council's policy positions corporate vision. This review is intended to be undertaken this financial year (2012 – 2013), commencing with a Strategic Discussion Forum / workshops before the end of the year.

### **Risk**

There are no identified risks associated with this report. The annual communication of the Environment Levy Program achievements will ensure that the wider community and key stakeholders are aware of the outcomes achieved through the Environment Levy Program.

### **Previous Council Resolution**

At the Council's Special Meeting (Budget) held on 13 June 2012, Council made the following resolution (**SM12/05**) in relation to the Environment Levy charge.

*That Council:*

- receive and note the report titled 'Sunshine Coast Environment Levy Policy and Program';*
- continue the Environment Levy at a charge of \$60 per rateable property per annum in accordance with the Environment Levy Policy 2009; and*

(c) *endorse the revised Environment Levy Program (May 2012) (Appendix A).*

**Related Documentation**

- Sunshine Coast Council Corporate Plan 2009 – 2014
- Sunshine Coast Community Plan
- Sunshine Coast Council Environment Levy Policy (Policy Reference Number 23)
- Sunshine Coast Council Biodiversity Strategy 2010 – 2020
- Sunshine Coast Council Waterways and Coastal Management Strategy 2011-2021
- Sunshine Coast Local Government Area Pest Management Plan 2012-2016

**Critical Dates**

There are no critical dates that relate to this report.

**Implementation**

The implementation of the Environment Levy Program involves numerous departments across the organisation including Infrastructure Services, Community Services, Finance and Business and Regional Strategy and Planning.

Coordination and implementation of the revised Environment Levy Policy and Program is overseen by the Environment Policy Branch, in conjunction with project managers.

Governance on the implementation of the Program is addressed through:

- the Environment Levy Corporate Expenditure Guideline;
  - preparation of an annual progress report on the achievements of the Program to Council;
  - clear and transparent assessment of new project proposals against quadruple bottom line criteria and Environment Levy Policy 2009;
  - continued implementation of low risk actions associated with the internal audit of the Program in 2011-2012; and
  - continued implementation of a communication campaign to promote the Environment Levy and its achievements to the Sunshine Coast.
-

## 7.2 FINANCE AND BUSINESS

### 7.2.1 AUGUST 2012 FINANCIAL PERFORMANCE REPORT

**File No:** ECM 18 October 2012

**Author:** Acting Financial Services Manager  
Finance and Business

**Appendix:** [App A - August 2012 Financial Performance Report](#) (Att Pg 123)

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#### 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.

There are a number of timing issues that exist at the end of August 2012 that make it difficult to compare year to date budget and actual results. The main issues are as follows:

- 2011/2012 carry-over budgets have not been loaded;
- the impacts of year end adjustments (eg accruals) processed in June 2012 which have not been reversed by receipts or payments; and
- 2012/2013 capital budget profiling is yet to be finalised.

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 result at 31 August 2012 show a negative variance of \$5.1 million compared to the forecast position. The main issue is a timing difference in relation to prior year reversals however there are issues that will impact on the year end position. The operating result is a key financial performance measure and ongoing surpluses will be critical.

The 31 August 2012 operating surplus variation is made up of lower than expected revenue of \$7.7 million (5.3%) and lower than anticipated operating expenses of \$2.6 million (5.1%). Further detail is provided in the proposal section of this report.

At 31 August 2012, \$15.8 million (10.7%) of council's \$148.2 million 2012/2013 Capital Works Program was financially complete.

During August 2012, 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 “August 2012 Financial Performance Report”; and
- (b) approve the budget amendments for operating as outlined in the August 2012 Financial Performance Report (Appendix A).

## FINANCE AND RESOURCING

This report incorporates reallocations within the 2012/2013 operating budgets. There has been no change to the operating result as a result of these allocations.

### 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

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 August 2012 show the organisation with a \$5.1 million lower than forecasted operating position against the full year budget.

There are a number of timing issues that exist at the end of August 2012 that make it difficult to compare year to date budget and actual results. The main issues are as follows:

- 2011/12 carry-over budgets have not been loaded;
- the impacts of year end adjustments (eg accruals) processed in June 2012 which have not been reversed by receipts or payments; and
- 2012/2013 capital budget profiling is yet to be finalised.

The 31 August 2012 operating surplus variation is made up of lower than expected revenue of \$7.7 million and lower than anticipated operating expenses of \$2.6 million.

The operating revenue unfavourable variance of \$7.7 million (5.3%) is largely due to outstanding dividend and tax equivalents from Unitywater of approximately \$8.3 million. This \$8.3 million is a result of end of financial year accounting treatment with the revenue being accrued in the 2011/2012 council's financial statements and the reversal showing in the 2012/2013 accounts. This means that the unfavourable variance will remain until the revenue has been receipted, that is, the cash received by council. Receipt of these funds will not occur until Unitywater present their financial statements to the State Government in September/October 2012.

The operating expense favourable variance of \$2.6 million (5.1%) is made up of a lower than budgeted expenditure on Materials & Services. Of this, \$1.3 million relates to 2011/2012 election costs which has accrued as part of end of financial year. Council is awaiting an invoice from the Electoral Commission and staff have made contact on a number of occasions. Furthermore, there is \$1.2 million variance within contract services which is spread across several branches in Finance & Business and Infrastructure Services departments however individual variances amount to \$200,000-\$300,000.

At 31 August 2012, \$15.8 million (10.7%) of council's \$148.2 million 2012/13 Capital Works Program was financially complete.

The capital expenditure in instances may be higher than budgeted which is largely attributed to the carryover process.

During August 2012, 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**.

### **Legal**

There are no legal implications to this report.

### **Policy**

There are no policy implications associated with this report.

### **Risk**

There are three current risks.

In June 2012 the Federal Government pre-paid half of the 2012/2013 Financial Assistance Grant. In past, one quarter of the grant has been pre-paid and the adopted budget anticipated this practice to continue. Since half of the grant was pre-paid into 2011/2012 there is a potential shortfall of \$2.6 million in the current budget.

Secondly, the expected full year growth in rateable properties is less than forecast, with lower revenue than budgeted of \$1.5 million.

Thirdly, the achievement of the \$5 million savings target that is included in the budget. There are a number of reviews and initiatives that are underway however the above issues will make the achievement of the savings target more difficult.

**Previous Council Resolution**

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

**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 the report.

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## 7.2.2 FINANCIAL RESERVES FOR PERIOD ENDING 30 JUNE 2012

**File No:** ECM 18 October 2012  
**Author:** Acting Financial Services Manager  
Finance and Business  
**Appendix:** [App A - Reserves Statement Summary](#) (Att Pg 131)

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### PURPOSE

This report presents the financial reserves position for council at 30 June 2012 along with a summary of reserves movements for the period 1 July 2011 to 30 June 2012.

### EXECUTIVE SUMMARY

Sections 148 and 149 of the *Local Government (Finance, Plans and Reporting) Regulation 2010* require that the creation of a reserve or the transfer to or from a reserve only occur through a council resolution or as part of the adoption of the annual budget. Reserve balances are being finalised as part of council's draft Annual Financial Statements for the period 1 July 2011 to 30 June 2012.

Through the adoption of the original budget for the period 1 July 2011 to 30 June 2012 and subsequent adjustments to this budget through formal budget reviews and monthly financial reports, council has progressively approved amendments to its reserve balances.

The opening balance of reserves at 1 July 2011 was \$221.5 million with a net movement from reserves of \$36.9 million.

Adjustments for special levies, carry-over works and the final management of the contribution to council for the period 1 July 2011 to 30 June 2012 are also incorporated into this report.

At 30 June 2012, council's reserve balance was \$184.7 million which was supported by a cash balance of \$237.8 million.

The main reasons for the \$36.9 million net movement from reserves were the transfer from reserves of \$23.7 million for future asset acquisition and renewal.

The reserve balances at 30 June 2012 by category together with the 2011/2012 financial year movements are given in **Appendix A**.

### OFFICER RECOMMENDATION

**That Council:**

- (a) note and receive the report "Financial Reserves for the Period Ended 30 June 2012"; and**
- (b) adopt the reserve movements for the period 1 July 2011 to 30 June 2012 and reserves balances as at 30 June 2012 as shown in Appendix A.**

## FINANCE AND RESOURCING

The reserve balance has reduced from \$221.5 million at the start of the 2011/2012 financial year to \$184.7 million at year end as funds were expended for the purposes they were collected. This expenditure of \$36.9 million was mainly allocated to the construction of assets in Councils capital works program.

Council's adopted 2012/2013 budget indicates a drawdown from reserves of \$34.8 million over the next five years. In addition Council has received a report on the carry over of projects from the 2011/2012 financial year.

Reserves reconciliation will be undertaken pending the audit of Councils draft Annual Financial Statements.

## 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

All departments or branches participated in the formation of the recommendation 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

Sections 148 and 149 of the *Local Government (Finance, Plans and Reporting) Regulation 2010* require that the creation of a reserve or the transfer to or from a reserve only occur through a council resolution or as part of the adoption of the annual budget. Reserve balances are being finalised as part of council's draft Annual Financial Statements for the period 1 July 2011 to 30 June 2012.

Through the adoption of the original budget for the period 1 July 2011 to 30 June 2012 and subsequent adjustments to this budget through formal budget reviews and monthly financial reports, council has progressively approved amendments to its reserve balances.



Adjustments for special levies, carry-over works and the final contribution to council for the period 1 July 2011 to 30 June 2012 are also incorporated into this report.

The opening balance of reserves at 1 July 2011 was \$221.5 million with a net movement of \$36.9 million transferred from reserves. Movements by reserve category are shown in the following table.

<b>Reserve Category</b>	<b>Opening Balance \$'000</b>	<b>Closing Balance \$'000</b>	<b>Movement \$'000</b>
General	148,455	101,055	(47,400)
Constrained Infrastructure	15,199	20,812	5,613
Levy Funded	12,931	11,430	(1,501)
Special Purpose	6,637	7,116	479
Carry-overs	38,329	44,260	5,930
<b>Total</b>	<b>221,551</b>	<b>184,673</b>	<b>(36,878)</b>

Full details of all reserve balances at 30 June 2012 by category, reserve and sub-reserve together with details of all 2011/2012 financial year movements are given in the appendix.

