AGENDA

General Committee Meeting

Monday, 16 December 2019

commencing at 10am

Council Chambers, 9 Pelican Street, Tewantin

Committee: **Crs Frank Wilkie (Chair), Jess Glasgow, Ingrid Jackson, Joe Jurisevic, Brian Stockwell, Tony Wellington**

"Noosa Shire – different by nature"

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REPORTS DIRECT TO GENERAL COMMITTEE

3 PROPOSED LOCAL LAW AMENDMENTS - ADVERTISING DEVICES - POST 2ND ROUND OF CONSULTATION

Author **Principal Strategic Planner, Anita Lakeland**

Environment and Sustainable Development Department

Index **ECM/ Subject/ 37.14 – Local Law No. 1 – Administration Amendment Advertising Devices**

Attachments

1. **Tracked change extracts of changes post 2nd round consultation**
2. **Public Interest Test Report**
3. **Administration and Other Subordinate Local Law (Amendment) Subordinate Local Law (No. 1) 2019** *(Note: Attachment has been provided separately to this report)*
4. **Administration (Amendment) Local Law (No.1) 2019**
5. **Schedule of Anti –competitive provisions**

EXECUTIVE SUMMARY

A draft local law for advertising devices was prepared to consolidate all existing advertising device requirements currently operating under The Noosa Plan and two local laws into a single local law.

The draft local law was originally placed on public notification for an extended 7 week period where 302 submissions were received. Following a detailed review of the submissions, a revised version of the draft local law was prepared and placed on a second round of public notification for a period of 3 weeks.11 submissions were received on the revised version of the draft local law.

A final version of the draft local, with minor changes in response to submissions, is now presented to Council for adoption.

A consolidated version of the local laws incorporating the draft local law amendments will separately be reported to Council for adoption in January 2020.

RECOMMENDATION

That Council note the report by the Principal Strategic Planner to the General Committee Meeting dated 16 December 2019 and resolve:

A. To make the following changes in response to submissions to the Administration and Other Subordinate Local Law (Amendment) Subordinate Local Law (No.1) 2019 shown in tracked change extracts in Attachment 1:

   i. amend the requirements for sandwich board / A-Frame signs to clarify that the sandwich board / A-Frame must be placed on the property to which it refers, or where this is not practically possible, immediately abutting the property on public land;

   ii. remove the 2m clear pedestrian walkway requirement for sandwich board / A –Frame signs and instead state that clear pedestrian, wheelchair and pram access must be maintained at all times;

   iii. clarify the wording for event directional signage to say that it must only be displayed on the days of the event and not more than 7 days prior to the event;

B. Having considered the content of a public interest test report in relation to anti-competitive provisions contained in each of Administration (Amendment) Local Law (No. 1) 2019 and Administration and Other Subordinate Local Law (Amendment) Subordinate Local Law (No. 1) 2019, note the content of the public interest test report in Attachment 2 and implement the recommendations of the public interest test report;

C. To proceed with the making of, and make, Administration (Amendment) Local Law (No. 1) 2019 as altered in Attachment 3;

D. To proceed with the making of, and make, Administration and Other Subordinate Local Law (Amendment) Subordinate Local Law (No. 1) 2019 as altered in Attachment 4;

E. To note that each of Administration (Amendment) Local Law (No. 1) 2019 and Administration and Other Subordinate Local Law (Amendment) Subordinate Local Law (No. 1) 2019 contain anti-competitive provisions;

F. To bring forward the consolidated version of:

a. Local Law No. 1 (Administration) 2015;

b. Subordinate Local Law No. 1 (Administration) 2015; and

c. Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015;

for adoption and commencement in early 2020 to enable the local law amendments to commence when the new Noosa Plan takes effect.

REPORT

The purpose of this report is to submit to Council a final version of the local law amendments for advertising devices following a second round of public consultation as contained in Attachment 3- *Administration and Other Subordinate Local Law (Amendment) Subordinate Local Law (No.1) 2019* and Attachment 4- *Administration (Amendment) Local Law (No.1) 2019* (draft local law) for adoption.

1. Background

During the preparation of Council's new planning scheme it was determined that advertising devices were best regulated under a more prescriptive local law approach rather than a planning scheme. Therefore, when the new planning scheme takes effect, advertising devices will be regulated under a local law and not under the planning scheme.

The draft local law consolidates current advertising device provisions operating under The Noosa Plan and two local laws into a single local law. The key current provisions remain largely unchanged in the draft local law, with total signage allowances per tenancy up to 10sqm and up to 4sqm for individual signs remaining unchanged, except for the Noosaville and Cooroy Industrial zones (excluding Eumundi Noosa Road and Walter Hay Drive) where individual sign size has increased to 6sqm.

The draft local law was first placed on public notification for an initial 5 week period from 21 June 2019. At the request of local business associations, the consultation period was extended for a further 2 weeks and closed on 9 August 2019.

A number of issues were raised both in support and objection to the draft local law. Overwhelmingly, submissions in objection to the draft local law related to the proposed introduction of an approvals process and annual licence renewal fees as well as the proposed prohibition of A-frames, tear drop flags and real estate directional signs.

A report was submitted to Council at its meeting on 17 October 2019 recommending a revised version of the draft local law for further public consultation. Amongst other matters, Council resolved to make the following changes to the draft local law:

A. To make the following changes to Administration and Other Subordinate Local Law (Amendment) Subordinate Local Law (No.1) 2019:

i. reduce the number of new signs requiring approval to now only include pole, pylon, freestanding and all illuminated signs with a one off application fee;

ii. remove any requirement for an annual approval licence or ongoing annual renewal fees for signage;

iii. allow window and wall signs as self-assessable against the relevant criteria;

iv. allow one (1) A-frame sandwich board as self-assessable per tenancy placed on the property to which it refers, or where this is not practically possible, immediately adjacent to the property with criteria relating to sign placement, size, safety and stability. If located on public land, the sign must only be located on the road reserve and must not be located on a beach nor dunal area nor recreation parkland, unless within a designated lands lease or permit area. A clear pedestrian walkway must be maintained with a minimum clearance width of at least 2m at all times;

v. allow one (1) real estate directional sign per auction / open for inspection to be placed on or out the front of the property to which it refers to, with criteria relating to size, location and illumination restrictions;

vi. amend the definition of "tenancy" to clarify signage allowances apply to the principal tenancy holder and not separate sub-let businesses;

vii. amend the definition of "sign face area" to clarify that architectural features or paint trim of a building, fuel safety signs, warnings and way finding are not included as part of the sign face area calculation;

viii. amend the measurement of sign face area to only include the area around the perimeter of the advertising devices, rather than drawing a square or rectangle around it;

ix. amend the definition of "motor vehicle sign" to clarify that it does not include business signage on business vehicles or car wrapping;

x. amend the criteria for garage sale sign to ensure it is not attached to any road infrastructure, not just local government road infrastructure;

xi. amend reference to "nailed" to a tree or vegetation to "attached" throughout the draft local law;

xii. make other minor changes for clarification purposes where necessary.

xiii. increase the maximum individual sign allowance in the Cooroy and Noosaville industrial zone to 6sqm on a sliding scale of .75sqm per linear metre of street facing building, (excluding Eumundi Noosa Road and Walter Hay Drive as the gateways to Noosa) in recognition of larger buildings and industrial nature of the area…

D. To maintain the prohibition of tear drop flags proposed by the draft local law;

E. To consider signage as part of a future place making program to determine whether local characteristics warrant a local response to signage…

1. Consultation process – 2nd round revised version

The revised version of the draft local law incorporating the changes outlined above was placed on public notification for a 3 week period from 25 October until 15 November 2019. During the consultation period, information was provided through public notices, media releases, static displays, social media messaging, website display and direct email notification.

The following table outlines the extent of public consultation activities undertaken during the notification period.

Consultation activity	Number
Public notification period	3 weeks 25 October - 15 November 2019
Formal public notices	1
Static displays	3 Locations: Tewantin Council Chambers, Noosaville Library & Cooroy Library
Your Say Noosa Website	Electronic versions of documents Email link for submissions
Media Releases	3
Facebook messaging	2 banners across Council's Facebook page 9 posts 37,606 people reached 5842 engagement (comments/shares/likes/click throughs)
Website	2 Council home page slider promotions
Facts sheets and Plain English Version	Q & A fact sheet Plain English version of local law. Electronic versions and hard copies available
Voice messages on call waiting	2 months
Direct email notification	410 direct emails to submitters, real-estate agents, development industry, business associations and community groups

2. Engagement and submissions

During the consultation period a total of 2 phone enquiries and 11 written submissions were received.

3. Key issues and recommendations

Of the 11 submissions received, 2 were in support of the draft local law, 2 were generally in support but raised some additional issues, and 7 raised a number of issues for further consideration. The key issues are summarised as:

- Window signage – extent of coverage, need for privacy and protection of goods
- Signage size relative to building / premises / location
- Tenancies with multiple businesses and signage allowances
- Sandwich board / A-Frame sign requirements
- Real estate direction sign allowances
- Events directional sign clarity
- Applications for signage in all other cases

A response and recommendation on the key issues is outlined below. Responses are also provided for a number of other matters raised in submissions.

Window signage– extent of coverage, need for privacy and protection of goods

One submission requested an increase to the allowable 50% window coverage for signage to 100% full coverage. Two submissions identified the need for window coverage for privacy or UV goods protection.

Response:

Currently, The Noosa Plan and the proposed new Noosa Plan requires the ground floor of a premises to provide at least 50% transparent glazing to shop fronts to create active building fronts, visible product merchandising and interesting vibrant streetscapes.

The draft local law is consistent with this requirement allowing for no more than 50% of the glazed part of the building to be covered by signage. This is a long standing provision within The Noosa Plan and is a streetscape and amenity outcome desired throughout Noosa and should be maintained by the draft local law.

For businesses that require privacy, such as medical centres, the use of plain window frosting where privacy is required may be considered, and not included an advertising device. Businesses with products requiring sun protection may use window tinting over 100% of their windows, which is not included as part of the 50% window coverage allowance.

Recommendation:

No change to the draft local law in response to this issue.

<u>Signage size relative to building / premises and location</u>

Four submissions requested sign sizes and total sign allowances be relative to the size and location of the business, building or premises, using a sliding scale.

One submission also requested sign allowance per tenancy be additionally allowed for each street frontage.

Response:

The total maximum sign face area per tenancy is based on a sliding scale which directly relates to the size of the building. 10sqm per tenancy is the upper limit allowed per tenancy on a sliding scale of 0.75sqm per linear metre of the building on the street front boundary of the tenancy.

The 10sqm upper limit per tenancy is considered adequate to accommodate a range of advertising devices relative to the size of the building and should be maintained in the draft local law.

Recommendation:

No change to the draft local law in response to these submissions

<u>Tenancies with multiple businesses and signage allowances</u>

Two submissions requested signage allowances apply to each individual business and function operating within a single tenancy.

Response:

The draft local law makes it clear that regardless of the number of businesses or functions operating from the one tenancy, the signage allowances only apply to the main or principal tenancy. To ensure a consistent approach to the quantum of signage on a single tenancy and to avoid excessive signage, all signage required by individual sub-let business operating from the one tenancy must be accommodated within the single tenancy sign allowances.

Recommendation:

No change to the draft local law in response to this issue.

<u>Sandwich board / A-Frame signage requirements</u>

Two submitters raised concerns with A-Frame signs, one not supporting A-Frames at all, the other supporting A –Frames but with changes. Both submitters requested clarification on the placement of A-frames on public land and raised concerns with the 2m clear footpath requirement which may confuse placement and impact different town centres.

Response

A-Frame signs must be placed on the property to which it refers in the first place, but where this is not practically possible, immediately adjacent to the property. In practice, the term “adjacent” has lead to a number of interpretations.

It is intended that, where on public land, A-Frames be placed immediately abutting the tenancy. This requires clarification in the draft local law to ensure consistency in interpretation of the requirement.

The 2m walkway clearance requirement aims to ensure pedestrian access is maintained at all times with at least a 2m width across the footpath. On further examination of the range of footpath widths across the town centres, some footpaths are already below 2m in width, which would effectively prevent the use of an A-Frame sign.

Given Council’s last resolution to allow all tenancies one A-Frame sign, this requirement would be prohibitive for tenancies in some town centres. Therefore, until we have looked at local circumstances through a placed based approach, this provision should be removed and replaced with requirements for maintaining clear pedestrian, wheelchair and pram access at all time.

Recommendation:

It is recommended that requirements for sandwich board / A-Frame signs be amended to clarify that where not practically possible to locate on private land, A-Frame signs can be located on public land, placed immediately abutting the property.

Remove the requirement for a 2m clear pedestrian walkway and instead, state that clear pedestrian, wheelchair and pram access must be maintained at all times.

Consider this matter further in the place making program for town centres.

<u>Real estate direction sign allowances</u>

One submission requested an allowance of 2 real estate directional signs particularly for unit complexes. .

Response

It is considered that any more than one real estate directional sign at the property will lead to a proliferation of signs at locations away from the property and will be difficult to monitor and regulate. However, provided the directional sign is not visible from a road or public place a unit complex may have an internal directional sign within the complex.

Recommendation

No change to the draft local law in response to this issue.

<u>Events directional sign clarity</u>

One submitter requested clarity for the display times for events directional signs.

Response:

Events directional signs can be displayed for no more than 7 days leading up to the event and on the event days, but must be removed within 24 hours of the conclusion of the event. It is agreed the wording can be further clarified to this effect.

An event permit may vary the allowance for event directional signs.

Recommendation:

Clarify the wording for events directional signage to say that it must only be displayed on the days of the event and not more than 7 days prior to the event.

<u>Applications for signage in all other cases</u>

One submitter requested the ability to submit an application under the local law for a sign “in all other situations” or “in all other cases”.

