

# Agenda

## Ordinary Meeting

**Thursday, 17 October 2013**

**commencing at 9.00am**

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

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## TABLE OF CONTENTS

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ITEM	SUBJECT	PAGE NO
1	DECLARATION OF OPENING .....	5
2	RECORD OF ATTENDANCE AND LEAVE OF ABSENCE .....	5
3	RECEIPT AND CONFIRMATION OF MINUTES .....	5
4	OBLIGATIONS OF COUNCILLORS .....	5
4.1	DECLARATION OF MATERIAL PERSONAL INTEREST ON ANY ITEM OF BUSINESS .....	5
4.2	DECLARATION OF CONFLICT OF INTEREST ON ANY ITEM OF BUSINESS .....	5
5	MAYORAL MINUTE .....	5
6	PRESENTATIONS .....	5
7	REPORTS DIRECT TO COUNCIL .....	7
7.1	REGIONAL STRATEGY AND PLANNING .....	7
7.1.1	DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR CHURCH AT 2 MALONES ROAD KIELS MOUNTAIN .....	7
7.2	FINANCE AND BUSINESS .....	43
7.2.1	AUGUST 2013 FINANCIAL PERFORMANCE REPORT .....	43
7.2.2	ADOPTION OF CONSOLIDATED LOCAL LAWS AND SUBORDINATE LOCAL LAWS .....	55
7.2.3	PROPOSAL TO MAKE AMENDMENT SUBORDINATE LOCAL LAW NO. 4 (ANIMAL MANAGEMENT) 2013 .....	59
7.3	COMMUNITY SERVICES .....	69
7.3.1	REVIEW OF FEES AND CHARGES - LOCAL LAW AMENDMENTS .....	69
7.3.2	CHANGES TO ANIMAL MANAGEMENT (CATS & DOGS) ACT 2008 .....	77
7.3.3	PARKING AMNESTY FOR CALOUNDRA CBD .....	81
7.3.4	COMMUNITY GRANTS PROGRAM MAJOR GRANTS RECOMMENDATIONS .....	89
7.4	INFRASTRUCTURE SERVICES .....	113

7.4.1	LOCKS, WEIRS AND OTHER CONSTRUCTED WATER BODIES COMPARISON .....	113
<b>7.5</b>	<b>EXECUTIVE OFFICE.....</b>	<b>147</b>
7.5.1	AUDIT COMMITTEE REPORT 9 SEPTEMBER 2013.....	147
<b>8</b>	<b>NOTIFIED MOTIONS .....</b>	<b>151</b>
<b>9</b>	<b>TABLING OF PETITIONS .....</b>	<b>151</b>
<b>10</b>	<b>CONFIDENTIAL SESSION .....</b>	<b>152</b>
<b>10.1</b>	<b>REGIONAL STRATEGY AND PLANNING.....</b>	<b>152</b>
10.1.1	CONFIDENTIAL - NOT FOR PUBLIC RELEASE - PLANNING APPEAL - TEWANTIN .....	152
10.1.2	CONFIDENTIAL - NOT FOR PUBLIC RELEASE - EASTBANK - ENTRANCE ISLAND/HEAD OF THE LAKE.....	152
<b>10.2</b>	<b>FINANCE AND BUSINESS .....</b>	<b>153</b>
10.2.1	CONFIDENTIAL - NOT FOR PUBLIC RELEASE - MALENY GOLF LEASE .....	153
<b>10.3</b>	<b>COMMUNITY SERVICES.....</b>	<b>153</b>
10.3.1	CONFIDENTIAL - NOT FOR PUBLIC RELEASE - NEW PROPOSALS - COMMERCIAL USE OF COUNCIL-CONTROLLED LAND .....	153
<b>10.4</b>	<b>INFRASTRUCTURE SERVICES .....</b>	<b>154</b>
10.4.1	CONFIDENTIAL - NOT FOR PUBLIC RELEASE - ESTABLISHMENT OF DRAINAGE EASEMENT - LOT 3 ON SP193049 .....	154
<b>10.5</b>	<b>EXECUTIVE OFFICE.....</b>	<b>154</b>
10.5.1	CONFIDENTIAL - NOT FOR PUBLIC RELEASE - IRONMAN 70.3 WORLD CHAMPIONSHIP .....	154
<b>11</b>	<b>NEXT MEETING.....</b>	<b>155</b>
<b>12</b>	<b>MEETING CLOSURE.....</b>	<b>155</b>

**1 DECLARATION OF OPENING**

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

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

That the Minutes of the Ordinary Meeting held on 19 September 2013 be received and confirmed.

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

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

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

**4.2 DECLARATION OF CONFLICT OF INTEREST ON ANY ITEM OF BUSINESS**

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

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

**7 REPORTS DIRECT TO COUNCIL****7.1 REGIONAL STRATEGY AND PLANNING****7.1.1 DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE FOR CHURCH AT 2 MALONES ROAD KIELS MOUNTAIN**

File No: MCU12/0173

Author: Senior Development Planner  
Regional Strategy & Planning Department

Appendices: App A - Conditions of Approval ..... 27

Attachments: Att 1 - Proposal Plans ..... 39

**Link to PD Online:**<http://pdonline.sunshinecoast.qld.gov.au/MasterView/Modules/Applicationmaster/default.aspx?page=wrapper&key=1239262>

<b>SUMMARY SHEET</b>	
<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	Sunshine Coast Christian Fellowship Inc
<b>Proposal</b>	Development Permit for Material Change of Use of Premises (Church)
<b>Properly Made Date:</b>	25/10/2012
<b>Information Request Date:</b>	20/11/2012
<b>Information Response Received Date:</b>	05/02/2013
<b>Decision Due Date</b>	25/07/2013
<b>Number of Submissions</b>	234 submissions: <ul style="list-style-type: none"> <li>• 10 Not Properly Made</li> <li>• 44 in <b>support</b></li> <li>• 190 of <b>objection</b></li> </ul>
<b>PROPERTY DETAILS</b>	
<b>Division:</b>	7
<b>Property Address:</b>	2 Malones Road Kiels Mountain
<b>RP Description:</b>	Lot 23 RP 837923
<b>Land Area:</b>	161,883m <sup>2</sup>
<b>Existing Use of Land:</b>	Vacant– historically used for rural agricultural pursuits
<b>STATUTORY DETAILS</b>	
<b>SEQRP Designation:</b>	Regional Landscape and Rural Production
<b>Planning Scheme</b>	Maroochy Plan 2000 (24 October 2011)
<b>Strategic Plan Designation:</b>	Rural and Valued Habitat
<b>Planning Area / Locality:</b>	21 – Eudlo Creek Valley
<b>Planning Precinct / Zone:</b>	13 – Eudlo East Cane Lands (Sustainable Cane Lands)
<b>Assessment Type:</b>	Impact Assessable

## PURPOSE

The purpose of this report is to seek council's determination of an application for a Development Permit for Material Change of Use of Premises to establish a Church at 2 Malones Road, Kiels Mountain. The application is before council as there are significant levels of public interest, with 234 submissions having been received.

## EXECUTIVE SUMMARY

The application seeks approval for a church to relocate to the Sunshine Coast Christian Fellowship at 2 Malones Road, Kiels Mountain. The church would move from their existing premises within a Business and Industry precinct at 70 Sandalwood Lane, Forest Glen.

The church proposes a gross floor area of 2,442m<sup>2</sup> to be located on the high point of the land in the north western portion of the site, which is currently cleared and above the Q100 flood level. Although the current church congregation has approximately 120 people, the proposed development caters for growth of the church into the future and provides an auditorium capable of seating a maximum of 360 people.

The site is located within a Sustainable Cane Lands precinct under the Maroochy Plan 2000 and is characterised by a mix of open paddocks and rural residential properties.

The site has significant ecological value, containing Eudlo Creek which traverses the southern part of the site. The development requires no clearing and protects all areas of the site located below the Q100 flood level under an easement, and all areas of ecological value through a covenant. A rehabilitation plan is proposed to weed and revegetate the site and ensure that the ecological values of the site are protected and enhanced.

The potential effects of the proposed development include impacts on:

- the visual amenity and character of the area
- the acoustic amenity
- traffic
- ecological values and
- potential loss of viable good quality agricultural land.

With regard to visual amenity and character of the area, the applicant has addressed this through a 20 metre wide dense vegetation buffer along the road frontage of the site.

An acoustic assessment confirms that the noise related impacts of the development comply with Australian Standards and the acoustic amenity of the area will be preserved.

An Agricultural Land Suitability Assessment confirms the development would not result in the loss of good quality agricultural land. The Department of Environment and Resource Management has removed the site from the Strategic Cropping Land designation prior to the application being lodged with council.

A Traffic Impact Assessment concludes that the development will not impact on the safety and efficiency of the road network and is significantly under the carrying capacity of Malones Road and Eudlo Flats Road.

An integrated water management plan addresses stormwater management and stormwater quality to ensure the water quality values of Eudlo Creek are protected.

The applicant has addressed potential impacts of the development and, based on the following grounds, the application is recommended for approval:

- the proposal is for a community use, which will support the general wellbeing of the community
- the site is generally well suited for the church use, being located in reasonable proximity to the urban areas and other community uses

- the proposal will enable the church to relocate from their existing premises at Forest Glen, releasing 8 hectares of land suitable for Business and Industry uses
- the applicant has demonstrated that the potential impacts of the church are able to be satisfactorily mitigated for residents, and the development has been designed in a manner that will not adversely impact on the rural character of the area and
- the development will protect and enhance the ecological values of the site.

## OFFICER RECOMMENDATION

That Council:

- (a) **APPROVE WITH CONDITIONS** Application No. MCU12/0173 and grant a Development Permit for a Material Change of Use of Premises (Church) situated at 2 Malones Road KIELS MOUNTAIN, in accordance with Appendix A and
- (b) find the following are sufficient grounds to justify the decision despite the conflict with the Planning Scheme:
1. the site is generally well suited for the church use, being located in reasonable proximity to urban areas and other community uses
  2. the proposal will enable the church to relocate from their existing premises at Forest Glen, releasing 8 hectares of land suitable for Business and Industry uses
  3. the applicant has demonstrated that the potential impacts of the church are able to be satisfactorily mitigated for residents, and the development has been designed in a manner that will not adversely impact on the rural character of the area and
  4. the development will protect and enhance the ecological values of the site.

## FINANCE AND RESOURCING

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

Council's Infrastructure Policy Branch has provided the following estimate of the infrastructure charges required by this development.

ADOPTED INFRASTRUCTURE CHARGE AMOUNT =			\$264,196.00
Allocation of adopted infrastructure charge to trunk infrastructure networks	Calculated Charge	Offset/Rebate or other	Amount Payable
Transport	\$63,870	\$0.00	\$63,870
Public Parks & Land for Community Facilities	\$11,271	\$0.00	\$11,271
Stormwater (applicable to Residential development)	\$0	\$0.00	\$0
Stormwater (applicable to Non-Residential development)	\$116,860	\$0.00	\$116,860
<b>TOTAL =</b>	<b>\$264,196</b>	<b>\$0.00</b>	<b>\$264,196</b>

**PROPOSAL**

The application seeks approval for a Material Change of Use to establish a Church to accommodate the Sunshine Coast Christian Fellowship at 2 Malones Road, Kiels Mountain. The church would relocate from their existing premises within a Business and Industry precinct at 70 Sandalwood Lane, Forest Glen.

The applicant proposes to construct the church building on the high point of the land in the north western portion of the site, which is currently cleared and above the Q100 flood level. The Church is to be a single storey structure with a pitched roof form. The development is predominantly 6 metres in height, with peaks rising to approximately 8 metres high, and the auditorium component to 11 metres at its peak.

The church is configured to provide for the full range of the church's activities and has a gross floor area of 2,442m<sup>2</sup>. The components of the development include the following:

- an auditorium that can seat up to 360 persons
- common room
- mothers' room
- classrooms for Sunday school classes and teenage classes
- office areas for staff and volunteers
- boardroom
- undercover morning tea area and kitchen/cafe for use during church meetings
- toilets
- store rooms
- a fenced children play area and
- separate workshop for storage of gardening and maintenance equipment.

Although the current church congregation has approximately 120 people, the proposed development caters for growth of the church into the future and provides an auditorium capable of seating a maximum of 360 people. The applicant has indicated that the proposed church is expected to attract up to 180 people. It is also anticipated that the site could host weddings and funerals for church members up to 2-3 times per year.

A 20 metre wide vegetation buffer is proposed along the site's frontage, which would be densely planted to visually screen the building and car park area from the street.

The closest part of the building is 47 metres from the site's northern frontage of Malones Road and over 135 metres from the western frontage of Malones Road. The buildings have been designed such that openings and gathering/meeting areas are located away from the residential premises located on the northern side of Malones Road.

The proposal is intended to serve all the functions of the church, and will be used daily by the church for other church related activities, generally of a small scale. These include administration meetings, youth programs, informal worship and mothers group meetings,

On a daily basis, up to 8 staff/volunteers would attend the site, with up to 5 to 8 additional visitors attending the site.

The proposed hours of operation of the church are:

- Sunday: 8:00am-1:00pm (church service)
- Monday-Friday: 9:00am-5:00pm (church office)
- Tuesday: 6:00pm-9:00pm (leadership meeting)



- Wednesday: 7:30pm-9:00pm (smaller church meetings)
- Friday: 10:00am-2:00pm (age-specific church groups)
- Saturday: 8:00am-4:00pm (monthly working bee) and 6:00pm-9:00pm (youth group meetings)

Car parking is to be provided on site in 2 stages, with the first stage providing 78 car parking spaces and the second stage increasing the total car parking spaces to 166.

## **SITE DETAILS**

### **Background/Site History**

The subject site has been historically utilised for agricultural purposes including sugar cane farming. The use of the land for agricultural purposes ceased a number of years ago.

On 12 November 2010, the applicant attended a pre-lodgement meeting with Council (PLM10/2057) regarding a proposed church on the subject site. The items raised in the meeting have been considered by the applicant and adopted to form part of this development application. This includes the following:

- the proposed location of the access to the development has been located as per the pre-lodgement advice to avoid conflicts with the driveways of the properties located on the opposite side of Malones Road, and to avoid shining of headlights into those properties by cars leaving the site
- inclusion of a 20 metre wide vegetation buffer between the development and Malones Road frontage to mitigate potential impacts on residents in the area and
- vegetation protection, buffers and rehabilitation to the Eudlo Creek and associated vegetation.

### **Site Description**

The subject site is a vacant, irregular shaped lot with an area of 16.18 hectares. The site is predominantly cleared, with areas of grass reflecting past agricultural uses. The north western corner of the site contains a cleared high point, which slopes gently down to Eudlo Creek traversing the southern boundary. The area of the site adjoining Eudlo Creek is vegetated. There is also a line of regrowth vegetation that extends through the centre of the site following a man made drain feeding into Eudlo Creek.

Approximately two thirds of the site is located below the Q100 flood line.

Access is currently from Malones Road, which is a sealed road, and there is also an access location from Eudlo Flat Road to some old sheds located in the site's north eastern corner.

Three of the site's boundaries are bounded by road, with Eudlo Flats Road forming the eastern boundary and Malones Road forming the northern and western boundaries. The southern boundary was previously an unconstructed road reserve (Eudlo Flats Road), which has now been permanently closed.

The subject site is serviced by standard rural infrastructure including underground telecommunications, overhead electricity supply and bitumen roadways. The site is also connected to town water.

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







### Surrounding Land Uses

The area is characterised by rural land. To the south the land is vacant, undeveloped rural zoned land, which was previously approved for the Horton Park 36 hole golf course in April 2009 (Reference: MCU08/0021). The land to the east of the site is undeveloped rural land that also formed part of the golf course approval.

Land located to the north of the site, on the opposite side of Malones Road, is best described as rural residential lots containing residential dwellings. The homes are well set back and are predominantly screened from Malones Road and the subject site by vegetation.

Two of the rural residential properties located to the north of the site operate home based businesses for Massage Therapy and a Day Spa.