The main reasons for the more significant 2011/2012 movements and balances by reserve category are as follows:

#### **General Reserves Balance \$101.1 million**

The balance within this category includes amounts set aside for projects that are not specifically identified in the constrained infrastructure, levy funded, special purpose or carry over categories.

The reserves in this category include funds for water and sewer loan repayments, business units, future asset acquisitions, future asset renewals, plant replacement & augmentation, self insurance, strategic property, waste management and general reserves.

The majority of the movement within general reserves during the period is attributable to:

- Transfer of the operating result of \$10.5 million to general reserves (\$4.6 million of this transfer will be used to fund 2011/2012 operating carry-overs).
- \$4.2 million of transfers from the Strategic Property Reserves for acquisitions during the financial year.
- \$6.4 million of loan repayments relating to water and sewer loans that were retained by Council.
- \$23.7 million of transfer from future asset acquisition and renewal, and strategic property reserves.

#### **Constrained Infrastructure Balance \$20.8 million**

This reserve category includes all monetary grants, subsidies, and contributions constrained for the purpose of funding specific infrastructure. During the 2011/2012 financial year this reserve increased by \$5.6 million.

#### **Levy Funded Reserves Balance \$11.4 million**

This reserve category holds the unexpended portion of the special and separate levies collected under council's Revenue Statement. Environment, Public Transport, Heritage and Twin Waters maintenance are a few examples of levies retained in this reserve.

During the 2011/2012 financial year this reserve decreased by \$1.5 million.

### **Special Purpose Reserve Balance \$7.1 million**

This reserve category reflects monies set aside by council for functions that council performs as an “agent” for other bodies or where council has an obligation to utilise revenue from specific transactions in accordance with contractual obligations. Examples include, but not limited to, Caloundra regulated parking and Infrastructure Agreements.

During the 2011/2012 financial year this reserve increased by \$0.5 million.

### **Carry-overs Reserve Balance \$44.3 million**

These reserves represent projects set aside from operating projects and previous capital works programs for completion in future financial years.

Council has previously been provided the carryover report which indicated \$36.5 million of both operating and capital requests into 2012/2013 revised budget.

### **Legal**

This report ensures that council complies with its legislative obligations under Sections 148 and 149 of the *Local Government (Finance, Plans and Reporting) Regulation 2010*.

### **Policy**

The recommendations in this report are consistent with council's Capital and Operational Reserves Policy as adopted on 8 October 2009.

### **Risk**

The funding of adequate reserves is critical to the ongoing financial management and funding of future capital and operational works of council. As identified in the finance and resourcing section there are significant expenditure of reserves forecast over the next five years which will impact on key financial ratios.

### **Previous Council Resolution**

There are a range of previous resolutions that are linked to this report including the adoption of Councils 2012/2013 Budget and those related to the expenditure of various levies.

### **Related Documentation**

There is no related documentation for this report.

### **Critical Dates**

Approval of all reserves movements for the 2011/2012 financial year is required before formal sign off of council's 2011/2012 financial statements.

### **Implementation**

The Council resolution that eventuates from this report will support the draft 2011/2012 Annual Financial Statements and allow the processing of the budget adjustments associated with the carry over of projects from the 2011/2012 financial year.

### 7.2.3 APPLICATION OF NATIONAL COMPETITION POLICY REFORM FOR 2012-2013

**File No:** ECM 18 October 2012  
**Author:** Manager, Commercial & Procurement  
Commercial Analysis Manager  
Finance and Business  
**Attachments:** [Att 1 - Reform Options](#) (Att Pg 133)  
[Att 2 - Business Activity Identification](#) (Att Pg 135)  
[Att 3 - Full Cost Performance](#) (Att Pg 138)

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#### PURPOSE

To make recommendations for the application of National Competition Policy reforms for the 2012-2013 financial year.

#### EXECUTIVE SUMMARY

The key recommendations for the 2012-2013 financial year resulting from the annual review of the application of National Competition Policy reforms to Council's are outlined in this report.

The recommended business activity structure for 2012-2013 is unchanged from 2011-2012 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, Code of Competitive Conduct, and cost recovery pricing principles are outlined in Attachment 1.

Legislative requirements and the process for business activity identification is 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 Reform 2012-2013";
  - (b) apply Full Cost Pricing to the Waste and Resource Management significant business activity for the 2012-2013 financial year in accordance with section 44(1)(c) of the *Local Government Act 2009*; and
  - (c) apply the Code of Competitive Conduct to the following business activities, for the 2012-2013 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:** 8.1 Ethical, accountable and transparent decision-making  
**Strategy:** 8.1.2 Ensure legislative compliance and awareness

**Corporate Plan Theme:** *Great Governance*

**Emerging Priority:** 8.1 Ethical, accountable and transparent decision-making  
**Strategy:** 8.1.3 Councillors and employees are aware of the importance of ethical behaviour, compliance with codes of conduct and providing complete information and advice

**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**

- General Manager Airports
- Manager responsible for Sunshine Coast Holiday Parks
- Manager responsible for Quarries
- Manager Waste and Resource Management
- Manager Civil Works Services
- Financial Accounting Manager
- Manager Finance

### **External Consultation**

- Economic Regulatory Consultant
- 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 2012-2013 thresholds are as follows:

- Type 1 significant business activities are those with expenditure over the \$26.2 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 \$270,000 threshold.

The classification of Council's business activities are listed in the table below for 2011-2012 and 2012-2013.

**Table: Current and Proposed Business Activity Classification**

<b>Business Activity</b>	<b>2011-2012 Current Classification</b>	<b>2012-2013 Proposed Classification</b>
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 2012-2013 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)(c) 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 (Beneficial Enterprises and Business Activities) Regulation 2010*, 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 (Beneficial Enterprises and Business Activities) Regulation 2010* if the National Competition Policy reforms are not applied.

### **Previous Council Resolution**

Council applied the National Competition Policy reforms for the 2011-2012 financial year as resolved at the Ordinary Meeting on 18 May 2011.

Council Resolution (OM11/128).

*That Council:*

- (a) *receive and note the report titled “Application of National Competition Policy Reform”;*
- (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 (Beneficial Enterprises and Business Activities) Regulation 2010.*

**Critical Dates**

The resolution applies to the 2012-2013 financial year.

**Implementation**

The revised National Competition Policy reforms will be applied for the 2012-2013 financial year.

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## 7.2.4 QUARTERLY PROGRESS REPORT - QUARTER 1, 2012-2013

**File No:** 4.16.4

**Author:** Corporate Planning and Reporting Manager  
Finance and Business

**Appendix:** [App A - Chief Executive Officers Report – Quarter 1](#) (Att Pg 139)  
[App B - Operational Plan Activities Report](#) (Att Pg 165)

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### PURPOSE

This report presents the Quarterly Progress Report for the period 1 July to 30 September 2012.

The report has been prepared to inform council and the community on implementation of the activities, projects and programs set out in the Operational Plan 2012-2013 and the implementation of the Corporate Plan 2009-2014.

### EXECUTIVE SUMMARY

Each calendar quarter, council receives a progress report on the delivery of the operational plan and other matters of importance. The report, once adopted, is made available to the community.

This report includes reports from the Chief Executive Officer and Executive Directors outlining achievements for the quarter. It also provides information on operational projects/activities set for the year focused on forward planning, service delivery, capital works programs, and organisational efficiencies.

Executive Directors have outlined in their reports that planning is well underway to deliver on the 210 projects/activities in the Operational Plan 2012-2013.

Highlights from the quarter ended September are as follows:

- Draft Sunshine Coast Planning Scheme finalised for Ministerial review
- Light Rail Feasibility Study adopted
- Development application processing timeframes improved and meeting timeframes
- Mobile technology deployed to staff in the field to improve efficiencies
- 25% of the Reseal and Rehabilitation program completed
- Road widening of Wilson Road, Ilkley (\$1.1 million) completed
- Sundayze series delivered five events of free family entertainment
- Cemeteries Plan adopted
- Seniors Week and NAIDOC Week celebrated
- Organisation Review process commenced
- Development of the new Economic Development Strategy commenced
- 450 people from construction and related sectors supported through information sessions on opportunities associated with the new hospital.

- More than 100 businesses accessed direct professional support through council's Business Connect Service, part of the Local Business Support Program.

## OFFICER RECOMMENDATION

That Council:

- receive and note the report titled "Quarterly Progress Report – Quarter 1, 2012-2013";
- note the Chief Executive Officer's Quarterly Progress Report – Quarter 1, 1 July to 30 September 2012 (Appendix A); and
- note the Operational Activities Report – Quarter ended September 2012 (Appendix B) reporting on the implementation of the Corporate and Operational Plans.

## FINANCE AND RESOURCING

The cost of implementing the Operational Plan 2012-2013 was built into the Annual Budget 2012-2013.

A detailed report covering financial information will be presented to council after end of financial year processing is finalised.

## 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:** 8.2 Effective business management  
**Strategy:** 8.2.4 Consolidate data, information and knowledge to improve council operations

**Corporate Plan Theme:** *Great Governance*

**Emerging Priority:** 8.6 An informed and engaged community  
**Strategy:** 8.6.3 Keep the community informed about council's activities through a wide range of communication tools

## CONSULTATION

### Internal Consultation

Consultation has occurred widely within council to ascertain the status of activities and projects in the operational plan and this information was provided by each organisational department of council.

### External Consultation

There has been no external consultation in relation to this report however the report is made available to the community following adoption.

### Community Engagement

Community engagement in relation to projects and activities within the Operational Plan 2012-2013 is undertaken where appropriate in accordance with the relevant project plans and the Community Engagement Policy.

## PROPOSAL

### About the Quarterly Progress Report

The Chief Executive Officer's Quarterly Progress Report – Quarter 1 (Appendix A) consists of the Chief Executive Officer's summary report and Executive Directors' detailed reports.

The purpose of the report is to inform council and the community on progress towards implementing projects and activities set out in the Operational Plan 2012-2013 that align with the delivery of the Corporate Plan 2009-2014.

Executive Directors have indicated that 98% of projects are in the planning phase or have commenced and 2% have been completed during the calendar quarter.