Response:

The draft local law is intended to be specific and clear on the sign types that are and aren't acceptable in Noosa Shire. If the sign type is not defined, it is prohibited and there is no avenue for an application to be made. Notwithstanding this, if in a future review process a new sign type is considered appropriate for Noosa Shire, the draft local law can be amended as part of a review process. It is not considered that this should occur via a one off and potentially isolated application process.

Recommendation

No change to the draft local law in response to this issue.

<u>General explanations to questions and other matters raised in submissions:</u>

Existing lawful signage

Existing permanent signs that have an approval or comply with current self-assessable provisions continue to be lawful under the draft local law. New requirements for temporary signs will take effect on the day of commencement of the new local law, including new requirements for real estate directional signs, tear drop flags and sandwich board /A-Frame signs in particular.

Number of signs

A range of sign types can be displayed on a tenancy within the total maximum sign allowance of 10sqm (on a sliding scale of 0.75sqm per linear metre of the building on the street front boundary of the tenancy).

However, each sign type may be limited in number on the tenancy. Eg. Only one under awning sign per tenancy and one A-Frame per tenancy is permitted. Other signs like fence signs are not limited in number per tenancy.

Sign face area definition

The proposed sign face area definition states wall decorations, colours and finishes, wall colour, window decals, wayfinding, fuel safety, warnings, decorative lines, architectural painting of building eg. Stripes on boathouse, are excluded from the calculation of sign face area.

Buildings along Noosa River are determined to have a street frontage to Gympie Terrace for the purpose of measuring sign size relative to building frontage, using the sliding scale.

Precinct approach

Council resolved at its meeting on 17 October 2019 to consider signage as part of a future place making program to determine whether local characteristics warrant a local response to signage. Consultation with stakeholders will occur at the time. Council proposes to initiate a pilot program for Place making in 2020.

Illuminated signs

Any sign type that is illuminated by lighting, including light box illumination or lights directed at the sign, is regarded as an illuminated sign and only one per tenancy is permitted. Down lights or other building lighting is not regarded as an illuminated sign, even if the advertising sign is in part lit up by light spray.

Neon signs

There has been an historic long standing prohibition of neon lighting in Noosa which has followed through into the draft local law. The style and effect of neon signage is generally bright with a coloured glare and representative of "big city" signage, and therefore not consistent with the character and low key signage policy of Noosa.

Garage signs

The draft local law states that garage signs cannot be attached to any road infrastructure, which would include guide posts.

4. Statutory process

The draft local law has been prepared and publicly notified in accordance with Council's *Local Law Making Process Policy* (the Policy). In particular, Step 6 of the Policy states that if changes are proposed to the draft local law following public notification, that are considered substantial, Council may consult with the public for a further period of 21 days.

The draft local law was renotified following substantial changes from the first version for 21 days. Further changes proposed to the draft local law outlined in this report are not considered substantial and therefore no further public consultation is required.

<u>State consultation</u>

Consultation with State government agencies was undertaken on *Administration (Amendment) Local Law (No.1)* 2019 for a period of 4 weeks from 17 May until 14 June 2019. Eleven State agencies responded raising no concerns with the draft local law.

Separate to this, following the amendments to Council's local laws in 2018, the Department of Transport and Main Roads gave written agreement in June 2018 confirming the advertising devices that will be managed on state controlled roads. A further approval request will be made to the Department with regard to the draft local law prior to Council's adoption of the consolidated versions of the local laws.

<u>Public Interest Test Plan</u>

The draft local law contains anti-competitive provisions requiring compliance with the procedures under section 15 of the *Local Government Regulation 2012* and the *National Competition Policy*. A list of anti-competitive provisions has been compiled in Attachment 4. A Public Interest Test Plan was prepared and publicly notified during both public consultation periods.

Council is obligated to consider these anti-competitive provisions during the local law making process in relation to the public interest.

The public interest test report in Attachment 2 provides the results of the public interest test.. It summarises the assessment of costs and benefits and presents the information in a format that allows Council to determine whether there is a net community benefit in retaining the restriction on competition (ie. retaining the anti-competitive provisions).

Overall, the report concludes that while the provisions reviewed are anti-competitive, the benefits to the community of retaining them outweigh the costs and provide the most appropriate way of achieving the objectives of the local law.

5. Implementation of local law amendments

Following Council's adoption of the amendments to the local laws, a consolidated version of the *Local Law No. 1 (Administration) 2015* and *Subordinate Local Law No. 1 (Administration) 2015* and *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015* will be prepared to incorporate the amendments.

A separate report requesting Council adopt the consolidated versions will be submitted to Council in early 2020 to coincide with the anticipated commencement of the new Noosa Plan.

Following this, a notice will be placed in the government gazette and Council's website and the Minister will be notified.

Previous Council Consideration

Ordinary Meeting Minutes, 17 October 2019, Item 1, Page 13

That Council note the report by the Principal Strategic Planner to the Planning and Environment Committee dated 8 October 2019 and the further report to the Ordinary Meeting dated 17 October 2019 and resolve:

A. To make the following changes to Administration and Other Subordinate Local Law (Amendment) Subordinate Local Law (No.1) 2019:

i. reduce the number of new signs requiring approval to now only include pole, pylon, freestanding and all illuminated signs with a one off application fee;

ii. remove any requirement for an annual approval licence or ongoing annual renewal fees for signage;

iii. allow window and wall signs as self-assessable against the relevant criteria;

iv. allow one (1) A-frame sandwich board as self-assessable per tenancy placed on the property to which it refers, or where this is not practically possible, immediately adjacent to the property with criteria relating to sign placement, size, safety and stability. If located on public land, the sign must only be located on the road reserve and must not be located on a beach nor dunal area nor recreation parkland, unless within a designated lands lease or permit area. A clear pedestrian walkway must be maintained with a minimum clearance width of at least 2m at all times;

v. allow one (1) real estate directional sign per auction / open for inspection to be placed on or out the front of the property to which it refers to, with criteria relating to size, location and illumination restrictions;

vi. amend the definition of "tenancy" to clarify signage allowances apply to the principal tenancy holder and not separate sub-let businesses;

vii. amend the definition of "sign face area" to clarify that architectural features or paint trim of a building, fuel safety signs, warnings and way finding are not included as part of the sign face area calculation;

viii. amend the measurement of sign face area to only include the area around the perimeter of the advertising devices, rather than drawing a square or rectangle around it;

ix. amend the definition of "motor vehicle sign" to clarify that it does not include business signage on business vehicles or car wrapping;

x. amend the criteria for garage sale sign to ensure it is not attached to any road infrastructure, not just local government road infrastructure;

xi. amend reference to "nailed" to a tree or vegetation to "attached" throughout the draft local law;

xii. make other minor changes for clarification purposes where necessary.

xiii. increase the maximum individual sign allowance in the Cooroy and Noosaville industrial zone to 6sqm on a sliding scale of .75sqm per linear metre of street facing building, (excluding Eumundi Noosa Road and Walter Hay Drive as the gateways to Noosa) in recognition of larger buildings and industrial nature of the area.

B. To delegate authority to the Chief Executive Officer to make changes to Administration and Other Subordinate Local Law (Amendment) Subordinate Local Law (No.1) 2019 and Administration (Amendment) Local Law (No.1) 2019 as a result of changes proposed in A above and to make minor amendments prior to public notification if required;

C. To fund ongoing signage compliance through Council's general revenue and not an annual licence renewal fee and refer to next budget 2020/2021;

D. To maintain the prohibition of tear drop flags proposed by the draft local law;

E. To consider signage as part of a future place making program to determine whether local characteristics warrant a local response to signage;

F. In accordance with Council's Local Law Making Process Policy:

i. consult with the public about the proposed changes to Administration (Amendment) Local Law (No.1) 2019 and Administration and Other Subordinate Local Law (Amendment) Subordinate Local Law (No.1) 2019 for a period of 21 days;

ii. amend the Public Interest Test Plan to reflect the changes to the List of likely anticompetitive provisions contained in Attachment 1;

iii. continue to consult with stakeholders on the proposed changes to the draft local law.

G. To undertake a review of how Council regulates advertising devices once the signage audit is complete.

Ordinary Meeting Minutes, 16 May 2019, Item 1, Page 9

That Council note the report by the Principal Strategic Planner to the Planning & Environment Committee Meeting dated 7 May 2019 and resolve:

A. In accordance with Section 29 of the Local Government Act 2009 ("the Act"), to propose to make:

i. Administration (Amendment) Local Law (No.1) 2019 contained in Attachment 1; and

ii. Administration and Other Subordinate Local Law (Amendment) Subordinate Local Law (No. 1) 2019 contained in Attachment 2, subject to the following changes:

a) that Schedule 10.5 (b) be amended as follows:

(b) if the premises on which the advertising device is installed is a shopping centre, the sign face area of all advertising devices on the shopping centre must not exceed whichever is the lesser of –

(i) a combination of –

(A) if the building comprising the shopping centre has 1 or more street front boundaries – 10m2 for each shopping centre building façade with a direct street frontage; and

(B) if the building comprising the shopping centre has 1 or more off-street parking areas – 10m2 for each shopping centre building façade with an off-street parking area; and

(ii) a combination of –

(A) if the building comprising the shopping centre has 1 or more street front boundaries – 0.75m2 per linear metre for each shopping centre building façade with a direct street frontage; and

(B) if the building comprising the shopping centre has 1 or more off-street parking areas – 0.75m2 per linear metre of the boundary of each shopping centre building façade which abuts an off-street parking area: and

b) retain the maximum sign face area of 4sqm for individual advertising devices throughout Noosa Shire, regardless of zone or location.

B. To delegate authority to the Chief Executive Officer to make the consequential and clarification changes to Administration and Other Subordinate Local Law (Amendment) Subordinate Local Law (No. 1) 2019 prior to consultation with state government agencies and public notification;

C. In accordance with Council's Local Law Making Process Policy:

i. to consult with the public about the proposed local law amendments contained in Attachment 1 and subordinate local law amendments contained in Attachment 2 as required by the Policy; and *ii. to consult with relevant state government agencies on proposed Administration (Amendment) Local Law (No.1) 2019 and delegate authority to the Chief Executive Officer to make changes in response to state comments;*

D. In accordance with Section 257 of the Act to delegate to the Chief Executive Officer its powers under section 38 of the Act and section 15 of the Local Government Regulation 2012 to decide—

i. how the public interest test of the local law and subordinate local law outlined in the schedule contained in Attachment 3 is to be conducted; and

ii. the matters with which the public interest test report in relation to the local law and subordinate local law outlined in the schedule must deal; and

iii. the consultation process for the public interest test and how the process is to be used in the public interest test.

Finance

Administration of the draft local law and ongoing compliance will cost approximately $109,000 per annum for a full time assessment / compliance officer and vehicle.

The application fees are cost recovery and will cover the cost for assessing applications for approval. The compliance component of the position is proposed to be funded through general revenue and will be referred to 2020/21 budget for consideration.

Risks & Opportunities

Because the new planning scheme does not contain provisions for advertising devices, the draft local law must be in place at the time of its commencement to ensure adequate regulation and management of advertising devices. It is anticipated the new planning scheme will be in place in early 2020 at which time the local law will need to commence.

Consultation

External Consultation - Community & Stakeholder

Two rounds of community consultation has been undertaken on the first and second versions of the draft local law, for a 7 week and 3 week period respectively.

Consultation was undertaken with Noosaville, Noosa Junction and Hastings Street business associations through the development of the draft local law.

Internal Consultation

During the development of the draft local law, internal consultation has been undertaken within the Environment and Sustainable Development Department, Corporate Services Department and Executive Services Department. A number of Councillor workshops were also held.

Departments/Sections Consulted:

X	**Chief Executive Officer**		**Community Services**	X	**Corporate Services**
	Executive Officer		Director		Director
	Executive Support		Community Development		Financial Services
			Community Facilities		ICT
			Libraries & Galleries		Procurement & Fleet
			Local Laws		Property
			Waste & Environmental Health		Revenue Services
X	**Executive Services**	X	**Environment & Sustainable Development**		**Infrastructure Services**
	Director	X	Director		Director
	Community Engagement		Building & Plumbing Services		Asset Management
	Customer Service		Development Assessment		Buildings and Facilities
X	Governance		Economic Development		Civil Operations
	People and Culture		Environmental Services		Disaster Management
		X	Strategic Land Use Planning		Infrastructure Planning, Design and Delivery

exceeding 1.1m^2, unless the sign is exhibited on an approval required advertising device; and

(G) the election sign must be made of a material that is designed to be easily broken, for example, a corflute sign on a timber stake; and

(c) if the self-assessable advertising device is an ***event directional sign***—

(i) the number of advertising devices displayed in relation to an event must not exceed a maximum of 6 advertising devices unless authorised by an authorised person of the local government; and

(ii) the sign face area of each advertising device must not exceed 0.54m^2 (900mm x 600mm); and

(iii) the advertising device—

(A) must not be placed on a roundabout, centre traffic island or median strip, or any State-controlled road; and

(B) must not be attached to a tree or attached to road infrastructure, including traffic or road advisory signs; and

(C) must only be displayed on the days of the event and no ~~not be displayed~~ more than 7 days prior to the event; ~~, and on the day or days of the event;~~ and

(D) must not be erected outside a radius of 3km from the site of the event; and

(iv) the advertising device must—

(A) be removed within 24 hours of the conclusion of the event; and

(B) be attached to withstand consequent wind and other loads; and

(d) if the self-assessable advertising device is a ***real estate sign***—

(i) the number of advertising devices displayed on premises must not exceed a maximum of 1 advertising device per premises; and

(ii) the advertising device may only be placed on premises that are for sale or lease except where the display of the advertising device on the premises is not practical, in which case the advertising device must be placed immediately adjacent to the premises; and

(iii) the advertising device may be doubled sided, provided the device does not create a hazard for pedestrians or motorists by protruding from the premises; and

(viii) the advertising device must be attached to withstand consequent wind and other loads.