There are other approved community type uses within proximity to the subject site. The Montessori school has been approved to the south west and a church has been approved on Stark Lane to the west of site.

## 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:

- SPP1/92 Development and the Conservation of Agricultural Land
- SPP2/02 Planning and Managing Development Involving Acid Sulfate Soils
- SPP1/03 Mitigating the Adverse Impacts of Flood, Bushfire and Landslide
- SPP1/12 Protection of Queensland's Strategic Cropping Land and
- Draft Coastal Protection State Planning Regulatory Provision.

Of these, SPP1/92, SPP2/02 and SPP1/03 have been deemed by the Minister for Local Government and Planning as being appropriately reflected in Council's planning scheme and, therefore, do not warrant a separate assessment.

The Draft Coastal Protection State Planning Regulatory Provision and SPP1/12 have not yet been reflected in the planning scheme and, therefore, require separate assessment:

#### *Draft Coastal Protection State Planning Regulatory Provision*

The draft Coastal Protection State Planning Regulatory Provision took effect on 8 October 2012. This regulatory provision suspended State Planning Policy 3/11: Coastal Protection, while maintaining the associated State Policy for Coastal Management. The State Policy for Coastal Management provides policy direction for natural resource management decision makers, while the superseded State Planning Policy 3/11 provided policy direction and assessment criteria to direct land use planning and development assessment decision making under the *Sustainable Planning Act 2009*.

Under the associated regulatory mapping, the subject site is outside the Coastal Management District and does not trigger an assessment against the Coastal Protection State Planning Regulatory Provision. In addition to this trigger, the site is also outside the

erosion prone and coastal hazard area and is not identified as being subject to storm tide inundation.

#### *SPP1/12 Protection of Queensland's Strategic Cropping Land*

The subject site has previously been mapped as 'Potential Strategic Cropping Land' under the State Planning Policy, which ordinarily triggers assessment against the Policy and a concurrence agency referral to the Department of Environment and Resource Management. However, after representations by the applicant, the Department has amended the mapping, and the subject site designation has been amended to *Decided Non-strategic Cropping Land* (Reference SCLVA2012/000015). As the subject site no longer involves strategic cropping land, no additional assessment against the planning policy is necessary.

#### South East Queensland Regional Plan

The site is located within the Regional Landscape and Rural Production Area of the South East Queensland Regional Plan. The proposal is for a church (a community activity), and is proposed in a cleared area on the site. The development proposes to preserve and rehabilitate the ecologically significant areas of the site, improving the value of Eudlo Creek and is consistent with the desired regional outcomes for the South East Queensland Regional Plan.

#### State Planning Regulatory Provisions

The following State Planning Regulatory Provisions are applicable to this application:

- SEQ Regional Plan Regulatory Provisions

The South East Queensland Regional Plan identifies a Church use as a Community Activity and specifically excludes Community Activities from being considered as an urban use. Therefore, the regional plan does not restrict the development of Churches in rural zoned land, subject to satisfying the planning scheme requirements.

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

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

#### Strategic Provisions

The subject site has been given 2 designations under the Strategic Plan, with the northern part of the site being designated as Agricultural Protection and the southern half having a Rural and Valued Habitat designation.

#### *Rural and Valued Habitat*

The proposal does not compromise the intent of the Rural and Valued Habitat designation of the site as the proposal will not result in the loss of viable agricultural land or in the loss of valuable habitat. The proposed development involves no clearing or encroachment into the area of the site that is located within the Rural and Valued Habitat designation. The proposal will ensure the long term protection of this part of the site through an easement and a covenant. Weeding and revegetation is also proposed to ensure the values are not only protected, but enhanced.

#### *Agricultural Protection*

The footprint of the development is proposed entirely on the portion of land designated Agricultural Protection. The intent of the Agricultural Protection designation is to separate land that is suitable for agricultural purposes, from rural land that contains vegetation worthy of preservation, in order to ensure its protection for agricultural purposes. The applicant has provided an Agricultural Land Suitability Assessment to determine the viability of the site for commercial farming pursuits. The assessment identified a large portion of the site as Marginal Crop Land.

The report concluded that the site does have areas of Good Quality Agricultural land by virtue of its suitability to support sugar cane. However, the land's agricultural potential is constrained by a shallow groundwater table, exposure to flooding, poor drainage and a high risk of fungal root disease for crops. The assessment concluded that the proposal will occur entirely on non-good quality agricultural land and is consistent with the intent of the State Planning Policy – *The Protection of Good Quality Agricultural Land*.

The land located to the south and east of the subject site, which consists of almost 200 hectares of land that was approved by council for a 36 hole golf course (MCU08/0021), has land with similar characteristics to the subject site. As part of the golf course application, an agricultural assessment was provided which made similar conclusions with the agricultural report provided for this application.

Overall, the proposal is not considered to cut across the intent of the Strategic Plan and, in the case of the Rural or Value Habitat designation, will ensure the long term protection of the ecologically significant vegetation.

#### Local Area Provisions

The subject site is located in Planning Area 21 – Eudlo Creek Valley, Precinct 13 - Eudlo East Cane Lands (Sustainable Cane Lands) Precinct.

The statements of intent for the Eudlo East Cane Lands (Sustainable Cane Lands) precinct broadly discusses the desire to retain a rural landscape through the retention of remnant native vegetation, especially in the designated conservation parks, along Eudlo Creek and its tributaries.

Preferred uses within this Precinct are generally rural style land uses such as forestry and agricultural uses. These preferred uses are acceptable on the proviso that they are undertaken in a manner which retains or enhances the area's environmental values.

A church is not a rural activity and is not identified as a 'preferred and acceptable' use type for the precinct. However, the planning scheme is silent about a church use in all precincts, i.e. there are no planning precincts in the Maroochy Plan 2000 where churches are specifically identified as a preferred use. Churches are not necessarily compatible with residential areas, given their potential to impact on residents, due to traffic and noise generated. Churches also find it difficult to locate in commercial areas for economic reasons and conflict generally with the intent of industrial areas. The degree of suitability for a church should, therefore, be dependent on a site-specific analysis about the planning merit for any particular church, in any proposed location, taking into account the likely issues that these uses generate.

The proposal has the potential to impact on the character and amenity of the area in terms of the following:

- noise
- visual amenity and
- traffic.

The applicant has provided specialist assessments and reports to demonstrate that the development can manage the impacts and minimise conflicts with other uses in the area.

In addressing these impacts, it is not only important to identify what the current character of the area is, and what impacts the development might have on that character, it is also important to consider the intended uses for the area and how those uses may affect the character of the area. This will assist in determining what is a reasonable expectation of what could be developed on the land under the planning scheme. The character of a rural area can vary dramatically depending on the nature and extent of the activities occurring. For example, rural areas that are being used for intensive agricultural pursuits (animal



farming, cropping, etc.) would vary significantly from rural areas that are not being actively farmed.

The subject site consists currently of open green pastures and is not used for commercial agricultural purposes. However, the precinct allows for a number of agricultural uses to occur on this land as self-assessable development and without the need for an application to council. Some of the uses intended for this precinct include Animal Husbandry, Agriculture (cropping), Turf Farm, Forestry, Aquaculture and Stables. Some of these uses would result in significant impacts on the area and the environment and would dramatically vary the existing character.

#### Noise Impacts

The applicant has provided a Noise Assessment report to address potential acoustic impacts of the development. The assessment identified the potential noise sources as road traffic noise, car parking noise, mechanical plant and air conditioning noise and noise associated with the church services including patron noise and amplified sounds.

The submitted Noise Assessment report has demonstrated that noise nuisance to the rural residential uses in the area is able to be successfully mitigated. Appropriate attenuation is achieved in accordance with recognised noise limits (i.e. AS2107 and measured ambient background levels) by the separation distance between the use and surrounding residential premises, and by the building itself with regard to amplified music and voice from within the building. It is noted that the nearest house to the development is over 100 metres from the proposed building.

The application adequately addresses the acoustic amenity of the area and the acoustic report concludes that no additional noise attenuation measures are necessary. Council's environmental specialists have reviewed the report and agree with the conclusions of the report.

#### Visual Amenity Impacts

The proposed development includes a 20 metre wide dense vegetation buffer, along the site's road frontage, to screen the development from the nearby properties and from the road. The proposal includes a sweeping driveway entry into the development and mounded landscape beds to ensure that the building is screened from the entrance, and to eliminate a vista to the building down the driveway. The location of the driveway has also been placed to ensure that car headlights do not impact on any property when exiting the site.

The proposed development involves no clearing of existing vegetation on the land and proposes substantial additional vegetation and landscaping. The proposal will, therefore, improve the natural amenity and character of the majority of the site, through revegetation and protection.

With the inclusion of a vegetation buffer to Malones Road, and the enhancement and protection of the bulk of the site adjoining Eudlo Creek, the development is not expected to adversely affect the visual character of the area, noting that large sheds with no screening may be constructed on the site without the requirements for an application.

#### Building Height

The planning scheme does not set a maximum building height for the proposed development. The precinct provisions are silent and there are no land use codes applicable to churches which might otherwise have set a height limit. Nevertheless, it is considered the most appropriate building height limit for the site is 8.5 metres and 2 storeys, which is the same height that would be applicable to a dwelling house on the site. While dwelling houses may be constructed to 10 metres on slopes exceeding 15% in rural precincts, the average slope over which buildings are proposed is gently sloping.

The development is predominantly 6 metres in height, with peaks rising to approximately 8 metres, and the auditorium component reaching a maximum of 11 metres at its peak. The high point is only at one point and is due to the pitched roof design. The proposed high point of the building is set back 136 metres from the road, and is screened from nearby properties by the vegetation buffer proposed along Malones Road. The proposed building is unlikely to have an unreasonable visual impact on the area.

#### Traffic Impacts

The development included a Traffic Impact Assessment to assess the traffic impact of the proposal on the road network. The application has been assessed by council's traffic engineer who has confirmed that the proposed development is not considered to have a significant traffic impact on Malones Road, Eudlo Flats Road or the associated intersection between those roads. The existing traffic volumes on these roads are already relatively low. Regular church services at the site are expected to generate a maximum of 80 vehicles on Sundays. For occasional events where the church's auditorium is at capacity (360 seats), if it is assumed on average 1.5 persons arrive per car, then the traffic volume generated would be in the order of 500 vehicles per day. This is less than the 800 vehicles per day usually considered acceptable in the Maroochy Plan for a local street in a rural residential area. These figures are conservative as it is more likely that families would travel in a single vehicle and the average may exceed 1.5 people per car.

From a safety and efficiency perspective, both the applicant's traffic engineer and council's traffic engineers agree that Malones Road has a carrying capacity significantly higher than that proposed by the church on its busiest day.

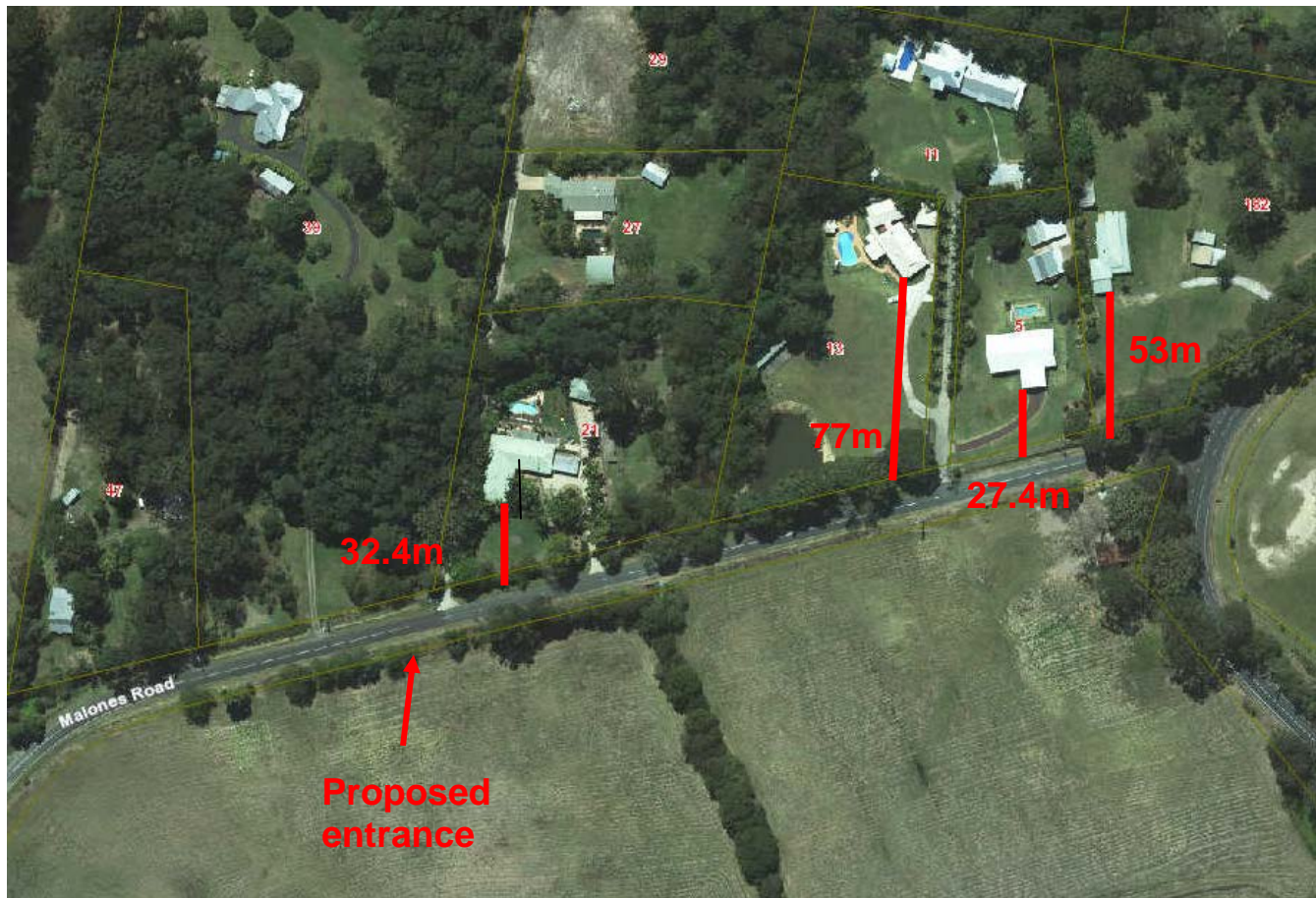
The applicant provided the following specifics of the development:

Day	Activity & Time	Number of cars
Monday – Friday	Admin & office 8 – 5 typically arrive from 8am - 9am on a weekday and leave between 3pm - 5:30pm	2 - 8 people attend the office per day (average of 4) 2 - 8 vehicles
Sunday weekly	Sunday Service 9:30am - 12:30pm typically arrive from 8am - 9:30am and leave from 12:30 - 1:00pm	50 - 80 vehicles
Wednesday once / month	Church meeting 7pm - 9pm typically arrive from 6:30 - 7:00pm and leave from 9 - 10pm	20 vehicles
Friday weekly	Prayer meeting 7-8am typically arrive 7am - and leave 8:00am	10 – 20 vehicles
Saturday once / month	bible study meeting 2pm - 4pm typically arrive from 1:30pm-2pm and leave from 4:00 - 5:00pm	30 vehicles
Saturday once / month	Working bee 8:00am - 4pm typically arrive from 7:30am and leave from 4:00 - 5:00pm	15 - 40 vehicles
Saturdays fortnightly	Youth group 7pm - 9pm typically arrive from 6:30 pm - 7pm and leave between 9pm - 10pm.	15 - 20 vehicles
Tuesdays weekly	kids club parents with young children meet while the kids play on the playground 9:30am -11:30am	12 vehicles

*NB: The facility will not be used from 10pm -7am on any day*



Malones Road is currently utilised by 19 houses. It is accepted that the proposed development will result in an increase in traffic on Malones Road over that which currently occurs on that street, and the increase will be noticeable for some of the residents on Malones Road. The location of the access to the church would result in church-related traffic passing 4 properties on Malones Road. Each of the 4 properties accommodates houses with setbacks to Malones Road ranging from 27-77 metres. Three of the 4 properties have substantial vegetation along their front boundaries which buffers the houses from Malones Road. There is only 1 property without a landscape buffer to the road and that property has its house located 27 metres from the road. This property is the most likely to be impacted by traffic. The image below identifies the properties most likely to be affected by additional traffic, and the distances between the road and the houses on those properties.