### Status of Projects

The Operational Activities Report – Quarter ended September 2012 (Appendix B) provides details on the status of the 210 projects/activities in the Operational Plan 2012-2013.

The report includes the status of each project/activity in the operational plan covering percentage complete, anticipated completion date and progress commentary.

Table 1 provides a summary on the status of all projects/activities in the Operational Plan.

Status	Number
Completed	4
Underway	200
Not started	6
<b>TOTAL</b>	<b>210</b>

**Table 1: Summary of all projects/activities in the Operational Plan**

### Projects carried forward

Included within the 210 projects/activities in the Operational Plan 2012-2013 are 15 projects of significance still to be completed from the Operational Plan 2011-2012.

### Significant projects/programs implemented

- Draft Sunshine Coast Planning Scheme finalised for Ministerial review
- Light Rail Feasibility Study adopted
- Development application processing timeframes improved and meeting timeframes
- Mobile technology deployed to staff in the field to improve efficiencies
- 25% of the Reseal and Rehabilitation program completed
- Road widening of Wilson Road, Ilkley (\$1.1 million) completed

- Sundayze series delivered five events of free family entertainment
- Cemeteries Plan adopted
- Seniors Week and NAIDOC Week celebrated
- Organisation Review process commenced
- Development of the new Economic Development Strategy commenced
- 450 people from construction and related sectors supported through information sessions on opportunities associated with the new hospital
- More than 100 businesses accessed direct professional support through council's Business Connect Service, part of the Local Business Support Program.

More detail on these highlights and other achievements during the quarter is available in the Executive Directors' reports which form Appendix A to this report.

### **Legal**

There is a legislative requirement for council to provide a performance report on its progress in implementing the Corporate and Operational Plans. This report meets the requirements of the *Local Government (Finance, Plans and Reporting) Regulation 2010*, section 122(2).

### **Policy**

There is no policy associated with the presentation of a quarterly progress report however it is a component of the Strategic Corporate Planning and Reporting Framework and a legislative requirement to provide a report on performance against the corporate and operational plans.

### **Risk**

Executive Directors have provided an overview of departmental operations including the outlook for the future and any associated risks.

In accordance with council's Enterprise Risk Management Framework, the risks and opportunities identified in relation to the quarterly progress report include:

**Reputation/public image:** the report provides complete information on council's operations and builds a positive reputation for council with the community.

**Legislative:** the report meets the legislative requirements of the *Local Government (Finance, Plans and Reporting) Regulation 2010*, section 122(2).

**Business activity:** the report keeps council informed about the progression of the operational plan activities and provides a timely account of council's progress to the community.

### **Previous Council Resolution**

#### **Council Resolution** (SM12/08)

*That Council:*

- receive and note the report titled "Operational Plan 2012-2013"; and*
- adopt the "Operational Plan 2012-2013" (Appendix A).*

**Related Documentation**

- Corporate Plan 2009-2014 and Operational Plan 2012-2013.
- Financial information is provided to council through the Financial and Capital Management report.

**Critical Dates**

Quarterly Progress Reports are usually scheduled to be presented to council within four weeks of the end of the calendar quarter subject to the scheduled meeting cycle.

**Implementation**

Corporate Governance branch will manage the distribution and publication of the report. Specifically the report will be distributed to council libraries and customer service centres and will be placed on council's website and intranet.

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## 7.3 INFRASTRUCTURE SERVICES

### 7.3.1 MAROOCHY BEACH RENOURISHMENT PROJECT UPDATE

**File No:** ECM 18 October 2012  
**Author:** Manager Environmental Operations  
Infrastructure Services  
**Attachments:** [Att 1 - Map of Maroochy Beach Pipeline Alignment](#) (Att Pg 205)  
[Att 2 - WBM Feasibility Report Final](#) (Att Pg 206)  
[Att 3 - Typical Beach Renourishment Profile](#) (Att Pg 385)

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#### PURPOSE

The purpose of this report is to present to Council a summary of the findings of the Maroochy Beach renourishment feasibility study, as well as the implementation status of the project, an overview of the risks involved and a forecast of potential operational costs of a sand renourishment program for Maroochydore beach.

#### EXECUTIVE SUMMARY

At Council's Ordinary meeting of 16 November 2011 Council endorsed in principle the Maroochy Beach renourishment treatment proposals. The aim of the proposed nourishment program is to widen the beach to increase the erosion buffer and protect civil, social and economic assets, such as parks, footpaths and roads. The endorsed in principle proposal consists of a permanent pipeline to be installed within the dunal system from the Maroochy River mouth south to a suitable location in the vicinity north of the Alexandra Headlands Surf Club (see Attachment One, map of proposed pipeline alignment). A dredging program would then be activated on an annual or as needs basis to replenish the beach profile over the following years.

A feasibility study has been undertaken by Coastal Engineering consultants BMT WBM which indicates that the project is a feasible interim shoreline protection measure (see Attachment 2). A targeted community consultation process was undertaken resulting in general acceptance of the proposal. Federal, State and Local Government permits have now been, or are in the final stages of being acquired.

Contract tender documentation is being finalised with contract works for the sand renourishment pipeline proposed to commence in November 2012.

The project has reached a hold point and in accordance with the previous resolution this report, detailing the issues and costs, is now submitted to Council to seek endorsement to progress the project.

#### OFFICER RECOMMENDATION

**That Council:**

- (a) receive and note the report titled "Maroochy Beach Renourishment Project Update";
- (b) endorse the continuation of the project to construct a sand renourishment pipe line; and

- (c) note that the balance of the 2012/2013 capital project will be placed into reserves and that for the 2013/2014 – 2015/2016 a submission of \$300,000 per year for beach renourishment will be submitted for Council's consideration and placed in reserves to fund a beach renourishment program between May and September 2015, as noted within this report as the 'low' renourishment level of service.

## FINANCE AND RESOURCING

An allocation of \$1,200,000 was allocated in the 2011–2012 financial year in the Coastal and Canals capital program for foreshore protection works for Maroochydore beach.

To date, \$200,000 has been expended on:

- beach renourishment feasibility study including sediment investigation and analysis;
- State and Federal Government permits;
- targeted stakeholder consultation; and
- contingency design and permits for a permanent armour rock wall protection structure and preparation of tenders for construction of the renourishment pipeline.

An amount of approximately \$500,000-\$600,000 is the proposed allocation for the construction of the pipeline in November 2012 with the balance of \$400,000- \$500,000 proposed to be held in reserve to contribute to the first phase of the dredging and renourishment program.

Council is in negotiation with the Maroochydore Surf Life Saving Club regarding co-contribution arrangements for the construction of a beach access ramp however confirmation of the contribution has yet to be received.

The ongoing operational dredging program costs will be subject to Council budget processes and approval. These costs will vary dependent upon impact on the beach profile associated with seasonal and extreme weather events, sand movement and availability, risk associated with asset threat exposure and the quantity of sand considered appropriate at the time of the renourishment program to maintain an adequate beach profile.

Further detail is provided below in the Proposal however in summary the forecast operational costs should be considered in terms of three levels of service: low (event specific); medium and high renourishment outcomes as detailed below:

### Low

This option proposes to renourish Maroochydore Beach with approximately 80,000-100,000 m<sup>3</sup> of sand with an estimated cost of \$1,000,000-\$1,300,000 (including contingencies).

Similar to the annualised cost phasing discussed above, if this option was adopted it would also be recommended that, in conjunction with the forecast project reserve balance from the 2012/2013 financial year of approximately \$400,000 - \$500,000, an annualised operational project allocation of \$300,000 per annum be allocated in the 2012/2013 to 2015/2016 financial years.



This option provides for social and economic asset protection and, while not the specific purpose of this report, this option also proposes to address Council's contractual obligations with Surf Life Saving Australia to host the March/April 2016 Australian Surf Life Saving Competition in terms of Surf Life Saving Australia's beach specifications.

### **Medium**

This option provides for a reduced degree of protection relative to the optimal option noted above.

This option includes an initial sand renourishment program of 125,000m<sup>3</sup> to create a usable beach profile of approximately 25 metres with subsequent beach renourishment maintenance required over time.

The initial cost of this option in 2013/2014 is forecast at approximately \$1,400,000 and would include the reprovision of approximately \$400,000 - \$500,000 from the 2012/2013 financial year.

Subsequent maintenance costs could range from \$1,000,000-\$1,500,000 dependent upon the frequency and severity of storm activity.

To avoid lump sum budget allocation if this option was adopted it is recommended that an annualised operational allocation of \$250,000 per annum be provided. This allocation would be held over in reserves over successive financial years to provide adequate funding to undertake a beach maintenance renourishment program when required.

### **High**

This option provides greater buffer capacity for Maroochydore Beach and associated assets to withstand the impacts of severe weather events.

This option is based on an idealised renourishment program to relocate an optimum sand quantity of 350,000m<sup>3</sup> over a four year period.

The forecast cost of this option is \$ 4,400,000 over four years.

### **Renourishment Option Recommendation**

Given the significant costs of the beach renourishment options discussed above and the relative risk associated with all of these options coupled with Council's contractual obligations to Surf Life Saving Australia for the delivery of the Australian Surf Life Saving Championships it is recommended that Council:

- Continue with the construction of renourishment pipeline in the 2012/2013 financial year;
- Place in reserves the balance of the funds from the 2012/2013 renourishment project;
- Allocate and place in reserves an annualised budget amount of \$300,000 per annum for the 2013/2014 – 2015/2016 financial years;

## Gold Coast Comparison

As a comparison the Gold Coast City Council have budgeted for the 2012/2013 financial year approximately \$4,500,000 for beach renourishment purposes. This includes \$500,000 per year allocated to reserves to undertake beach renourishment on the northern Gold Coast beaches as required.

## Enduring Economic Benefit

An independent analysis has indicated that Maroochy Beach attracts approximately 2,972,217 person visits per year. Based on conservative estimates, via an extrapolative percentage of the value of overall recreational benefit for the Sunshine Coast Region, this section of coastline contributes approximately \$88 million to enduring economic benefit for the region (Blackwell. B, 2011, unpublished at the time of reference).

Using this as a point of reference and contrasted against the costs associated with the Optimum beach renourishment program noted above this would equate to an average 98.5% return on investment per annum associated with a beach renourishment program designed to provide protection and enhancement of the economic, social and environmental values of Maroochydhore Beach.

