

Agenda

Ordinary Meeting
Thursday, 26 September 2024

commencing at 9:00am

Sunshine Coast City Hall Chamber, 54 First Avenue, Maroochydore

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ORDINARY MEETING

NOTICE

13 September 2024

Dear Councillors, Group Executives and relevant staff,

In accordance with Section 254C(2) of the *Local Government Regulation 2012*, I wish to advise that an Ordinary Meeting has been convened for

26 September 2024

commencing at 9.00am.

A handwritten signature in blue ink, appearing to read "D. Robinson".

Debra Robinson | Acting Chief Executive Officer

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1 DECLARATION OF OPENING

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

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

That the Minutes of the Ordinary Meeting held on 29 August 2024 be received and confirmed.

5 MAYORAL MINUTE**6 INFORMING OF CONFLICTS OF INTEREST****6.1 PRESCRIBED CONFLICTS OF INTEREST**

Pursuant to section 150EL of the *Local Government Act 2009* (the Act), a Councillor who has a prescribed conflict of interest in an issue to be considered at a meeting of the local government must –

- (a) immediately inform the meeting of the prescribed conflict of interest including the particulars stated in section 150EL(4) of the Act and
- (b) pursuant to section 150EM(2) of the Act must leave the place at which the meeting is being held, including any area set aside for the public, and stay away from the place while the matter is being discussed and voted on.

6.2 DECLARABLE CONFLICTS OF INTEREST

Pursuant to section 150EQ of the *Local Government Act 2009*, a Councillor who has a declarable conflict of interest in a matter to be considered at a meeting of the local government, must stop participating in the meeting and immediately inform the meeting of the declarable conflict of interest including the particulars stated in section 150EQ(4) of the Act.

If the Councillor with a declarable conflict of interest does not voluntarily decide not to participate in the decision, pursuant to section 150ES(3)(a) of the Act the eligible Councillors must, by resolution, decide

- (a) whether the Councillor may participate in the decision despite the Councillors conflict of interest or
- (b) that the Councillor must not participate in the decision and must leave the place at which the meeting is being held, including any area set aside for the public and stay away while the eligible Councillors discuss and vote on the matter.

The Councillor with the declarable conflict of interest must comply with any conditions the eligible Councillors impose per section 150ES(4) and (5) of the Act.

7 PRESENTATIONS / COUNCILLOR REPORTS

8 REPORTS DIRECT TO COUNCIL**8.1 AUDIT COMMITTEE MEETING 2 SEPTEMBER 2024****File No:** Council Meetings**Author:** Manager Audit, Assurance and Risk Advisory Services
Civic Governance**Appendices:** App A - Audit Committee Minutes 2 September 2024..... 15  

PURPOSE

To provide Council with a report on matters reviewed at the Audit Committee (“the Committee”) meeting held on 2 September 2024 and recommendations made by the Committee to Council.

This report is provided in fulfillment of Council’s obligations under section 105 of the *Local Government Act 2009* and section 211 of the *Local Government Regulation 2012*.

EXECUTIVE SUMMARY

Under section 105 (2) of the *Local Government Act 2009*, Council is required to establish and maintain an Audit Committee. Council’s Audit Committee is comprised of Mr Mitchell Petrie (Independent Chair), Mr Pat McCallum (Independent Member), Ms Sue Tindal (Independent Member), Councillor E Hungerford and Councillor J Broderick.

Under Clause 6 of the Audit Committee Charter, the Committee meets (at a minimum) four times each year or as determined by Council or the Committee.

The agenda for the Audit Committee on 2 September 2024 covered the following:

- Meeting Minutes and Audit Committee Resolutions/Action Items
- Chief Executive Officer's Update
- Finance: Draft 2022-23 Financial Statements
- Finance: Program of Work for Asset Valuation (Update)
- Finance: Queensland Audit Office: Second Interim Report for 2022/23
- People: Wellbeing Health and Safety Report
- Digital & Information Services: Cyber Security Report
- Built Infrastructure: Asset Transformation Update
- Governance: Strategic Risk Update Report
- Governance: Operational Risk Update Report
- Governance: Internal Audit Program of Work update
- Governance: Recommendation Monitoring
- Governance: Internal Audit Report: Employee Central, Employee Central Payroll and Dayforce Review

- Governance: Internal Audit Report: Gender Pay Equity Review
- Governance: Internal Audit Report: Queensland Audit Office Local Government 2023 (Report 8: 2023-24)

OFFICER RECOMMENDATION**That Council:**

- (a) **receive and note the report titled "Audit Committee Meeting 2 September 2024" and**
- (b) **endorse the Minutes of the Audit Committee Meeting of 2 September 2024 at Appendix A to this report.**

FINANCE AND RESOURCING

There are no financial or resourcing issues specifically associated with this report. The report fulfils the statutory reporting obligations of Council.

CORPORATE PLAN

Corporate Plan Goal:	<i>Our outstanding organisation</i>
Outcome:	We serve our community by providing this great service
Operational Activity:	S30 - Governance – providing internal leadership, legal opinion, governance and audit functions ensuring legislative accountability, transparency and ethical obligations are supported.

CONSULTATION**Councillor Consultation**

Councillors J Broderick and E Hungerford attended and participated in the Audit Committee meeting on 2 September 2024.

All Councillors received the Audit Committee agenda and papers prior to the meeting.

Internal Consultation

The Chief Executive Officer and other Executive Leadership Team (ELT) members participated in the Committee meeting and contributed to the development of the Committee Agenda papers. Other officers consulted in the preparation of papers for consideration at the Audit Committee meeting on 2 September 2024 included:

- Chief Financial Officer
- Coordinator Financial Accounting
- Manager Asset Management Branch
- Wellbeing, Health, and Safety Manager
- Head of People and Culture
- Coordinator Risk and Insurance

The Chief Executive Officer and all Executive Leadership Team members received the Audit Committee agenda prior to the meeting.

External Consultation

The independent members of the Committee were present at the Committee meeting on 2 September 2024.

All attendees received the Audit Committee agenda and papers prior to the meeting.

PROPOSAL

Under section 105 (2) of the *Local Government Act 2009*, Council (as a large local government) must establish and maintain an Audit Committee. The Act provides the Audit Committee has the following functions:

- (a) monitors and reviews—
 - (i) the integrity of financial documents; and
 - (ii) the internal audit function; and
 - (iii) the effectiveness and objectivity of Council’s internal auditors; and
- (b) makes recommendations to Council about any matters that the Committee considers need action or improvement.

The Committee has no delegated decision-making authority. The Committee is, however, a source of independent advice to Council and the Chief Executive Officer.

The Committee is comprised of Mr Mitchell Petrie (Independent Chair), Mr Pat McCallum (Independent Member), Ms Sue Tindal (Independent Member), Councillor E Hungerford and Councillor J Broderick.