As shown in the projected times and number of vehicles that would attend the site, Sunday morning is the busiest day, attracting 50-80 vehicles for the church's Sunday service. The church has provided these figures based on the current operation from their site in Forest Glen. The existing congregation has 120 people, which has grown by 20 people over the past 10 years (an average rate of 2 people per year). Although up to 80 vehicles every Sunday is significantly more than what currently occurs on Malones Road, it is limited to 1 day per week and to a limited period of time when people arrive at a similar time and then leave at conclusion of the service. The majority of the time, the church experiences low levels of traffic and would unlikely create any impact on the character or amenity of the area. The next busiest day is a Saturday once per month, when a maximum of 40 vehicles attend the site for a working bee or a bible study meeting.

The church is expected to reach capacity, with a maximum of 360 people during special events only 2 to 3 times per year.

The applicant's acoustic assessment considered the noise associated with the maximum amount of traffic generated and concluded that there would be no unreasonable noise impacts from additional traffic on the houses on Malones Road.

With regard to the safety and efficiency of the road network, the applicant's traffic engineer has concluded the following:

*the traffic generated from the proposed development at its ultimate capacity does not adversely impact on the operational performance of the road network.*

Council's engineering officers have recommended upgrading to the intersection of Malones Road and Eudlo Flats Road to ensure that it continues to operate in a safe manner. This would involve pavement widening on Eudlo Flats Road to allow a through vehicle to pass a vehicle waiting to turn right into Malones Road. Conditions are recommended to achieve this. Adequate pavement widening exists on Eudlo Flats Road to provide for safe left-turn movements into Malones Road.

#### Reasons for Approval Despite Conflict

Development applications that are inconsistent with the planning scheme are required to demonstrate reasons for approval despite the conflict with the planning scheme. Although the proposal is not necessarily inconsistent with the precinct, there is a degree of conflict with the planning scheme as the use is not a rural use and is not identified as a preferred and acceptable use in the planning scheme.

The development can be approved for the following reasons:

- the proposal is for a community use, which will support the general wellbeing of the community
- the site is generally well suited for the church use, being located in reasonable proximity to the urban areas and other community uses
- the proposal will enable the church to relocate from their existing premises at Forest Glen, releasing 8 hectares of land suitable for Business and Industry uses
- the applicant has demonstrated that the potential impacts of the church are able to be satisfactorily mitigated for residents and the development has been designed in a manner that will not adversely impact on the rural character of the area and
- the development will protect and enhance the ecological values of the site.

#### Land Use and Works Provisions

There are no codes which specifically regulate a 'church' land use apart from car parking. The application is impact assessable and, as such, has been assessed against all relevant sections of the planning scheme.

With regard to car parking, the Code for Transport, Traffic and Parking requires churches to include parking at a rate of 1 space per 12m<sup>2</sup> of gross floor area. Based on the proposed floor area of 2442m<sup>2</sup>, the planning scheme requires 203 car parking spaces to be provided on site.

This car parking requirement is not considered reasonable due to:

- the family nature of the use where most cars carry more than 1 patron and
- the ancillary areas of the building such as hospitality and meeting rooms and offices not attracting additional patrons to the site.

Furthermore the church, which currently operates from Forest Glen, is aware of the actual parking needs of their current congregation. The church proposes 78 car parking spaces initially as part of the Stage 1, with an ultimate number of 166 for the site. The subject site is large enough and has extensive areas of land that can be used for overflow parking if

needed. Due to the extensive area of cleared land available, sufficient parking will always be able to occur on the site.

#### Overlay Provisions

The following codes relating to Special Management Areas are applicable to this application:

- Code for Waterways and Wetlands
- Code for Nature Conservation and Biodiversity
- Code for Development in Bushfire Hazard Areas and
- Code for Assessment and Management of Acid Sulphate Soils.

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

#### Ecological Values

The application has provided a Natural Rehabilitation Plan that identifies the areas to be protected as part of the development. The buildings and construction activity associated with the development are proposed in the north western part of the site in a cleared and flood immune area of the site. The development is set back from Eudlo Creek a minimum of 64 metres, which is in excess of the 50 metre setback that is required by the Code for Waterways and Wetlands. This setback is to be enhanced through weeding and revegetation of the areas that were historically cleared. This application would not only maintain the ecological values of the site, but improve them and ensure their ongoing protection through a covenant.

The development complies with the requirements of the Maroochy Plan 2000 Code for Nature Conservation and Biodiversity and the Code for Waterways and Wetlands.

#### Bushfire Prone Areas

The proposed development meets the requirements of the Code for Bushfire Management. The proposed buildings achieve a minimum setback of 64 metres from any vegetation which is significantly more than requirement of the Code for Development in Bushfire Hazard Areas of 10 metres or 1.5 times the height of the trees.

#### Effluent Disposal

An Effluent Disposal Report was provided to address the proposed on site effluent disposal for the development, and found that the site has sufficient area for both the proposed land application area and requirements for a reserve area, all contained outside the 100 year flood level.

## **CONSULTATION**

### **IDAS Referral Agencies**

There are no IDAS referral agencies applicable to this application.

### **Other Referrals**

#### Unitywater

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

Internal Referrals

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

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

**Public Notification**

The application was publicly notified for 15 days in accordance with the requirements of the *Sustainable Planning Act 2009*.

224 properly made submissions and 10 not properly made submissions were received. Of those submissions, 190 objected to the development and 44 were supportive of it.

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

Issues	Comments
<p><b>SUBMISSIONS OF SUPPORT</b></p> <ul style="list-style-type: none"> <li>• The proposed development will eliminate exposure of surrounding residences to noise and air pollution associated with agricultural use.</li> <li>• The site is not suited for agricultural purposes, as indicated by its removal from the Strategic Cropping Land register.</li> </ul>	<ul style="list-style-type: none"> <li>• The subject site is not currently utilised for agricultural purposes and previous assessment undertaken for this site indicates that the site is not agriculturally viable. This would indicate that it is very unlikely that the site would be used for intensive agricultural pursuits that would have noise and air pollution impacts on nearby residences. However, it is acknowledged that the planning scheme does support commercial farming as self-assessable development, which could establish on the site tomorrow and involve use of pesticides, livestock and heavy machinery and activities that would have significantly greater noise and air pollution impacts than the proposed church.</li> <li>• Agricultural Land Suitability Assessment submitted for this application indicates the limited agricultural viability. A site specific assessment was undertaken by the Department of Environment &amp; Resource Management and the site has been identified as <i>Decided Non-Strategic Cropping Land</i></li> </ul>
<p><b>SUBMISSIONS AGAINST THE PROPOSAL</b></p> <ul style="list-style-type: none"> <li>• The proposed development is inconsistent with the planning scheme intent for the precinct.</li> </ul>	<ul style="list-style-type: none"> <li>• It is acknowledged that the preferred 'use' of land within the Sustainable Cane Lands precinct is for rural / agricultural uses. However, the precinct intent includes</li> </ul>

Issues	Comments
<ul style="list-style-type: none"> <li>• The proposed development is inconsistent with the Regional Plan designation being Regional Landscape and Rural Production</li>   <li>• Impacts of additional traffic on the area caused by the development.</li>   <li>• Filling required for the development would result in the loss of flood plain storage</li>   <li>• Water runoff from the development will add to contamination of the local</li> </ul>	<p>equal emphasis on protection of the ecological values of the land. This development is consistent with the ecological protection elements of the precinct intent, proposing to protect and enhance all of those areas on the site. The application has also identified and addressed all impacts associated with the 'use' including noise, traffic, visual amenity and character as well demonstrating no loss of viability good quality agricultural land.</p> <ul style="list-style-type: none"> <li>• The proposal is a community use which is not considered an Urban Activity in the Regional Plan. As the proposal is a community use and proposes a floor area of less than 5000m<sup>2</sup>, the application does not require referral to the Department of Infrastructure and Planning. The subject site has also been assessed by the State Government against the Queensland provision for Strategic Cropping Land and the site has been nominated as non-strategic cropping land. The proposal is not inconsistent with the Regional Plan which allows for churches not exceeding 5000m<sup>2</sup> within rural areas.</li>   <li>• The application has provided a traffic impact assessment which has confirmed that the development will not impact on the safety and efficiency of the road network in the area. Council traffic engineers have recommended some minor upgrade works to the Malones Road Eudlo Flats Road intersection to ensure the safety is maintained.</li> </ul> <p>The proposal will increase the amount of traffic in the area. However, this is limited primarily to Sunday for the church services where the congregation will arrive in the morning and leave around midday. The development is well within the carrying capacity of the roads and is significantly below the average traffic that is generally expected on a sealed rural residential type road. Church related traffic would pass the frontage of four properties which are all setback from the street from between 27 to 77 metres. Car parking areas are screened behind a 20 metre wide dense landscape buffer to limit visibility from the street. Traffic impacts have been adequately addressed by the applicant.</p> <ul style="list-style-type: none"> <li>• No filling is required or proposed below the Q100 flood level. The development is proposed entirely above the Q100 flood level and will result in no loss of flood storage.</li>   <li>• The application has provided a Stormwater Management Plan addressing how the development manages and treats stormwater. Council's hydrology engineer is satisfied that the proposal complies with the</li> </ul>

Issues	Comments
<p>waterways and create additional flood impacts.</p> <ul style="list-style-type: none"> <li>• Increased Noise Pollution resulting from proposed development.</li> <li>• Impacts of the development on Wildlife and on Koala Habitat</li> </ul>	<p>Maroochy Plan 2000 requirements.</p> <ul style="list-style-type: none"> <li>• The applicant has provided a noise assessment for the development. The assessment concludes that further noise characteristics from the development associated with mechanical plant and air-conditioner, music, patron noise, car parking noise as well as the resulting noise from additional vehicular traffic volumes are within the Australian standards. Council's environmental specialists agree with the results and recommendations of the assessment.</li> <li>• This site is not within a mapped koala habitat area. The proposed development involves no clearing or removal of habitat. The site is currently quite degraded and is predominantly cleared through past farming activities with weeds and introduced species. A management plan will be implemented to improve the ecological values on the site.</li> </ul>

## DRAFT SUNSHINE COAST PLANNING SCHEME

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

The use is defined as a 'Place of Worship' in the draft planning scheme and an application would trigger impact assessment and would be affected by the following overlays:

- Bushfire Hazard
- Biodiversity, Waterways and Wetlands
- Flood Hazard and
- Acid Sulphate Soils.

The development is generally consistent with the requirements of the overlay mapping of the draft scheme.

The draft scheme includes a use code for community activities which would apply to this application. The code identifies criteria for minimising the impacts of community uses on residential amenity, specifically noise, light and odour nuisance. The development complies with the amenity requirements of the code.

The draft planning scheme also gives some guidance on suitable locations for community uses, and provides for a community facilities zone to accommodate community uses. The subject site is not located within a designated community facilities zone.

## CONCLUSION

The proposed church has been assessed against the relevant planning scheme codes and has adequately addressed all potential impacts of the development.

The application was supported by specialist reports which address the potential impacts of the development on the area as follows:

- an acoustic report has demonstrated that the proposal will adequately maintain the acoustic amenity of the area

- a traffic report has adequately addressed the impacts of traffic on the area and the road network. Conditions are recommended that require some upgrades to the Malones Road and Eudlo Flats Road intersection to ensure safety and efficiency of the road network are maintained
- a Stormwater Management Report has been provided, which addresses the management of stormwater and water quality from the development
- an Agricultural Land Suitability Assessment report has been provided which indicates that the land is not good quality agricultural land. Furthermore, the Department of Environment and Resource Management has recently removed this parcel of land from the Register of Strategic Cropping Land, as it was determined that the land is unsuitability for this purpose
- the full extent of the development is located on cleared land that is located above the Q100 flood level
- the development includes a significant vegetation buffer including a 20 metre wide dense vegetation buffer along the road frontage. The buffer will screen the development from the street and
- the development will ensure the protection and enhancement of Eudlo Creek and the associated ecosystem on the waterway. The development includes protection and revegetation and conditions are recommended, that require the ecologically valuable land to be protected under a vegetation protection covenant.

The application is, therefore, recommended for approval subject to reasonable and relevant conditions.



**7.2 FINANCE AND BUSINESS****7.2.1 AUGUST 2013 FINANCIAL PERFORMANCE REPORT**

<b>File No:</b>	<b>Financial Reports</b>
<b>Author:</b>	<b>Acting Financial Services Manager Finance &amp; Business Department</b>
<b>Attachments:</b>	<b>Att 1 - Financial Performance Report August 2013 ..... 47</b>

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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.

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

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

The operational result at 31 August 2013 shows a negative variance of \$8.9 million compared to the forecast position. This negative variance is predominantly the result of the timing in relation to the receipt of dividends from Unitywater totalling \$8.8 million.

This operating result variation is made up of lower than expected revenue of \$12.8 million (3.2%) and lower than anticipated operating expenses of \$3.8 million (1.0%). Further detail is provided in the proposal section of this report.

As at 31 August 2013, \$18.4 million (16.8%) of council's \$109.3 million 2013/14 Capital Works Program was financially expended.

A recommendation has been made to write-off unrecoverable income for the value of \$291,842.07. As this amount is greater than the \$10,000 delegation from council, it is required to be approved by council. The amount has been included in the provision for doubtful debts within the 2012/13 audited financial statements.

**OFFICER RECOMMENDATION**

**That Council:**

- receive and note the report titled "August 2013 Financial Performance Report" and**
- write-off unrecoverable income of \$291,842.07 in relation to Rocky Point Green Power Pty Ltd.**



## FINANCE AND RESOURCING

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

### CORPORATE PLAN

<b>Corporate Plan Theme:</b>	<b><i>Great governance</i></b>
<b>Emerging Priority:</b>	8.1 - Ethical, accountable and transparent decision-making
<b>Strategy:</b>	8.1.2 - Ensure legislative compliance and awareness
<b>Corporate Plan Theme:</b>	<b><i>Great governance</i></b>
<b>Emerging Priority:</b>	8.3 - Strong financial management
<b>Strategy:</b>	8.3.1 - Develop long term financial plans and indicators to achieve optimum use of resources and alignment to strategic priorities
<b>Corporate Plan Theme:</b>	<b><i>Great governance</i></b>
<b>Emerging Priority:</b>	8.3 - Strong financial management
<b>Strategy:</b>	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 show the organisation with a \$8.9 million lower than forecasted operating position against the full year budget.

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

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

This operating result variation is made up of lower than expected revenue of \$12.8 million and lower than anticipated operating expenses of \$3.8 million.

### Operating Revenue

The operating revenue unfavourable variance of \$12.8 million is largely due to outstanding dividend from Unitywater of approximately \$8.8 million. This \$8.8 million is a result of end of financial year accounting treatment with the revenue being accrued in the 2012/13 accounts.

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

### **Net Rates and Utility Charges**

Net Rates and Utility Charges have an unfavourable variance of \$2.9 million. General rates have an unfavourable variance of \$5.4 million that is offset by pre-paid rates of \$2.6 million. Overall, the main risk is there was a lower general rates growth than anticipated, that is, 1.0% growth against 1.5% budget. This equates to a financial risk of \$1.0 million.

### **Operating Expense**

The favourable variance in operating expenses of \$3.8 million relates to Materials & Services and is largely due to profiling with variations of:

- \$3.0 million relating to contracts due to a slow start and some budget profiling, mainly projects of \$1.7 million for Infrastructure Services Department and \$535,000 for Community Services Department and
- \$670,000 of Water and Sewerage charges (Unitywater charges) yet to be processed.