## Alternative Funding Options

As there are significant operational costs identified with all of the options noted above it is recommended that a further report be submitted for Council's consideration that investigates and analyses other revenue opportunities such as existing or new levies.

Finally, it must also be noted that on-going dialogue is occurring with the Department of Transport and Main Roads in terms of a reasonable co-contribution to beach protection measures that have a benefit to the maintenance of the structural integrity of Alexandra Parade, a State government controlled road.

## CORPORATE PLAN

**Corporate Plan Theme:** *Robust Economy*

**Emerging Priority:** 1.1 A broad economic base  
**Strategy:** 1.1.6 Work with partners to develop initiatives that attract investment, business, careers and jobs to the region

**Corporate Plan Theme:** *Ecological Sustainability*

**Emerging Priority:** 2.1 The impact of climate change  
**Strategy:** 2.1.2 Develop and implement adaptive action plans to respond to climate change

**Corporate Plan Theme:** *Health and Wellbeing*

**Emerging Priority:** 4.2 Active lifestyles  
**Strategy:** 4.2.3 Promote physical activity and recreation  
 4.2.4 Support Community based sport and recreation organisations and programs

## CONSULTATION

### Internal Consultation

- Councillor Chris Thompson (Division 4)
- Councillor Jason O'Pray (Division 8)
- Executive Director Infrastructure Services
- Acting Manager Environment Policy
- Coastal Management Working Group

### External Consultation

- Department of Environment and Heritage Protection
- Department of Natural Resources and Mines
- Federal Department of Sustainability, Environment, Water, Populations and Communities
- BMT WBM Ltd Coastal Consultants
- State Member for Maroochydore

### Community Engagement

- Alexandra Headland Community Association
- Alexandra Headland Surf Life Saving Club
- Maroochy Surf Life Saving Club
- Sunshine Coast Environment Council
- Surfrider Foundation
- Australian Wader Bird Study Group
- Coolum District Coastcare
- Queensland Wildlife Preservation Society
- Maroochy River Waterwatch
- Birds Australia
- Maroochy Chamber of Commerce
- Boat Shed Restaurant

## PROPOSAL

### Background

Maroochydore Beach is subject to erosion from seasonal and extreme weather events that threaten transport infrastructure, social and economic assets and remaining dune vegetation. The image below demonstrates the typical nature of foreshore erosion, loss of beach amenity and threat to asset and infrastructure evident on Maroochydore Beach.

This photo (taken in December 2011) was taken opposite Okinja Road looking south to Alexandra Headlands. N.B. at this location the erosion scarp is approximately 18 metres from Alexandra Parade



At the Council Ordinary Meeting on 16 November 2011 Council resolved to approve in principle the renourishment project for Maroochydore beach. A number of actions have occurred to date, these include:

- Coastal Engineering consultants BMT WBM were engaged to develop a sand renourishment feasibility study that covered aspects of coastal dynamics, environmental issues, and social values. The study sought to test and validate a balanced, interim risk management response that recognises (a) current threat to assets, (b) the inherent environmental values of both the Maroochy River estuary and dunal system and (c) the enduring economic and social benefit of the beach and dunal systems. Please see Attachment Two for the full report.
- Targeted consultation was undertaken with a diverse range of stakeholders as noted above, see below for further details.
- A draft communications plan has been developed including a dedicated SCC project web page and e-mail address.
- Permit approval applications were prepared and submitted to respective Federal, State and Council assessment authorities.
- The Department of Sustainability, Environment, Water, Population and Communities has issued a conditioned approval.
- All remaining approvals are anticipated to soon be granted by State and Local Governments.

- A longer term shoreline erosion option of an armor rock seawall has been developed to draft stage by BMT WBM and is currently being reviewed internally.
- The Maroochy Surf Life Saving Club has submitted the beach access ramp design for approval. Council remains in negotiation with the Club over suitability of the design and associated costs.

### Summary of Feasibility Study and Community Engagement

#### *Feasibility Study*

- Based on a review of previous modeling and current coastal process research the project of renourishing Maroochydoore Beach from sand taken from Maroochy River is considered feasible as an interim solution to provide foreshore erosion protection measures for the section of coast between Alexandra Headlands skate park and Maroochy Surf Life Saving Club. The consultants have stated "*The longevity of the proposed beach nourishment works was estimated following analytical methods described in the Coastal Engineering Manual (USACE, 2002)*" and "*the assessment methods described above are typical of those undertaken prior to initial beach nourishment works*". The consultants also noted that "*physical data collection is considered an essential component of any beach nourishment program so that the benefit of the works can be recognised and quantified*".
  - It is proposed that a permanent sand delivery pipeline of approximately 400mm diameter be constructed between Cotton Tree Caravan Park south and a suitable location north of the Alexandra Headland Surf Life Saving Club. A section of the pipeline along the beach between Cotton Tree and northern Maroochydoore beach will be buried. Much of the remainder of the pipeline will be placed to the back of the dune beside the existing dune fencing. The method of sand delivery will require periodic use of a dredge and booster pumps to pump sand from the Maroochy River and deposit along Maroochydoore beach. Desired profiles would be shaped using plant such as excavators and dozers.
  - An idealized, hypothetical renourishment program has been recommended to relocate 350,000m<sup>3</sup> of sand over a four year period. This volume exceeds the erosion volumes associated with the extreme erosion event and is therefore expected to provide protection to adjacent assets. This volume would require annual review and would be dependent upon seasonal and extreme weather events and beach requirements which will be determined by the monitoring programs noted below. The idealized, hypothetical beach renourishment program over successive years would involve the following quantities:
    - 125,000m<sup>3</sup> - 2012/2013
    - 100,000m<sup>3</sup> - 2013/2014
    - 75,000m<sup>3</sup> - 2014/2015
    - 50,000m<sup>3</sup> - 2015/2016
  - (Please note alternative beach renourishment programs that provide a lesser degree of a beach buffer and also aim to address Council's contractual obligations to Surf Life Saving Australia associated with hosting the Australian Surf Life Saving Championships in 2016 have been detailed in the Finance and Resourcing section above).
  - Dependent on influences to the foreshore it is intended that successive renourishment programs will contribute to maintaining a beach profile erosion buffer of an average 40 metres, i.e. the usable portion of the beach profile.
-

- Extreme erosion events such as east coast low pressure systems and large cyclone swells with storm tides will cause the immediate loss of sand from the beach profile however this should not be perceived as a failure as the consultants advise that most of the material will remain within the beach system and may naturally return onshore during periods of low-energy wave conditions.
- Based on forecast storm events and the interaction of longshore and onshore currents the longevity assessments of the initial renourishment works estimates a half life of approximately 3 years however losses are likely to vary from year to year.
- The approval from the Department of Environment and Heritage Protection will expire after 2016/2017 financial year at which time, if the renourishment program is successful, Council may wish to consider installing a permanent sand recycling system, similar to the one installed in Noosa, to intercept sand from the littoral drift before it enters the Maroochy River mouth.
- The project proposal is consistent with the Queensland Coastal Plan.
- A range of legislative constraints exist in sourcing a sand supply from Maroochy River including such things as avoiding designated fish habitat areas, commercial fish spawning periods and migratory and shorebird roosting and resting habitat in terms of both location and season
- A comprehensive monitoring program will be required to measure the effectiveness of the renourishment program, identify any potential impacts and assist in determining suitable methods of foreshore protection for years beyond 2015/2016.
- To enhance the beach sand retention capacity the consultants were asked separately to consider the benefits of groynes on Maroochy beach, extension of the groynes located on the southern side of the Maroochy River entrance and a hypothetical groyne linking Pincushion Island back to the southern bank of the Maroochy River entrance. Given that the predominate influencing factors on the sand dynamics of Maroochy Beach are the local on-shore currents and storm events, these options were not considered to provide any substantial benefits in retaining sand on this section of beach.
- Negotiations are currently underway with the Sunshine Coast University (SCU) to expand Sunshine Coast Regional Council's existing partnership program with SCU to include the monitoring requirements noted above.
- Future renourishment programs will be referred to future financial years as operational projects for Council's consideration during respective budget deliberations.

### ***Community Engagement***

- As noted above, targeted consultation was undertaken with a diverse range of stakeholders.
- The consultation included a full briefing that included question and answer sessions as well as a follow up survey that sought responses to the following questions:
  - Do you agree that foreshore erosion is an issue on Maroochy Beach?
  - Do you agree that foreshore protection measures are required for Maroochy Beach?
  - Following the presentation do you have a better understanding of the technical aspects of foreshore protection associated with foreshore erosion?
  - Do you have any comments or suggestions that will assist Council in finalising its interim foreshore protection proposal for Maroochy beaches?

- Do you have any concerns about the feasibility study recommendations for interim foreshore protection for the Maroochydore beaches as presented?
- Overall how supportive are you of the proposal to dredge sand from the Maroochy River mouth for renourishment of Maroochydore beaches?
- Generally, across the range of feedback there was majority agreement that foreshore erosion of the Maroochydore beach was an issue and that protection measures were required.
- All stakeholders benefited from the provision of technical information concerning foreshore protection works and coastal dynamics.
- Some comments received included: Council to continue with community consultation, need to mitigate impacts on migratory and shorebird resting and roosting habitats, ensure future management programs are informed by current beach and fauna monitoring programs, questions regarding how interim protection solutions relates to holistic long term solutions, Council need to include dunal rehabilitation program with the renourishment program and further detail on economic benefits would be helpful.
- Generally most respondents were supportive or very supportive of the proposal, several remaining neutral on the issue with one respondent not supportive.

### ***Renourishment Options***

Given the ongoing operational dredging program costs and variability of impacts on the beach profile dependent upon seasonal and extreme weather events, sand movement and availability, risk associated with asset threat exposure and the quantity of sand considered appropriate at the time of the renourishment program to maintain an adequate beach profile a range of options have been considered in terms of three levels of service: high, medium and low (event specific). These options are discussed in more detail below. (see Attachment 3 for consolidated diagram of typical beach renourishment profiles of 10 meters, 20 meters and 40 meters).