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

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

Under section 211 of the *Local Government Regulation 2012*, the Committee must provide Council with a written report about the matters reviewed at its meetings and make recommendations to Council on any matters the Committee considers need action or improvement. The Committee meets at least four times each year.

The most recent meeting of the Audit Committee took place on 2 September 2024. The minutes of the Committee meeting are provided at **Appendix A** to this report.

Legal

This report to Council has been developed in fulfillment of Council's statutory obligations under the Local Government Act 2009 and Local Government Regulation 2012.

Risk

Specific risks associated with each matter contained in the Committee Agenda reports have been raised and addressed in the briefings to the Committee.

Previous Council Resolution**Ordinary Meeting 20 June 2024 (OM24/46)**

That Council:

- (a) *receive and note the report titled "Audit Committee Meeting 23 May 2024"*
- (b) *endorse the Minutes of the Audit Committee meeting of 23 May 2024 at Appendix A to this report and*
- (c) *accept the recommendation of the Audit Committee dated 23 May 2024 and in doing so, approve the 2024 – 2025 Internal Audit Program of Work at Appendix B.*

Ordinary Meeting 7 March 2024 (OM24/15)

That Council:

- (a) *receive and note the report titled "**Audit Committee Meeting 26 February 2024**" and*
- (b) *endorse the Minutes of the Audit Committee meeting of 26 February 2024 at Appendix A to this report.*

Ordinary Meeting 18 January 2024 (OM24/7)

That Council:

- (a) *receive and note the report titled "**Appointment of Independent Audit Committee Member**"*
- (b) *approve the appointment of the independent Audit Committee member, as discussed in confidential session, for a term of three years from and including 18 January 2024 and concluding on 31 December 2026 and*
- (c) *authorise the Chief Executive Officer to publicly release the name of the person appointed as a member of the Audit Committee, should Council endorse the recommendations in this report.*

Ordinary Meeting 14 December 2023 (OM23/151)

That Council:

- (a) *receive and note the report titled "**Audit Committee Meeting 9 November 2023**" and*
- (b) *endorse the Minutes of the Audit Committee meeting of 9 November 2023 at Appendix A to this report.*

Ordinary Meeting 26 October 2023 (OM23/118)

That Council:

- (a) *receive and note the report titled "Audit Committee Meetings of 7 September 2023 and 6 October 2023"*
- (b) *endorse the Minutes of the Audit Committee meeting of 7 September 2023 at Appendix A to this report and*

(c) endorse the Minutes of the Audit Committee meeting of 6 October 2023 at Appendix B to this report

Related Documentation

Audit Committee Agenda and papers for 2 September 2024.

Implementation

Implementation of the Audit Committee resolutions and the internal and external audit recommendations are overseen by the Chief Executive Officer and the Executive Leadership Team and monitored by the Audit Committee.

Minutes

Audit Committee

Monday, 2 September 2024

Council Chambers, 54 First Avenue, Maroochydore

AUDIT COMMITTEE MEMBERS

Councillor J Broderick	Division 1
Councillor E Hungerford	Division 7
Mr M Petrie	External Member (Chair)
Mr P McCallum	External Member
Ms S Tindal	External Member



AUDIT COMMITTEE MINUTES

2 SEPTEMBER 2024

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Please Note: The resolutions as shown in italics throughout these minutes are the resolutions carried by the Audit Committee.

8.2 QUEENSLAND AUDIT OFFICE: SECOND INTERIM MANAGEMENT REPORT FOR THE FINANCIAL YEAR ENDED 30 JUNE 2024

File No: Council Meetings

Author: Coordinator Financial Accounting
Business Performance Group

Attachments: Att 1 - Queensland Audit Office Second Interim Report 2023-24
..... 47  

PURPOSE

This report provides for the information of Councillors, the results of the second interim audit for 2023-24 by the Queensland Audit Office which was conducted in May/June this year.

Section 213(3) of the *Local Government Regulation 2012* requires that the report be presented at the next Ordinary Meeting of Council.

EXECUTIVE SUMMARY

Council has a statutory obligation to prepare “General Purpose” Financial Statements on an annual basis, culminating in audit certification in October, before publication in Council’s Annual Report.

The Queensland Audit Office performs audits on Council’s annual financial statements to ensure the statements give a true and fair view of Council’s financial position, financial performance and cash flows for the relevant year, and that they comply with the *Local Government Act 2009*, the *Local Government Regulation 2012* and Australian Accounting Standards.

The annual audit process for the 2023-24 financial year consists of 4 parts as follows:

- Planning (December 2023)
 - Confirmation of deliverables and timelines for the audit process
- 1st Interim Audit (March 2024)
 - Included an assessment of the control environment to determine whether it supports an audit strategy that can rely on the controls
- **2nd Interim Audit (May/June 2024)**
 - **Includes testing of asset revaluations and systems audit**
- Final audit of financial statements (September 2024)

Following the final audit, Queensland Audit Office provides its closing Report, Certification and Final Management Report in October 2024, which includes their audit opinion as well as a summary and status of any issues identified during the course of the audit.

Council has consistently received an unmodified audit opinion meaning the annual financial statements, in all material aspects, give a true and fair view of Council’s financial position,

financial performance and cash flows for the relevant year, and that they comply with the applicable legislation and Australian Accounting Standards.

The results of all Queensland local government audits are included in the Auditor-General's annual report to Parliament on the results of local government audits.

2nd Intern Audit

The Queensland Audit Office performed the second interim audit of Council's financial systems and processes in May/June 2024.

The Second Interim Audit assessed the design and implementation of Council's internal controls relevant to the financial report, and whether they are operating effectively. The Queensland Audit Office assessed the key controls they intend to rely on in auditing Council's financial statements.

Based on the results of Queensland Audit Office testing completed to date and the resolution of some of the prior year issues, they have determined Council's internal control environment does support an audit strategy where they can rely on Council's controls.

2 new issues were identified during the 2nd Interim Audit and are detailed below.

OFFICER RECOMMENDATION

That Council receive and note the report titled "Queensland Audit Office: Second Interim Management Report for the financial year ended 30 June 2024".

FINANCE AND RESOURCING

The estimated audit fee for the financial year is \$317,900 and this is provided for in Council's budget. While there have been no new areas of audit review from that planned, rescheduling of audit resources to match revised client deliverables has increased the level of unplanned time.

CORPORATE PLAN

Corporate Plan Goal:	<i>Our outstanding organisation</i>
Outcome:	We serve our community by providing this great service
Operational Activity:	S28 - Financial and procurement services – financial and procurement management and governance, ensuring effective business management and legislative compliance, coordination and development of Council's budget process, administration of financial systems, sundry debtors, accounts payable, financial and asset accounting, treasury, procurement, contract and supply functions.

CONSULTATION

Councillor Consultation

Councillor E Hungerford and Councillor J Broderick have received advice of this report through the Audit Committee process.