(h) if the self-assessable advertising device is a ***sandwich board / A frame sign*** —

(i) a maximum of (1) advertising device per tenancy may be displayed; and

(iii) the advertising device must be placed on the property to which it refers, or where this is not practically possible, immediately ~~adjacent to the~~abutting the property on public land; and

(iv) if located on public land, the sign must only be located within the footpath road reserve and must not be located in a garden bed, on a beach nor dunal area, nor recreation parkland, unless within designated lands lease or permit areas; and

(v) ~~a~~ clear pedestrian, wheelchair and pram access ~~walkway~~ must be maintained ~~with a minimum clearance with of at least 2m~~ at all times; and

(iv) the advertising device must only be displayed when the tenancy is open for business; and

(v) the sign face area of the advertising device must not exceed 900mm x 600mm or $0.54m^2$ on each side of the advertising device; and

(vi) the advertising device must be structurally sound, stable and not pose a hazard or safety risk to the public; and

(vii) a public liability certificate to the value of $20,000,000 must be current.

4 Permanent advertising devices

The specific criteria and conditions for the undertaking of the prescribed activity of the installation of a permanent advertising device which is a self-assessable advertising device are as follows—

(a) if the self-assessable advertising device is an ***above awning sign***—

(i) the advertising device may only be displayed at premises as an above awning sign if no other alternative sign display option is available at the premises; and

(ii) the advertising device must not project above the roof line of the building to which the advertising device is attached; and

(iii) the sign face area of the advertising device must not exceed $1.5m^2$; and

(iv) the advertising device must not be attached within 1.5m of any side boundary of the premises on which the advertising device is displayed; and

(v) the number of advertising devices displayed on premises must not exceed a maximum of 1 advertising device per premises; and

(b) if the self-assessable advertising device is an ***awning fascia sign***—

ATTACHMENT 2

PUBLIC INTEREST TEST REPORT

ADMINISTRATION (AMENDMENT) LOCAL LAW (NO. 1) 2019 AND ADMINISTRATION AND OTHER SUBORDINATE LOCAL LAW (AMENDMENT) SUBORDINATE LOCAL LAW (NO. 1) 2019

A public interest test has been conducted as part of the National Competition Policy reforms on anti-competitive provisions identified in the local law and subordinate local law identified in schedule 1. The public interest test has been conducted against the principles and objectives set by the Competition Principles Agreement which were outlined in the public interest test plan.

The public interest test report has been prepared in accordance with guidelines issued by the Department of Local Government and called up by regulation under the *Local Government Act 2009*.

RESULTS OF CONSULTATION PROCESS

Consultation with the public and key stakeholders occurred over a three month period. Advertisements were placed in the local paper during the consultation period advising of the review and calling for submissions. Notices were posted on notice boards within the local government area during the consultation period. Direct notification of the review was sent to key stakeholders.

Submissions received and arguments presented during the public consultation process have been detailed in relevant reports to Council which were considered by Council during the consultation period.

POSITIVE AND NEGATIVE IMPACTS ON STAKEHOLDERS FROM MOVING TO ALTERNATIVES

Positive and negative impacts on stakeholders from moving to alternatives are particularised in the schedules to this report as follows:-

Installation of Advertising Devices — See Schedule 2

SUMMARY OF NET IMPACTS ASSOCIATED WITH ALTERNATIVES

An analysis of the costs and benefits of moving to an identified alternative is detailed in the following schedules.

Installation of Advertising Devices — See Schedule 2

PUBLIC INTEREST TEST REPORT RECOMMENDATION

For each of the local law and subordinate local law identified in schedule 1, each possible anti-competitive provision reviewed is an anti-competitive provision and should be retained in its current form in the public interest.

SCHEDULE 1 — LOCAL LAW AND SUBORDINATE LOCAL LAW IN WHICH POSSIBLE ANTI-COMPETITIVE PROVISIONS IDENTIFIED

Administration (Amendment) Local Law (No. 1) 2019 and Administration and Other Subordinate Local Law (Amendment) Subordinate Local Law (No. 1) 2019

SCHEDULE 2 — INSTALLATION OF ADVERTISING DEVICES

POSITIVE AND NEGATIVE IMPACTS ON STAKEHOLDERS FROM MOVING TO ALTERNATIVE

	Conservation Interest Groups	Community/ Consumers/ Home owners	Existing and Potential Business	Government
	Details of Impacts	**Details of Impacts**	**Details of Impacts**	**Details of Impacts**
negative impacts		Potential impact from non-compliance will result in a decrease in quality of life from visual pollution it is expected to have a moderate impact on the community and a moderate impact on home owners residing in business areas. (-3)	Potential increase of costs associated with ensuring that erected signs specifically comply with local government standards. This increase in costs is not expected to be significant over the life of the business. Overall the impact is expected to be moderate. (- 3)	Increased risk of non-compliance by business when exhibiting advertising. Council has no control over the initial design and construction of physical advertising. An increased level of risk will be borne by Council in non-compliance. For advertising in the community the magnitude of non-compliance may be moderate. Overall, the impact is moderate. (-3)
		Decrease in level of safety provided to community because of a decrease in the quality standard of physical advertising. This will have a low impact on the community overall and a moderate impact on home owners near advertising and members of the public working near signs. (-1)	Potential for deterioration of relationships between business and local government. Local government action against business for non-compliance - business resisting action because structure is already built. Though this impact is only a potential impact, it is expected to increase in importance over the longer term, therefore it is considered to be a moderate impact. (-3)	Establishment costs - change in local law so that the definition of self-assessable advertising device includes all classifications and attending criteria for approving/rejecting applications which currently exist, and thereby includes those advertisements in negative licensing regime. These costs occur once and are not material to the overall costs of local government. For this reason the impact is considered low. (-1)

	Conservation Interest Groups	Community/ Consumers/ Home owners	Existing and Potential Business	Government
	Details of Impacts	Details of Impacts	Details of Impacts	Details of Impacts
			Increase in responsibility for business to comply with standards. Business will now have the responsibility for complying with the standards set in the local law, whereas previously local government ensured compliance (for many categories of advertising device) through the permit regime. The onus of responsibility now resides with business and is therefore considered to be a moderate impact. (-3)	Reduction in application and penalty fee revenue. Fees received is immaterial to the overall revenue received by local government. Local government does not rely on revenue received from such fees in operations and is considered surplus to local government needs. The impact will be moderate. (-3)
			Potential for misuse of environment. There is potential for business to abuse accepted environmental standards. It is expected that this will not occur and is considered a low impact. (- 1)	

positive **impacts**			Reduction in paperwork and time from removal of application/approval process (for the categories of advertising device in respect of which it is necessary to obtain an approval). Business will no longer have to pay application fees or lose time waiting for permits to be approved. The impact is considered low. (-1)	Reduction in processing applications requires the restructuring of staff duties and time. The decrease in time spent approving applications will be applied to the inspection of advertising. Some job redesign will be necessary and is therefore a moderate impact. (-3)

DETERMINE NET COMMUNITY BENEFIT

In summary comparison of the alternatives provides the following information:

Alternative	Government	Business	Community/ Consumers	Conservationists
Negative licensing Current existing local law is a combination of negative licensing and permits. The alternative is to convert the permit process to become part of the negative licensing process.	Moderate Negative Impact The increased risk of non-compliance and potential for damaged relationships between parties far outweighs any benefit received from reducing application processing requirements. A financial loss would result.	Moderate Negative Impact Removal of the restriction on advertising results in a transfer of responsibility in environmental management to business and an increase in the level of risk in non-compliance. The standard of advertising will remain, the only benefit being a monetary/time reduction in application process.	Moderate Negative Impact The risk of non-compliance will result in a decrease in environmental and public health/safety standards. This outweighs any benefits to the stakeholders in removing restrictions on advertising.	No Impact There are no changes in the level of environmental protection.

The regulatory alternative of full negative licensing regulation is not expected to result in an overall benefit to the community. The current local law ensures that the community will not pay costs associated with exhibiting advertising in certain places resulting in increased visual pollution and decrease in public health and safety standards. Businesses are still able to compete effectively in the market with the imposition of existing restrictions.

The level of restriction on competition under the current regulatory arrangement is low compared with the impacts under the alternative arrangement. Full negative licensing is not considered a viable alternative because of the increased risk associated with non-compliance. The current local law only requires application and approval for the exhibition of advertisement in cases where the public health and safety and visual pollution aspects are highest. In other cases, advertisements are governed by a negative licensing regime.

Overall, while the provisions reviewed are clearly anti-competitive the benefits to the community of retaining them outweigh the costs and provide the most appropriate way of achieving the objectives of the local law

ATTACHMENT 4

Noosa Shire Council

Administration (Amendment) Local Law (No. 1) 2019

NOOSA COUNCIL
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Contents

Noosa Shire Council
Administration (Amendment) Local Law (No. 1) 2019

Part 1 Preliminary

1. Short title

This local law may be cited as *Administration (Amendment) Local Law (No. 1) 2019*.

2. Purpose

The purpose of this local law is to amend *Noosa Shire Council Local Law No. 1 (Administration) 2015*.

Part 2 Amendment of local law

3. Local law amended

This part amends *Noosa Shire Council Local Law No. 1 (Administration) 2015*.

4. Amendment of s6 (Offence to undertake local law prescribed activity without approval)

(1) Section 6, heading —

omit, insert—

'**Offence to undertake prescribed activity subject to approval requirement or prohibition**'.

(2) Section 6(2), 'A'—

omit, insert—

'Subject to subsections (3) and (5), a'.

(3) Section 6(3), 'However, a'—

omit, insert —

'A'.

(4) After section 6(4) —

insert—

'(5) A local government may, by subordinate local law, prohibit the undertaking of the prescribed activity of the installation of advertising devices or a particular activity that is within the category of the prescribed activity of the installation of advertising devices.

(6) A person must not undertake the prescribed activity of the installation of advertising devices in contravention of a prohibition under subsection (5).

Maximum penalty for subsection (6) —

(a) if the contravention relates to an advertising device other than a temporary advertising device — 50 penalty units;

(b) if the contravention relates to a temporary advertising device — 20 penalty units.

(7) In this section —

temporary advertising device has the meaning given in *Subordinate Local Law No. 1 (Administration) 2015*, schedule 10.'.

5. Amendment of s38 (Subordinate local laws)

After section 38(b)—

insert—

'(ba) a prohibition on the undertaking of the prescribed activity of the installation of advertising devices[20A]; and'.

This and the preceding 3 pages bearing my initials is a certified copy of *Administration (Amendment) Local Law (No. 1) 2019* made in accordance with the provisions of the *Local Government Act 2009* by Noosa Shire Council by resolution dated the day of 2019.

....

Chief Executive Officer

809358_1

[20A] See section 6(5).

ATTACHMENT 5

SCHEDULE OF ANTI-COMPETITIVE PROVISIONS INCLUDED IN THE LOCAL LAW AND SUBORDINATE LOCAL LAW AND REASONS FOR THEIR INCLUSION

Name and number of local law	Details of anti-competitive provisions
Administration (Amendment) Local Law (No. 1) 2019	Local Law, section 4(4) (Insertion of new section 6(5) and (6)).
Administration and Other Subordinate Local Law (Amendment) Subordinate Local Law (No. 1) 2019	Subordinate local law – section 6 (Insertion of new sections 12(1), 12(3) and 12(5) to 12(11)) Subordinate local law – section 6 (Insertion of new section 12(2)). Subordinate local law – section 6 (Insertion of new section 12(4)). Subordinate local law – section 7 (Insertion of new schedule 10).

The identified anti-competitive provisions were retained in full in the public interest, because:-

(a) the benefit of these provisions to the community as a whole outweighs the cost; and

(b) the most appropriate way of achieving the objectives of the relevant local laws is by restricting competition in the way provided in these provisions,

having regard to the local government duty of good rule and local government of its local government area.

4 51987.2951.01 - PLANNING & ENVIRONMENT COURT APPEAL NO. 245 OF 2019 (M DESIGN & FOURTEEN ENTERPRISES) - MINOR CHANGE TO A DEVELOPMENT APPROVAL FOR ADDITION OF A SWIMMING POOL AND DECK AT 42 SEAVIEW TERRACE, SUNSHINE BEACH

Author **Manager Development Assessment, Kerri Coyle**
Environment & Sustainable Development Department

Index **ECM/ 51987.2951.01/ Case/ 245/2019 M Design & Fourteen Enterprises Pty Ltd**

Attachments **Nil**

EXECUTIVE SUMMARY

Not applicable.

RECOMMENDATION

That Council note the report by the Manager Development Assessment to the General Committee meeting dated 16 December 2019 regarding Planning & Environment Court Appeal No. 245 of 2019 and agree to settle the appeal generally in accordance with the following conditions:

PLANNING

When Conditions must be Complied With

1. This development approval for a minor change to Town Planning Consent (TPC1918) for a dwelling in a Sand Dune Problem Area, must be undertaken in accordance with the conditions of approval.
2. The applicant must provide a copy of this development approval to the private building certifier who assesses the subsequent development application for a development permit for building works for the construction of the pool and deck area.

Approved Plans

3. Development must be undertaken strictly in accordance with the approved plans listed in the following table unless otherwise amended by these conditions.

Drawing No.	Rev.	Plan	Date
2.1	C	*Ground Floor – Demolition*, prepared by M Design	18.09.18
2.2	C	*Ground Floor Proposed*, prepared by M Design	18.09.18
5.1	C	*Sections*, prepared by M Design	18.09.18
P1 Sheet 1 of 3	A	*Cover Page*, prepared by Rienmac Pty Ltd	14.09.18
P2 Sheet 2 of 3	A	*Pool Plan*, prepared by Rienmac*	14.09.18
P3 Sheet 3 of 3	A	*Details*, prepared by Rienmac*	14.09.18

***Note:** The foundations are to be modified to comply with the Core Geotechnical Consultants report dated, September 2019 (ref J000867-003-R-Rev 0).