#### **Low**

This option provides for social and economic asset protection and, while not the specific purpose of this report, this option also proposes to address Council's contractual obligations with Surf Life Saving Australia to host the March/April 2016 Australian Surf Life Saving Competition in terms of Surf Life Saving Australia's beach specifications.

Based on the assumption that some events will be conducted on both Alexandra Headland and Mooloolaba beaches the volume of sand required for Maroochydore Beach will be between 80,000-100,000 m<sup>3</sup> at an estimated cost of \$1,000,000-\$1,300,000 (including contingencies).

Similar to the annualised cost phasing discussed above, if this option was adopted it would also be recommended that, in conjunction with the forecast project reserve balance from the 2012/2013 financial year of approximately \$400,000, an annualised operational project allocation of \$300,000 per annum be allocated in the 2012/2013 to 2015/2016 financial years. This will enable sand renourishment to occur around September 2015 (N.B. permit conditions only allow operational dredging windows between May and September each year). Also, as per the agreement/contract with Surf Life Saving Australia, Council will provide detailed plans of the beach competition area to Surf Life Saving Australia no later than 1 January 2015.

It is expected the operational costs of maintaining the beach profile would be as per that noted above under Finance and Resourcing as a serviceable option.

### **Medium**

While creating a protection buffer this option provides for a reduced degree of protection relative to the optimal option noted above. This option includes an initial sand renourishment program of 125,000m<sup>3</sup> which would enhance dunal resilience and create a usable beach profile of approximately 25 metres.

While the migration of sand off the beach system over time is predictable the rapidity of this occurring is unpredictable and dependent upon the frequency and severity of storm activity. As a consequence any maintenance of the beach profile would be subject to future budget submissions and could range in cost from \$1,000,000-\$1,500,000.

The initial cost of this option in 2013/2014 is forecast at approximately \$1,400,000 and would include the reprovision of approximately \$400,000 from the 2012/2013 financial year.

To avoid lump sum budget allocation as noted above, if this option was adopted it is recommended that an annualised operational allocation of \$250,000 per annum be provided. This allocation would be held over in reserves over successive financial years to provide adequate funding to undertake a beach maintenance renourishment program when required.

### **High**

This option provides greater buffer capacity for Maroochydore Beach and associated assets to withstand the impacts of severe weather events.

Please note that the costs discussed below are relative to an idealised renourishment program to relocate an optimum sand quantity of 350,000m<sup>3</sup> over a four year period. However it must be noted that actual sand renourishment intervals and quantities can vary significantly from year to year dependant on beach conditions and sand availability.

This includes:

- Year 1 (2013/14) - \$1,400,000 (this includes approximately \$500K balance from 2012/2013)
- Year 2 (2014/15) - \$1,200,000 (or none or less dependent upon season and sand movement)
- Year 3 (2015/16) - \$1,000,000 (or none or less dependent upon season and sand movement)
- Year 4 (2016/17) - \$800,000 (or none or less dependent upon season and sand movement)
- Year 5 (2017/18) - consider permanent sand recycling system

This option provides for an idealised quantity of sand that will migrate on and off Maroochydore Beach associated with storm events which is the predominate influence on sand movement in this system. This option establishes an active volume of available sand in this system that could in future years be utilised, via a sand slurry by-pass system, to maintain the beach profile. This is similar to the system established for the maintenance of Noosa Main Beach and of that currently being trialled by the Department of Transport and Main Roads at the entrance to the Mooloolah River.

For consideration, the capital cost of developing the Noosa sand slurry by-pass system was approximately \$2,000,000 with a recurrent operational cost of \$240,000 per year plus \$127,000 of internal loan interest repayments. This delivers approximately 30,000m<sup>3</sup> of sand per annum to Noosa Beach.

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### ***Renourishment Option Recommendation***

Given the significant costs of the beach renourishment options discussed in this report and the relative risk associated with all of these options coupled with Council's contractual obligations to Surf Life Saving Australia for the delivery of the Australian Surf Life Saving Championships it is recommended that Council:

- Continue with the construction of renourishment pipeline in the 2012/2013 financial year;
- Place in reserves the balance of the funds from the 2012/2013 renourishment project;
- Allocate and place in reserves an annualised budget amount of \$300,000 per annum for the 2013/2014 – 2015/2016 financial years;
- As per the permit conditions, undertake a beach renourishment program between the months of May and September 2015 to provide for the beach profile requirements as specified for the Australian Surf Life Saving Championships in 2016; and
- Consult with the State and Federal agencies to seek timing restrictions to permit a one- off dredging operation outside of the permitted times between May and September each year to respond to emergency or extenuating events and circumstances

### ***Alternative Funding Models***

As noted above, significant operational costs have been identified with all of the beach renourishment options. As a consequence it is also recommended that a further report be submitted for Council's consideration that investigates and analyses other revenue opportunities such as existing or new levies.

### **Legal**

Currently Council retains contractual obligations to Surf Life Saving Australia for the provision of specified beach profile for the March 2016 Australian Surf Life Saving Championships. This contractual agreement states that Council will strictly comply with the beach profile specifications required for the event and will be in conformity of the specifications by no later than 1 January 2015.

However the agreement may be terminated by Surf Life Saving Australia if Council fails to remedy the non-conformance within 90 days of being notified to do so.

It is important to note the last opportunity Council has to dredge and renourish Maroochydore Beach prior to the championships in March 2016 is September 2015. That is, a full summer season will be experienced between September 2015 and March 2016 without the opportunity or benefit of sand renourishment.

It is recommended that Surf Life Saving Australia be notified of both the expected costs and restrictions on the dredging window of operation and, as a consequence, the potential constraints Council has on the provision of the specified beach profile as per Council's contractual arrangements with Surf Life Saving Australia.

### **Policy**

Council's endorsement of this report is in line with the direction of the following organisational strategies:

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- a) Waterways and Coastal Management Strategy 2011–2021
- b) Open Space Strategy 2011

Please note, several statutory and non-statutory coastal policies and plans are yet to be completed by Regional Strategy and Planning and presented to Council for consideration, these include the Coastal Management Policy and the Shoreline Erosion Management Plan. However, it is important to note that the actions noted above associated with the beach renourishment program, as an interim shoreline protection measure, are consistent with the intent of these documents as well as the Queensland Coastal Plan.

### **Risk**

Aside from the legal implications discussed above associated with Council's ability to comply with the beach profile specifications for the Australian Surf Life Saving Championships there are several notable risk elements associated with the various response options for Maroochydoore Beach that are respectively considered below:

- (a) Do Nothing

The 'do nothing' option exposes critical transport infrastructure, along with social and economic assets, to threat and failure associated with extreme weather events (N.B. currently the beach erosion cutting is approximately 18 metres from Alexandra Parade in some locations). This option does not incur an immediate capital or operational cost for Council, however, costly reactive dune and asset protection works are forecast as necessary intervention works in the medium term.

- (b) Beach Renourishment (basis of this report)

The beach renourishment option provides for interim protection measures for those assets and infrastructure noted above. It must be noted that this option will incur substantial operational costs into the future for maintenance of a full beach profile. Furthermore, severe weather events could remove sand from the beach profile that had been deposited during the renourishment program. However it is envisaged that even in an erosion event the renourished beach profile would have functioned as a safety buffer for transport infrastructure and social and economic assets, and the material removed from the beach will remain in the beach system to be deposited back on the beach during low energy wave conditions.

- (c) Permanent Rock Wall Protection

The permanent rock wall option provides greater certainty as a protection measure but incurs significant capital costs in construction. Research also indicates that permanent rock wall protection structures often result in loss of the active beach system due to reflected wave energy off the structure. At this stage Council is yet to consider the longer term economic, social and environmental implications of coastal defence strategies such as this.

Based on the above and the relative risks, option (b) remains the recommended treatment option as it balances the short to medium term benefits of beach profile retention that contributes to protection of civil, economic and social assets with capital and operational cost exposure. Furthermore, as an interim protection solution this option provides Council time to consider the significant implications of broader coastal protection plans and strategies and engage with the Sunshine Coast Community.

**Previous Council Resolution****Ordinary Meeting 16 November 2011 (OM11/276)****(PSC) ITEM 4.2.1 MAROOCHY BEACH RENOURISHMENT TREATMENT PROPOSAL**

*That Council:*

- (a) receive and note the report titled "Maroochy Beach Nourishment Treatment Proposals";*
- (b) endorse in principle the proposed sand renourishment program for the beach between Alexandra Headlands Surf Club and the Maroochy River mouth, noting that a further sand renourishment implementation report will be presented to Council detailing the operational logistics, effectiveness and detailed costs of the project;*
- (c) commence investigations, analysis, design and costings of longer term shoreline protection options to inform Council's preparation of the draft Shore Line Erosion Management Plan;*
- (d) endorse further negotiation with the Maroochy Surf Life Saving Club to determine a reasonable financial contribution towards the construction of a beach access ramp; and*
- (e) subsequent to (d) above transfer the balance of the remaining \$600,000 from the Maroochy beach renourishment project into reserves for renourishment actions in the 2012 – 2013 financial year.*

**Related Documentation**

BMT WBM Pty Ltd was commissioned to undertake a feasibility study on the Maroochy Beach renourishment concept. Please see Attachment Two for The Maroochy Beach Nourishment Feasibility Report.

**Critical Dates**

It is intended to commence construction of the delivery pipeline by November 2012 to enable testing and activation of the system for the start of the approved dredging period in May 2013.

**Implementation**

This project is currently at a hold point to ensure Council has had the opportunity to consider the implications of the project. Upon that, it is intended to finalise contract tender documentation with contract works expected for the sand renourishment pipeline to commence in November 2012 with dredging operations to occur between May and September in future years. It should be noted also that council will be keeping Surf Life Saving Australia informed of their beach renourishment actions in accord with the proposed requirements of the Australian Surf Life Saving Championships due to be held in March 2016.

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## 7.4 EXECUTIVE OFFICE

### 7.4.1 AUDIT COMMITTEE REPORT 10 SEPTEMBER 2012

File No: ECM 18 October 2012

Author: Manager Audit and Assurance  
Executive Office

Appendix: [App A – Minutes Audit Committee Minutes 10 September 2012](#) (Att  
Pg 387)

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#### PURPOSE

To provide information to Council on the Audit Committee activities and outcomes.