Internal Consultation

The following branches were involved in the 2nd Interim Audit:

- Finance
- People and Culture
- Digital and Information Services
- Asset Management
- Waste and Resource Management
- Strategic Planning
- Internal Audit
- Community Development
- Sport and Community Venues
- Transport Network Management
- Transport Infrastructure Management
- Project Delivery
- Community Response
- Governance and Executive Services
- Strategic Property
- Development Services

External Consultation

- Queensland Audit Office
- Stantec Australia Pty Ltd
- Marsh Pty Ltd
- Australis Asset Advisory Group Pty Ltd

Community Engagement

There is no community engagement required for this report.

PROPOSAL

This report details the outcome of the Second Interim Audit for the 2023-24 financial year.

The Second Interim Audit involves assessment of the design and implementation of Council’s internal controls that the Queensland Audit Office intend to rely on in auditing Council’s financial statements.

Two new issues have been identified for the 2023-24 audit bringing the total new issues for 2024 to three.

The status of the 2nd Interim Audit is below.

Item	Details
1. Significant Deficiencies	1 current year and 1 prior year both resolved pending audit clearance
2. Deficiencies	2 current year in progress 4 prior year in progress 1 prior year partially resolved pending audit clearance 1 prior year resolved pending audit clearance
3. Areas of audit focus	Mostly on track; processing of comprehensive asset revaluations on track for week 2 of the final audit
4. Milestones	As above
5. Audit fees	Possible increase due to Item 3 above

A summary of all outstanding issues and their status is below.

Rating legend:

*S or H = significant deficiency or high - requiring immediate action to revolve
D or M = deficiency or moderate – requiring resolution in a timely manner*

Ref	Rating	Issue	Status	Action Date
24IR-2	S	Vendor Masterfile changes for new, existing and grant creditor vendors are not appropriately reviewed and documented	Resolved pending audit clearance	
24IR-3	D	Controls and processes to mitigate risks arising from incomplete/inaccurate data in Corporate Asset Management Systems	Work in progress	30 June 2025
24IR-1	D	Unknown reason for parking revenue reconciliation discrepancies between parking meter management system and TechOne general ledger	Work in progress	31 Dec 2024
23CR2	D	Delays in recognising contributed assets	Work in progress	9 Sep 2024
23CR3	D	Assets not previously recognised	Work in progress	30 June 2024
23IR1	D	Weakness in payroll controls	Resolved pending audit clearance	
22IR-2	S	Weakness in security over EFT payment	Resolved pending audit clearance	
22IR-8	D	Other infrastructure asset class – comprehensive revaluation	Work in progress	September 2024

Ref	Rating	Issue	Status	Action Date
22FR-1	M	Formal review of remaining useful lives for assets is required	Partially resolved pending audit clearance	

Legal

Section 213(3) of the *Local Government Regulation 2012* requires this Queensland Audit Office Interim Report be presented at the next Ordinary Meeting of Council.

Policy

There are no internal policy documents relating to this report.

Risk

Queensland Audit Office have identified items presenting the great risk of material misstatement to the financial statements with valuation of infrastructure assets topping the list. This is due to the adoption of certain key assumptions and application of significant judgement required in developing the fair value of infrastructure assets in the absence of directly observable market transactions of comparable assets.

There is also estimation uncertainty when estimating the expected utility and service potential embodied in long-lived infrastructure and assigning these assets useful lives.

In addition, Council has two separate and active asset registers, a corporate asset register and a financial asset register, with no integration between the two. This poses a risk to the financial statements as there are insufficient controls and processes within the corporate asset register to prevent or detect the occurrence of erroneous data impacting financial valuations. This has been raised as a deficiency by the Queensland Audit Office as outlined in Attachment 1.

Previous Council Resolution

Ordinary Meeting 20 June 2024 (OM24/46)

That Council:

- (a) receive and note the report titled "Audit Committee Meeting 23 May 2024"
- (b) endorse the Minutes of the Audit Committee meeting of 23 May 2024 at Appendix A to this report and
- (c) accept the recommendations of the Audit Committee dated 23 May 2024 and in doing so, approve the 2024 – 2025 Internal Audit Program of work at Appendix B.

Ordinary Meeting 30 May 2024 (OM24/28)

That Council receive and note the report titled "Queensland Audit Office - First Interim Management Report for the financial year ended 30 June 2024".

Ordinary Meeting 7 March 2024 (OM24/15)

That Council:

- (a) receive and note the report titled "**Audit Committee Meeting 26 February 2024**" and
- (b) endorse the Minutes of the Audit Committee meeting of 26 February 2024 at Appendix A to this report.

Related Documentation

The is no related documentation to this report.

Critical Dates

As per s 212(4) of the *Local Government Regulation 2012*, audit of the financial statements is to be completed by 31 October each year.

Implementation

Finance Branch will coordinate the implementation of the activities and actions relating to this report. Any issues requiring resolution will be recorded in Council's Corporate Reporting system and monitored by the Audit Committee.

8.3 AUGUST 2024 FINANCIAL PERFORMANCE REPORT**File No:** Council Meetings**Author:** Coordinator Financial Services
Business Performance Group**Attachments:** Att 1 - August 2024 Financial Performance Report 65  
Att 2 - August 2024 Capital Grant Funded Project Report... 75  **PURPOSE**

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

EXECUTIVE SUMMARY

This monthly financial performance report provides Council with a summary of performance against budget as at 31 August 2024, in terms of the operating result and delivery of the capital program.

Operating Performance**Table 1: Operating Budget as at 31 August 2024**

	Original Budget \$000	Current Budget \$000
Total Operating Revenue	610,085	610,085
Total Operating Expenses	587,086	587,086
Operating Result	22,999	22,999

Details of the monthly financial report are contained in **Attachment 1**.

OFFICER RECOMMENDATION

That Council receive and note the report titled "August 2024 Financial Performance Report"

FINANCE AND RESOURCING

This report sets out the details of Council's financial performance and investments for the month ending 30 June 2024, and meets Council's legislative reporting requirements.

CORPORATE PLAN**Corporate Plan Goal:** *Our outstanding organisation***Outcome:** We serve our community by providing this great service

Operational Activity: S28 - Financial and procurement services – financial and procurement management and governance, ensuring effective business management and legislative compliance, coordination and development of Council’s budget process, administration of financial systems, sundry debtors, accounts payable, financial and asset accounting, treasury, procurement, contract and supply functions.

CONSULTATION

Councillor Consultation

Consultation has been undertaken with the Portfolio Councillors, Cr E Hungerford and Cr J Broderick.

Internal Consultation

This report has been written in conjunction with advice from:

- Acting Group Executive Business Performance
- Chief Executive Officer
- Group Executive Economic & Community Development
- Chief Financial Officer

External Consultation

No external consultation is required for this report.

Community Engagement

No community engagement is required for this report.