### **Capital Expenditure**

As at 31 August 2013, \$18.4 million of council's \$109.3 million 2013/14 Capital Works Program was financially expended. Detail by Capital Program is outlined below:

<b>Program</b>	<b>Original Budget \$000</b>	<b>Current Budget \$000</b>	<b>Year to Date Actual \$000</b>	<b>% of Annual Current Budget Spent</b>
Buildings and Facilities	6,548	6,548	619	9.4%
Coast and Canals	1,949	1,949	54	2.8%
Divisional Allocations	3,100	3,100	471	15.8%
Environmental Assets	1,238	1,238	43	3.5%
Fleet	1,000	1,000	0	0.0%
Parks and Gardens	10,317	10,317	1,111	10.8%
Stormwater	4,161	4,161	851	20.5%
Transportation	52,952	52,952	6,757	12.8%
Information Communication Technology	3,927	3,927	510	13.0%
Strategic Land and Commercial Properties	9,422	9,422	6,346	67.4%
Sunshine Coast Airport	3,400	3,400	698	20.5%
Holiday Parks	1,455	1,455	44	3.0%
Quarries	150	150	217	144.5%
Waste	9,651	9,651	645	6.7%
<b>Total Council</b>	<b>109,270</b>	<b>109,270</b>	<b>18,366</b>	<b>16.8%</b>

**Write-off of unrecoverable income**

An amount of \$291,842.07 owed by Rocky Point Green Power Pty Ltd has been determined as unrecoverable.

This relates to outstanding invoices issued to the company for mulch.

In February 2012, the company was put in the hands of administrators, SV Partners. On 10 January 2013 the receivers and managers resigned, after distributing a dividend to the company's secured creditor and also advised it appears there will not be a dividend distribution to unsecured creditors of the company, such as Sunshine Coast Council.

**Legal**

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

**Policy**

Council has delegated authority to the Chief Executive Officer to write-off unrecoverable debts up to a maximum of \$10,000 - Delegation of Authority 2008-03.

**Risk**

The current risks are as follows:

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

**Previous Council Resolution**

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

**Related Documentation**

There is no related documentation for this report.

**Critical Dates**

The financial results in this report do not include the final year-end financial performance for council as further year end processing is yet to be completed. Final audited statements are expected to be presented to the 14 November 2013 Ordinary Meeting.

**Implementation**

There are no implementation details to include in this report.

**7.2.2 ADOPTION OF CONSOLIDATED LOCAL LAWS AND SUBORDINATE LOCAL LAWS**

<b>File No:</b>	<b>22.12.1</b>
<b>Author:</b>	<b>Manager Corporate Governance Finance &amp; Business Department</b>
<b>Appendices:</b>	<b>App A - Local Law No. 1 (Administration) 2011 (<i>Under Separate Cover</i>) ..... Att Pg 5</b> <b>App B - Local Law No. 2 (Animal Management) 2011 (<i>Under Separate Cover</i>) ..... Att Pg 51</b> <b>App C - Local Law No. 3 (Community Health and Environmental Management) 2011 (<i>Under Separate Cover</i>)..... Att Pg 77</b> <b>App D - Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011 (<i>Under Separate Cover</i>) ..... Att Pg 93</b> <b>App E - Subordinate Local Law No. 1 (Administration) 2011 (<i>Under Separate Cover</i>) ..... Att Pg 105</b> <b>App F - Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011 (<i>Under Separate Cover</i>) ..... Att Pg 167</b> <b>App G - Subordinate Local Law No. 5 (Parking) 2011 (<i>Under Separate Cover</i>) ..... Att Pg 177</b>

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**PURPOSE**

The purpose of this report is to seek a council resolution to adopt consolidated versions of council's Local Laws and Subordinate Local Laws.

**EXECUTIVE SUMMARY**

The first Sunshine Coast Council suite of local laws and subordinate local laws were adopted in December 2011 and came into effect on 1 January 2012.

Since that time a number of minor local law amendments have been adopted by council. The majority of these amendments occurred as part of council's local law review project conducted during 2012/2013. The purpose of the review was to identify any operational issues or concerns and to investigate any legislative changes impacting on the local laws. The review was conducted collaboratively with key operational users and divisional councillors.

Section 32 of the *Local Government Act 2009* provides that the local government may prepare and adopt a consolidated version of its local laws and subordinate local laws as they were originally made, with all the amendments made to the local laws and subordinate local laws since the local laws and subordinate local laws were originally made.

For ease of use and clarity, it is good practice to consolidate local laws and subordinate local laws as soon as practicable following amendment. In adopting the consolidated versions of the local law and subordinate local laws, the consolidated versions are taken to be the local laws and subordinate local laws relevant to the Sunshine Coast.

**OFFICER RECOMMENDATION**

That Council:

- (a) receive and note the report titled “Adoption of Consolidated Local Laws and Subordinate Local Laws” and
- (b) resolve to adopt consolidated versions of:
  - (i) *Local Law No. 1 (Administration) 2011*
  - (ii) *Local Law No. 2 (Animal Management) 2011*
  - (iii) *Local Law No.3 (Community Health and Environmental Management) 2011*
  - (iv) *Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011*
  - (v) *Subordinate Local Law No. 1 (Administration) 2011*
  - (vi) *Subordinate Local Law No. 2 (Animal Management) 2011*
  - (vii) *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011* and
  - (viii) *Subordinate Local Law No. 5 (Parking) 2011.*

**FINANCE AND RESOURCING**

The cost of drafting the consolidated copies of all Local Laws and Subordinate Local Laws has been funded through existing budget allocations.

**CORPORATE PLAN**

<b>Corporate Plan Theme:</b>	<b><i>Great governance</i></b>
<b>Emerging Priority:</b>	8.1 - Ethical, accountable and transparent decision-making
<b>Strategy:</b>	8.1.2 Ensure legislative compliance and awareness
<b>Corporate Plan Theme:</b>	<b><i>Great governance</i></b>
<b>Emerging Priority:</b>	8.2 - Effective business management
<b>Strategy:</b>	8.2.4 - Consolidate data, information and knowledge to improve council operations
<b>Corporate Plan Theme:</b>	<b><i>Health &amp; Wellbeing</i></b>
<b>Emerging Priority:</b>	4.1 - Safe and healthy communities
<b>Strategy:</b>	4.1.2 - Provide community safety and regulatory programs that ensure the well-being of residents and visitors

**CONSULTATION**

Consultation has taken place between key internal and external stakeholders.

**Internal Consultation**

Internal consultation in relation to local law amendments and the consolidation of such has occurred with all appropriate stakeholders including the Executive Director Finance & Business and the Manager Regulatory Services.

### External Consultation

Barrister, Dr. Michael Limerick and officers from the Department of Local Government, Community Recovery and Resilience were consulted in the preparation of this report.

### Community Engagement

Community engagement is unnecessary as the changes are purely administrative and have no direct impact on the community.

### PROPOSAL

Following the adoption of the new Sunshine Coast Council local laws and subordinate local laws on 1 January 2012, Council made a commitment to undertake a follow up review of the local laws during 2012/2013.

In addition to the review a couple of other minor amendments have been made to the local laws including:

Amendment	Purpose	Date
Amendment Subordinate Local Law No. 1 (Parking) 2012	To amend infringement notice penalties for certain minor traffic offences.	22 February 2012
Amendment Subordinate Local Law No. 1 (Parking) 2013	To include a new off-street regulated parking area covering the University of the Sunshine Coast grounds.	28 March 2013
Amendment Local Law No. 1 (Miscellaneous) 2013	To make a number of miscellaneous amendments in accordance with council's local law review project.	25 July 2013
Amendment Subordinate Local law No. 2 (Miscellaneous) 2013	To make a number of miscellaneous amendments in accordance with council's local law review project.	25 July 2013

For ease of use and clarity, section 32 of the *Local Government Act 2009* provides that the local government may at its first reasonable opportunity prepare and adopt a consolidated version of its local laws and subordinate local laws as they were originally made, with all the amendments made to the local laws and subordinate local laws since the local laws and subordinate local laws were originally made. The consolidated versions will be made available to the public and on the State Government's local law database website.

### Legal

The proposal has been considered in accordance with the following legislation:

- *Section 32 of the Local Government Act 2009 and Regulation and*
- *Sunshine Coast Council's suite of Local Laws and Subordinate Local Laws.*

The consolidated *Local Laws and Subordinate Local Laws* have been drafted by Barrister, Dr. Michael Limerick.

In accordance with section 32 of the *Local Government Act 2009*, the local government must provide a copy of the adopted consolidated versions to the Minister within 7 days.

**Policy**

The Department of Local Government, Community Recovery and Resilience will be provided with a copy of the consolidated local laws for inclusion on the Department's Local Law Database. Additionally, copies of the consolidated local laws will be provided on council's website.

**Risk**

Failing to consolidate the Sunshine Coast Council's suite of Local Laws and Subordinate Local Laws makes the local laws difficult to read and understand and could result in breaches and incorrect interpretation of the local laws.

**Previous Council Resolution**

There are no previous Council resolutions in respect of this matter.

**Related Documentation**

- *Local Government Act 2009 and Regulations*
- Sunshine Coast Regional Council Local Laws and Subordinate Local Laws 2011
- State Government Guidelines for Making Local Laws and Subordinate Local Laws
- Corporate Plan 2009-2014
- Operational Plan 2013-2014

**Critical Dates**

There are no critical dates in adopting the recommendation.

**Implementation**

Following the adoption of the consolidated versions of the local laws and subordinate local laws, the Manager Corporate Governance will provide a copy of the consolidated versions of the local laws and subordinate local laws to the Minister within 7 days.

**7.2.3 PROPOSAL TO MAKE AMENDMENT SUBORDINATE LOCAL LAW NO. 4 (ANIMAL MANAGEMENT) 2013**

<b>File No:</b>	<b>ECM - Local Laws</b>
<b>Author:</b>	<b>Manager Corporate Governance Finance &amp; Business Department</b>
<b>Appendices:</b>	<b>App A - Amendment Subordinate Local Law No. 4 (Animal Management) 2013 .....65</b>

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**PURPOSE**

The purpose of this report is to seek a resolution proposing to make Amendment Subordinate Local Law No. 4 (Animal Management) 2013, which seeks to include three new animal exclusion areas in Division 2.

**EXECUTIVE SUMMARY**

At the Council Ordinary Meeting held on 22 August 2013, Councillor Tim Dwyer presented a notified motion requesting an investigation into the amendment of Schedule 5 “Exclusion of Animals from Specific Places” of *Subordinate Local Law No. 2 (Animal Management) 2011* to exclude all animals from land described as:

- Caloundra Central Park Sports Precinct, Arthur Street, Caloundra on Lot 409CG6381
- Caloundra Cricket Ovals 2-14 Lewis Street, Caloundra on Lot 2SP242749 and
- Caloundra Croquet Club Greens, 78 Arthur Street, Caloundra on Lot 1SP242748.

This report presents for council’s consideration proposed Amendment Subordinate Local Law No. 4 (Animal Management) 2013 which will introduce the three areas into council’s local laws as animal exclusion areas.

**OFFICER RECOMMENDATION**

**That Council:**

- (a) receive and note the report titled “Proposal to make Amendment Subordinate Local Law No. 4 (Animal Management) 2013”**
- (b) hereby resolve to propose to make Amendment Subordinate Local Law No. 4 (Animal Management) 2013 (Appendix A)**
- (c) hereby resolve to undertake community consultation**
- (d) hereby resolve to undertake a State Interest Check in relation to the proposed amending local law pursuant to section 29A of the *Local Government Act 2009* and**
- (e) has reviewed the proposed amendments in accordance with section 38 of the *Local Government Act 2009* and taking into consideration the identification guidelines mentioned in section 15 of the *Local Government Regulation 2012*, notes that the amendment subordinate local law does not contain any anti-competitive provisions as the amendments relate to the management of domestic animals and does not relate to commercial activity.**



## FINANCE AND RESOURCING

Financing and resourcing of the various elements associated with the making of the proposed local law amendment include:

### Legal drafting

Dr. Michael Limerick, Barrister was commissioned to prepare and draft proposed Amendment Subordinate Local Law No. 4 (Animal Management) 2013. The cost of preparing and drafting the amendment local law was \$175.00.

### Signage

Each access point to the various sites will require informative signage. The cost per sign has been quoted as approximately \$708.00 - \$1016.00 each. This includes the manufacturing and installation of the signs.

### Regulation

Community Response has advised that enforcement of the area will primarily be based on complaints received from the community. Costs for enforcement will be met within existing resourcing arrangements within the Community Response Branch. On occasion, proactive monitoring of the area will occur as part of normal operations.

## CORPORATE PLAN

**Corporate Plan Theme:** *Health & Wellbeing*  
**Emerging Priority:** 4.1 - Safe and healthy communities  
**Strategy:** 4.1.2 - Provide community safety and regulatory programs that ensure the well-being of residents and visitors

**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:** 8.7 - Excellence in customer service  
**Strategy:** 8.7.1 - Develop a better understanding of our customers' needs and expectations

## CONSULTATION

Consultation has occurred as follows:

### Internal Consultation

- Acting Manager Community Response
- Division 2 Councillor

### External Consultation

External consultation will occur during the next phase of the local law making process and will occur with relevant State Government agencies as part of the State Interest Check requirement.

### Community Engagement

Section 29 of the *Local Government Act 2009* provides that the local government may decide its own process for making a local law.

The proposal to make Amendment Subordinate Local Law No. 4 (Animal Management) 2013 will trigger a community consultation period.

A community consultation strategy has been developed and will be implemented following a resolution by council to proceed with the proposal to make Amendment Subordinate Local Law No. 4 (Animal Management) 2013 and will include activities such as:

- media (print articles, columns, advertisements) and
- website information.

## PROPOSAL

This report presents a proposal to make an amendment subordinate local law to introduce three new animal exclusion areas within Division 2, Caloundra.

The areas as detailed below, were established for the purpose of sport and recreation activities:

- The Caloundra Central Park Sports Precinct, situated in Arthur Street, Caloundra on land described as Lot 409CG6381 (refer Appendix A – map 2.5.10)
- Caloundra Cricket Ovals 2-14 Lewis Street, Caloundra on land described as Lot 2SP242749 (refer Appendix A – map 2.5.11) and
- Caloundra Croquet Club Greens, 78 Arthur Street, Caloundra on Lot 1SP242748 (refer Appendix A- map 2.5.11).

The divisional councillor has expressed a concern about the number of complaints received on the use of this area by dogs and their owners, and the growing trend that these areas are being used for the purposes of exercising dogs both on and off leash. The Caloundra Central Parks Sports Precinct, Caloundra Cricket Ovals and The Caloundra Croquet Club have never been designated as dog off leash areas and because of the large number of sporting groups, children and adults now using the sporting facilities, it is important for council to consider the use of these area and the best strategies necessary to manage their use.

The process for making the amendment subordinate local law will be in accordance with the following steps:

Phase	Activity	Timing
Phase 1	Resolution to propose to make amendment subordinate local law.	Ordinary Meeting – 17 October 2013
Phase 2	Consult with relevant State Government Agencies. Undertake community consultation.	21 October 2013 – 8 November 2013 (15 business days)
Phase 3	Consider submissions and community feedback. Prepare report for council consideration.	11 – 12 November 2013
Phase 4	Resolution to make amendment local law.	Ordinary Meeting – 12 December 2013
Phase 5	Publication in the Government Gazette (Local law amendments become effective).	13 December 2013
Phase 6	Consolidation of local laws	January/February 2014

The outcome of the subordinate local law amendment, if made, will see the addition of the three nominated areas included in the matrix on Schedule 5 (Exclusion of animals from specific places) as well as the inclusion of three new maps within *Subordinate Local Law No. 2 (Animal Management) 2011* articulating the areas.

### Legal

The proposal has been considered in accordance with the following legislation:

- Section 29-32 of the *Local Government Act 2009* and regulation and
- Sunshine Coast Council's suite of Local Laws and Subordinate Local Laws.