Approved Documents

4. Development must be undertaken strictly in accordance with the approved documents listed in the following table unless otherwise amended by these conditions.

Document
M Design & Fourteen Enterprises Pty Ltd (Appellants v Noosa Shire Council (Respondent), Planning and Environment Appeal No.245 of 2019, **Joint Expert Report** dated 7 August 2019 including all Attachments: Attachment 1 • *Working Notes: M Design and Fourteen Enterprises Pty Ltd as trustee v Noosa Shire Council – 42 Seaview Terrace, Sunshine Beach*, prepared by Omtrek dated July 2019; and Attachment 2 • *Geotechnical Report, proposed swimming pool 42 Seaview Terrace, Sunshine Beach, Updated in Response to Joint Information Request by Coastal Engineering Experts*, prepared by Core Consultants Pty Ltd and dated 24 September 2019; and Attachment 3 • Core Consultants email advice of 27 September 2019; and Attachment 4 • Coastal Erosion Historic Assessments by Neil Collins

Performance Bond

5. Security in the form of a cash bond or trading bank guarantee to the sum of **$20,000** must be submitted to Council, to secure performance of all conditions of this approval, prior to the issue of a Development Permit for Building Works. The cash bond or trading bank guarantee will be returned on performance of the conditions of approval less any costs incurred by Council in respect of enforcing performance of this permit. Council reserves the right to call upon the bond or guaranteed sum to effect compliance with conditions.

Landscaping

6. The existing trees, in particular the *Pandanus tectorius* located in the south east corner of the site must be retained as shown on the approved plan by M Design, Drawing No. 2.1, Issue C, dated 18 September 2018.

7. Existing vegetation in the road reserve must be retained, unless written authorisation from Council is granted for the clearing.

8. Trees to be retained must be protected from clearing or construction activities by:

   a. clearly marking vegetation to be retained with flagging tape;

   b. installing protective fencing around the drip line of the vegetation;

   c. restricting stockpiling, storage and vehicle parking to those areas which are already cleared; and

   d. using low impact construction techniques around vegetation.

Earthworks

9. Earthworks required on site must be carried out in accordance with Council's Planning Scheme Policy PSP5 *Engineering Design Standards*, so as not to cause the additional ponding of water on any adjoining lands or concentrate or direct overland flow on to an adjoining property.

Geotechnical Stability

10. All works must be carried out strictly in accordance with the geotechnical report prepared by Core Consultants Pty Ltd and dated 24 September 2019, including the following recommendations (which are the minimum specifications):

    10.1. piles are to be a minimum of 10m deep;

    10.2. pile arrangement number, arrangement and spacing and associated A frame structure and capping beams are to be, as a minimum, in accordance with Drawing Number P1001 entitled 'A Frame for Slope Stabilisation General Arrangement' and in accordance with Figure B4 entitled 'Case 4; Piles Support';

    10.3. grout columns are to be installed between the micro-piles to a minimum depth of 10m to prevent all sand flow between the piles; and

    10.4. a minimum of 56 piles are required with 50 required under the eastern side of the pool.

11. All works associated with the construction of the pool are to be certified by a Registered Professional Engineer of Queensland (RPEQ) to ensure compliance with the geotechnical report prepared by Core Consultants Pty Ltd and dated 24 September 2019, and the conditions of approval.

Coastal Protection

12. To protect the coastal dune system, a mix of native endemic coastal vegetation consisting of ground covers, shrubs and trees must be planted for a width of 5m for the full length of the seaward boundary in accordance with Council's Planning Scheme Policy PSP3 Landscaping Plants and Guidelines. The planted vegetation must have a minimum pot size of 200mm and must be planted at the following density:

    a. trees must have a maximum spacing of 5m;

    b. shrubs must have a maximum spacing of 2m; and

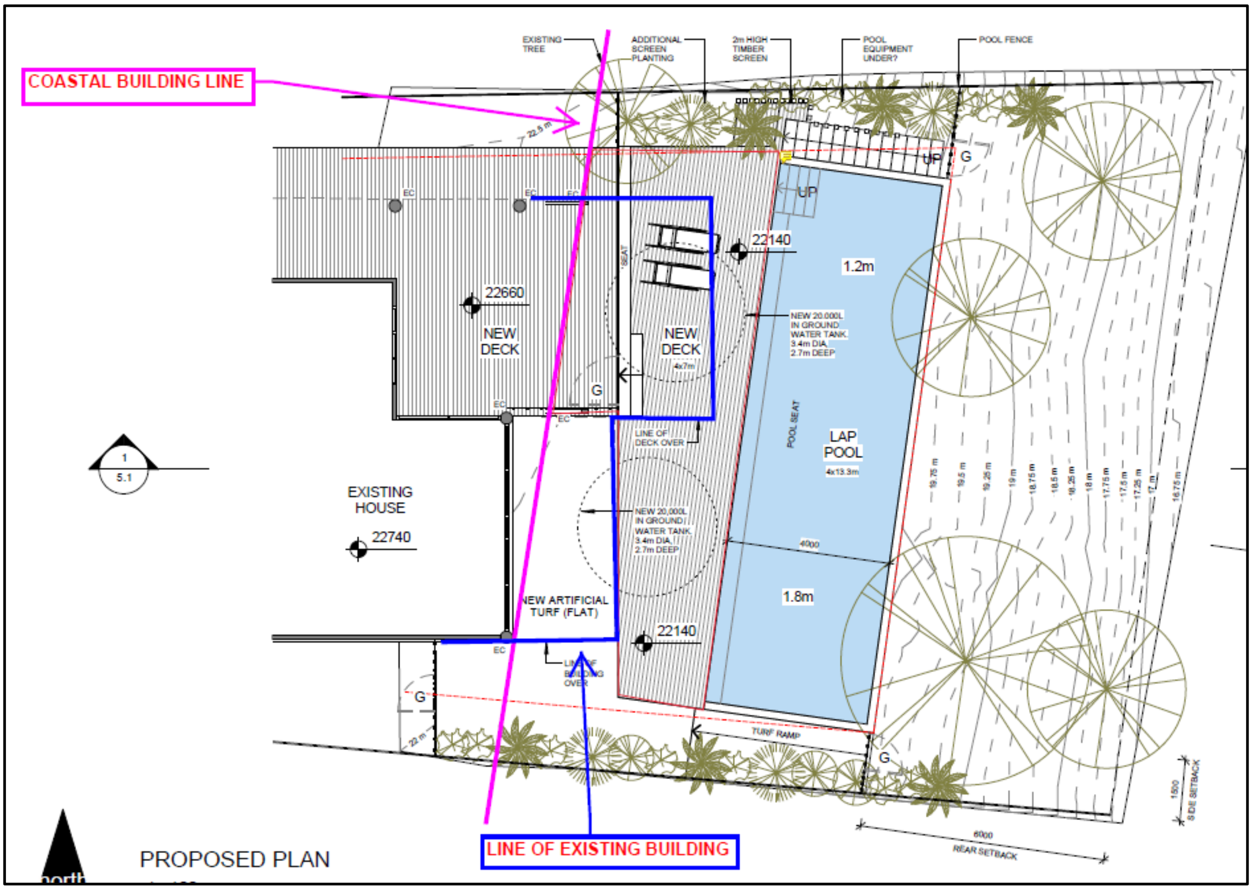
    c. ground covers planted between the trees and shrub stems to provide a dense coverage.

13. An access gate or like device allowing access to the beachfront area is not permitted to be installed.

REPORT

On 20 December 2018, Council, at its Ordinary Meeting, resolved to refuse an application to change an existing development approval for a house to facilitate the construction of a swimming pool and an extension to a deck within the state Coastal Building Line at 42 Seaview Terrace, Sunshine Beach.

The proposed works included 2 new in ground water tanks, approximately 48m^2 of decking and a 13.4m x 4.4m swimming pool and a set of stairs seaward of the coastal building line.



The applicant subsequently appealed the decision seeking that the pool and deck extension be approved. During the course of the appeal court mediation was attended with the appellant and the court registrar and an expert joint report was subsequently prepared by the coastal engineering consultants for the applicant and Council.

The outcome of the joint expert report process is agreement by the coastal engineering experts that the pool can be built subject to extensive geotechnical works including substantial micro-piling. In light of this agreement, Council's Barrister was asked for advice on the likely prospects for the appeal as the joint report by the coastal engineers is the key factor in this appeal.

The following parts of the coastal engineering joint expert report is particularly instructive:

Notably through the appeal review process with Council's experts and legal team, the applicant was advised that Council no longer sought to rely on reasons 4, 7 and 8.

Assessment in Relation the Reasons for Refusal

Our agreed position in relation the reasons of refusal area as follows:

1. **The proposal is in conflict with the assessment benchmarks of the State Planning Policy as it proposes development in an Erosion Prone Area and Natural Hazard Area.**

   While this reason is correct, the proposed geotechnical design ensures that, irrespective of coastal erosion and subsequent slop failure and reprofiling, the pool structure will remain in place following a 100 year storm tide and wave erosion event.

2 **Development seaward of the Coastal Building Line is contrary to the building setbacks contained in the Planning Scheme and the setback provided under State Code 8; Coastal Development and Tidal Works of the State development assessment provisions.**

   This is a matter for the planners and Court to consider.

3. **Recent modelling carried out by the Council indicates significant erosion is likely to occur in the future which may threaten life and property should the proposed development proceed.**

   Coastal erosion and subsequent slope failure and reprofiling analysis described in this report demonstrates that significant erosion that would fail the original proposed pool can occur under a severe storm tide and wave event. However the proposed geotechnical design ensures that, irrespective of coastal erosion and subsequent slope failure and reprofiling, the pool structure will remain in place following a 100 year storm tide and wave erosion event.

4. **The proposal does not comply with the Planning Scheme in force at the time of the original approval, given the extent of excavation and vegetation removal in a sand dune area.**

5. **The proposal does not comply with the Natural Resources Overlay Code for Coastal Protection as it has the potential to adversely impact on natural coastal processes.**

   With the proposed geotechnical design with mircro-pile support for the pool, coastal processes will not be impacted by the proposed development on all coastal events up to the 100 year storm tide and wave event, accounting for climate change to 2050. Under more severe events, further erosion could occur; however coastal structures of this nature are normally required to be designed to withstand events up to the 100 year event (noting that the minimum requirement for seawalls is a 50 year ARI event at stipulated in the Prescribed Tidal Works Code in the Coastal Protection and Management Regulation 2017).

6. **Given the site is affected by the Coastal Building Line and is located in a highly vulnerable erosion prone area, the proposed 6m setback is not sufficient to minimise the risk of erosion.**

   It is acknowledged that further set-back beyond 6m would further reduce the risk of erosion affecting the proposed development; however, the proposed geotechnical design ensures that, irrespective of coastal erosion and subsequent slope failure and reprofiling, the pool structure will remain in place following a 100 year storm tide and wave erosion event and recession due to sea level rise of 0.3m by 2050.

7. **The proposal does not comply with the Biodiversity Overlay Code as vegetation is proposed to be removed within the Environmental Protection Overlay placing the integrity and resilience of the foreshore at risk.**

8. **The proposal is contrary to the Overall Outcomes for the Eastern Beaches Locality as it does not protect the dunal area and natural environment nor maintain the safety of people and works.**

   The proposed development of a swimming pool can be accommodated within the Coastal Building Line by incorporation of the modified geotechnical design with a number of micro-piles without compromising the future coastal management options for this section of coast. The design of the piled foundations prepared by Core Engineering dated 24 September 2019 will provide protection of the swimming pool and subsequently the house by adequately managing erosion from impacting on the pool structure for all storm tide and wave events up to the 100 year climate change 2050 event.

   The Coastal Building Line is an arbitrary line set by the former Beach Protection Authority to allow for natural shoreline movements (i.e. erosion and accretion) associated with storm events.

   In terms of coastal engineering issues, we conclude that the inclusion of the modified piled foundation design by Core Engineering should ensure that the pool will withstand erosion associated with a 100 year ARI storm and recession due to sea level rise of 0.3m by 2050 (i.e. the adopted design life of the swimming pool).

Council's Barrister advises that *the above extract from the coastal engineering joint report indicates that:*

(a) should the applicant irrevocably confirm a willingness to carry out the development in accordance with the findings in the joint report; and

(b) should conditions reflecting the Core Engineering designs be accepted as non-severable from any approval;

The Council will not reasonably be able to successfully contend for refusal of the proposed development.

On this basis, and given the applicant's confirmed willingness to carry out the development in accordance with the extensive geotechnical works proposed by coastal engineering experts, it is recommended that Council seek to settle the matter subject to appropriate conditions, which include the requirement for the structures to be built strictly in accordance with the requirements of the joint report. This is in contrast to the usual development requirement that works be carried out generally in accordance with the conditions of approval.

Previous Council Consideration

Ordinary Meeting Minutes, 20 December 2018, Item 1, Page 12

That Council note the report by the Development Planner to the Planning & Environment Committee Meeting dated 11 December 2018 regarding Application No. 51987.2951.01 to make a minor change to an existing approval for additions to a detached house to include a swimming pool, deck and other structures seaward of the coastal building line situated at 42 Seaview Tce, Sunshine Beach and:

A. Refuse the change for the following reasons:

1. The proposal is in conflict with the assessment benchmarks of the State Planning Policy as it proposes development in an Erosion Prone Area and Natural Hazard Area.

2. Development seaward of the Coastal Building Line is contrary to the building setbacks contained in the Planning Scheme and the setback provided under State Code 8; Coastal Development and Tidal Works of the State development assessment provisions.

3. Recent modelling carried out by the Council indicates significant erosion is likely to occur in the future which may threaten life and property should the proposed development proceed.