Legal

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

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

Policy

Sunshine Coast Council’s 2023-24 Investment Policy, and
Sunshine Coast Council’s 2023-24 Debt Policy.

Risk

The 2024-25 budget has been developed to ensure long term financial sustainability for the Sunshine Coast region. A key element to long term financial sustainability is achieving the targeted operating result.

Council's operating result includes savings initiatives of \$14.7 million. Failure to achieve the budgeted operating result will negatively impact Council's financial sustainability both in the short term and long term.

Continued monitoring of the delivery of the capital works program within budgeted scope and cost.

Previous Council Resolution**Special Meeting 20 June 2024 (OM24/4)**

That Council:

1. STATEMENT OF ESTIMATED FINANCIAL POSITION

receive and note Appendix A, pursuant to section 205 of the Local Government Regulation 2012, the statement of the financial operations and financial position of the Council in respect to the 2023-24 financial year.

2. ADOPTION OF BUDGET

adopt Appendix A as tabled, pursuant to sections 169 and 170 of the Local Government Regulation 2012, Council's budget for 2024-25 financial year incorporating:

- i. the statement of income and expenditure*
- ii. the statement of financial position*
- iii. the statement of changes in equity*
- iv. the statement of cash flow*
- v. the relevant measures of financial sustainability*
- vi. the long-term financial forecast*
- vii. the Debt Policy (adopted by Council resolution on 30 May 2024)*
- viii. the Revenue Policy (adopted by Council resolution on 30 May 2024)*
- ix. the total value of the change, expressed as a percentage, in the rates and utility charges levied for the financial year compared with the rates and utility charges levied in the previous budget*
- x. the Revenue Statement*
- xi. Council's 2024-25 Capital Works Program, endorsing the indicative four-year program for the period 2026 to 2029, and noting the five-year program for the period 2030 to 2034*
- xii. the rates and charges to be levied for the 2024-25 financial year and other matters as detailed below in clauses 3 to 10*

- xiii. the 2024-25 Minor Capital Works Program*
- xiv. the Strategic Environment Levy Policy*
- xv. the Strategic Arts and Heritage Levy Policy*
- xvi. the Strategic Transport Levy Policy and*
- xvii. Prescribed Services Charge Plan (No. 2) 2024-25 Financial Year.*

Related Documentation

2024-25 Adopted Budget

Critical Dates

There are no critical dates for this report.

Implementation

There are no implementation details to include in this report.

8.4 BUDGET REVIEW 1 - 2024-25**File No:** Council Meetings**Author:** Chief Financial Officer
Business Performance Group**Appendices:** App A - 2024-25 Amended Budget Financial Statements.... 83  
App B - 2024-25 Minor Capital Works Program 89  

PURPOSE

To amend the 2024-25 budget to reflect Council's anticipated revenue and expenditure forecasts to 30 June 2025 following the first budget review.

EXECUTIVE SUMMARY

Section 170 of the *Local Government Regulation 2012* allows Council to amend its budget by resolution at any time before the end of the financial year. Major budget reviews are undertaken on a periodic basis to reflect management's best estimate of its financial position at the end of a financial year.

This report, as the first budget review for 2024-25, predominantly identifies works from the revised 2023-24 budget that were not completed as at 30 June 2024 and require funds to be carried forward to the 2024-25 financial year. This report also includes items referred to a budget review by Council Resolution and operating or capital expenditure with additional funding sources.

The result of this budget review will decrease the 2024-25 operating result by \$1.3 million, from \$23.0 million to \$21.7 million.

Capital revenues have increased by \$18.2 million from \$133.2 million to \$151.4 million. Capital expenditure decreased by \$38.4 million, from \$283.3 million to \$244.9 million. Loan borrowings for 2024-25 have not increased from \$20.3 million.

OFFICER RECOMMENDATION**That Council:**

- (a) receive and note the report titled "Budget Review 1 - 2024-25"
- (b) adopt Appendix A as tabled, pursuant to sections 169 and 170 of the *Local Government Regulation 2012*, Council's amended budget for 2024-25 financial year incorporating:
 - (i) the statement of income and expenditure
 - (ii) the statement of financial position
 - (iii) the statement of changes in equity
 - (iv) the statement of cash flow
 - (v) the relevant measurers of financial sustainability

-
- (vi) the long term financial forecast
 - (vii) Council's 2024-25 Capital Works Program, endorse the indicative four-year program for the period 2026 to 2029, and note the five-year program for the period 2030 to 2034
- (c) note the following documentation applies as adopted 20 June 2024
- (i) the Debt Policy
 - (ii) Revenue Policy
 - (iii) the total value of change, expressed as a percentage, in the rates and utility charges levied for the financial year compared with the rates and utility charges levied in the previous budget
 - (iv) the Revenue Statement
 - (v) the rates and charges to be levied for the 2024-25 financial year and other matters as adopted 20 June 2024
 - (vi) the Strategic Environment Levy Policy
 - (vii) the Strategic Arts and Heritage Levy Policy
 - (viii) the Strategic Transport Levy Policy
 - (ix) Prescribed Services Charge Plan (No. 2) 2024-25 Financial Year and
- (d) endorse the Minor Capital Works Program (Appendix B).

FINANCE AND RESOURCING

Adoption of the recommendation of this report will formally amend the 2024-25 Budget.

The revised closing cash balance for 2024-25 and the amendments in this budget review will increase the cash position by \$10.3 million to \$198.3 million as at 30 June 2025.

Loan borrowings for 2024-25 will not increase. Maintaining unrestricted cash and core debt balances were two key principles for development of the 2024-25 budget.

CORPORATE PLAN

Corporate Plan Goal:	<i>Our outstanding organisation</i>
Outcome:	We serve our community by providing this great service
Operational Activity:	S28 - Financial and procurement services – financial and procurement management and governance, ensuring effective business management and legislative compliance, coordination and development of Council's budget process, administration of financial systems, sundry debtors, accounts payable, financial and asset accounting, treasury, procurement, contract and supply functions.

CONSULTATION

Councillor Consultation

All Councillors have been consulted in relation to this report.

Internal Consultation

Internal Consultation was held with relevant stakeholders.

External Consultation

No external consultation is required for this report.

Community Engagement

No community engagement is required for this report.

PROPOSAL

Section 170 of *the Local Government Regulation 2012* allows Council to amend its budget by resolution at any time before the end of the financial year.

Budget reviews are undertaken on a periodic basis to reflect management's best estimate of its financial position at the end of a financial year. Prudent financial management also requires Council to amend its budget if there are material changes to expected revenue or expenses for the year.

Council operations have been impacted by increased costs and a reduction in some revenue lines. In some cases, these impacts are of an on-going nature and in other instances they are caused by delays in receiving revenue. Council needs to manage its budget accordingly and the below table highlights the adjustments required to the 2024-25 budget through both operational and capital expenditure and revenues.