### Policy

There are no policy implications in proceeding to make Amendment Subordinate Local Law No. 4 (Animal Management) 2013.

### Risk

There are no risks in proposing to make this amending local law. Risks will be mitigated by conducting effective community consultation and ensuring that the correct local law making process is followed.

### Previous Council Resolution

Ordinary Meeting 22 August 2013  
Council Resolution (OM13/1)

*That Council:*

- (a) *authorise the Chief Executive Officer to request the Manager Corporate Governance to investigate amending Schedule 5 "Exclusion of Animals from Specific Places" of Subordinate Local Law No. 2 (Animal Management) 2011 to exclude all animals from land described as:*
- *the Caloundra Central Park Sports Precinct, Arthur Street, Caloundra on Lot 409CG6381 and Lot 496CG3194 (as detailed in the map A attached)*
  - *the Caloundra Cricket Ovals 2-14 Lewis Street, Caloundra on Lot 2SP242749 and Caloundra Croquet Club Greens 78 Arthur Street, Caloundra on Lot 1SP242748(as detailed in the map B attached) and*
- (b) *prepare a report for Council's consideration at its Ordinary Meeting of 19 September 2013.*

### Related Documentation

- *Local Government Act 2009* and Regulations
- Sunshine Coast Regional Council Local Laws and Subordinate Local Laws 2011
- State Government Guidelines for Making Local Laws and Subordinate Local Laws
- Corporate Plan 2009-2014 and
- Operational Plan 2013-2014.

### Critical Dates

There are no critical dates in the proposal to proceed with the making of Amendment Subordinate Local Law No. 4 (Animal Management) 2013.

**Implementation**

Following consideration of this report, the local law making process will commence which will include community consultation commencing from Monday 23 September 2013.

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## 7.3 COMMUNITY SERVICES

### 7.3.1 REVIEW OF FEES AND CHARGES - LOCAL LAW AMENDMENTS

**File No:** ECM

**Author:** Continuous Improvement Officer  
Community Services Department

**Appendices:** App A - Review of Fees and Charges ..... 75

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#### PURPOSE

The purpose of this report is to seek Council endorsement to adopt three (3) additional entries to the Register of Cost-recovery Fees and Commercial Charges 2013/2014 for keeping particular animals and utilizing movable signage.

#### EXECUTIVE SUMMARY

Council adopted *Local Law Amendment No.1 (Miscellaneous) 2011* and *Local Law Amendment No.2 (Miscellaneous) 2011* on 25 July, 2013. This decision by Council occurred post the development and adoption of the 2013/2014 budget. As a result, additional fees relating to approval processes for permits to keep an animal and permits for movable advertising devices (on public and private land) have been identified and need to be added to the Register of Cost-recovery Fees and Commercial Charges 2013/2014/ The amendments to the Local Law relating to this matter include:-

- 'Application for a permit to keep an animal' - an application for keeping of an animal where approval is required. The addition made under the local law amendments includes instances where a property occupier would like to keep a rooster, guinea fowl or peacock on a lot size less than 8001m<sup>2</sup>.
- 'Application for a permit to place a movable advertising device – public land' - an application to place movable advertising devices on public land where an approval is required by the local law.
- 'Application for a permit to place a movable advertising device – private land' - an application to place movable advertising devices on private land where an approval is required by the local law.

The full cost recovery fees for the new approval processes have been modeled on existing application approvals that follow the same application review and processes. It is proposed that these fees be \$171 for an application for a permit to keep an animal; \$90 for application for a permit to place a movable advertising device – private land; and \$155 for application for a permit to place a movable advertising device – public land.

**OFFICER RECOMMENDATION**

That Council:

- (a) receive and note the report titled “Review of Fees and Charges - Local Law Amendments”
- (b) amend the Register of Cost-recovery Fees and Commercial Charges 2013/2014 by adding the fees listed in Appendix A and
- (c) resolve that, in relation to those cost-recovery fees to which Section 97 of the *Local Government Act 2009* apply:
  - (i) the applicant is the person liable to pay these fees and
  - (ii) the fee must be paid at or before the time the application is lodged.

**FINANCE AND RESOURCING**

The proposed fee for an ‘Application for a permit to keep an animal’ is \$171. An application for this permit would include instances where a property occupier would like to keep a rooster, guinea fowl or peacock on a lot size less than 8001m<sup>2</sup>. The proposed fee is based on the current fee for Council to assess an Additional Animal Permit which is an application for approval to keep more than the normally permitted number of cats, dogs or poultry which is \$171.

The proposed fees for an ‘Application for a permit to place a movable advertising device’ are:

- \$90 on private land and
- \$155 on public land.

This is based on the current fees for Council to assess a permit for a variable message sign on private or public land as follows:

- \$90 for application for temporary signs on private land - variable message sign and
- \$155 for application for temporary signs on public land - variable message sign.

The proposed charges are full cost recovery and factor in:

- inspection and travelling labour
- administration and assessment labour and
- monitoring and regulation labour.

As this is a new fee there is no historical data available to estimate the expected revenue that the fees will generate.

**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

## CONSULTATION

### Internal Consultation

- Councillors
- Executive Director, Community Services
- Response Services Manager, Community Services
- Community Land Permits Manager, Community Services

### External Consultation

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

### Community Engagement

No community engagement has been undertaken for this proposal.

## PROPOSAL

Council adopted *Local Law Amendment No.1 (Miscellaneous) 2011* and *Local Law Amendment No.2 (Miscellaneous) 2011* on 25 July 2013. As a result, three (3) additional approval processes have been identified which require fees be added to the Register of Cost-recovery Fees and Commercial Charges 2013/2014 as outlined below.

### Application for a permit to keep an animal

The proposed fee for an 'Application for a permit to keep an animal' is \$171. An application for this permit would include instances where a property occupier would like to keep a rooster, guinea fowl or peacock on a lot size less than 8001m<sup>2</sup>. The proposed fee is based on the current fee for Council to assess an Additional Animal Permit which is an application for approval to keep more than the normally permitted number of cats, dogs or poultry which is \$171.

### Application for a permit to place a movable advertising device

The proposed fees for an 'Application for a permit to place a movable advertising device' are:

- \$90 on private land and
- \$155 on public land.

This is based on the current fees for Council to assess a permit for a variable message sign on private or public land as follows:

- \$90 for application for temporary signs on private land - variable message sign and
- \$155 for application for temporary signs on public land - variable message sign.

The proposed charges are full cost recovery and factor in:

- inspection and travelling labour
- administration and assessment labour and
- monitoring and regulation labour.

## Legal

### Keeping of animals

Council's *Subordinate Local Law No. 1 (Administration) 2011* states that the keeping of animals is a prescribed activity in certain circumstances and therefore requires an approval from Council.

*Subordinate Local Law No. 2 (Animal Management) 2011, schedule 2 (Requirement for approval to keep animals)* outlines the circumstances when this approval is required. As a result of the amendments to the local law, approval is required to keep a rooster, guinea fowl or peacock on a lot that is less than 8001 square metres in size.

The criteria for approval and conditions for keeping these animals is outlined in *Subordinate Local Law No. 1 (Administration) 2011, schedule 9 (Keeping animals)*.

### Movable advertising devices

Council's *Subordinate Local Law No. 1 (Administration) 2011* outlines that the placement of advertising devices is a prescribed activity. As a result of the amendments to the local law *Subordinate Local Law No. 1 (Administration) 2011, schedule 8 (Placement of advertising devices)* outlines the circumstances where an approval is required to place a movable advertising device.

The criteria for approval and conditions for placing a movable advertising device is also outlined in *Subordinate Local Law No. 1 (Administration) 2011, schedule 8 (Placement of advertising devices)*.

## Policy

Fees and charges are adopted by Council for each financial year and may be amended during the year.

Council's Revenue Policy currently states: "All fees and charges will be set with reference to full cost pricing. Cost recovery fees will be charged up to a maximum of full cost. Commercial charges will be at commercial rates."

## Risk

There is a risk that if the fees and charges do not meet the cost of providing the service, subsidy from general rates will be required which may risk the achievement of a balanced operating result. The fees proposed will meet full cost recovery.

## Previous Council Resolution

### **Council Resolution (SM13/14)**

*That Council:*

- (a) *receive and note the report titled "Register of Cost-recovery Fees and Commercial Charges 2013/2014"*
- (b) *adopt the fees detailed in the Register of Cost-recovery Fees and Commercial Charges 2013/14 (Appendix A, B, C and D)*
- (c) *resolve that, in relation to those cost-recovery fees to which Section 97 of the Local Government Act 2009 apply:*
  - (i) *the applicant is the person liable to pay these fees; and*
  - (ii) *the fee must be paid at or before the time the application is lodged; and*
- (d) *delegate to the Chief Executive Officer the power to amend commercial charges to which section 262(3)(c) of the Local Government Act 2009 apply.*



**Related Documentation**

- Register of Cost-recovery Fees and Commercial Charges 2013/14 (Appendix A, B, C and D)
- Council's Revenue Policy
- *Local Government Act 2009*
- *Local Government Regulation 2012*

**Critical Dates**

The changes to *Local Law Amendment No.1 (Miscellaneous) 2011* and *Local Law Amendment No.2 (Miscellaneous) 2011* were gazetted on 26 July 2013. Application forms and process have since been made available to the community and no fee is currently being charged for these applications. Until the fees associated with these applications are approved, Council will be undertaking any work relating to the applications without an ability to recover the costs associated with the application.

**Implementation**

Adoption of the proposed fees by Council will result in an amendment to the Register of Cost-recovery Fees and Commercial Charges 2013/2014 to incorporate the three additional charges. This will be made public by being published on Council's website.

In addition, the appropriate fees will be added to the application forms which are published on Council's website and available through the Customer Contact counters.

**7.3.2 CHANGES TO ANIMAL MANAGEMENT (CATS & DOGS) ACT 2008**

**File No:** Animal Management  
**Author:** Response Services Manager  
Community Services Department

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**PURPOSE**

The purpose of this report is to advise Council that the Queensland state government has repealed state-wide mandatory cat registration laws; and to request that Council pass a resolution to become a “declared council” which will enable Council time to consider the future direction of cat registration on the Sunshine Coast Council region.

**EXECUTIVE SUMMARY**

The Queensland state government introduced the *Animal Management (Cats & Dogs) Act 2008* (hereafter referred to as the Act) in July 2009 that included the compulsory registration of cats and dogs. In turn, local governments became responsible for the management of cat and dog registration, keeping a register and fixing fees. All revenue raised via cat and dog registration fees paid to a local government must be used for the purpose of implementing the Act and to administer Council’s local laws relating to the management of cats and dogs.

Sunshine Coast Council has been compliant with the Act from its inception and now has 11,471 cats registered with Council. The annual registration period for Sunshine Coast Council commences 1 October each year and ends on 30 September the following year. To date, 79% of cat owners have paid registration fees for the period 1/10/13 to 30/09/14.

On 10 September 2013, the Queensland Government passed the *Agricultural and Forestry Legislation Amendment Bill 2013* that repealed state-wide mandatory cat registration identified in the *Animal Management (Cats & Dogs) Act 2008*. In repealing the mandatory registration requirement for cats, the state government referred the power to register cats to local governments to manage cat registration through the local laws.

Local governments have until 21 October, 2013 to determine the course of action appropriate for their area. If a local government wants to continue with cat registration, they are required to pass a resolution to become a “declared council”. The resolution to become a “declared council” will allow that local government to continue to use the existing cat registration provisions within the *Animal Management (Cats & Dogs) Act 2008* for the next 12 months, giving the local government time to consider the benefits or otherwise of cat registration. During this 12 month period the council can then either amend their local laws to include cat registration or elect not to continue with cat registration. The state government is of the view that a twelve month timeframe is sufficient transitional period for local government to develop and gazette model local laws for cat registrations should a local government elect to continue with cat registration.

If a local government decides not to apply to be a “declared council” within 28 days from 23 September 2013, cat registration laws will lapse.

## OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Changes to Animal Management (Cats & Dogs) Act 2008" and
- (b) resolve to be a "declared council" to allow Sunshine Coast Council to continue to use the existing cat registration provisions within the *Animal Management (Cats & Dogs) Act 2008* for the next 12 months.

## FINANCE AND RESOURCING

Sunshine Coast Council has 11,471 cats registered of which 79% have paid for the current registration period 1 October, 2013 to 30 September, 2014 (see Table 1). There is an expectation that most registrations will be paid by 30 September, 2013 to comply with existing legislation.

**Table 1 – Cat registrations for 1/10/13 – 30/09/14**

	# Cats	2013/14 Revenue
Actuals Paid YTD	7,707	\$106,976
Unpaid invoices	3764	\$76,982
<b>Total</b>	<b>11,471</b>	<b>\$183,958</b>

*\*\$162,864 was adopted by Council as part of the 2013/14 Budget, and this budget will be exceeded.*

If council decides to end cat registration, and registration fees are reimbursed to cat owners, the anticipated revenue of \$183,958 will not be achieved for the 2013/14 financial year.

## CORPORATE PLAN

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

**Emerging Priority:** 4.1 - Safe and healthy communities

**Strategy:** 4.1.1 - Manage community health risks and improve community health standards

## CONSULTATION

### Internal Consultation

- Executive Director, Community Services
- Branch Manager, Community Response
- Manager, Audit & Assurance
- Manager, Finance & Business

### External Consultation

The following state government departments have been contacted and have contributed to this report either through the provision of information relating to the amended legislation; or the government process involving the implementation of the amendments.

- Department of Agriculture, Fisheries and Forestry, Biosecurity Queensland
- Department of Infrastructure and Planning

## Community Engagement

Given the state government timeframes, there has been no community engagement undertaken in respect to this report.

## PROPOSAL

Mandatory cat registration commenced in July 2009 with the introduction of the *Animal Management (Cats & Dogs) Act 2008* (The Act). Since that time, Sunshine Coast Council has complied with the Act in respect to cat registration through the establishment of a registration database, determining suitable registration fees to provide incentives for de-sexing and issuing registration/renewal notices in accordance with the law.

Council's animal management registration records indicate that 11,471 cats are currently on the animal registration data base with 7,707 of those cats registered for the new registration period from 1 October 2013 to 30 September 2014. In late August 2013, Council issued renewal notices to all registered animal owners (cats and dogs) with compliance due on 30 September 2013. It is expected that most of the 3,764 still outstanding cat registrations will be paid by 30 September, 2013.

The income generated by cat registration this financial year is estimated to be approximately \$184,000 with \$106,976 collected to date. This income is used to manage local law matters involving cats and to promote the responsible pet ownership program across the region.

On 10 September 2013, the Queensland Government passed the *Agriculture and Forestry Legislation Amendment Bill 2013* that repealed state-wide mandatory cat registration identified in the *Animal Management (Cats & Dogs) Act 2008*. In repealing the mandatory registration requirement for cats, the state government referred the power to register cats to local governments to manage cat registration through their local laws.

Although the government has repealed the mandatory registration of cats, owners will still be required to micro-chip cats in accordance with the existing conditions of the Act.

The state government has allowed local governments to decide whether to continue to use the former State Legislation for a period of 12 months from the 23 September, 2013, or "opt out" immediately. If any local government seeks to take advantage of the 12 month period, they must pass a resolution to become a "declared council". Local governments have 28 days from 23 September 2013 to pass the resolution. The option to "opt out" would be that local governments do nothing and let cat registration lapse, effective 21 October, 2013.

A resolution to become a "declared council" will allow local government to continue to use the existing cat registration provisions within the Act for the next 12 months, giving the local government time to consider all the facts and consult with stakeholders prior to making a decision to either proceed with cat registration and amend their Local Laws or discontinue the cat registration process.

If council decides to not continue with cat registration effective from 21 October, 2013 the amended Act provisions will apply. This decision will impact on cat owners who have registered 11,471 cats on the Sunshine Coast. This action could result in claims by these cat owners against council for a refund of the registration fee already paid for the next registration period. Further, funds generated through cat registration enable council to collect valuable information about local animal populations so that we can plan for and fund proactive responsible pet ownership programs and activities. The short timeframe provided by the state government does not allow council to understand fully the pros and cons of withdrawing and importantly also does not allow the consultation with stakeholders.