4. The proposal does not comply with the Planning Scheme in force at the time of the original approval, given the extent of excavation and vegetation removal in a sand dune area.

5. The proposal does not comply with the Natural Resources Overlay Code for Coastal Protection as it has the potential to adversely impact on natural coastal processes.

6. Given the site is affected by the Coastal Building Line and is located in a highly vulnerable erosion prone area, the proposed 6m setback is not sufficient to minimise the risk of erosion.

7. The proposal does not comply with the Biodiversity Overlay Code as vegetation is proposed to be removed within the Environmental Protection Overlay placing the integrity and resilience of the foreshore at risk.

8. The proposal is contrary to the Overall Outcomes for the Eastern Beaches Locality as it does not protect the dunal area and natural environment nor maintain the safety of people and works.

B. Note the report is provided in accordance with Section 63(5) of the Planning Act 2016.

Ordinary Meeting Minutes, 18 April 2019, Item 5, Page 8

That Council note the report by the Manager Development Assessment to the Planning & Environment Committee Meeting dated 9 April 2019 regarding Planning & Environment Court Appeal No. 245 of 2019 and agree to defend the appeal.

Finance & Risk

Council's Barrister for the appeal has advised that given the joint coastal engineering report conclusions, Council has very low prospects of success in resisting this appeal and the appeal should be compromised subject to strict conditions which reflect the outcomes of the coastal engineering joint report.

Council's solicitor for the appeal concurs with this advice and similarly raises concerns that the current Noosa Plan, though has a strong statement around the required setback and its intentions, given the appeal relates to a swimming pool and deck only, Council is likely to have difficulty in successfully defending the appeal.

The current costs for this appeal are $43,634 and if the matter was to proceed to trial it is estimated that this would cost a further $100,000.

Consultation

External Consultation - Community & Stakeholder

Neil Collins – Engineer

Wakefield Sykes - Solicitor

Christopher Hughes QC - Barrister

Internal Consultation

Departments/Sections Consulted:

	Chief Executive Officer Executive Officer Executive Support		**Community Services** Director Community Development Community Facilities Libraries & Galleries Local Laws Waste & Environmental Health		**Corporate Services** Director Financial Services ICT Procurement & Fleet Property Revenue Services
	Executive Services Director Community Engagement Customer Service Governance People and Culture	x x	**Environment & Sustainable Development** Director Building & Plumbing Services Development Assessment Economic Development Environmental Services Strategic Land Use Planning		**Infrastructure Services** Director Asset Management Buildings and Facilities Civil Operations Disaster Management Infrastructure Planning, Design and Delivery

5 NOOSA SPIT SHORELINE EROSION UPDATE - DECEMBER 2019

Author **Project Coordinator – Flooding, Coastal and Foreshore, Daniel Wishaw**
Infrastructure Services Department

Index **ECM/ Project / Noosa Dog Beach SEMP Coastal Monitoring – CAP. 100723**
ECM / Subject / Erosion

Attachments **1. Noosa Spit Shoreline Erosion Management Plan**
(Note: 172 page attachment has been provided separately to this report)

EXECUTIVE SUMMARY

Not applicable.

RECOMMENDATION

That Council note the report by the Project Coordinator – Flooding, Coastal and Foreshores to the General Committee Meeting dated 16 December 2019 and

A. Note the Noosa Spit Shoreline Erosion Management Plan as contained in Attachment 1 to the report; and

B. Refer funding of the implementation pathway as described in the Noosa Spit Shoreline Erosion Management Plan for consideration in the 2020/21 financial year budget process.

REPORT

1. Background

Council, at its Ordinary Meeting of 15 November 2018, supported the development of a Shoreline Erosion Management Plan (SEMP) for Noosa Spit and the provision of a quarterly update. The technical work for the Noosa Spit SEMP is now complete and has been delivered to Council for review.

This report recommends an implementation pathway for consideration of funding in the 2020/21 financial year.

2. Project Update

The project was conducted over multiple stages, with oversight from the Council's internal Project Control Group and consultation with the Department of Environment and Science. Each of these stages can be found in the attached report and they include:

- A historical review of erosion at Noosa Spit and a review of existing mitigation measures (Section 2.2 and 2.3).
- Review of the recent shoreline recession including identification of changes that caused an acceleration of recent erosion (Section 2.4.1).
- Development of a numerical coastal processes model (Section 3).
- Evaluation of different river mouth alignments, including a 'breakthrough' event at Doggie Beach (Section 3.6).
- Shoreline erosion mitigation options (Section 4).

- Multi-criteria analysis including a detailed risk assessment (Section 4.3 and Appendix D).
- Delivery of a Shoreline Erosion Management Plan (Section 5).

3. Proposed Implementation Pathway

The proposed implementation pathway for erosion management has been separated into three zones, with two "trigger lines" for intervention. These zones are shown below, in Figure 1, with the trigger lines forming the boundaries between the coloured zones. The first trigger line was established based on the 2016 shoreline position, before erosion accelerated, and allows a limited recreational beach and a suitable sand buffer for the protection or reestablishment of vegetation. The second trigger line is the minimum width of the Noosa Spit within which a seawall may be constructed.

The proposed pathway is intended to maintain the beach width in the green zone below for as long as feasible and delay, as long as possible, the need for a structural sea wall at the edge of the red zone.

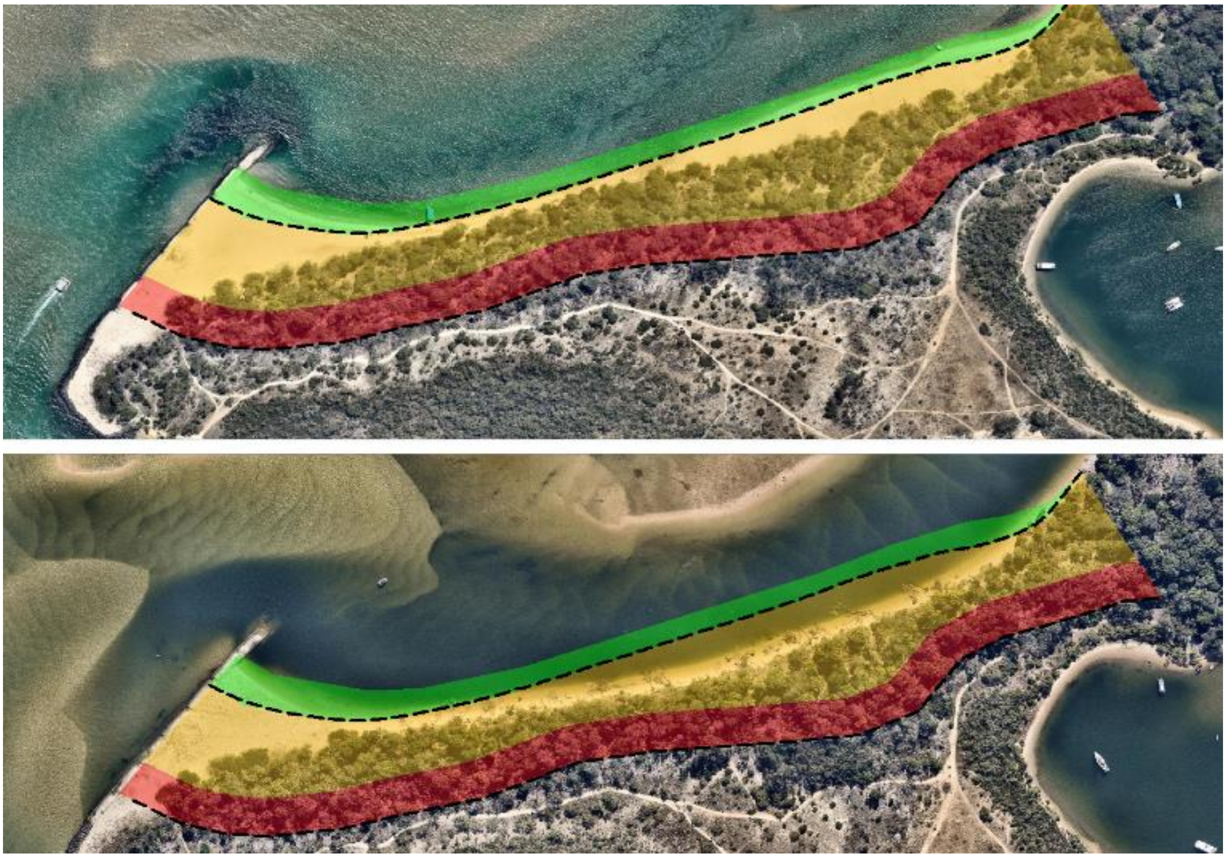


Figure 1: Proposed trigger zones. Image above is pre-erosion (2016) and image below is current day.

As such, the Noosa Spit SEMP proposes a two-staged intervention pathway consisting of:

1. Beach nourishment undertaken in conjunction with creating a sand plug at either end of the Doggie Beach, as shown in Figure 2. The beach nourishment would be monitored and evaluated with respect to the trigger lines shown in Figure 1 and repeated when the shoreline eroded into the yellow zone. While it is difficult to estimate the exact time between nourishment programs, based on previous attempts to do this, it is expected that this may last 5-8 years.
2. If beach nourishment becomes ineffective/unfeasible a seawall could be constructed in the approximate alignment of the red section in Figure 1. This could then be covered with sand if deemed appropriate.

As well as the above major intervention, it is recommended to implement a series of complementary activities to reduce future erosion, including beach access management, vegetation management and replanting as well as community education and consultation.

Figure 2: Proposed sand nourishment and sand plug program.

4. Next Steps

Now that the technical phase of this work is completed, the next steps will include:

- Public Consultation.
- Stakeholder engagement.

5. Erosion Update

Since the last quarterly report dated 10 September 2019, the shoreline at Noosa Spit has remained fairly stable, with a review of recent aerial photography indicating negligible change to the shoreline position at Noosa Spit. Currently the lower estuary is in a phase which appears to be favouring the formation of a central channel, which typically alleviates pressure on the Dog Beach section of Noosa Spit. However, there has been significant volumes of sand that have migrated into the river from both the southern side, and more recently, the northern side which may block this channel in future. At present the state of the lower estuary would make the proposed mitigation solution easier to implement, given that the central channel is naturally opening.

Previous Council Consideration

Ordinary Meeting Minutes, 19 September 2019, Item 9, Page 12

That Council note the report by the Project Coordinator – Flooding, Coastal and Foreshore to the Services & Organisation Committee Meeting dated 10 September 2019 providing an update on the development of a Shoreline Erosion Management Plan (SEMP) for Noosa Spit.

Ordinary Meeting Minutes, 20 June 2019, Item 17, Page 16

That Council note the report by the Project Coordinator – Flooding, Coastal and Foreshore to the Services & Organisation Committee Meeting dated 11 June 2019 providing an update on the development of a Shoreline Erosion Management Plan (SEMP) for Noosa Spit.

Ordinary Meeting Minutes, 21 March 2019, Item 8, Page 9

That Council note the report by the Project Coordinator – Flooding, Coastal and Foreshore to the Services & Organisation Committee Meeting dated 12 March 2019 providing an update on the development of a Shoreline Erosion Management Plan (SEMP) and also note the formation of a staff Noosa Spit SEMP Project Working Group to oversee that project.

Ordinary Meeting Minutes, 15 November 2018, Item 2, Page 11

That Council note the report by the Project Coordinator – Flooding, Coastal and Foreshore to the Services & Organisation Committee Meeting dated 6 November 2018 and

A Support the urgent completion of a Shoreline Erosion Management Plan for Noosa Spit and Noosa Main Beach subject to funding being provided in Budget Review 2; and

B. Provide a status update to Council on a quarterly basis.

Finance

All options proposed within the Noosa Spit SEMP were evaluated for a whole of life cost over a duration of 20 years, which included any upfront or ongoing costs. The proposed nourishment option has been costed based on renourishment occurring every seven years, with the total expenditure in the first year anticipated to be approximately $1.2 million. This cost is inclusive of all required permits, nourishment, project management, project contingency and monitoring. The complementary activities (section 3) have not been included in this estimate as they are either considered business as usual activities, or in the case of revegetation, should be implemented once the success of the major works has been established.

It is proposed that the project will submitted for consideration in the capital works program for the 2020/21 budget.

Figure 3 below presents a graph of proposed costs over the 20-year lifecycle.

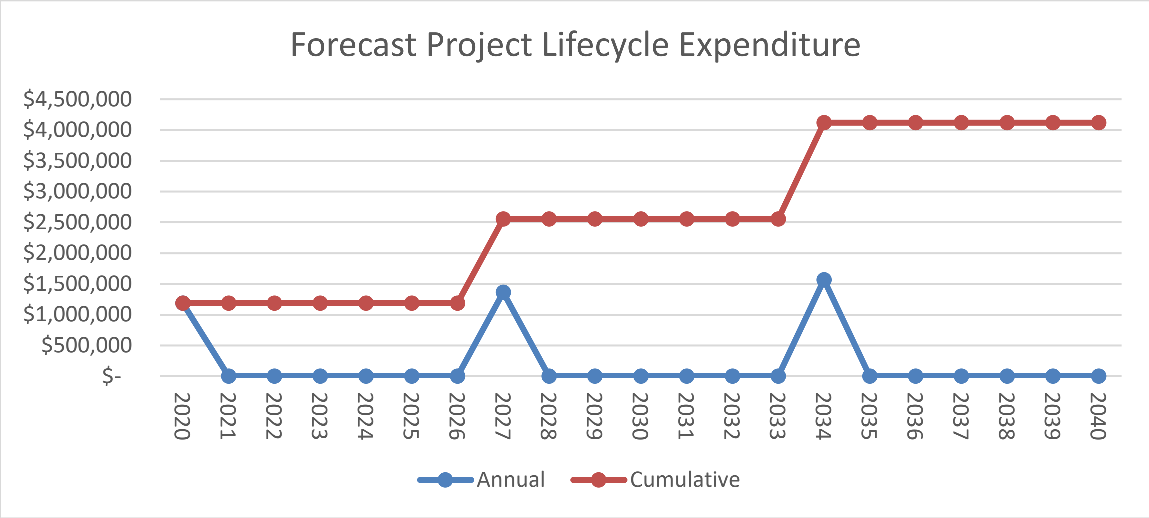


Figure 3: Forecast Project Lifecycle Expenditure

Risks & Opportunities

A full risk assessment has been provided in the Noosa Shoreline Erosion Management Plan in Appendix D.