**Table 1: Revised 2024-25 Budget Summary
(Details contained in Appendix A)**

	2024-25 Original Budget \$'000	2024-25 Budget Review 1 \$'000	Change \$'000
Operating Revenue	610,085	611,533	1,448
Operating Expenditure	587,086	589,838	2,752
Operating Result	22,999	21,696	(1,304)
Capital Revenue	133,167	151,405	18,238
Capital Expenditure - SCC Core	193,624	143,458	(50,166)
Capital Expenditure – Other Capital Program	89,694	101,456	11,762
Total Capital Expenditure	283,318	244,914	(38,404)

Council's operating budget is proposed to reduce to \$21.7 million, with adjustments required to operating projects and separate levy programs. The reduction in operating result is largely due to the timing of spend on grant funded projects.

The Capital Works Program has been adjusted from \$283.3 million to \$244.9 million. The decrease in budget is due to a budget review 2 deferral within the SCC Core Capital Program. Details of the anticipated reduction will be included in Budget Review 2, programmed for November and December 2024.

Legal

The report complies with Council's legislative obligations to amend its budget in accordance with Section 170 of the *Local Government Regulation 2012*.

Policy

There are no policy implications associated with this report

Risk

While this report focuses on the estimated financial position at the end of the current financial year, it is important to acknowledge that significant work is still required for both the capital and operating budgets to ensure there is no impact to Council's financial sustainability both short term and long term. The following items need continued attention:

- The achievement of revenue targets
- The delivery of the \$14.7 million in savings initiatives included in the operating result
- Confirmation of Budget Review 2 capital works deferrals
- Timing of payments for land acquisitions accrued as at 30 June 2024.

This work will need to be addressed during the next budget review process (Budget Review 2) and in the development of the 2025-26 Capital Works Program and the 2025-26 Operating Budget.

Previous Council Resolution**Special Meeting 20 June 2024 (OM24/4)**

That Council:

1. *STATEMENT OF ESTIMATED FINANCIAL POSITION*

receive and note Appendix A, pursuant to section 205 of the Local Government Regulation 2012, the statement of the financial operations and financial position of the Council in respect to the 2023-24 financial year.

2. *ADOPTION OF BUDGET*

adopt Appendix A as tabled, pursuant to sections 169 and 170 of the Local Government Regulation 2012, Council's budget for 2024-25 financial year incorporating:

- i. the statement of income and expenditure*
- ii. the statement of financial position*
- iii. the statement of changes in equity*

- iv. *the statement of cash flow*
- v. *the relevant measures of financial sustainability*
- vi. *the long-term financial forecast*
- vii. *the Debt Policy (adopted by Council resolution on 30 May 2024)*
- viii. *the Revenue Policy (adopted by Council resolution on 30 May 2024)*
- ix. *the total value of the change, expressed as a percentage, in the rates and utility charges levied for the financial year compared with the rates and utility charges levied in the previous budget*
- x. *the Revenue Statement*
- xi. *Council's 2024-25 Capital Works Program, endorsing the indicative four-year program for the period 2026 to 2029, and noting the five-year program for the period 2030 to 2034*
- xii. *the rates and charges to be levied for the 2024-25 financial year and other matters as detailed below in clauses 3 to 10*
- xiii. *the 2024-25 Minor Capital Works Program*
- xiv. *the Strategic Environment Levy Policy*
- xv. *the Strategic Arts and Heritage Levy Policy*
- xvi. *the Strategic Transport Levy Policy and*
- xvii. *Prescribed Services Charge Plan (No. 2) 2024-25 Financial Year.*

Related Documentation

2024-25 Adopted Budget

Critical Dates

Following adoption of this report, the proceeding month's financial reports will reflect the amendments in the current budget.


Implementation

Council's budget will be formally adjusted following the Council resolution and included in future monthly reports.

8.5 DISPOSAL (LEASE) OF COMMERCIAL TENANCY AT CALOUNDRA LIBRARY+ 1 OMRAH AVENUE CALOUNDRA

File No: Council Meetings

Author: Senior Property Officer
Business Performance Group

Attachments: Att 1 - Aerial Map 101  

PURPOSE

To seek Council’s resolution to grant an exception under Section 236 of the *Local Government Regulation 2012* to dispose of land (via lease) of the Caloundra Kiosk Tenancy within the Caloundra Library+ located at 1 Omrah Avenue, Caloundra other than by tender or auction.

EXECUTIVE SUMMARY

This report seeks Council’s resolution to grant an exception under Section 236 of the *Local Government Regulation 2012* to allow Council to dispose of land by way of lease via open market negotiations, rather than undertaking a second tender release, for the Caloundra Kiosk Tenancy within the Caloundra Library+ located at 1 Omrah Avenue, Caloundra.

The Caloundra Library+ rebuild is being constructed on freehold land owned by Council located at 1 Omrah Av Caloundra legally described as Lot 22 RP883293 as shown in **Attachment 1 – Aerial Map.**

The Caloundra Library+ is due for completion toward the middle of 2025.

Council released an opportunity to the market for the lease of the commercial tenancy within the Caloundra Library+ building via Council’s tender process. The tender closed on Tuesday, 20 August 2024. No submissions were received.

To ensure that Council remains competitive with the private sector and to take advantage of the momentum from the tender, Council is requesting that an exception be granted to continue to market the Tenancy on the open market and to seek private treaty agreements as a result of there being no submissions received for the Tenancy via the tender process.

As such, Council approval is being sought to:

- resolve to grant an exception to release the Tenancy on the open market to allow leasing via private treaty, rather than undertaking a further tender; and
- secure offers from prospective tenants which meet market expectation for use/activation and market rent, and which are compliant with Council’s legislative requirements.

An exception may be considered as the Tenancy has been offered to the market via public tender. Allowing for open market/private treaty negotiations will allow Council to be dynamic, actively negotiate our interests, and be more flexible and time-competitive with other private property owners.

OFFICER RECOMMENDATION**That Council:**

- (a) receive and note the report titled “Disposal (Lease) of Commercial Tenancy at Caloundra Library+ 1 Omrah Avenue Caloundra” and
- (b) resolve that, under section 236 (1)(e) of the *Local Government Regulation 2012*, Council may dispose of a valuable non-current asset other than by tender or auction, this being the disposal by way of the grant of a lease of an interest in land for the Tenancy at Caloundra Library+ at 1 Omrah Av Caloundra legally described as Lot 22 RP883293, on the basis that:
 - (i) the lease has previously been offered to the market by public tender, and
 - (ii) a lease has not been entered into or secured via public tender as no tender was received.

FINANCE AND RESOURCING

The rent payable by any prospective tenant will need to be equal to or above that of the market value of the interest in land which has been determined by an independent registered Valuer pursuant to Section 236(3), 236(4) and 236(5) of the *Local Government Regulation 2012*.