The South East Queensland Council of Mayors corresponded with Sunshine Coast Council on the 26 September, 2013 stating that a number of member councils have advised of their preference for achieving a coordinated regional approach to this issue, in order to avoid what they describe as “the pitfalls of a patchwork approach to cat registration across the South East Queensland region”. The matter of cat registration has been placed on the agenda for the Council of Mayor’s Board meeting scheduled for the 11 October, 2013.

**Legal**

There are no legal implications relevant to this report.

**Policy**

There will be changes to Council policy as a result of this decision.

**Risk**

Should council not take up the option to become a “declared council”, there is a risk that a large number of claims are made to council for a refund of the cat registration fees. Such claims will result in a loss of budgeted revenue and it is also noted that there will be an administrative cost associated with the processing of refunds. The potential administrative cost is difficult to predict at this stage.

Loss of revenue for financial year 2013/14 may restrict council’s ability to deliver on responsible pet ownership projects.

Council making a decision without wider consultation with local stakeholders in order to meet the state government timeline may result in the wider ramifications not being fully understood. This concern has been articulated by the Council of Mayors as outlined above in this report.

**Previous Council Resolution**

There are no previous council resolutions relevant to this report.

**Related Documentation**

*Animal Management (Cats & Dogs) Act 2008*

*The Agriculture and Forestry Legislation Amendment Bill 2013*

**Critical Dates**

21 October, 2013 is the final date for council to pass a resolution to become a “declared council”.

**Implementation**

If Council endorses the proposal to nominate itself as a “declared council”, officers will take advantage of the 12 month extension to current registration laws in order to consider all of the costs and benefits of cat registration before recommending a preferred course of action.

This analysis will be provided to Council by way of a further report.

Alternatively, if council decides not to apply to be a “declared council” within 28 days from 23 September 2013, cat registration laws will lapse, effective 21 October, 2013.

**7.3.3 PARKING AMNESTY FOR CALOUNDRA CBD**

<b>File No:</b>	<b>ECM</b>
<b>Author:</b>	<b>Response Services Manager Community Services Department</b>
<b>Attachments:</b>	<b>Att 1 - Caloundra Chamber of Commerce letter.....85 Att 2 - Cash Reserves Caloundra CBD .....87</b>

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**PURPOSE**

The purpose of the report is to seek council's endorsement of a request by the Caloundra Chamber of Commerce & Industry Inc. for a parking meter fee amnesty in the Caloundra CBD for six (6) weeks commencing Saturday 14 December, 2013.

**EXECUTIVE SUMMARY**

On 14 August 2013, the Caloundra Chamber of Commerce & Industry Inc wrote to council's Chief Executive Officer requesting a parking meter fee amnesty for the Caloundra CBD for six (6) weeks commencing Saturday 14 December, 2013.

The amnesty would not result in any operational change to workload of parking officers in the Caloundra CBD during this six (6) week period. Parking officers will continue to undertake their regular duties in the management of other parking conditions such as the two (2) hour time limit, no stopping, disabled parking bays and bus stop enforcement.

In October, 2011 council resolved that the operating surplus derived from the Caloundra CBD Regulated Parking could be utilised for projects, facilities and other services for the Bulcock Street precinct. The request from the Caloundra Chamber of Commerce, if approved will translate into a decrease in revenue derived from the paid parking meters.

**OFFICER RECOMMENDATION**

**That Council:**

- (a) receive and note the report titled "Parking Amnesty for Caloundra CBD" and**
- (b) support an amnesty for paid meter parking in the Caloundra CBD for six (6) weeks commencing Saturday 14 December, 2013.**

**FINANCE AND RESOURCING**

It is anticipated that the foregone revenue in metered parking for the proposed six (6) week amnesty period would be approximately \$50,000 to \$55,000. This figure was determined by comparing metered parking revenue for the same period in 2011/12 and 2012/13.

The current accumulated reserve amount is provided at Attachment 2. It should be noted that if the amnesty period is supported, the forecast end of year reserve position will be \$50,000 to \$60,000 less.

Two council parking officers regularly monitor the Caloundra CBD area. Parking infringements would continue to be issued for instances such as exceeding two hour time limit, no stopping, disabled parking bays and bus stop enforcement. Expenditure related to the two council parking officers in the Caloundra CBD is accommodated in the 2013/14 budget as adopted by council.

## CORPORATE PLAN

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

**Emerging Priority:** 1.2 - Support for local businesses

**Strategy:** 1.2.3 - Ensure a council regulatory environment which is business friendly and considerate of business needs

## CONSULTATION

### Internal Consultation

- Executive Director, Community Services
- Executive Director, Finance and Business
- Executive Director, Infrastructure Services
- Branch Manager, Community Response
- Senior Management Accountant, Finance & Business
- Division 2 Councillor

It is noted that as per Council resolution OM11/264 the Chief Executive Officer developed a protocol for assessment and prioritisation of eligible projects to be funded by the Operating Surplus from Caloundra CBD Regulated Parking for projects, facilities and other services for the Bulcock Street precinct, in consultation with appropriate staff and Divisional Councillor.

This request has been dealt with as per this protocol which is governed by Infrastructure Services and supported by the Divisional Councillor.

### External Consultation

No external consultation has been undertaken in relation to this report.

### Community Engagement

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

## PROPOSAL

On 14 August 2013, the Caloundra Chamber of Commerce & Industry Inc. wrote to council's Chief Executive Officer requesting a parking meter fee amnesty for the Caloundra CBD for six (6) weeks commencing Saturday 14 December, 2013. The request, which has the support of the Divisional Councillor, can be found at Attachment 1.

Caloundra is the only area on the Sunshine Coast to have paid meter parking at a cost of \$3 for a maximum of two hours. This arrangement has been in place since 1992 and is adopted in council's fees and charges schedule.

Currently, there are 71 paid parking meters in operation in the Caloundra CBD. In October, 2011 council resolved that the operating surplus derived from the Caloundra CBD Regulated Parking could be utilised for projects, facilities and other services for the Bulcock Street precinct. The request from the Caloundra Chamber of Commerce, if approved will translate into decreased revenue derived from the paid parking meters.

There is sufficient cash reserves identified in the Caloundra CBD Regulated Parking fund to accommodate a decrease in revenue such that other proposals relating to projects, facilities and other services for the Bulcock Street precinct could be considered and funded if approved. The current cash reserves for the Caloundra CBD Regulated Parking can be found at Attachment 2.

Two council parking officers regularly patrol in the Caloundra CBD between 9am – 5pm weekdays and between 9am - noon Saturday mornings to monitor compliance. The proposal will not affect the time officers spend in the Caloundra CBD undertaking parking compliance duties, nor the budget associated with this work.

### **Legal**

Council's *Local Law No.5 (Parking) 2011* and *Subordinate Local Law No.5 (Parking 2011)* provide the regulatory framework for enforcing regulated parking.

### **Policy**

Council's Revenue Policy

### **Risk**

There are no identified risks for council associated with this report.

### **Previous Council Resolution**

#### **Council Resolution** (OM11/264)

*That Council:*

- (a) *utilise the Operating Surplus from Caloundra CBD Regulated Parking for projects, facilities and other services for the Bulcock Street precinct;*
- (b) *request the Chief Executive Officer to develop a protocol for assessment and prioritisation of eligible projects to be funded by the Operating Surplus from Caloundra CBD Regulated Parking for projects, facilities and other services for the Bulcock Street precinct, in consultation with appropriate staff and Divisional Councillor;*
- (c) *review the allocation of the 2011/2012 Operating Surplus from Caloundra CBD Regulated Parking budget as part of the Budget Review 2 process with a view to funding projects, facilities and other services for the Bulcock Street precinct;*
- (d) *request the Chief Executive Officer to provide a report to Council 2 years post the implementation of (a) above to understand the impact of the allocation of utilising the Operating Surplus from Caloundra CBD Regulated Parking for projects, facilities and other services for the Bulcock Street precinct; and*
- (e) *note that the utilisation of said Surplus funds is not to replace, reduce or allow reallocation of current or future Bulcock Street funding.*

### **Related Documentation**

- Council's Revenue Policy
- *Local Law No.5 (Parking) 2011*
- *Subordinate Local Law No. 5 (Parking) 2011*
- *Local Government Act 2009*
- *Local Government Regulation 2012*
- *Transport Operations (Road Use Management) Act 1995*



**Critical Dates**

A Council resolution is required before 14 December, 2013 to accommodate the request from Caloundra Chamber of Commerce & Industry Inc. timeframes.

**Implementation**

If endorsed, Council staff will work with the Caloundra Chamber of Commerce & Industry Inc. to inform the community of the amnesty period and to ensure parking meters are non-operational from Saturday 14 December 2013 for a period of six (6) weeks.

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### 7.3.4 COMMUNITY GRANTS PROGRAM MAJOR GRANTS RECOMMENDATIONS

<b>File No:</b>	<b>ECM 17 October 2013</b>
<b>Author:</b>	<b>Team Leader Community Connections Community Services Department</b>
<b>Appendices:</b>	<b>App A - Major Grants Recommendations.....97</b>
<b>Attachments:</b>	<b>Att 1 - Additional Information Major Grants Recommendations (Under Separate Cover) – Confidential.....Conf Att Pg 5</b>
	<b>Att 2 - Major Grants Funding Comparisons .....111</b>

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#### PURPOSE

The purpose of this report is for council to consider and endorse funding recommendations for the first round of applications for the 2013/2014 financial year for Sunshine Coast Council's Community Grants Program Major Grants.

#### EXECUTIVE SUMMARY

Sunshine Coast Council's Community Grants Policy and Program provides a transparent governance framework that complies with statutory requirements for the distribution of grant funding to community organisations across the region. The program reflects council's corporate plan objectives and ensures equitable opportunity for community groups to access council funding for projects which meet community need and result in community benefit.

The first Major Grant round for the Community Grants Program for 2013/2014 closed on 16 August, 2013. A total of ninety-three (93) applications were received across the seven (7) categories (Community Development, Cultural Development, Cultural Heritage, Economic Development, Environment, Festive Season and Sport, Recreation & Healthy Living), requesting \$1,055,508 in grant funding. Funding totaling \$274,278 for fifty (50) projects is recommended for Council's consideration and endorsement (Appendix A).

Attachment 1 (confidential) provides additional information covering project description and panel comments for each application. Attachment 2 details the funding comparison of the August 2013 round to the two previous Major Grants rounds.

#### OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled "Community Grants Program Major Grants Recommendations" and
- (b) endorse the Major Grant Recommendations (Appendix A).

#### FINANCE AND RESOURCING

The 2013/2014 budget provides a total of \$684,078 in funding for the Community Grants Program which includes two Major Grant funding rounds; two Minor Grant funding rounds; Individual Development Grants and Emergency Grants.

The Environment Levy provides funds through Major and Minor Grants for projects which closely align to the priority outcomes of the levy. This report covers the first Major Grant round for the 2013/2014 financial year. This funding round closed on 16 August, 2013.

Funding totalling \$274,278 for fifty (50) projects is recommended. This amount represents approximately 40% of the total Community Grants budget for 2013/2014 and is sourced from:

- Community Grants Program Funding - \$267,278
- Environment Levy - \$7,000

## CORPORATE PLAN

**Corporate Plan Theme:** *Health & Wellbeing*  
**Emerging Priority:** 4.2 - Active lifestyles  
**Strategy:** 4.2.4 - Support community-based sport and recreation organisations and programs

**Corporate Plan Theme:** *Social Cohesion*  
**Emerging Priority:** 5.2 - Strong community groups and networks  
**Strategy:** 5.2.3 - Support community initiatives through appropriate provision of information, expertise and resources

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

## CONSULTATION

### Internal Consultation

Prior to opening of the grant round, staff responsible for the distribution of grants (Community Connections Team) worked with experts in each grant category to review priorities and ensure alignment with council's corporate priorities and strategies.

Community Connections team members participated in all assessment panels, reviewed outcomes and moderated across all categories to ensure equity and consistency.

Assessment panel membership for each grant category is outlined below.

#### *Community Development*

- Team Leader, Community Connections, Community Services (Chair and Moderator)
- Senior Project Officer (Grants), Community Connections, Community Services
- Development Officer (Community), Community & Cultural Programs, Community Services
- Development Officer (Community), Community & Cultural Programs, Community Services

#### *Cultural Development*

- Team Leader, Community Connections, Community Services (Chair and Moderator)
- Development Officer (Grants), Community Connections, Community Services
- Senior Development Officer (Creative), Community & Cultural Programs, Community Services
- Administrative Project Officer (Creative), Community & Cultural Programs, Community Services

*Cultural Heritage*

- Team Leader, Community Connections, Community Services (Chair and Moderator)
- Development Officer (Grants), Community Connections, Community Services
- Acting Library Coordinator, Library Hubs, Library & Gallery Services, Community Services
- Acting Cultural Heritage Officer, Learning and Heritage Services, Library & Gallery Services, Community Services
- Acting Heritage Library Coordinator, Learning & Heritage Services, Community Services

*Economic Development*

- Team Leader, Community Connections, Community Services (Chair and Moderator)
- Development Officer (Grants), Community Connections, Community Services
- Senior Economic Development Officer, Regional Services, Economic Development, Executive Office

*Environment*

- Team Leader, Community Connections, Community Services (Chair and Moderator)
- Development Officer (Grants), Community Connections, Community Services
- Coordinator, Biosphere & Partnerships,, Environment Policy, Regional Strategy & Planning
- Team Leader, Community Conservation Partnerships, Environmental Operations, Infrastructure Services
- Waterways Project Officer, Water Coast and Catchment, Environment Policy, Regional Strategy & Planning

*Festive Season*

- Development Officer (Grants), Community Connections, Community Services (Chair)
- Acting Civic & Community Events Coordinator, Customer Relations, Community Services
- Team Leader, Community Connections, Community Services (Moderator)

*Sport, Recreation and Healthy Living*

- Development Officer (Grants), Community Connections, Community Services (Chair and Moderator)
- Senior Project Officer (Grants), Community Connections, Community
- Manager, Community Sport & Facilities Planning, Community Services
- Development Officer, Community Sport & Facilities Planning, Community Services
- Sport & Recreation Support Officer, Community Sports & Facilities Planning, Community Services

**External Consultation**

External consultation is not applicable to council's Community Grants Program.

**Community Engagement**

Grants Development Officers liaised with community organisations across the region through a range of community meetings and conversations to ensure a high level of awareness of the Major Grants program. Assistance was provided for project development, preparation of application content and the application process.

## PROPOSAL

The revised Sunshine Coast Regional Council Community Grants Policy (the Policy) was endorsed at the Ordinary Meeting on 20 June, 2013. Sunshine Coast Council recognises the vital contribution that community organisations make to the economic, environmental, social and cultural wellbeing of Sunshine Coast communities. Through the provision of community grants, Council is committed to supporting the implementation of community initiatives and partnerships that align with Council's strategic corporate priorities, and demonstrate a purpose that is in the interests of the Sunshine Coast community.

The following principles provide a consistent approach to the administration of the Policy and the delivery of Council's Community Grants Program:

- Community organisations are provided with funding support to provide community benefit to the Sunshine Coast community, in line with Council's strategic corporate priorities
- Vibrant, engaged and more resilient communities are developed through capacity building and partnerships
- Community organisations are enabled to attract other funding and in-kind support;
- Community organisations and volunteers are acknowledged for the positive contribution they make to the local community and Council's vision for the future and
- Funds are distributed in an equitable and transparent manner that ensures good governance and adherence to the *Local Government Act 2009* and the *Local Government Regulation 2012*.

The Policy ensures an equitable, open and transparent process for applicants to seek financial assistance which complies with relevant legislation.

Council officers manage the Community Grants Program, undertaking many activities in relation to the promotion, support, assessment and distribution of funding and working to build community capacity in applicant organisations.