Consultation

External Consultation - Community & Stakeholder

To be undertaken through budget process.

Internal Consultation

Internal consultation is being conducted through the Noosa Spit SEMP Project Working Group.

Departments/Sections Consulted:

X	**Chief Executive Officer**	X	**Community Services**	X	**Corporate Services**
	Executive Officer	x	Director	x	Director
	Executive Support		Community Development	x	Financial Services
			Community Facilities		ICT
			Libraries & Galleries		Procurement & Fleet
			Local Laws		Property
			Waste & Environmental Health		Revenue Services
X	**Executive Services**	X	**Environment & Sustainable Development**	X	**Infrastructure Services**
x	Director	x	Director	x	Director
	Community Engagement		Building & Plumbing Services	x	Asset Management
	Customer Service		Development Assessment		Buildings and Facilities
x	Governance		Economic Development		Civil Operations
	People and Culture	x	Environmental Services		Disaster Management
		x	Strategic Land Use Planning		Infrastructure Planning, Design and Delivery

6 FINANCIAL PERFORMANCE REPORT - NOVEMBER 2019

Author Manager Financial Services, Trent Grauf

Corporate Services Department

Index ECM/ Subject/ 22.09 – Monthly Financial Performance Report

Attachments
1. Statement of Income and Expenditure (Profit & Loss and Capital)
2. Statement of Financial Position
3. Statement of Cash Flows

EXECUTIVE SUMMARY

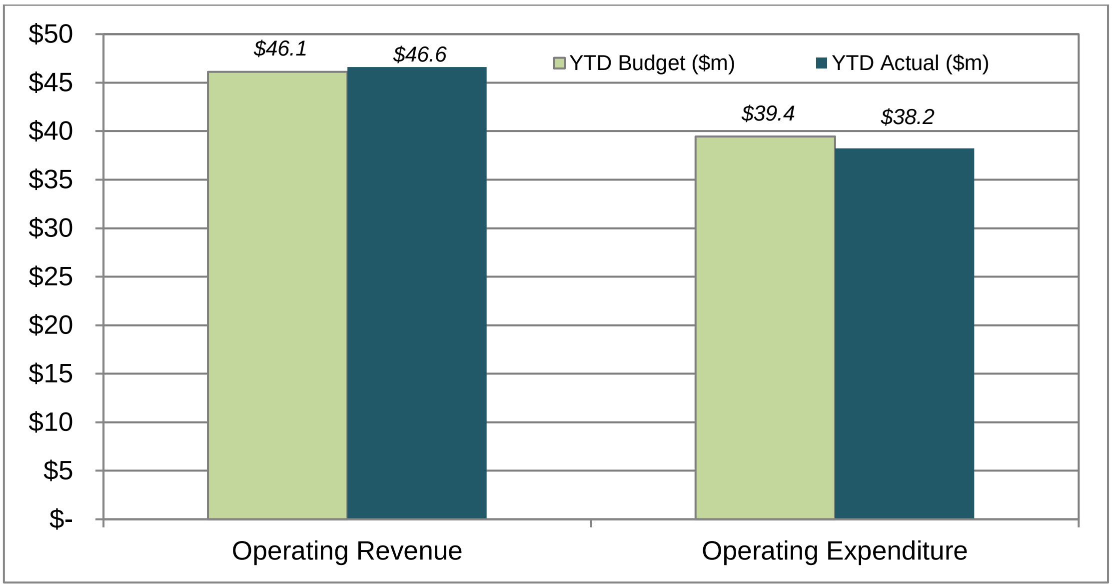
Year to date (YTD) operating performance against current budget as at 30 November 2019 aligns with YTD budget. The budget position presented in this report and attachments includes the budget review adjustments adopted by Council in November 2019.

YTD Financial Performance Summary					
	Budget $m	Actual $m	Variance $m	Variance %	Status
Operating Revenue	$46.1	$46.6	$0.5	1.0%	On Track
Operating Expense	$39.4	$38.2	$1.2	3.1%	On Track
Operating Position	**$6.7**	**$8.4**	**$1.7**	**25.5%**	
Capital Revenue	$2.2	$2.3	$0.0	1.2%	On Track
Capital Expenditure*	$10.1	$10.0	$0.1	0.9%	On Track

*** Reflects constructed assets and intangibles only (excludes contributed)**

Financial statements including Statement of Income & Expenditure, Statement of Financial Position (balance sheet), and Statement of Cash Flows are included as attachments for information for Council.

Figure 1: Actual Performance Compared to Budget



YTD performance against Council's key measures of financial sustainability have been calculated as at November 2019. These indicators enable the reader to assess a council's success in managing its budget, cash and debt as well as undertaking sustainable asset management. The table below contains a snapshot of a number of key measures, with full detail included in the report.

YTD Measures of Financial Sustainability	Target Value	Target Date	Current Budget	Actual YTD	Status
Operating Surplus Ratio	***0-10%***	30 June 2020	0.0%	18.0%	**On Track**
Net Financial Liabilities Ratio	***<60%***	Ongoing	-5.7%	-22.7%	**Above Target**
Cash Cover Ratio	***3 months***	Ongoing	5.5 months	9.3 months	**Above Target**
Asset Sustainability Ratio	***> 90%***	30 June 2020	129%	37.9%	**On Track**

RECOMMENDATION

That Council note the report by the Manager Financial Services to the General Committee Meeting dated 16 December 2019 outlining November 2019 year to date financial performance against budget, including key financial sustainability indicators.

REPORT

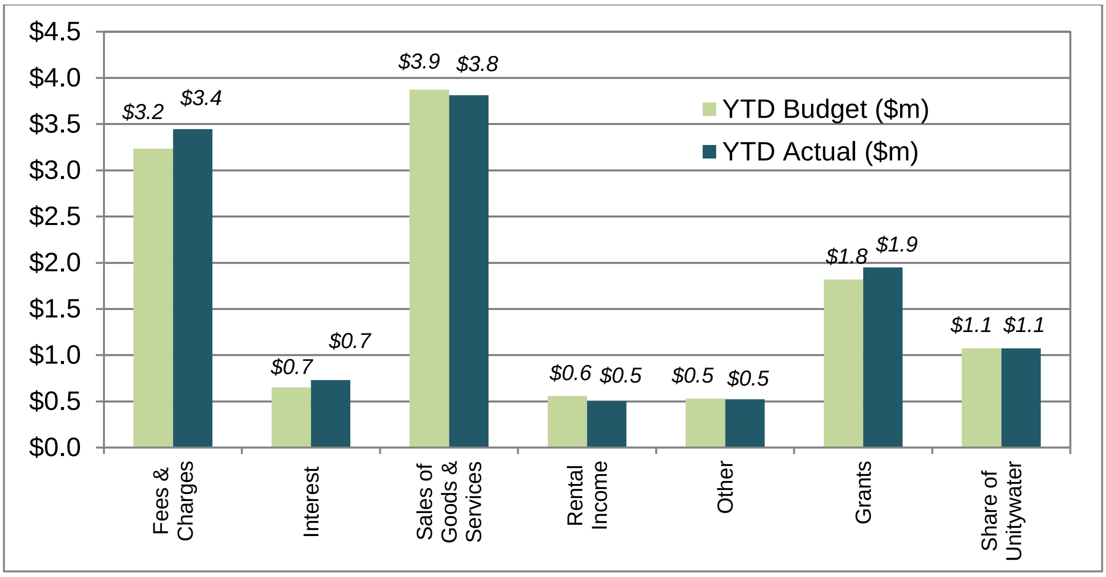
Operating Revenue (YTD Benchmark 42%)

Council has received 47% ($46.6 million) of its operating revenue budget ($99.9 million). Commentary on each revenue category is provided below.

Category	Summary	Comments
Rates and Levies	$34.6 million (50%) of the annual budget of $68.7 million has been earned	• General rates $52k above YTD budget (50% or $25.6 million of $51.0 million budget earned) • Waste utility charges $127k above YTD budget (51% or $6.5 million of $12.7 million budget earned)
Fees and Charges	$3.4 million (52%) of the $6.7 million annual budget has been earned	• Plumbing application fees $52k above YTD budget (49% or $472k of $971k budget earned) • Community land use permits $50k above YTD budget (66% or $271k of $410k budget earned) • Cemetery fees $42k above YTD budget (60% or $138k of $229k budget earned) • Development related fees $32k above YTD budget (43% or $696k of $1.6 million budget earned) • Local laws fees $21k above YTD budget (63% or $887k of $1.4 million budget earned)
Sale of Goods and Services	$3.8 million (38%) of the $10.1 million budget has been received	• Noosa River Holiday Park sales $63k above YTD budget (42% or $920k of $2.2 million budget earned). • Noosa Leisure Centre $45k above YTD budget (49% or $283k of $575k budget earned). • Noosa Aquatic Centre admission and other revenue $58k below YTD budget (32% or $484k of $1.5 million budget earned) – reflecting the actual closure period being 2 weeks longer than budgeted.

Category	Summary	Comments
		• Waste disposal fees $81k below YTD budget (39% or $1.1 million of $2.2 million budget earned).
Interest Received	$729k (52%) of the $1.4 million annual budget has been earned	• Interest on overdue rates and charges $54k above YTD budget (54% or $214k of $400k budget earned). • Investment revenue $23k above YTD budget (51% or $515k of $1.0 million budget earned). • Further downward movements in interest rates will impact on Council's interest revenue on cash invested, and will be monitored for any overall interest revenue budget implications.
Other Revenue	$524k (53%) of the $985k budget has been earned	• Sunrise Beach Shops lease revenue $38k below YTD budget (37% or $302k of $801k earned)
Operating Grants, Subsidies	$1.9 million (39%) of the $5.0 million budget has been received	• 50% or $1.1 million of the financial assistance grant was again prepaid in June 2019 and may impact on Council's 2019/20 final operating position if the prepayment approach is discontinued by the Australian government. • All other operating grants are in line with budget forecasts at this stage.
Unitywater Distributions	On track	• Unitywater distributions are fixed each year so little budget variance risk.

Figure 2: Operating Revenue Position by Type (Excluding Rates)

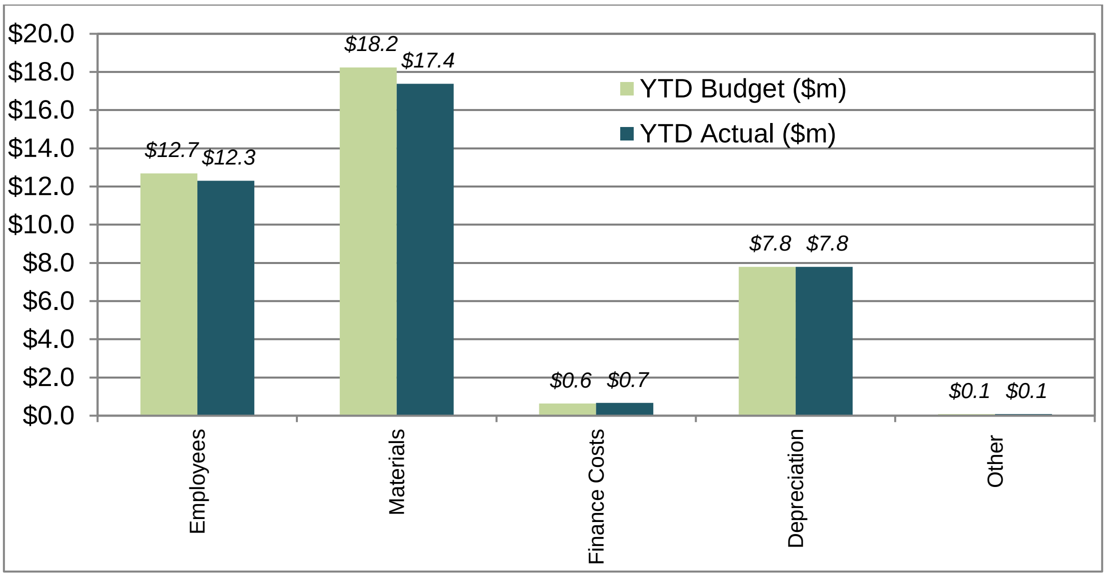


Operating Expenditure (YTD Benchmark 42%)

Actual operating expenditure is currently 38% ($38.2 million) of full year budget ($99.8 million). Detailed commentary for each expenditure category is provided below.