#### EXECUTIVE SUMMARY

The Audit Committee is established in accordance with the Local Government (Finance, Plans and Reporting) Regulation 2010 and is an Advisory Committee of Council with Minutes of each meeting presented to Council.

#### OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Audit Committee Report 10 September 2012; and
- (b) note and implement the recommendations from the Audit Committee Minutes 10 September 2012 (Appendix A).

#### FINANCE AND RESOURCING

There are no finance and resourcing in relation to this report.

#### CORPORATE PLAN

Corporate Plan Theme: *Innovation & Creativity*

Emerging Priority: 3.4 Council’s working culture is dynamic, flexible and entrepreneurial

Strategy: 3.4.2 Implement ongoing improvement programs focused on the best way forward

Corporate Plan Theme: *Great Governance*

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

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- Strategy:** 8.1.3 Councillors and employees are aware of the importance of ethical behaviour, compliance with codes of conduct and providing complete information and advice

## CONSULTATION

### Internal Consultation

- Chief Executive Officer
- Executive Directors

### External Consultation

Independent members of the Audit Committee.

### Community Engagement

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

## PROPOSAL

The Audit Committee is an Advisory Committee established in accordance with the *Local Government (Finance, Plans and Reporting) Regulation 2010*. It has no delegated authority, does not replace the responsibilities of Executive Management and is a source of independent advice to Council and to the Chief Executive Officer.

The overall objective of the Audit Committee is to assist the Council and the Chief Executive to discharge their duties in particular:

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

In accordance with Section 69 (8) of the *Local Government (Operations) Regulation 2010*, the Audit Committee must give the local government a written report of its deliberations and its advice or recommendations.

The Agenda and attachments are distributed to Councillors, Audit Committee members and Executive Management prior to the meetings in accordance with Council's statutory meeting process.

The Minutes of the Audit Committee Meeting held on 10 September 2012 (Appendix A) are now presented to Council for its receipt.

**Legal**

There are no legal implications to this report.

**Policy**

Compliance with the *Local Government (Finance, Plans and Reporting) Regulation 2010* and the *Local Government (Operations) Regulation 2010*.

**Risk**

There are no Risk implications for this issue.

**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**

Should Council agree to the recommendations, officers will proceed to implement the recommendations.

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## 7.4.2 RECOMMENDATIONS OF THE QUEENSLAND FLOODS COMMISSION OF INQUIRY

- File No:** ECM 18 October 2012
- Authors:** Local Disaster Coordinator  
Executive Office  
Principal, Flooding & Stormwater Management  
Regional Strategy and Planning  
Senior Strategic Planner, Strategic Land Use Planning  
Regional Strategy and Planning
- Appendices:** [App A - Actions on Interim Report Recommendations](#) (Att Pg 405)  
[App B - Actions on Final Report Recommendations](#) (Att Pg 415)
- Attachments:** [Att 1 - Detailed Policy Commentary](#) (Att Pg 427)
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### PURPOSE

To present Council with a report on the recommendations of the Queensland Floods Commission of Inquiry (the Commission) and actions taken and proposed with regard to those recommendations which affect Council.

### EXECUTIVE SUMMARY

On 17 January 2011, the Queensland Government established the Queensland Floods Commission of Inquiry into the 2010/2011 flood events. The terms of reference for the Commission were extensive and included a review of:

- preparation and planning for the flooding by governments at all levels, emergency services and the community;
- the supply of essential services during the floods;
- the adequacy of forecasts and early warning systems, with particular reference to Toowoomba and the Lockyer Valley;
- compliance with, and the suitability of, dam operational procedures for safety and flood mitigation;
- land use planning to minimise flood damages; and
- the performance of insurers in meeting their claims responsibilities.

The Commission was required to report by 1 August 2011 on matters associated with flood preparedness, to enable early recommendations to be implemented before the 2012 wet season.

The Interim Report, issued on 1 August 2011, made 165 recommendations of which 72 had implications for Council. Recommendations from the Interim Report dealt with dam operations, preparation and planning for floods and steps necessary when ensuring an emergency response that would prevent the loss of life and property.

The Commission brought down its Final Report on 16 March 2012. The Final Report contains:

- an examination of current floodplain management;
- current responses to flood risk including emergency warnings, preparation, planning and response;
- a proposed fundamental shift in focussing on just the “one in 100 year” flood to a broader risk assessment approach;
- how local and regional planning can be better used to minimise the impact of flooding;
- insurance matters;
- aspects of dam operations and management; and
- consideration of the role and response of the SES and Queensland Fire and Rescue Service.

The Final Report made 174 recommendations of which 56 have been assessed by staff as having implications for Council.

In considering the implications of the Commission’s recommendations for Council it is important to understand that the recommendations of the Interim and Final Reports are complementary and need to be read together.

Based on the recommendations in both of the Commission’s reports, Action Plans have been developed for the Sunshine Coast Council outlining the recommendations that have specific relevance to this Council. These Action Plans are Appendix A: *Actions on Interim Report Recommendations* and Appendix B: *Actions on Final Report Recommendations*.

Some of the Commission’s recommendations are relatively simple to implement while others are more complex and others require the allocation of significant funding and/or time to complete. To date, a number of actions have been completed and most of the others are in progress.

This report follows a strategic discussion forum on the same topic that was presented to councillors on 27 August 2012.

## **OFFICER RECOMMENDATION**

**That Council:**

- (a) receive and note the report on the Recommendations of the Queensland Floods Commission of Inquiry’s Interim and Final Reports and their implications for Council;**
- (b) endorse the Action Plans, which outline priorities for action and timeframes (Appendix A and Appendix B); and**
- (c) request the Chief Executive Officer to provide funding submissions to future Budget Reviews for Council’s consideration and determination and approve lodgement of a local government grants and subsidies program application.**

## FINANCE AND RESOURCING

Recurrent funding of \$165 000 and capital funding of \$50 000 were allocated in the October 2011 Budget Review to kick start the implementation of the Interim Report's recommendations. These funds have been used to undertake a Flood Study of the Mary River, community education, the development of evacuation plans and the commencement of upgrades to Council's stream height and rainfall gauge systems.

A capital outlay of \$200,000 has been allocated in the 2012/2013 financial year budget for Flood Hazard Mapping. This will support the required action for Recommendation 2.13 of the Final Report relating to the production of flood hazard mapping showing zones of risk.

While the majority of recommendations from both the Interim and Final Reports can be funded from within the existing 2012/2013 Strategic Disaster Management, Flooding and Stormwater Management Unit and New Planning Scheme budget allocations, there are some recommendations which will require additional funding over this and future years to implement.

Based on identified risk, additional funding of \$110 000 will be sought through the upcoming October 2012 budget review for upgrades to Council's Stream Height and Rainfall Gauges in areas which have a history of flash flooding and where currently there is no real-time stream and rainfall information. (Recommendation 4.10 Interim Report).

These funds will be used to install telemetric stream height Gauges at Conondale and Kin Kin (\$80,000), telemetric rainfall gauges at Pomona and Crystal Waters (\$20,000) and a redundancy gauge at Radar Hill Nambour (\$10,000).

In addition to these funds it is estimated that approximately \$800,000 over the next few years will be required to improve the currency and accuracy of Council's flood models with an ongoing commitment to continuously improving these models. This funding will be the subject of future budget submissions.

There is little likelihood that Council will be able to access any State or Federal Government funding to implement the Commission's recommendations as the additional \$40 million that the State Government has allocated for this purpose comes from the "Royalties for the Regions" program, and only those regions contributing royalties will be the beneficiaries.

## CORPORATE PLAN

**Corporate Plan Theme:** *Ecological Sustainability*

**Emerging Priority:** 2.7 Integrated Water Cycle Management  
**Strategy:** 2.7.4 Understand and manage the impact of stormwater flows and flooding on our current communities and future land developments

**Corporate Plan Theme:** *Health & Wellbeing*

**Emerging Priority:** 4.1 Safe and healthy communities  
**Strategy:** 4.1.4 Maintain and develop council's emergency and disaster management planning, prevention, response and recovery capabilities

**Corporate Plan Theme:** *Managing Growth*

**Emerging Priority:** 7.1 The areas for growth and renewal are clearly defined  
**Strategy:** 7.1.3 Ensure new communities are developed using Ecologically Sustainable Development principles

## **CONSULTATION**

### **Internal Consultation**

- Councillors
- Chief Executive Officer
- Director Strategic Planning
- Director Development Services
- Manager Infrastructure Policy
- Team Leader Water Management & Drainage Services

### **External Consultation**

- Members of the Local Disaster Management Group
- Members of the District Disaster Management Group

### **Community Engagement**

A number of the Commission's recommendations require extensive community education and engagement particularly with regard to the release of flood mapping and evacuation planning.

This engagement will be jointly undertaken in a systematic manner by the Disaster Management Team in partnership with the Flooding and Stormwater Management Unit, Council's Media and Communications Team and other emergency agencies.

## **PROPOSAL**

### **Council's Role in Flood Management**

The risk of flooding from flash floods, riverine floods and storm tides exists within many Sunshine Coast communities. Adopting appropriate responses to protect people and property, preserve local lifestyles, provide confidence to investors and provide flood resilience over the long term are key Council priorities.

There is an expectation that governments at all levels will act to protect the community from disaster and that appropriate information will be supplied to the community in order that the nature and extent of risk is known and appropriate action taken to ameliorate it.

Local governments have a range of responsibilities with respect to flood risk management and emergency response, including:

- preparation of flood risk studies including accurate mapping of design floods;
- preparation and implementation of flood mitigation strategies;

- provision of a flood overlay map in the planning scheme to trigger the requirements of a flood code for development assessment;
- incorporating land use planning controls in relation to flooding into Council's planning scheme in accordance with the *Sustainable Planning Act*;
- assessing development proposals to determine their suitability in respect to appropriate levels of flood immunity;
- coordination of disaster management in the local area;
- retaining an emergency and disaster response capability;
- preparation of a disaster management plan for its area and reviewing the plan's effectiveness at least once a year under the *Disaster Management Act 2003*;
- informing the community of flood risk by way of regional flood mapping to facilitate emergency preparedness;
- provision of locally specific information to the community including property owners and business owners, about flood risks and other flood information held by council; and
- flash flood warnings.