### Promotion and Support

Detailed information about the Community Grants Program was posted on Council's website, featured on the CommunityHub website and distributed through online community newsletters. Grant guidelines were available in libraries and customer service centres. Marketing included extensive newspaper advertising in local community newspapers, media releases, features in councillor columns, spotlight print and radio, council's e-news, library e-news and messages on hold. Several radio interviews took place to provide information and tips for excellence in grant applications.

Grants Development Officers liaised widely across the region; responded to numerous telephone enquiries, emails and action requests; provided assistance with project development; provided advice on the preparation of application content and the online application process. Applicants were also linked with category specialists in all categories.

### Applications

A total of ninety-three (93) applications were received across the seven (7) grant categories, requesting \$1,055,508 in grant funding.

## Assessment

Council officers pre-assessed each application to determine eligibility. Assessment panels for each category were established. Panel members reviewed all eligible applications prior to the panel meeting and then met to discuss the applications.

Discussion focused on alignment to category aims and priorities, community need and benefit and capacity of the organisation to achieve the project outcome. The panels also took into consideration the number of applications received and amount of funding available. Panel members determined funding recommendations for Council's consideration.

Due to the large numbers of applications in each grant category, part funding was recommended in some instances. In each case where part funding was offered, the panel checked with the applicant that the project could be successfully completed with the funding allocated; provided funding for stand-alone components of the project; and/or provided the opportunity for the applicant to reduce the scope of the project in consultation with council officers.

In order to establish equitable financial support for the wide range of Festive Season events across the region, assessment of each application was based on event type ('major', 'medium' or 'minor') and key elements in the application such as event attendance, cost, location and past acquittal information.

## Recommendation

Funding a total of \$274,278 for fifty (50) projects is recommended for Council endorsement. Below is a summary of applications and recommended outcomes for each category.

### August 2013 – Major Grant Recommendations Summary

Category	Applications Received	Funding Requested	Applications Recommended	Funding Recommended (GST exc.)	% Applications Recommended
Community Development	26	\$236,045	17	\$85,775	65%
Cultural Development	7	\$85,317	5	\$23,000	71%
Cultural Heritage	6	\$56,370	3	\$12,358	50%
Economic Development	4	\$39,042	2	\$8,500	50%
Environment	6	\$52,500	3	\$17,000	50%
Festive Season Activities	7	\$47,435	7	\$23,600	100%
Sport, Recreation and Healthy Living	37	\$538,798	13	\$104,045	35%
<b>Total</b>	<b>93</b>	<b>\$1,055,508</b>	<b>50</b>	<b>\$274,278</b>	<b>54%</b>

More details relating to the recommended outcomes are included in Appendix A.

**Legal**

There are no legal implications to this report.

**Policy**

The recommendations are in accordance with the *Local Government Act 2009*, *Local Government Regulation 2012* and in line with the endorsed Community Grants Policy (2013).

Any changes to the grant recipients list requested by Councillors and endorsed by council will need to be supported by reasons and those reasons recorded in line with council's Community Grants Policy.

**Risk**

The development of the 2013/14 budget resulted in a reduction to the budget for this Program. There is a risk that community organisations that have been unsuccessful in securing financial assistance under the Community Grants Program Major Grants in this financial year may seek further information regarding the assessment process.

**Previous Council Resolution**

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

That Council:

- (a) *receive and note the report titled "Community Grants Program Major Grants and Regional Development Fund (RADF) Recommendations";*
- (b) *endorse the Major Grant Recommendations (Appendix A); and*
- (c) *endorse the Regional Arts Development Fund Recommendations (Appendix B).*

Special Meeting 11 December 2012 – **Council Resolution (SM12/19)**

*That Council:*

- (a) *receive and note the report titled "Water and Sewerage Funding Program";*
- (b) *endorse the Water and Sewerage Funding Program Policy (Appendix A) as amended;*
- (c) *delegate authority to the Chief Executive Officer to fund eligible applications in accordance with the Water and Sewerage Funding Program Policy to an amount not exceeding \$700,000 in total for 2012/2013 financial year and that the percentage, not exceeding 70% of the fixed access charge, awarded to each applicant be determined such that the total allocation does not exceed the \$700,000;*
- (d) *fund a Water and Sewerage Funding Program in the 2012'2013 financial year:*
  - (i) *cancel the second round of Major Community Grants for the 2012/2013 financial year (excluding categories funded by the Heritage Levy and Environment Levy);*
  - (ii) *not award grants in the remaining three minor grant rounds for the remainder of the 2012/2013 financial year; and*

- (iii) *not award any further Individual Development Grants for the remainder of the 2012/2013 financial year; and*
- (e) *request the Chief Executive Officer to provide options to council to investigate the opportunity through upcoming budget review to reinstate funds to the Grants Program identified in (d) above.*

Ordinary Meeting 24 April 2013 – **Council Resolution (OM13/65)**

*That Council:*

- (a) *receive and note the report titled “Community Grants Program Major Grants (Environment) Recommendations” and*
- (b) *endorse the Major Grant recommendations for the environment category (Appendix A).*

**Related Documentation**

- Community Grants Policy

**Critical Dates**

The next Major Grant round will open on 3 February 2014 and close on 14 March 2014.

**Implementation**

Upon Council endorsement of this report, applicants will be notified of the outcomes. Funding will be distributed to successful applicants throughout October and November 2013.

Council staff will provide information to all applicants about the availability of other funding sources.



## 7.4 INFRASTRUCTURE SERVICES

### 7.4.1 LOCKS, WEIRS AND OTHER CONSTRUCTED WATER BODIES COMPARISON

<b>File No:</b>	<b>ECM</b>
<b>Author:</b>	<b>Team Leader Planning Infrastructure Services Department</b>
<b>Attachments:</b>	<b>Att 1 - Summary Significant Constructed Water Bodies..... 125</b> <b>Att 2 - Tidal, Non-Tidal and Freshwater Constructed Water Bodies (CWBs) - Presentation ..... 127</b> <b>Att 3 - Tidal, Non-Tidal and Freshwater Constructed Water Bodies (CWBs) - Site Visit Information Pack..... 141</b> <b>Att 4 - Coastal &amp; Environment Asset Management Plan 2012 (Under Separate Cover) ..... Att Pg 201</b>

## PURPOSE

The purpose of this report is to provide council with an overview of the current operational and long term asset management costs of the region's constructed water bodies and lock and weir systems. This report does not consider canal systems.

## EXECUTIVE SUMMARY

During budget discussions in 2012 regarding the former Parrearra Lock and Weir Special Rates Levy, council requested a further report addressing equity issues in relation to revenue, expenditure and funding of whole of life asset management costs for the different lock and weir systems across the region.

At budget discussions in May 2013 the matter was broadened to encompass analysis of all major constructed water bodies within the region so that a more comprehensive body of work is available to aid comparison and understanding of potential issues of funding equity.

Council currently has responsibility for the operation and maintenance of a range of constructed water bodies and lock and weir systems in the region, these include:

- Noosa Waters (40ha)
- Pelican Waters Northern Lake (24ha)
- Parrearra Lake (47ha)
- 81 systems of other constructed water bodies (80ha)

These systems have significant differences in age, infrastructure, tenure, development conditions and more importantly funding sources for annual and ongoing maintenance.

Organisational asset accounting processes have the current value of all the constructed water bodies under council's control at \$353 million.

Council's average expenditure over the range of constructed water body assets for the last five years (including 13/14 budget) has seen the following investments:

- Net operational - \$860,000 per year
- Capital (asset) - \$710,000 per year

Council's Environmental Operations Service Level Profiles and asset documentation show a current total service level funding gap of 6.7% for operational activities and a 13% gap in terms of capital renewal expenditure. This gap is based on forecasted age, asset condition assessments and reactive operational requirements and will be managed through annual condition monitoring, flexible intervention programs and funding allocation based on CWB program priorities.

Additionally, the number of these types of assets will only increase given there are other developments in the approval pipeline and approaching handover, and it is timely to assess any impact on council's ability to fund their future management. The future number of constructed water bodies (including lock & weir systems) is estimated to be 26 systems (223ha) which translates into probable gross operational and asset cost of an additional two million dollars annually once these assets are transferred to council.

A spreadsheet summary of significant constructed water bodies (both current assets managed and future growth assets) and their range of attributes is provided as Attachment 1. Apart from the three lock & weir systems highlighted above, this includes such water bodies as: Lake Magellan, Mountain Creek Lakes, Nelson Lake, Chancellor Lakes, Kolora Lake and Mapleton Lilyponds.

Given the financial and operational risks associated with management of these assets it would be appropriate for the development of an organisational policy position for the future financial management of constructed water bodies and assets that can be utilised for assessing and applying to future developments.

## **OFFICER RECOMMENDATION**

**That Council:**

- (a) receive and note the report titled "Locks, Weirs and Other Constructed Water Bodies Comparison"**
- (b) note that a report on funding opportunities for the management of constructed water bodies and lock and weir systems will be provided to Council through the 2014/15 budget process**
- (c) endorse the development of a Council Policy for the future financial management of constructed water bodies and assets that can be utilised for assessing and applying to future developments and**
- (d) note that a workshop will be held with councillors to identify asset management policy and funding directions prior to (b) and (c) above.**

## **FINANCE AND RESOURCING**

Three areas are critical to determining long term financial sustainability associated with the management of these assets. They include:

- Lock & weir expenditure and revenue gap
- Operational and asset total expenditure gap
- Growth funding shortfalls

### Lock & Weir Expenditure and Revenue Gap

Long term projections in relation to operating and maintaining the three current lock and weir systems - Noosa Waters, Pelican Waters Northern Lake and Parrearra Lake – at an appropriate level of service has been undertaken. Whole of life costs of these assets has been calculated over a 30 year period and annualised funding requirements derived.

30 year annualised costs are:

- Noosa Waters - \$156,511
- Pelican Waters Northern Lake - \$69,039
- Parrearra Lake - \$63,482

Note while lock & weir asset financial information are amended from time to time based on asset condition assessments and actual costs, annualised schedule costs remain a consistent forecast based on asset starting position. Copies of the current lock & weir asset financial information are available on request.

The different revenue sources specifically for the lock and weir systems include:

1. Special Rates benefited area levy – Noosa Waters
2. Sinking Fund (established as a condition of development approval) – Pelican Waters North
3. Pontoon and jetty site leases
4. Sale of lock access cards to users – all systems
5. General revenue

A summary of these different revenue sources as they apply to current council lock & weir systems is tabled below.

System	Special Rate	Sinking Fund	Lease Fee*	Card Sales	General Rates (opex/capex)
Noosa	✓	x	x	✓	x
Pelican Waters North	x	✓	✓	x	x
Parrearra Lake	x	x	✓	✓	✓
Chancellor Lake	x	x	x	x	✓
Lake Magellan	x	x	x	x	✓
Mountain Creek	x	x	x	x	✓

\*Pontoon leases are a commercial fee based on a market value and not directly related to a lake maintenance service level requirement

In addition a summary of expenditure and revenue for the three lock & weir systems is tabled below.

<b>Lock &amp; Weir</b>	<b>Total Costs</b> (capex/opex)	<b>Total Revenue</b>	<b>Acc Balance</b>
Noosa Waters	\$940,300 (09/10 onwards, exc depreciation \$293K)	\$394,300 (09/10 onwards levy & card)	+\$715,000** (constrained cash accum from 00/01)
Pelican Waters Northern Lake	\$77,900* (11/12 onwards, exc depreciation)	\$2,962,800 (sinking fund, inc interest & leases )	+\$2,832,200 (sinking fund, inc interest from 09/10)
Parrearra Lake	\$509,700 (09/10 onwards, exc depreciation \$595K)	\$289,300 (09/10 onwards inc levy, card & leases)	-\$220,400

\* Note limited expenditure due to salinity exchange still on-maintenance

\*\* This amount represents remaining funds since levy inception in July 2000

All remaining constructed water bodies are funded for both operational and asset replacement/renewal through general revenue. Operational and capital costs since the 2009/2010 financial year associated with several of the large CWB's are noted below.

<b>Other Constructed Water Body</b>	<b>Operational Costs</b>	<b>Capital Costs</b>
Chancellor Lakes	\$436,400	\$1,500,000
Lake Magellan	\$36,656	\$387,000
Mountain Creek Lakes	\$10,400	\$52,500

### Operational and Asset Total Expenditure Gap

Organisational asset accounting processes have the current value of all the constructed water bodies at \$353 million.

Council's average expenditure over the range of constructed water body assets for the last five years (including 13/14 budget) has seen the following investments:

- Net operational - \$860,000 per year
- Capital (asset) - \$710,000 per year

Expenditure is guided through a number of key documents which include:

- Lock & Weir Asset Financial Information
- Environmental Operations Service Level Profiles
- Coastal & Environment Asset Management Plan 2012 (attachment 4)
- Constructed Water Bodies (Ponds & Lakes) Strategic Asset Management Plan
- Applicable Lake Management Plans (Parrearra & Pelican Waters)

Council's Environmental Operations Service Level Profiles and asset documentation indicate a current total service level funding gap of 6.7% for operational activities and a 13% gap in terms of capital renewal expenditure. Based on the current total average spend identified above this highlights a combined funding shortfall of approximately \$150,000 per year. This gap is based on forecasted age, asset condition assessments and reactive operational requirements and will be managed through annual condition monitoring, flexible intervention programs and funding allocation based on CWB program priorities.

Asset expenditure is forecast through the organisational budget capital program while any increases in operational costs are recommended to council for its consideration as growth (new assets and CPI) through the recurrent budget process.

### **Potential Growth Funding Gap**

A number of new significant individual constructed water bodies are forecast to transfer to council over the next several years, e.g. Brightwater Lake, Sunshine Cove, Twin Waters, Pelican Waters South and Lake Kawana. In addition, a further 78ha is forecast to come across from the combined developments of Caloundra South and Maroochydore Central Precinct.

While a number of these systems such as Sunshine Cove and Pelican Waters North have separate significant revenue sources such as a sinking fund, others including 70ha from Lake Kawana, do not have these types of arrangements in place.

In summary the future number of constructed water bodies (including lock & weir systems) is estimated to be 26 systems (223ha) which translates into probable gross operational and asset costs of an additional two million dollars annually once these assets are transferred to council.

Without the ability to access appropriate funding sources for management of these assets, council will experience pressure on existing resources to address responsibilities and risks associated with management of these systems.

It would be appropriate for the development of an organisational policy position for the future financial management of constructed water bodies and assets that can be utilised for assessing and applying to future developments.

## **CORPORATE PLAN**

**Corporate Plan Theme:** *Managing growth*

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

**Strategy:** 7.4.1 - Prepare comprehensive infrastructure plans, policies and strategies in line with long term financial plans  
7.4.2 - Require appropriate infrastructure provision and agreements as a component of development approvals so the cost of infrastructure is not a burden on the current generation

**Corporate Plan Theme:** *Managing growth*

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

**Strategy:** 7.5.2 - Develop long term asset management plans which are linked to financial management plans  
7.5.3 - Maintain and renew council assets to agreed standards

## **CONSULTATION**

### **Internal Consultation**

Consultation has occurred across a broad number of staff from the following departments within council:

- Infrastructure Services
- Regional Strategy & Planning
- Finance and Business

A workshop and inspection tour of sample constructed water bodies was held on 22 July 2013 to provide councillors with an overview and background information of the assets concerned.

A copy of the workshop presentation (Attachment 2), and the site visit information pack (Attachment 3) is provided as part of this report.

### **External Consultation**

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

### **Community Engagement**

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

## **PROPOSAL**

Council currently has responsibility for the operation and maintenance of three lock and weir systems throughout the region and 81 other saltwater/freshwater/brackish constructed water bodies (191ha).

Generally the 81 saltwater/freshwater/brackish constructed water bodies are funded from general revenue for both operational and asset expenditure and are covered by the organisational asset management and council endorsed branch service level processes.