Category	Summary	Comments
Employee Costs	$12.3 million (37%) of the annual budget of $33.5 million has been expended	• Under expenditure for permanent staff salaries and wages ($1.2 million) partially offset by additional spend on casual staff and external labour hire ($451k). • Employee overtime and allowances $185k above YTD budget (196% or $601k of $953k budget spent) due to recent disaster events.
Materials and Services	$17.4 million (38%) of the $45.8 million annual budget has been expended.	• Waste Management materials and services $272k below YTD budget (38% or $4.1 million of $10.6 million budget spent. • Fleet fuel, tyre, equipment and maintenance costs $166k below YTD budget (33% or $530k of $1.6 million budget spent). • Parks & Gardens operations and maintenance programs $86k below YTD budget (32% or $1.4 million of $4.3 million budget spent). • Public amenity materials and services $74k below YTD budget (27% or $136k of $495k budget spent). • Development assessment legal appeals costs $125k above YTD budget (54% or $542k of $1.0 million budget spent).
Finance Costs	On track	Nil
Depreciation	On track	Nil
Other Expenses	On track	Nil

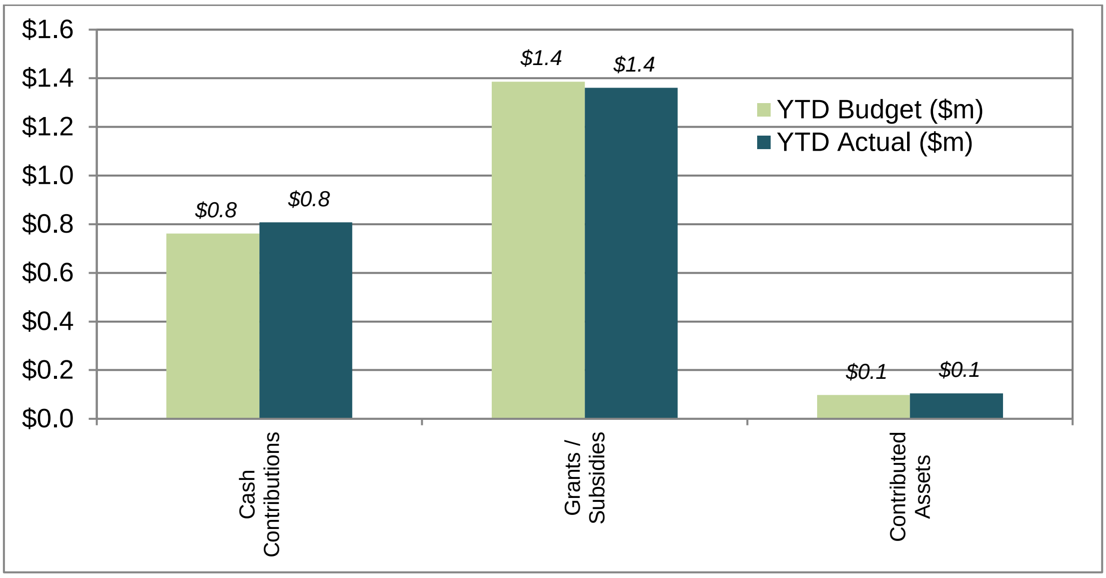
Figure 3: Operating Expenditure Position by Type



Capital Revenue

YTD capital revenue of $2.3 million received comprises cash contributions from developers ($807k) and capital grants ($1.4 million). Note that the timing of capital grant receipts are generally dependent on the timing of grant conditions and also capital delivery performance, and that the timing of the receipt of developer contributions (both cash and contributed) is unpredictable.

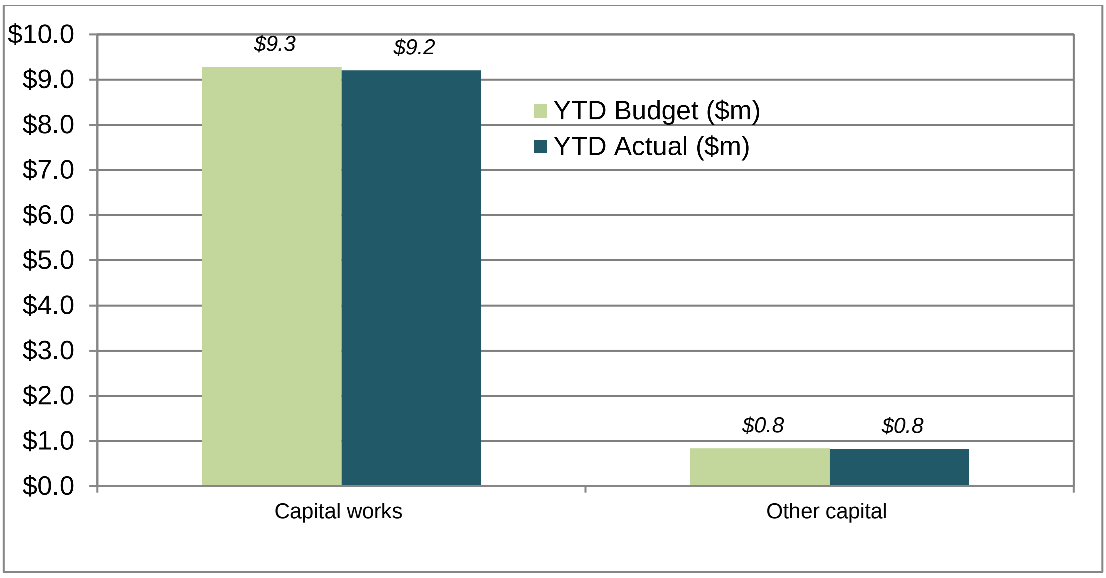
Figure 4: Capital Revenue by Type



Capital Program

Actual capital expenditure (excluding contractual commitments) is $10.1 million (YTD budget $10.2 million). Detailed discussion of progress in the delivery of the capital works program is provided through a separate report by the Asset Planning Manager.

Figure 5: Capital Program Delivery Performance

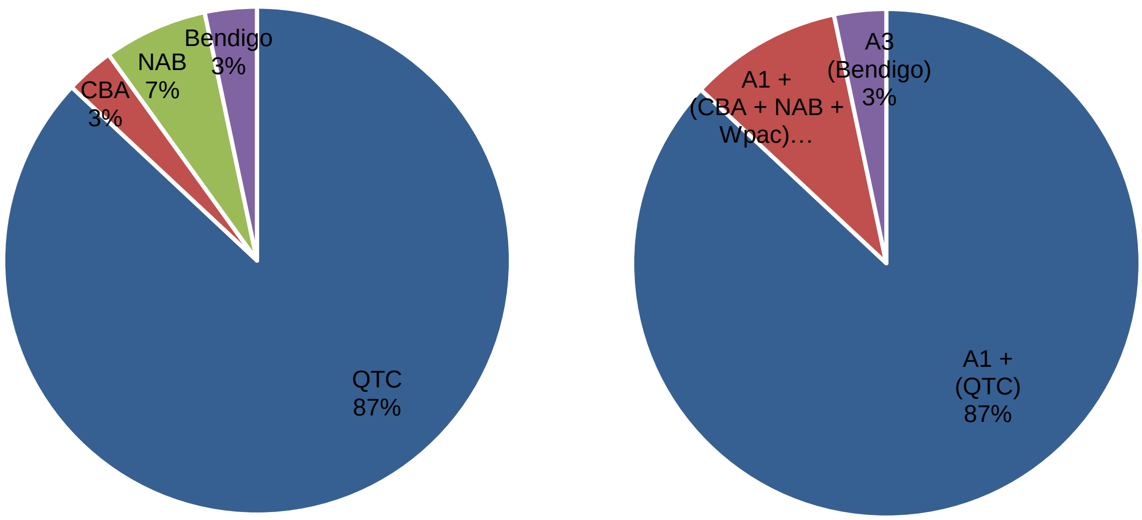


Cash Management and Investment Performance

Total cash on hand at the end of November was $60 million, including funds held in trust and for restricted purposes (e.g. unexpended levy and grant funds), the prepaid financial assistance grant and unspent monies committed for funding capital projects which are underway and will continue during the financial year.

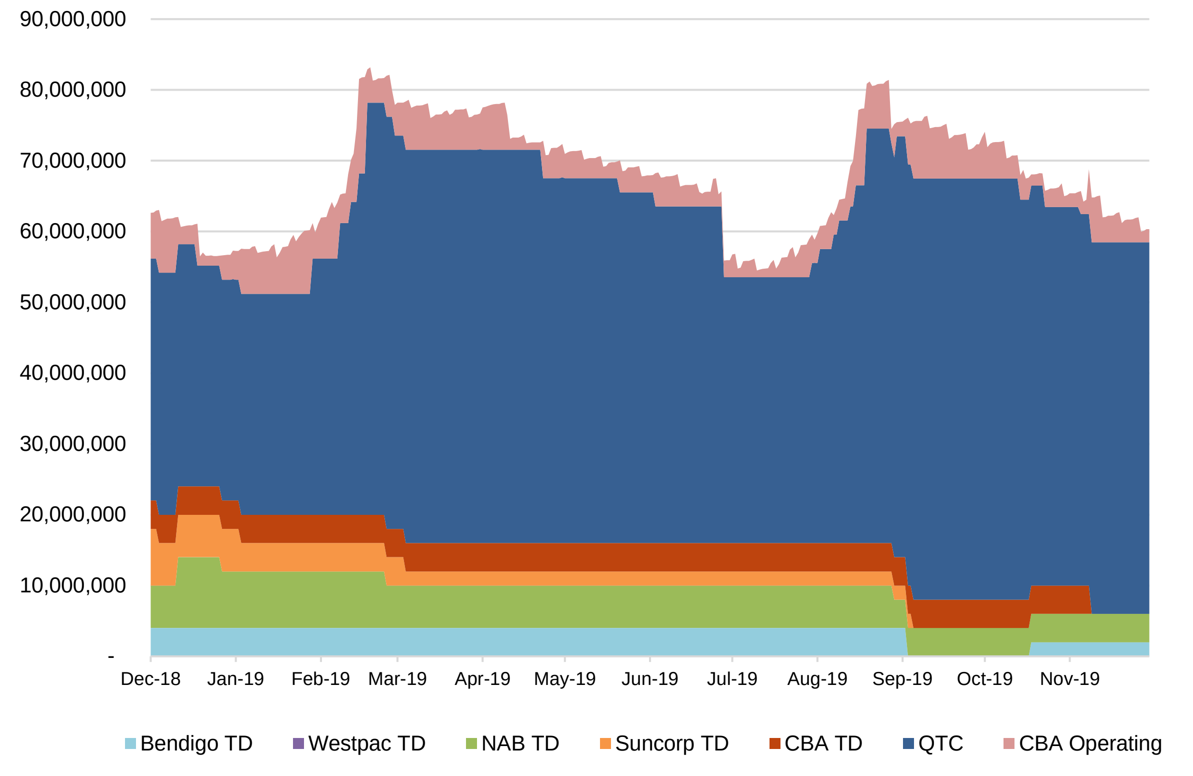
The following pie charts present the mix of cash held at November 2019 by agency (graph on the left) and by credit risk rating (graph on the right). All funds have been invested in accordance with the Investment Policy and in consideration of the principles of ethical investment, preservation of capital, return on investment and counterparty thresholds

Figure 6: Closing Cash Held by Agency and Credit Rating



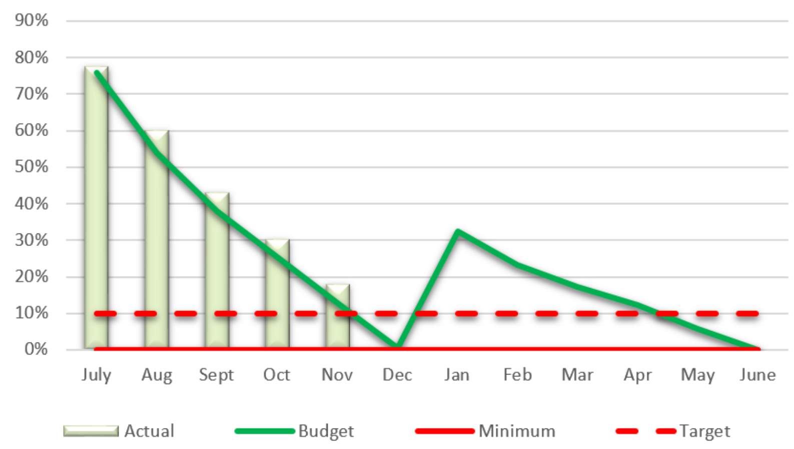
The following chart monitors the 12 month trend on total cash and the agencies invested. During November, $4 million in term deposits with Commonwealth Bank matured. These matured investments were utilised to fund operating and capital expenditure requirements for November.

Figure 7: 12 Month Trend of Cash Invested by Agency



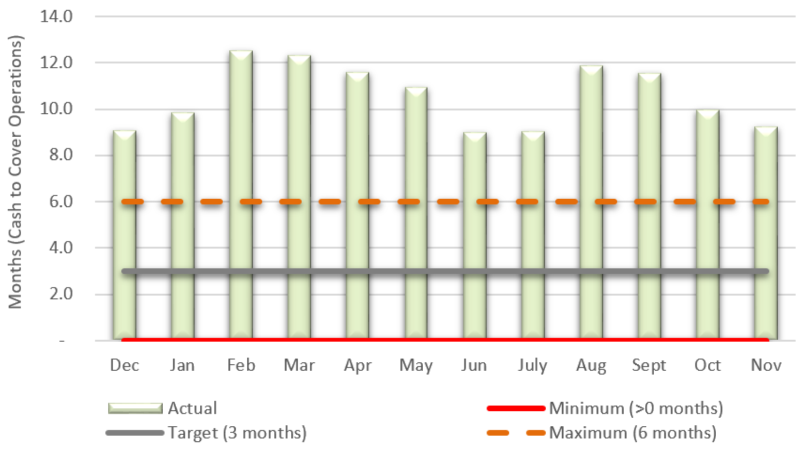
Measures of Financial Sustainability

The following table incorporates a set of financial sustainability indicators to further assist in managing Council financial performance. There are no current material emerging risks regarding performance for the first quarter of the financial year.