Council will be required to pay its own costs in relation to the preparation of the lease agreement, which is expected to be undertaken using internal resources with no external financial cost to Council.

CORPORATE PLAN

Corporate Plan Goal: *Our service excellence*
Outcome: We serve our community by providing this great service
Operational Activity: S22 - Property management – comprehensive management of Council’s land and building assets to ensure that Council’s property dealings are optimised, centrally managed, and support Councils objectives.

CONSULTATION**Councillor Consultation**

Councillor T Landsberg – Division 2 Councillor

Councillor T Burns – Portfolio Councillor – Environment and Liveability

Internal Consultation

Property Management

Strategic Property

Liveability and Natural Assets

Legal Services

External Consultation

Council will engage a commercial real estate and marketing agent to market the commercial tenancy spaces and a valuer registered under the *Valuers Registration Act 1992*, who is not an employee of the Local Government, to prepare a commercial market rental assessment and provide advice on any offers to lease received by Council.

Community Engagement

The commercial tenancy space have been purpose-designed in the Caloundra Library+ Foyer. Therefore, no community engagement has been undertaken in relation to this report.

PROPOSAL

The land comprising of the Caloundra Library+ is located at 1 Omrah Avenue, Caloundra, legally described as Lot 22 RP883293. The land is freehold land owned by Council as shown in **Attachment 1 – Aerial Map**.

The Caloundra Library+ base building works are due for completion toward the middle of 2025.

The Caloundra Administration Building is being transformed into a new district library, community meeting space, customer contact centre and council administration offices. The new contemporary library and community facility will expand over three levels, it will include a contemporary district library, a customer service centre and community spaces built over levels 1 and 2.

The ground floor of the District Library and Community Space building includes a space for a kiosk/cafe to operate and be leased within the lobby/foyer of the building. The food and beverage tenancy are intended to contribute to the activation of the public space, enhancing and complementing the look and feel of the new contemporary library, community facility and offices.

The tenancy space will be focused on the provision of food and beverage services with the purveying of pre-prepared food and drinks. The commercial tenancy comprises a total gross lettable area of 22m².

The tenancy will be handed over as a 'cold shell' and the successful respondent will be fully responsible for all fit-out works.

Council has offered the commercial tenancy to the market via a public tender process. The intent of the public tender was to:

- seek commercial/retail tenants to fit-out, occupy and operate business from the commercial space; and to
- ensure Council complies with its legislative requirements under the *Local Government Regulation 2012*.

The tender for the commercial space closed on Tuesday, 20 August 2024 and resulted in no submissions being received.

Where a tender results in unsuccessful outcomes, it is considered appropriate to release the opportunity on the open market via Council's appointed commercial real estate and marketing agent. Council has the ability to enter into a lease over the tenancy via a private treaty arrangement under Section 236 of the *Local Government Regulation 2012* as:

- the opportunity has been released via public tender, and
- no successful or suitable respondents resulted from the evaluations or negotiations.

To allow Council to enter into a lease via private treaty, Council is required to grant an exception under Section 236 of the *Local Government Regulation 2012* which provides that a disposal, other than by public tender or auction, may occur if an exception applies. An exception is permitted where it relates to an application where the grant of the lease has been previously offered by public tender, but a lease has not been executed.

To ensure that Council has every avenue and opportunity to seek leases over tenancy, an exception is being requested on the basis that the tender for the commercial space did not result in any submissions.

To ensure the disposals comply with Sections 236(3), (4) and (5) of the *Local Government Regulation 2012* a market rental assessment will be undertaken to ensure that it is:

- assessed by a registered Valuer who is not an employee of the local government registered under the *Valuers Registration Act 1992*; and
- the face rent will be set at or above the market valuation as determined by the registered Valuer.

An exception under the *Local Government Regulation 2012* is deemed applicable and appropriate in this instance as the land has previously been offered via public tender which closed on Tuesday, 20 August 2024.

Leasing the tenancy commercial space on the open market and entering into a private treaty agreement is expected to have the following benefits:

- expected to reduce the timeframe to obtain a tenant as opposed to releasing a further public tender,
- is more typical of the method used by the private sector and represents an offer and acceptance process which commercial operators are familiar,
- provides Council with the opportunity to negotiate and counter-offer with prospective tenants as well as engage during the offer process and
- takes advantage of any momentum and marketing materials provided by the current real estate and marketing agent.

Legal

Legal Services have been consulted in relation to this report and will prepare and review the commercial lease document and register the dealings with Titles Queensland.

Policy

This report has been prepared in accordance with Council's Procurement Policy relating to the disposal of Council assets.

Risk

Whilst there are no significant risks relevant to this report, time is of the essence to secure a commercial tenant for the Tenancy and obtain revenue for Council and ensure that the Premises is occupied to activate the site for the benefit of the community

Previous Council Resolution

There are no previous Council Resolutions relevant to this report.

Related Documentation

There is no related documentation relevant to this report.

Critical Dates

There are no critical dates relevant to this report, however securing a tenant will allow Council to enter into a lease over the premises which will provide additional amenity for the community as well as obtain a revenue return to Council.

Implementation

Should the recommendation be accepted by Council, it is noted that the Chief Executive Officer will:

- have the Tenancy marketed via Council's marketing and leasing agent for open market, private treaty negotiations and
- execute a lease agreement to a suitable tenant and register the lease agreement with Titles Queensland.

8.6 SYSTEMATIC INSPECTION PROGRAM - REGULATED DOGS**File No:** Council meetings**Author:** Acting Coordinator Response Services
Customer & Planning Services Group**Attachments:** Att 1 - Mandatory conditions for keeping a regulated dog.... 111 [↓](#)


PURPOSE

The purpose of this report is to seek approval by Council resolution to conduct a systematic inspection program to monitor compliance with the mandatory conditions for regulated dogs within the boundaries of the Sunshine Coast local government area, in accordance with the *Animal Management (Cats and Dogs) Act 2008* (the Act). The proposed program is scheduled to commence on 14 November 2024 and conclude on 13 November 2025.

EXECUTIVE SUMMARY

Customer Response propose to implement the Systematic Inspection Program – Regulated Dogs (the Program) under the *Animal Management (Cats and Dogs) Act 2008* (the Act) for the Sunshine Coast Council Local Government Area commencing 14 November 2023 and concluding 13 November 2024. Prior to commencement, the Program requires endorsement from Council under *section 113* of the Act. The maximum length of a program is 12 months.

Council has committed to empowering responsible pet ownership through education, proactive community engagement and regulation programs. This ensures that pet owners are informed of their responsibilities and can make choices to keep our community safe when managing their pets. One of the key education and regulation actions undertaken for community safety is the Program.