Organisational asset accounting processes have the current value of all the constructed water bodies at \$353 million. This includes replacement value for the range of assets captured under council's financial asset management system (e.g. locks & weirs, revetment walls, rock walls, boat ramps, jetties & pontoons) and industry asset estimates (Water by Design, Sept 2012) for those constructed water bodies currently not being captured by council.

Council's current Draft Asset Valuation Policy – Capital Expenditure Guidelines (Jan 2013) is investigating council's asset capital cost capture associated with constructed water bodies where no hard infrastructure asset is recorded.

Council's average expenditure over the range of constructed water body assets for the last five years (including 13/14 budget) has seen the following investments:

- Net operational - \$860,000 per year
- Capital (asset) - \$710,000 per year

Council's Environmental Operations Service Level Profiles and asset documentation show a current total operational expenditure and capital renewal funding gap of 6.7% and 13% respectively.

The number of these types of assets will only increase as there are other developments in the approval pipeline and approaching handover, and it is timely to assess any impact on council's ability to fund their future management.

Current growth projections include five weir/lock and salinity exchange systems and in excess of 78ha of other freshwater/brackish systems.

A spreadsheet summary of significant constructed water bodies (both current assets managed and future growth assets) and their range of attributes is provided as Attachment 1.

## Lock & Weir Systems

### General Issues

All three systems were designed by the same consultant. Much of the componentry utilised is the same, and their maintenance requirements and whole of life costs are comparable, albeit out of sync because of their respective ages.

However, some major infrastructure within each system is different and therefore operating, maintenance and replacement costs will reflect this. Noosa Waters and Pelican Waters both require a full salinity exchange system with significant infrastructure and operational costs incurred as a result. Parrearra by comparison has a penstock tidal flow system which incurs minimal operation costs and relatively low whole of life infrastructure replacement costs.

Long term projections in relation to operating and maintaining the three current lock and weir systems at an appropriate level of service, have been undertaken. Whole of life costs of these assets have been calculated over a 30 year period and annualised funding requirements derived.

The three existing systems at Noosa Waters, Pelican Waters Northern Lake and Parrearra Lake have significant differences in age, infrastructure, tenure and development conditions. Additionally ongoing funding of the systems was approached differently by the former Councils (Noosa and Caloundra).

All three systems provide a level of flood immunity to both the immediate estates and the surrounding communities.

The three systems also provide some form of public access/ recreation. This is either through park node frontage (e.g. Noosa – 600m/ Pelican – 900m) or a combination of park node frontage and linear foreshore access (e.g. Parrearra – 5,000m).

Outlined below is an overview of each system's revenue sources and how those funds are applied.

### Noosa Waters

The Noosa Waters Lock and Weir Maintenance Levy was introduced in July 2000 when the former Noosa Shire Council took responsibility for the maintenance and operation of the Noosa Waters canal system. Revenue generated is applied to whole of life costs associated with the operation, maintenance and refurbishment of the Noosa Waters lock and weir. Any unspent funds are transferred to constrained cash to be applied towards future year expenditure for scheduled works.

The annual special levy is calculated in accordance with a whole of life asset management plan, and in consultation with the Noosa Waters Residents Association. The levy is established over a five year span, subject to annual reviews, and is intended to fully cover all costs of managing the infrastructure associated with the lock and weir, including the salinity exchange system that operates within the Noosa Waters canal system.

The asset management plan identified that the annual levy should yield approximately \$120,000 annually. However, due to a review of the timing of refurbishment of the lock and weir infrastructure, and revised maintenance strategies that created annual savings, surplus funds have accumulated in the reserve. It was agreed with the Noosa Waters Residents Association that the levy would be halved for an initial period of five years from 2011/2012 (i.e. \$55,000 per annum yield), to allow the reserve funds to be applied to scheduled asset refurbishment, with operating and ad hoc maintenance costs to be met from the annual levy.

Persons wishing to access the lock other than from those properties subject to the levy are required to pay a contribution as determined by council's budget process (fees & charges) and invoiced annually.

### **Pelican Waters Northern Lake**

The operation, maintenance and refurbishment of Pelican Waters Lake lock and weir is funded through a sinking fund that was established as a condition of development approval by the former Caloundra City Council and negotiated to cover whole of life costs for 25 years.

The original value of the sinking fund was derived from a whole of life asset management plan developed by Cardno (Qld) Pty Ltd, as consulting engineers for the developer. Council currently holds \$2,832,194 in this sinking fund with interest for 2012/13 applied and these funds can be utilised for operational costs and annual infrastructure refurbishment and renewal.

Operational responsibility for the lock and weir passed to council in October 2011. However, the salinity exchange system is still on-maintenance with the developer. Accordingly, it has not been possible to assess the full actual annual operating costs for the system against the original calculations for the sinking fund.

### **Parrearra Lake**

The former Caloundra City Council assumed responsibility for the Parrearra lock and weir in September 2002.

No sinking fund was negotiated as part of the development approval, and the Parrearra Lock and Weir Special Rate Levy introduced for the 2011/2012 financial year to fund operating costs only, was removed by council with effect from the 2012/2013 financial year.

It was replaced by amending the annual access key card issue fee from \$70 to \$130 per annum; and the annual transfer of any unexpected revenue from both jetty/pontoon lease rental and access key card issue fees into constrained cash to fund future asset refurbishment and renewal expenditure.

There has been approximately \$369,000 capital on scheduled refurbishment and \$140,763 operational expenditure on the Parrearra system since 2009/10 and over the same period council collected a total of \$289,322 in revenue (including lease fees, the sale of access cards and from the special rates levy in 2011/12). The shortfall \$220,400 has been funded from council's general revenue.

No funding source exists to fund asset replacement/rehabilitation.

### **Other Revenue**

#### **Jetty and Pontoon Lease Revenue**

Lease fees for jetty and pontoon sites within any lake areas formed by the lock and weir systems are based on a rate per square metre, as determined by independent valuation. Lease fees are incidental to funding for use or maintenance obligations relating to the surrounding land or lock & weir structures. However, 'net' revenue from annual lease fees may be applied to these maintenance obligations and will be the subject to review as part of the proposed development of an organisational policy for the future financial management of constructed water bodies as recommended by this report.



Where the water body is under trustee arrangement the *Land Act 1994* provides that any rent received from a trustee lease or permit over trustee land must be spent on maintenance or enhancement of the trust land and is consistent with the arrangements at Parrearra Lake, where any unspent revenue will be held as constrained cash and applied towards future expenditure.

Previously, residents at Noosa Waters paid an annual licence fee under a Local Law for pontoons and jetties that was levied on rate notices each year. The Local Law has since been repealed, effective from 1 January 2012.

Lease revenue in 2012/13 is estimated to be:

\$0 for Noosa Waters (470 structures)

\$30,006 for Pelican Waters Northern Lake (106 vacant/ 62 leased structures)

\$44,694 for Parrearra Lake (100 leased structures/ 17 structures still awaiting transfer to SCC)

### **Lock Access Card Sales**

Sale proceeds from lock access cards generate revenue for each lock and weir system but to varying degrees.

Noosa Waters property owners paying the special rates levy are automatically entitled to a lock access card and no additional fee is payable, other than for replacement cards. Whilst a fee exists for non-residents, there has been minimal revenue from the sale of access cards. \$2,360 was generated in 2012/13.

For Parrearra, revenue from the sale of lock access cards is applied towards the operation and maintenance of the lock and weir system, with any unspent revenue being held as constrained cash for future expenditure to be incurred in accordance with the provisions of the whole of life asset management plan. \$11,986 was generated in 2012/2013.

Whilst responsibility for Pelican Waters Northern Lake system passed to council in October 2011, the developer has retained responsibility for administration of local access cards and no revenue has been received by council. It is not known whether the developer is actually charging a fee. This will need to be reviewed for consistency purposes once council gains responsibility.

### **Summary of Lock and Weir Revenue and Expenditure**

A summary of expenditure and revenue for the three lock & weir systems is tabled in the Finance and Resourcing section above. In relation to the three current lock & weir assets while Noosa Waters and Pelican Waters are currently in surplus revenue the Parrearra system is operating with a \$220,000 funding shortfall.

### **Constructed Water Bodies Operational and Asset Total Expenditure Gap**

Organisational asset accounting processes have the current value of all the constructed water bodies at \$353 million. This includes replacement value for the range of assets tracked under council's financial management system (e.g. locks & weirs, revetment walls, rock walls, boat ramps, jetties & pontoons) and industry asset estimates (Water by Design, Sept 2012) for those constructed water bodies currently not being captured by council.

A number of key operational and asset management documents are in place to guide expenditure. These include:

- Lock & Weir Asset Financial Information
- Environmental Operations Service Level Profiles
- Coastal & Environment Asset Management Plan 2012 (attachment 4)
- Constructed Water Bodies (Ponds & Lakes) Strategic Asset Management Plan
- Applicable Lake Management Plans (Parrearra & Pelican Waters)

These documents will require updating and further development as future asset growth is transferred to council ownership.

Council's Environmental Operations Service Level Profiles and asset documentation show a current total service level funding gap of 6.7% for operational activities and a 13% gap in terms of capital renewal expenditure. Based on the current total average spend identified above this highlights a combined funding shortfall of approximately \$150,000 per year.

Council's current Draft Asset Valuation Policy – Capital Expenditure Guidelines (Jan 2013) is investigating council's asset capital cost capture associated with constructed water bodies where no hard infrastructure asset is recorded.

### **Future Growth**

There are a number of current and proposed developments that will result in a further transfer of constructed water bodies and associated assets and therefore represent future liabilities to council.

While a number of significant future constructed water bodies are provided in Attachment 1 (e.g. Brightwater Lake, Sunshine Cove, Twin Waters, Pelican Waters South and Lake Kawana) a further 78ha is forecast to come across from the combined developments of Caloundra South and Maroochydore Central Precinct.

In summary the future number of constructed water bodies (including lock & weir systems) is estimated to be 26 systems (223ha) which translates into probable operational and asset costs of an additional two million dollars once these assets are transferred to council.

A range of guiding principles and design/construction requirements are provided from both council's Waterways and Coastal Management Strategy 2011-2021 and Draft Sunshine Coast Planning Scheme (stormwater management codes) respectively.

This report recommends the coordinated development by the future Corporate Services Department, as part of the 2014/15 council budget process, of an organisational policy for the financial management of constructed water bodies and assets that can be utilised for assessing and applying to future developments. This policy could include levies, sinking funds or other user pays mechanisms that can be conditioned as part of the development process.

### **Legal**

A range of current and previous pieces of legislation apply in respect to management of the lakes and the lock and weir systems across the council area.

- *Local Government Act 2009*
- *Land Title Act 1994*
- *Land Act 1994*
- *Planning & Environment Act 1987*

- *Integrated Planning Act 1997*
- *Sustainable Planning Act 2009*

### **Policy**

A range of guiding principles and design/construction requirements are provided from both council's Waterways and Coastal Management Strategy 2011-2021 and Draft Sunshine Coast Planning Scheme (stormwater management codes) respectively.

Neither policy is impacted by the subject matter of this report.

### **Risk**

Council is responsible for the management of all assets and infrastructure comprising the lakes and lock and weir systems. Without the ability to access appropriate funding sources for specific projects, council will experience severe pressure on existing resources when endeavouring to satisfy competing demands and community expectations for services and facilities.

In addition, the effects of climate change and the resulting rise in average global temperatures will see an increase in risk in the areas of algal blooms, rates of biomass growth (including problematic plants), increased water level variation and the effects of sea level rise on tidal related structures, e.g. revetment walls, weirs, locks. These factors will result in reduced amenity and increased demand for asset replacement/renewal and have not been considered as part of this report but will be included in the long term asset management plans for each water body.

### **Previous Council Resolution**

Resolution SM 12/09:

*That Council:*

- (a) receive and note the report titled "Parrearra Lock and Weir Special Levy";*
- (b) remove the Parrearra Lock and Weir Special Rate Levy for the 2012/2013 financial year;*
- (c) amend the annual access key card issue fee from \$70 to \$130 per annum;*
- (d) annually transfer any unexpected revenue from both Jetty/Pontoon lease rental and access key card issue fees into a reserve to fund future asset refurbishment and renewal expenditure; and*
- (e) request the Chief Executive Officer to prepare a subsequent report to the August 2012 Ordinary Meeting outlining equity issues between the Parrearra, Pelican Waters and Noosa Waters lock and weir systems relating to revenue, expenditure and funding for whole of life asset management costs.*

### **Related Documentation**

A range of guiding principles and design/construction requirements are provided from both council's Waterways and Coastal Management Strategy 2011-2021 and Draft Sunshine Coast Planning Scheme (stormwater management codes) respectively.

In addition a number of key documents cover the operational responsibility of council and also obligations and responsibility of users and adjoining land owners and both operational and capital expenditure:

- Lock & Weir Asset Financial Information
- Environmental Operations Service Level Profiles
- Coastal & Environment Asset Management Plan 2012 (attachment 4)
- Constructed Water Bodies (Ponds & Lakes) Strategic Asset Management Plan
- Applicable lake Management Plans (Parrearra & Pelican Waters)

These documents will require updating and further development as future asset growth is transferred to council ownership.

**Critical Dates**

There are no critical dates that relate to this report.

**Implementation**

There are no implementation details to include in this report.

## 7.5 EXECUTIVE OFFICE

### 7.5.1 AUDIT COMMITTEE REPORT 9 SEPTEMBER 2013

**File No:** Statutory Meetings  
**Author:** Manager Audit and Assurance  
Executive Office  
**Attachments:** Att 1 - Minutes Audit Committee Meeting held 9 September 2013  
(Under Separate Cover) – Confidential.....Conf Att Pg 37

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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 Regulation 2012* 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 9 September 2013” and
- (b) note and implement the recommendations from the Audit Committee Minutes 9 September 2013.

#### FINANCE AND RESOURCING

There are no finance and resourcing implications 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

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

**Corporate Plan Theme:** Great governance

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

**Strategy:** 8.1.3 - 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 Regulation 2012*. 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 211(1)(c) of the *Local Government Regulation 2012*, 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 9 September 2013 (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 Regulation 2012*.

**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.

**8 NOTIFIED MOTIONS****9 TABLING OF PETITIONS**

Petitions only eligible for submission if:

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



**10 CONFIDENTIAL SESSION****10.1 REGIONAL STRATEGY AND PLANNING****10.1.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - PLANNING APPEAL - TEWANTIN**

**File No:** 132007.1965 & D215/2012  
**Authors:** Coordinator Appeals Management  
Regional Strategy & Planning Department  
Solicitor  
Executive Office

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

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**10.1.2 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - EASTBANK - ENTRANCE ISLAND/HEAD OF THE LAKE**

**File No:** Statutory Meeting  
**Author:** Manager, Major Urban Developments  
Regional Strategy & Planning Department

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

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**10.2 FINANCE AND BUSINESS****10.2.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - MALENY GOLF LEASE**

**File No:** ECM  
**Authors:** Project Manager  
Finance & Business Department  
Acting Manager, Property and Business  
Finance & Business Department

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

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**10.3 COMMUNITY SERVICES****10.3.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - NEW PROPOSALS - COMMERCIAL USE OF COUNCIL-CONTROLLED LAND**

**File No:** ECM  
**Authors:** Community Land Permits Project Manager  
Community Services Department  
Manager Community Response  
Community Services Department

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

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**10.4 INFRASTRUCTURE SERVICES**

**10.4.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - ESTABLISHMENT OF DRAINAGE EASEMENT - LOT 3 ON SP193049**

**File No:** Statutory Meetings  
**Author:** Manager Waste & Resource Management  
Infrastructure Services Department

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

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**10.5 EXECUTIVE OFFICE**

**10.5.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - IRONMAN 70.3 WORLD CHAMPIONSHIP**

**File No:** ECM  
**Author:** Senior Economic Development Officer, Major Events  
Executive Office

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

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**11 NEXT MEETING**

The next Ordinary Meeting will be held on 14 November 2013 in the Council Chambers, Corner Currie and Bury Streets, Nambour.

**12 MEETING CLOSURE**