Category	Comments
Operating Surplus Ratio  	• **Intent**: Identifies the extent to which revenues cover operational expenses, to ensure community equity is not degraded • **Target**: 0 – 10% • **Target Date**: 30 June • **Result**: 18.0% • **Comment**: The slowly declining ratio reflects the levying 50% of rates in July and the utilisation of funds as expenditure occurs between August and December 2019

<table>
<tr><th>Category</th><th>Comments</th></tr>
<tr><td>

Cash Expense Cover

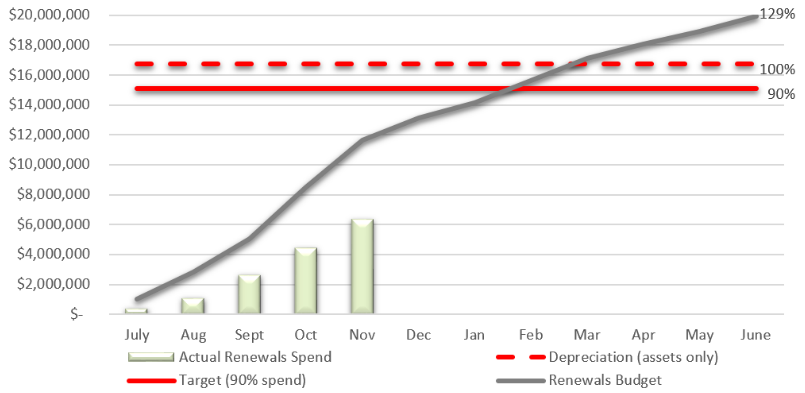


</td><td>

- **Intent**: Indicates how long council can continue paying its day-to-day expenses from cash at bank without needing additional cash flows
- **Target**: > 3 months
- **Target Date**: Ongoing
- **Result**: 9.3 months
- **Comment**: Council is forecast to remain above target for the financial year and remain fiscally flexible to accommodate unforeseen events. Peaks will occur following rating periods

</td></tr>
<tr><td>

Asset Sustainability Ratio

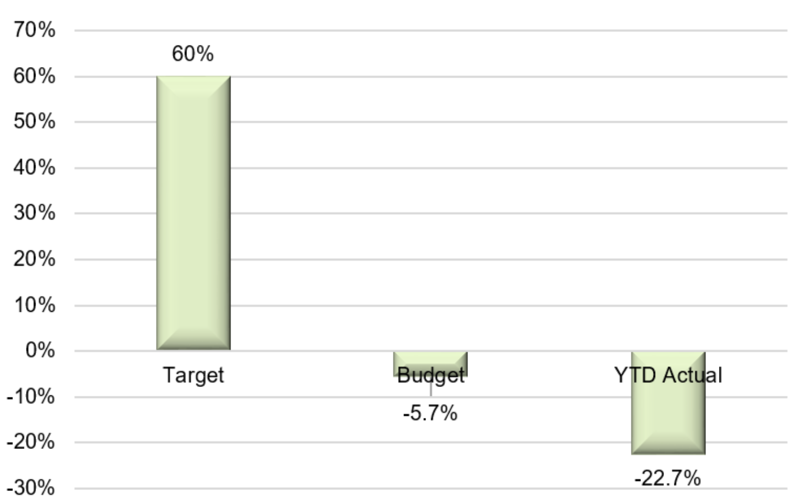


</td><td>

- **Intent**: Measures the extent to which assets are being replaced as their condition degrades to ensure service potential is maintained
- **Target**: 90% of depreciation budget spent on renewals annually
- **Target Date**: 30 June
- **Result**: Slightly under budget
- **Comment**: The ratio will progressively increase each month as expenditure on renewal projects occurs.

</td></tr>
<tr><td>

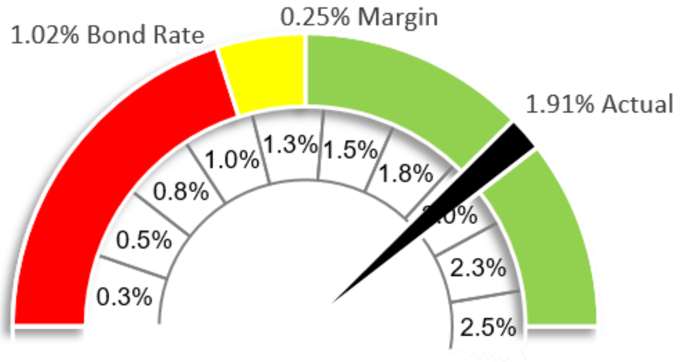
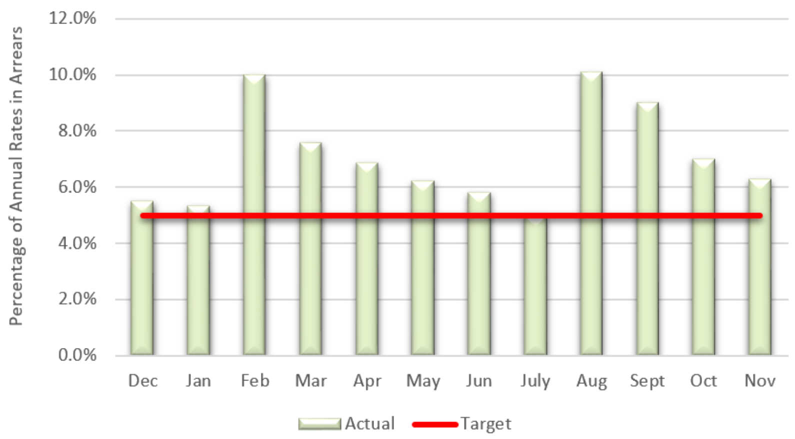
Net Financial Liabilities Ratio



</td><td>

- **Intent**: Outlines the level that net Council debt can be serviced by operating revenues. A ratio below zero implies that liabilities are less than cash (and other current assets) and there is adequate borrowing capacity available if needed.
- **Target**: less than 60%
- **Target Date**: Ongoing
- **Result**: (22.7%)
- **Comment**: Council has low debt levels and strong cash holdings. The cash received from the July rates issue also inflates the YTD actual outcome

</td></tr>
</table>

<table>
<tr><th>Category</th><th>Comments</th></tr>
<tr><td>Investment Return

</td><td>Intent: Ensure appropriate return on investment yield for cash at bank.
Target: 0.25% above current Bloomberg commonwealth 10 year bond rate yield (September = 1.0%)
Target Date: Ongoing
Result: 1.91%
Comment: Regardless of the steady decline in long term bond rates (due to international market factors), Council's investment return still remains above target</td></tr>
<tr><td>Rates in Arrears

</td><td>Intent: Ensuring that the amount of unpaid rates remains sustainable and does not negatively impact cash flows
Target: 5% industry benchmark
Target Date: Ongoing
Result: 6.3%
Comment: Arrears % progressively decreasing towards target as reminders are issued and outstanding balances are collected.</td></tr>
</table>

Previous Council Consideration

Nil.

Finance

As above.

Risks & Opportunities

Council's risk register includes a number of risks that could impact on ongoing financial sustainability. Effective budget management and reporting is an important risk mitigation tool.

Consultation

External Consultation - Community & Stakeholder

Nil.

Internal Consultation

All areas of Council are consulted as part of the regular monitoring of budget performance.

Departments/Sections Consulted:

X	**Chief Executive Officer**	X	**Community Services**	X	**Corporate Services**
	Executive Officer		Director	X	Director
	Executive Support		Community Development	X	Financial Services
			Community Facilities		ICT
			Libraries & Galleries		Procurement & Fleet
			Local Laws		Property
			Waste & Environmental Health		Revenue Services
X	**Executive Services**	X	**Environment & Sustainable Development**	X	**Infrastructure Services**
	Director		Director		Director
	Community Engagement		Building & Plumbing Services		Asset Management
	Customer Service		Development Assessment		Buildings and Facilities
	Governance		Economic Development		Civil Operations
	People and Culture		Environmental Services		Disaster Management
			Strategic Land Use Planning		Infrastructure Planning, Design and Delivery

Noosa Council

ATTACHMENT 1

Statement of Income and Expenditure

For the Year Ended 30 June 2020
As at 30 November 2019

	Current Budget 2020 ($'000)	Current Budget YTD ($'000)	Actual YTD ($'000)	Variance YTD ($'000)	Annual Budget %
Profit and Loss Statement					
Revenue					
Recurrent Revenue					
Rates, levies and charges	68,702	34,381	34,568	187	50%
Fees and charges	6,642	3,234	3,445	211	52%
Interest received	1,410	652	729	77	52%
Sale of Goods and major services	10,127	3,872	3,811	(60)	38%
Sale of contract and recoverable works	23	-	0	0	2%
Rental & lease income	1,296	559	502	(57)	39%
Other income	985	529	524	(5)	53%
Grants, subsidies, contributions and donations	4,999	1,818	1,949	131	39%
Unitywater Distributions	5,650	1,075	1,075	-	19%
	99,833	**46,119**	**46,603**	**484**	**47%**
Expenses					
Recurrent Expenses					
Employee benefits	33,517	12,691	12,305	(387)	37%
Materials and services	45,863	18,240	17,379	(861)	38%
Finance costs	1,528	637	668	31	44%
Depreciation	18,713	7,797	7,797	0	42%
Other expenses	188	84	86	3	46%
	99,809	**39,450**	**38,236**	**(1,214)**	**38%**
Operating Result	**24**	**6,669**	**8,367**	**1,698**	
Summary of Capital Revenue and Expenditure					
Capital Funding					
Capital cash contributions and infrastructure charges	2,134	762	807	46	38%
Contributed assets	2,000	98	105	7	5%
Capital grants and subsidies	5,281	1,387	1,362	(25)	26%
Cash / revenue	27,337	9,915	10,416	501	38%
New loan borrowings	-	-	-	-	0%
Other capital revenue	-	-	-	-	0%
Total Capital Revenue	**36,753**	**12,161**	**12,690**	**529**	
Capital Expenditure					
Contributed assets	2,000	98	105	7	5%
Capital works - constructed assets	26,091	9,284	9,205	(78)	35%
Capital works - other capital	4,781	839	824	(16)	17%
Loan repayments	3,880	1,940	2,069	129	53%
Other capital expenses	-	-	487	487	0%
Total Capital Expenditure	**36,753**	**12,161**	**12,690**	**529**	

Noosa Council

ATTACHMENT 2

Statement of Financial Position

For the Year Ended 30 June 2020
As at 30 November 2019

	Current Budget 2020 ($'000)	Actual YTD 2020 ($'000)	Actual Full Year 2019 ($'000)
Current Assets			
Cash and cash equivalents	43,942	60,415	55,981
Trade and other receivables	9,290	6,925	6,666
Inventories	198	202	198
Other current assets	2,466	3,281	4,541
	55,897	70,824	67,386
Non Current Assets held for sale	-	-	-
Total Current Assets	**55,897**	**70,824**	**67,386**
Non Current Assets			
Trade and other receivables	49,718	49,718	49,718
Other non current Assets	-	-	-
Investments	60,978	60,978	60,978
Investment property	3,300	3,300	3,300
Property, plant and equipment	916,382	887,404	885,912
Intangible assets	7,170	6,266	5,953
Total Non Current Assets	**1,037,548**	**1,007,666**	**1,005,861**
Total Assets	**1,093,445**	**1,078,490**	**1,073,247**
Current Liabilities			
Trade and other payables	5,078	8,527	9,594
Borrowings	2,414	1,576	3,112
Provisions	4,630	2,954	4,918
Other	2,778	2,425	2,768
Total Current Liabilities	**14,900**	**15,482**	**20,392**
Non Current Liabilities			
Trade and other payables	-	-	-
Borrowings	19,555	21,120	21,120
Provisions	12,054	11,523	11,523
Total Non Current Liabilities	**31,608**	**32,643**	**32,643**
Total Liabilities	**46,508**	**48,125**	**53,035**
Net Community Assets	**1,046,937**	**1,030,365**	**1,020,212**
Community Equity			
Asset Revaluation Surplus	68,337	50,809	50,809
Retained Surplus / (Defeciency)	-	-	-
Shire Capital	978,600	969,402	951,918
Current Year Net Earnings	-	10,154	17,485
Total Community Equity	**1,046,937**	**1,030,365**	**1,020,212**

Noosa Council

ATTACHMENT 3

Statement of Cash Flows

For the Year Ended 30 June 2020
As at 30 November 2019

	Current Budget 2020 ($'000)	Actual YTD 2020 ($'000)	Actual Full Year 2019 ($'000)
Cash flows from operating activities			
Cash Flows from Operating Activities			
Receipts from Customers	85,969	44,624	92,597
Payments to Suppliers and Employees	(84,340)	(34,622)	(78,821)
	1,629	10,002	13,776
Receipts:			
Investment and Interest Revenue Received	4,010	1,327	4,763
Rental Income	1,290	502	1,281
Non Capital Grants and Contributions	4,976	1,949	5,447
Income Tax Equivalent Received	1,200	477	1,754
Income from Equity Investments	1,850	-	1,487
Payments:			
Borrowing Costs	-	-	-
Interest Expense	(1,282)	(61)	(133)
Net Cash Inflow/(Outflow) from Operating Activities	**13,673**	**14,196**	**28,375**
Cash Flows from Investing Activities			
Receipts:			
Proceeds of Sale of Property, Plant and Equipment	10	38	383
Grants, Subsidies, Contributions and Donations	7,415	2,169	5,140
Payments:			
Payments of Property, Plant and Equipment	(28,809)	(9,358)	(24,848)
Payments for Intangible Assets	(2,063)	(666)	(1,347)
Net Movement in Loans and Advances	-	125	(625)
Net Cash Inflow/(Outflow) from Investing Activities	**(23,447)**	**(7,692)**	**(21,297)**
Cash Flows from Financing Activities			
Receipts:			
Proceeds from Borrowings	-	-	-
Payments:			
Repayment of Borrowings	(2,264)	(2,069)	(15,290)
Net Cash Inflow/(Outflow) from Financing Activities	**(2,264)**	**(2,069)**	**(15,290)**
Net Increase/(Decrease) in Cash and Cash Equivalents held	**(12,038)**	**4,435**	**(8,212)**
Cash and Cash Equivalents at the beginning of the reporting period	55,981	55,981	64,193
Cash and Cash Equivalents at the end of the reporting period	**43,943**	**60,416**	**55,981**