### **Queensland Floods Commission of Inquiry**

On 17 January 2011, the Queensland Government established the Queensland Floods Commission of Inquiry into the 2010/2011 flood events. The terms of reference for the Commission were extensive and included a review of:

- preparation and planning for flooding by governments at all levels, emergency services and the community;
- the supply of essential services during the floods;
- the adequacy of forecasts and early warning systems, with particular reference to Toowoomba and the Lockyer Valley;
- compliance with, and the suitability of, dam operational procedures for safety and flood mitigation;
- land use planning to minimise flood damages; and
- the performance of insurers in meeting their claims responsibilities.

The Commission brought down an Interim Report on 1 August 2011 and then a Final Report on 16 March 2012.

### **Council Actions**

The recommendations of the Interim and Final Reports of the Commission have been reviewed in detail by Council staff.

Based on the recommendations in both these reports, Action Plans have been developed for Council outlining recommendations that have specific relevance to Council including timeframes for implementation and budget implications (*refer Appendices A and B*). For ease of understanding and reporting, recommendations from the Interim Report and Final Report have been kept separate and are discussed below.

Because of the volume, complexity and scope of the Commission's recommendations, it is recommended that Council takes a staged and systematic approach to their implementation based on risk management principles and the availability of funding.

The recommendations and associated actions for Council resulting from the Commission's interim and final reports are broad ranging, affecting many branches within Council, including;

- Disaster Management,
- Media and Public Relations,
- Community Development,
- Infrastructure Policy,
- Strategic Land Use Planning,
- Planning Assessment,
- Engineering and Environmental Assessment,
- Building Services, and
- Plumbing Services.

### **Interim Report**

The Commission's Interim Report recommendations were designed to provide guidance to both the State Government and local councils with regard to improvements that should be put in place prior to the 2011/12 wet season.

Of the 165 Interim Report recommendations, 71 have implications for Council. They deal with a number of topics including:

- community education, community vulnerability
- council to council support and assistance
- dam operations
- disaster operations and coordination
- provision of essential services
- evacuation planning and management
- preparation and planning for floods (including flash floods)
- public information and warnings
- vulnerable and isolated communities
- the Local Disaster Management Plan
- the SES and
- the need for appropriately trained staff and volunteers.

The work of implementing the Interim Report's recommendations commenced immediately upon Council receiving the report and has continued throughout the 2011/2012 wet season. As a result there have been a number of significant improvements to Council's disaster management operations and response capability.

As at 15 September 2012, 51 of the Commission's Interim Report recommendations have been implemented and 20 remain as work in progress.

### **Final Report**

The Commission's Final Report examined floodplain management in Queensland in detail and considered how local and regional planning systems can best minimise the impacts of floods. The report made 174 recommendations of which 81 were originally assessed by staff as having implications for Council. As with the recommendations of the Interim Report, some of these recommendations are relatively simple to implement, some are more complex and others require the allocation of significant funding and/or time to complete.

The 81 recommendations requiring council action have now been reduced to 56 as the State Government, in its formal written response to the Commission on 7 June 2012, indicated that the State would implement all recommendations relevant to it. As a result, a number of the recommendations relevant to the new planning scheme that would have required action at a local government level are no longer required because these matters will be addressed through amendments to relevant State planning controls. Of the 56 actions, 35 have commenced and 21 are yet to commence.

Recommendations from the Final Report which have implications for Council to consider, include:

- flood plain management including flood modelling and flood management plans;
- state and local land use planning instruments;
- development and flood considerations;
- development assessment in practice;
- building controls;
- essential services; and
- potential approaches to buy-backs and land swaps.

### **Legal**

While the recommendations of the Commission are not law, the Commission had the powers of a Royal Commission and has forensically examined the 2010/2011 Queensland floods and recommended steps to refine both the State's and local councils' capacity to prepare for, and respond to, natural flood disasters.

Therefore it is recommended that Council accepts and seeks to implement the Commission's recommendations in a systematic manner over the next five years. This timeframe is in keeping with the State Government's expectations.

### **Policy**

Attachment 1 *Detailed Policy Commentary* provides comprehensive analysis of the policy implications for Council.

A brief summary of pertinent policy matters is contained below.

- Land Use Planning and Disaster Management Operations need to be informed by accurate flood risk information (maps) which in turn need to be informed by accurate and current flood models.

- The 2012-2013 Sunshine Coast Disaster Management Plan has been updated to take into account the Commission's recommendations and the November 2010 amendments to the *Queensland Disaster Management Act 2003*.
- Council was at an advanced state of preparing its new planning scheme when the floods commission reports were released. The new planning scheme will include an overlay map that uses the best available flood information to trigger a flood overlay code. In many instances the new planning scheme already addresses many of the Commission's recommendations.
- The 1% AEP (Q100 or 1 in 100 year) flood has traditionally been used and adopted as the acceptable flood event for disaster management and land use planning purposes. However the Commission is critical of this approach and highlights that a broad range of flood sizes need to be considered. This includes the risk of floods that are less frequent but more severe, and those that will occur more often but with less damaging consequences.
- Areas to which planning and building controls are applied should therefore consider the 'residual flood risk' beyond the 1% AEP and up to the probable maximum flood (PMF, reasonable worst case flood).
- In recognition of this shift in approach, Temporary State Planning Policy (SPP) 2/11 has been developed by the Queensland Reconstruction Authority. Temporary SPP2/11 supports comprehensive flood plain management in planning schemes and points to the need for councils to have a detailed understanding of flood consequence and likelihood when determining land use that is appropriate for given flood risks. This Temporary SPP has been considered in the preparation of the new planning scheme for the Sunshine Coast Council, noting that future amendments are envisaged as more information becomes available.
- In response to the Commission's findings, the State has released a new draft part of the Queensland Development Code relating to construction of buildings in flood hazard areas and ways to improve the flood resilience of essential services infrastructure such as sewerage, stormwater drains, electricity and rail networks.
- State Planning Policy 1/03: Mitigating the Adverse Impacts of Flood, Bushfire and Landslide, is currently under review. Model flood planning controls are likely to be developed and introduced as part of this review in response to the Commission's recommendations. These changes to the State Planning Policy will need to be considered in future planning scheme amendments.
- Once Council has established the currency of existing flood models it will be necessary to develop floodplain management plans for each of the major floodplains (Maroochy, Mooloolah, Noosa and Mary). These management plans will identify people and property at risk of flooding and consider how a range of flood mitigation options may appropriately reduce this risk. Such mitigations include land use planning, building controls, emergency management plans, community awareness and structural solutions.
- Council is preparing design guidelines to assist Council officers and developers with gaining an understanding of practical options for flood resilient design, relevant to the flood risk associated with current and future climates. The guidelines once finalised can be used to demonstrate acceptable building design and construction outcomes to mitigate flood risk (by controlling the consequences of flooding, particularly property damage and threat to life).



## **Risk**

An assessment of the risk to Council before and after action of the recommendations of both the Interim and Final Commission Reports is included in Appendices A and B.

As the Interim Report deals primarily with Disaster Management Operations many of the recommendations of the Commission's Interim Report have been deemed to be of high risk and considerable time and energy has been dedicated to mitigating these risks. Three high risk areas where risk mitigation work is currently underway are detailed below.

### Community Education

A number of the key recommendations of the Interim Report refer to the need to provide education to residents and businesses on the potential impacts of predicted flood levels on their property.

To this end Council has recently published a series of river flood and storm surge information maps which provided the public with information on flood zones that correspond with the Bureau of Meteorology's flood warnings (i.e. minor, moderate and major). These maps also provide public information on extreme flood events based on Probable Maximum Flood (PMF) modelling and the extreme rainfall events experienced on the coast in the summer of 2012.

Publication of these maps coincided with the launch of a community education campaign called Get Ready Sunshine Coast which was developed in conjunction with Emergency Management Queensland (EMQ) and other agencies.

### Flash flooding

Several of the commission's recommendations deal with flash flooding which is the most common type of flooding in this region.

As a result of the Commission's recommendations, Council commenced a program to upgrade its network of flood and rain gauges across the region in 2011/12. A budget review submission is being prepared to seek funding to finalise this program before the next wet season (refer to Financing and Resourcing section of this report).

There is also an ongoing dialogue with the Bureau of Meteorology and the Federal Attorney General's Department regarding who has the responsibility for issuing flash flood warnings (Recommendations 4.30 and 4.33). This discussion has come about because while the Commission recommends that councils continue to take responsibility for issuing flash flood warnings, the Sunshine Coast Council does not have the resources or capacity to monitor for flash flooding 24/7 and all flood warnings are based on the Bureau's rainfall forecasts.

### Community vulnerability

Identifying vulnerable people and communities across the Sunshine Coast and their specific evacuation needs is a complex and difficult task partly due to the fact that the nature of flash flooding makes evacuation extremely difficult and partly because there are simply not enough resources available within the region to undertake a major evacuation of vulnerable people.

To overcome these issues council is adopting a number of mitigation strategies including:

- working with the Department of Communities and the Health Department to identify at risk communities and individuals;

- working with aged care providers to increase their resilience and ability to shelter in place; and
- establishing a number of community disaster management sub groups in isolated communities such as Conondale Cooran, Kin Kin and Kenilworth to identify local risks, communication strategies and grass roots response strategies.

### Final Report

The only recommendation from the Final Report which is considered to be high risk for Council is Recommendation 11.1 which states:

*Councils should consider implementing a property buy-back program in areas that are particularly vulnerable to regular flooding, as part of a broader floodplain management strategy, where possible obtaining funding from the Natural Disaster Resilience Program for this purpose.*

The high risk rating is not limited to the cost of acquiring properties which are historically vulnerable to flooding (most of which are houses that pre-existed before the establishment of flood regulation lines and houses that have been built in rural areas because of a perceived entitlement to build on owned land). It is also the potential precedent that any buy-back might have with regard to increased storm tide inundation risk and coastal erosion in low lying coastal areas (resulting from climate related changes) and property owners wanting the same buy-back opportunities applied to them in the future.

It is considered that the best method of controlling this high risk item is to advocate for a state-wide approach that ensures consistency, equity and good governance. A submission has been lodged for consideration at the Local Government Association of Queensland Annual Conference (2012) for this state-wide approach.