Alongside Council's commitment to creating a culture of responsible pet ownership the Act requires local governments to effectively manage regulated dogs within their boundaries. Council responds reactively to complaints, investigates reports of dog attacks and regulates dogs where additional control measures are required to keep the community safe. In cases where a dog is regulated, Council undertakes an annual audit to ensure the dog is being kept in accordance with mandatory conditions (Attachment 1) including additional signage, specialised containment, use of a muzzle and desexing of some animals. The Program provides authorised persons the power to enter private premises to check compliance requirements associated with keeping a regulated dog.

As of 3 September 2024, Council has 143 Regulated dogs listed on Council's Regulated Dog Register which will require an inspection under the Program. The cost to undertake this program is estimated to be approximately \$78,650 and is funded by the animal registration fees collected from the regulated dog owners.

OFFICER RECOMMENDATION

That Council:

- (a) receive and note the report titled “Systematic Inspection Program - Regulated Dogs” and
- (b) approve the following systematic inspection program for the Sunshine Coast Council area in accordance with the *Animal Management (Cats and Dogs) Act 2008, section 113* (Approval of an inspection program authorising entry):
 - (i) to undertake a compliance inspection of the premises within the Sunshine Coast local government area where Council’s Regulated Dog Register indicates a regulated dog is being kept, and
 - (ii) to undertake the program from 14 November 2024 to 13 November 2025.

FINANCE AND RESOURCING

As of the 3 September 2024, Council had 143 Regulated dogs listed on its Regulated Dog Register requiring an inspection under the Program.

Fees and charges

The registration fees for regulated dogs as of the 1 October 2024 are outlined in Table 1. Under the Act, Council is required to offer an incentive to owners of menacing dogs to desex their pet. This incentive is not available to owners of dangerous dogs as they are required under the Act to desex their pet.

Based on current registrations it is estimated Council will collect \$79,956 in registration fees from regulated dogs for 2024/25.

Table 1 – Regulated dogs registration fees 2024/2025

Fees description	Fee	No. dogs	Total fees
Regulated Dangerous Dog	\$585	106	\$62,010
Regulated Menacing Dog (undesexed)	\$585	10	\$5,850
Regulated Menacing Dog (desexed)	\$448	27	\$12,096
Total			\$79,956

The cost-recovery fees are calculated to cover the full costs associated with registering a regulated dog as outlined in Table 2.

Table 2 – Cost-recovery fee breakdown

Description of Activity	Calculated cost
Administrative processing related to registering a regulated dog	\$100
Registration tag	\$3
Regulated dog collar	¹ \$11
Regulated dog sign	² \$2
Systematic inspection program – regulated dogs	³ \$434
Total cost	\$550

¹Based on a review of the previous inspection programs, a replacement collar is required in approximately 23% of inspections.

²Based on a review of the previous inspection programs, a replacement sign is required in approximately 7% of inspections.

³Please refer to Table 3 for a breakdown of the costs associated with this activity.

Estimated cost of the systematic inspection program

The cost of conducting this program is estimated to be \$78,650. This will be funded by registration fees. The balance of the cost-recovery fees collected for registration contributes to cover the cost of managing the yearly registration administrative process for regulated dogs, as outlined in Table 2.

Table 3 – Estimated cost per inspection

Description of activity	Estimated time	Estimated cost
Administration including – booking appointments, updating systems, generating letters or notices, issuing infringements (1 Officer)	30 min	\$65.00
Conducting initial inspection including travel time to locations (based on current registered locations of regulated dogs) (2 Officers)	150 min	\$330.00
Follow-up inspection, including travel (required where areas of non-compliance identified)* (2 Officers)	18 min	\$39.00
Average cost per dog*	198 min	\$434.00

*Note – a follow-up inspection or further investigation is required approximately 12% of the time, based on previous program outcomes

CORPORATE PLAN

Corporate Plan Goal: *Our service excellence*

Outcome: We serve our community by providing this great service.

Operational Activity: S21 Local amenity and local laws – maintaining and regulating local amenity through local laws, regulated parking, community land permits and management of animals, overgrown land and abandoned vehicles.

CONSULTATION

Councillor Consultation

Portfolio Councillors for Service Excellence - Councillors W Johnston and C Dickson were consulted in the preparation of this report.

Internal Consultation

Consultation has been undertaken with the following key internal stakeholders:

- Group Executive, Customer and Planning Services
- Manager Customer Response, Customer and Planning Services
- Management Accountant, Business Performance

External Consultation

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

Community Engagement

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

PROPOSAL

Council has made a commitment through the Sunshine Coast Management Plan for Domestic Animal Management (Cats and Dogs) 2021 – 2030 to grow a culture of responsible pet ownership through education, proactive community engagement and regulation programs. The commitment ensures that pet owners are informed of their responsibilities and can make choices to keep our community safe when managing their pets. One of the key education and regulation actions undertaken for community safety is the Program.

Alongside Council's commitment to creating a culture of responsible pet ownership, the Act requires local governments to effectively manage regulated dogs within their boundaries. Council manages this responsibility by appointing authorised persons to investigate, monitor and enforce compliance with the Act. Council responds to complaints and investigates incidents which may lead to a dog being declared as dangerous or menacing (i.e. a regulated dog).

Once a dog is declared a regulated dog, the animal owner must adhere to mandatory conditions as outlined in the Act (Attachment 1). To ensure compliance with these conditions authorised persons conduct an initial inspection at the premises where the animal is normally kept and work with the animal owner to ensure all the conditions are met. The Program allows Council to proactively monitor adherence with these conditions on an ongoing basis. Without the Program, Council has no way of confirming if a regulated dog is being kept in accordance with the conditions imposed under the Act unless a complaint is received.

In August 2024 the Queensland Government amended the Act requiring Council to issue a mandatory destruction order for any regulated dog involved in a serious attack. Proactively monitoring mandatory conditions allows Council to mitigate the risk of attacks by regulated dogs by ensuring dog owners are compliant, thereby reducing the possibility of needing to issue destruction orders.

To conduct the Program Council must provide approval by resolution as outlined in *section 113* of the Act. The Program provides authorised persons with the power to enter a private premises to check for continued compliance by the dog owner with the mandatory conditions for keeping a regulated dog.

Proposed Systematic Inspection Program

It is proposed that the systematic inspection program will be undertaken by the Response Services Team, within the Customer Response Branch as authorised persons under the Act, commencing 14 November 2024 and concluding on 13 November 2025. Authorised persons will undertake inspections at all properties after the anniversary date of the dog's original declaration. This approach allows inspections to be spread across the year with less impact to day-to-day service provision. This approach also allows officers to focus on providing adequate guidance and support to regulated dog owners to assist them in ensuring their dogs are kept in accordance with the mandated conditions.

As of 3 September 2024, Council's Regulated Dog Register indicates there are 143 Regulated dogs which require an annual inspection. The cost to undertake this program is estimated to be approximately \$78,650 which is funded by the registration fees collected from regulated dog owners. The balance of the cost-recovery fees covers the cost of managing the yearly registration process for regulated dogs, as outlined in Table 2.

Previous Systematic Inspection Program

The 2023/2024 systematic inspection program identified 129 regulated dogs and was approved to be undertaken from 14 November 2023 to 13 November 2024. To date the 2023/2024 Program reports the following levels of compliance:

Inspections completed or no longer applicable:

- 69 audits have been completed to date with:
 - 59 animal owners maintaining compliance with the conditions for keeping a regulated dog (85%)
 - 10 animal owners requiring a compliance notice for failing to meet conditions for keeping a regulated dog (14%)
 - 8 were compliant after an initial inspection
 - 2 required a further inspection.
- 19 dogs were identified as passing away since the last inspection, and 5 dogs had been relocated outside of the region.

Inspections to be completed:

- 36 regulated dogs will be inspected over September and October 2024 which falls within the current inspection period.

Legal

Council has an obligation to the community to ensure that dogs identified and declared as dangerous, or menacing are being monitored for compliance with the Act. The mandatory conditions are set out for the keeping of regulated dogs (Attachment 1).

Section 113 of the Act provides the power for a local government to pass a resolution to approve a program under which an authorised person may enter a place to monitor compliance with the Act. An approved inspection program must state the following:

- the purpose of the program
- when the program starts
- a description of the places which will be entered as part of the program, and
- the period over which the program will be carried out (of not more than one year).

Council must provide public notice of the systematic inspection program at least 14 days, but not more than 28 days, before an approved inspection program starts. This notice must be published in a newspaper circulating the local government area and on the local government's website.

Due to the potential risk for regulated dogs not being kept in accordance with the mandatory conditions of the declaration, the Act provides considerable powers to authorised persons to require compliance. Where an animal owner has failed to comply with the mandatory conditions for keeping a regulated dog, Council may in accordance with the Act and Compliance and Enforcement Policy 2021:

- issue an on-the-spot fine under the Act (\$2,419.00);
- issue a compliance notice outlining the mandatory conditions which require attention;
- where an officer deems the dog may be a risk to the community, they may seize a regulated dog (*section 125* of the Act);
- where an officer reasonably believes the dog is dangerous and the person cannot control it, they may seize the regulated dog and issue a destruction notice (*section 127* of the Act);
- undertake further legal action such as prosecution through the Magistrates Court. The maximum penalty for failure to comply with conditions for keeping a regulated dog is 150 penalty units (\$24,195).

Policy

Council's Compliance and Enforcement Policy 2021 identifies how Council is to meet its statutory obligations and exercise its compliance and enforcement actions. Officers will use the Compliance and Enforcement Policy 2021 in conjunction with the Act in assessing the most appropriate action to address areas of non-compliance. Additional guidelines have also been provided by the Queensland Government which officers may consider where relevant.

Risk

The Program allows Council to proactively monitor and ensure animal owners are adhering to the conditions of keeping a regulated dog. These conditions are in place to reduce the risk posed by these animals. Alternatively, Council must wait until a community member reports an incident where the owner of a regulated dog has failed to meet conditions, exposing the community to unnecessary risk.

Based on two years of historical data, 16 regulated dogs have reoffended after being declared. Reoffending includes attacks on other animals or people.

Current regulated dogs have been declared for the following reasons:

- Attacks on an animal – 98 (69% of all regulated dogs)
- Attacks on a person – 45 (31% of all regulated dogs)

Previous Council Resolution**Ordinary Meeting 26 October 2023 (OM23/119)**

That Council:

(a) receive and note the report titled "Systematic Inspection Program - Regulated Dogs" and

(b) approve the following systematic inspection program for the Sunshine Coast Council area in accordance with the Animal Management (Cats and Dogs) Act 2008, section 113 (Approval of an inspection program authorising entry):

(i) to undertake a compliance inspection of the premises within the Sunshine Coast local government area where Council's Regulated Dog Register indicates a regulated dog is being kept and

(ii) to undertake the program from 14 November 2023 to 13 November 2024.

Related Documentation

- *Animal Management (Cats and Dogs) Act 2008*
- *Animal Management (Cats and Dogs) Regulation 2019*
- *Sunshine Coast Council Compliance and Enforcement Policy 2021*
- *Management Plan for Domestic Animals (Cats and Dogs) 2021-2030*

Critical Dates

Council must provide notice of the systematic inspection program at least 14 days, but not more than 28 days before an approved inspection program starts. This notice must be published in a newspaper circulating the local government area and on the local government's website.

The systematic inspection program is proposed to commence 14 November 2024. Therefore, 30 October 2024 is the last date that an advertisement can be placed in the local newspaper advising of Council's intent to undertake the systematic inspection program.

The program must not exceed the dates outlined in the recommendation.

Implementation**18 October 2024 to 31 October 2024**

Upon Council endorsement, it is intended that an advertisement will be placed in several local newspapers and Council's website between 18 October 2024 and 31 October 2024, in accordance with the Act.

14 November 2024 to 13 November 2025

Council's authorised persons will commence the approved systematic inspection program on 14 November 2024. Properties will be identified from the Regulated Dog Register and will be inspected on the anniversary date of the regulation of the dog for compliance with the mandatory conditions for keeping a regulated dog. Inspections will be undertaken unannounced on weekdays in daylight hours in accordance with the Act.

Where a breach of the mandatory conditions is identified, officers will determine the appropriate action in accordance with the Act and Compliance and Enforcement Police 2021 (as outlined in the Legal section of this report).

Should the recommendation be accepted by Council, it is noted that the Chief Executive Officer will ensure the systematic inspection program is undertaken in line with the specified requirements.

9 NOTIFIED MOTIONS

10 TABLING OF PETITIONS

Petitions only eligible for submission if:

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

11 CONFIDENTIAL SESSION**11.1 CONFIDENTIAL - NOT FOR PUBLIC RELEASE - LAND ACQUISITIONS - BLI
BLI**

File No: Council Meetings
Author: Principal Property Officer
Business Performance Group

In preparing this report, the Chief Executive Officer recommends it be considered confidential in accordance with Section 254J (3) (h) of the *Local Government Regulation 2012* as it contains information relating to negotiations relating to the taking of land by the local government under the Acquisition of Land Act 1967 (Qld) (the Act).

This report is confidential in respect to the content and timeframes of negotiations with land owners and recognising that, until a voluntary acquisition is settled or a compulsory land acquisition is gazetted, the acquisition has no certainty.

Public disclosure at this time would potentially impact adversely on the negotiation process and Council's ability to secure the land parcels at market value. Further, it would potentially impact the compulsory land acquisition process under the Act by prematurely releasing sensitive planning information that is still subject to change instead of as part of the resumption process under the Act, which formally commences with the serving of a Notice of Intention to Resume and associated background information, current at that time, to affected land owners.

12 NEXT MEETING

The next Ordinary Meeting will be held on 24 October 2024.

13 MEETING CLOSURE