Recommendations that deal with assessing flood risk, by undertaking flood studies and communicating the identified flood risk to the public, through comprehensive flood mapping have generally been assessed as moderate because it is important to keep this information current, as flood modelling methods evolve, as design rainfall changes and as floods occur that allow models to be calibrated to improve their accuracy.

Recommendations 2.9 and 2.10 of the Final Report suggest that elected representatives from councils should be informed of the results and recommendations of flood studies and consider the ramifications for land use planning and emergency management. It is intended that all future flood studies will be brought to the attention of Council, with reference to ramifications addressed.

### **Previous Council Resolution**

There are no previous Council resolutions.

### **Related Documentation**

- 2012 Sunshine Coast Local Disaster Management Plan
- Queensland Floods Commission of Inquiry Interim Report (August 2011)
- Queensland Floods Commission of Inquiry Final Report (March 2012)
- Queensland Government response to the Queensland Floods Commission of Inquiry Interim Report (August 2011)

- Queensland Government response to the Queensland Floods Commission of Inquiry Final Report (June 2012)

**Critical Dates**

Council commenced implementation of the Interim Report immediately upon receipt of the Commission's Interim Report in August 2011.

Council needs to carefully consider the implications of the Final Report prior to finalising the new planning scheme.

**Implementation**

It is recommended that Council continues to implement the recommendations of the Commission in a systematic manner over the next five years based on risk management principles and the availability of funding.

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### 7.4.3 QUEENSLAND BOUNDARIES COMMISSIONER'S REQUEST

**File No:** ECM 18 October 2012  
**Author:** Executive Director  
 Executive Office

#### PURPOSE

The purpose of the report is for Council to consider its response to a request from the Queensland Boundaries Commissioner.

#### EXECUTIVE SUMMARY

The Queensland State Government has appointed a Boundaries Commissioner, Mr Col Meng, to review de-amalgamation proposals referred by the Minister for Local Government.

On 19 September 2012, the Queensland Boundaries Commissioner wrote to Council requesting advice on Council's position on de-amalgamation.

#### OFFICER RECOMMENDATION

**That Council:**

- (a) receive and note the report titled "Queensland Boundaries Commissioner's Request"; and
- (b) consider its response to the Queensland Boundaries Commissioner's request of 19 September 2012.

#### FINANCE AND RESOURCING

The Queensland Treasury Corporation (QTC) has the responsibility for assessing the Noosa de-amalgamation proposal.

The Queensland Government has stated that should the de-amalgamation proposal proceed, all de-amalgamation costs will be borne by any new Noosa Council and not the remaining council.

#### 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

**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

**Emerging Priority:** 8.5 Advocacy and partnerships  
**Strategy:** 8.5.2 Advocate council's strategic position on key issues to government

## CONSULTATION

### Internal Consultation

Councillors have requested the opportunity to formally discuss the Boundaries Commissioner's request.

### External Consultation

No external consultation on the request from the Boundaries Commissioner has been required at this time.

### Community Engagement

There has been no community consultation in relation to this report at this time.

## PROPOSAL

A submission to re-establish the former Noosa Council was one of 19 that were made to the Local Government Minister by the due date of 29 August 2012.

In early September the Minister for Local Government referred a total of five proposals, from the 19 received, to the Boundaries Commissioner for further analysis of the merits of each proposal. The Noosa de-amalgamation proposal was one of the five proposals within the State to be referred for further consideration.

During the next period Council will be required to provide input into a Queensland Treasury Corporation's financial sustainability evaluation and to provide information on revenues, costs, balance sheet data and costs to deamalgamate.

The Boundaries Commissioner must make a recommendation to the Minister for Local Government in relation to Noosa by 28 November 2012 as to whether the proposal should proceed to a poll of Noosa constituents.

The Commissioner will:

- consult with the community of the proposed de-amalgamating local government to better understand community issues and the strength of support for de-amalgamation;
- consult with the proponents of the de-amalgamation to better understand their submission including their financial model and their operating model; and
- consult with the current local government to better understand:
  - revenues and cost structures and the allocations of these, as well as the various items that comprise the current local government's balance sheet between the proposed de-amalgamating local government and the remaining local government; and
  - the potential costs of de-amalgamation particularly around staffing, systems, and governance.

If the Minister approves the Boundaries Commissioner's recommendation for a poll, the Commissioner must provide another report to the Minister by 14 December 2012. The Minister will then make that report public. This report is expected to contain all the relevant information for the community to make an informed decision at the time of the poll.

If there is to be a poll, it will be held prior to 31 March 2013. If a poll supports deamalgamation, the State Government's Executive Council, on the recommendation of the Minister, will approve the deamalgamation. Elections, if required, will be held by 31 March 2014.

On 19 September 2012, the Queensland Boundaries Commissioner wrote to the Mayors of affected Queensland Councils requesting advice on Council's position on de-amalgamation. The detail of this request is as follows:

*Good morning,*

*I hope all is well in your part of paradise. As you would all be aware the Hon David Crisafulli, Minister for Local Government handed down his decision as to which de-amalgamation submissions will be passed on to me to assess in my role as Queensland Boundaries Commissioner.*

*First, please let me say that I fully understand that this decision is going to create a great deal of work and a certain amount of unrest amongst your staff and community until the final outcome is reached. We are working to a very tight timeline to ensure this does not create difficulties on an on-going basis. I thank you for the time you have already given me and your cooperation with myself and the Queensland Treasury Corporation (QTC) in the future.*

*It would be of great assistance to understand whether your council is pro de-amalgamation, opposed to de-amalgamation or has decided to remain neutral.*

*My first request is for you to supply me with your council's position regarding possible de-amalgamation within your regional council. Could you please supply the following:*

*If you have already put a motion to the council (when it was put and if that is still the position after the Minister's decision), could you send that to me including the outcome in writing (electronic copy is fine).*

*If you have not already made such a motion, I recommend that you do so at the earliest possible meeting.*

*I look forward to your replies asap.*

*I am currently making arrangements to visit your area with representatives from QTC. QTC will be in touch with you shortly to let you know what financial information we require to kick start the next stage.*

*Thanks again for all your help so far.*

*Kind regards*

*Col Meng  
Queensland Boundaries Commissioner*

The Boundaries Commissioner and representatives of the Queensland Treasury Corporation are presently gathering information and data from de-amalgamation proponents and Councils in order to establish the implications and costs of possible de-amalgamation. This process is on-going over coming weeks and will deal with the quantifiable costs.

**Legal**

There are no legal issues relating to this report.

**Policy**

There are no current policy issues relating to this report.

**Risk**

Assessment of the costs and implications for the Sunshine Coast Regional Council, its staff and the community are part of the Boundaries Commissioner's process.

**Previous Council Resolution**

At the Ordinary Meeting on 14 March 2012, council made the following resolution:

Council Resolution (OM12/48)

*That Council:*

- (a) *receive and note the report titled "De-amalgamation Cost to Create a New Noosa Council";*
- (b) *receive and note the Deloitte Touche Tohmatsu report titled "Sunshine Coast Regional Council – De-amalgamation cost to create a new Noosa Council" (Appendix A);*
- (c) *in noting the report is not in a position at this time to endorse the reports findings and note that further information would be required to determine the full range of costings; and*
- (d) *consider at a future time whether to make a submission to the Government on the matter.*

**Related Documentation**

Email from Queensland Boundaries Commissioner dated 19 September 2012.

**Critical Dates**

The submission from the Noosa Independence Alliance in relation to the possible de-amalgamation of the former Noosa Shire Council was referred to the Queensland Boundary Commission on 17 September 2012.

The Boundaries Commissioner must make a recommendation to the Minister in relation to the submission by 28 November 2012 on whether the proposal should proceed to a poll.

If the Minister approves the Boundaries Commissioner's recommendation for a poll, the Commissioner must provide another report to the Minister by 14 December 2012.

If there is to be a poll, it will be held prior to 31 March 2013.

If a poll supports de-amalgamation, elections will be held by 31 March 2014.

**Implementation**

Council's resolution will be communicated to the Queensland Boundaries Commissioner.

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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 Committee/Chief Executive Officer for report and recommendation
    - Petition not be received
-

**10 CONFIDENTIAL SESSION**

**10.1 REGIONAL STRATEGY AND PLANNING**

**10.1.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - PLANNING APPEAL  
COOLUM BEACH**

**File No:** 1-20400 (MCU08/0069)

**Authors/Presenters:** Solicitor  
Executive Office  
Principal Planner, Appeals Management  
Regional Strategy and Planning

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**PURPOSE**

In accordance with Section 72 (1) (f) of the *Local Government (Operations) Regulation 2010*, this report is confidential as it relates to legal proceedings involving the Local Government.

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**10.2 FINANCE AND BUSINESS****10.2.1 CONFIDENTIAL – NOT FOR PUBLIC RELEASE - QUARTERLY  
PROGRESS REPORT - QUARTER 1 2012/2013**

**File No:** 4.16.4  
**Author:** Manager Corporate Governance  
Finance and Business

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**PURPOSE**

In accordance with Section 72 (1) (f) of the *Local Government (Operations) Regulation 2010*, this report is considered confidential as it relates to legal proceedings involving the local government.

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**10.2.2 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - ACQUISITION OF  
EASEMENTS - PINE STREET BUDERIM**

**File No:** ECM  
**Author:** Operations Manager Property & Business  
Finance and Business

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**PURPOSE**

In accordance with Section 72 (1) (h) of the *Local Government (Operations) Regulation 2010* this report is considered confidential as it deals with matters 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.

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**10.2.3 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - VALUE AND SUCCESS PROGRAM - PROPOSED BUSINESS REFORM**

**File No:** ECM  
**Author:** Executive Director Finance and Business  
Finance and Business

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**PURPOSE**

In accordance with Section 72 (1) (h) of the *Local Government (Operations) Regulation 2010*, as amended, this matter will be considered in closed session as this report deals with other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

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**11 NEXT MEETING**

The next meeting of the Ordinary meeting will be held on 15 November 2012 in the Council Chambers, corner Currie and Bury Streets, Nambour commencing at 9.00am.

**12 MEETING CLOSURE**

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